

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE PLANNING COMMITTEE 27/11/2018

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND BOROUGH
DEVELOPMENT

Application:	PP/18/05313	Agenda Item:	C140		
Address:	Heythrop College, 23-24 Kensington Square, LONDON, W8 5HH				
Proposal:	Reinstatement of three townhouses (Class C3), (part of 23 and 24 Kensington Square); refurbishment of college building (part of 23 Kensington Square) and use as an extra care facility (Class C2). Demolition of all other buildings on site. Erection of deck over adjacent London Underground line and construction of 5 buildings (ranging between 1 and 8 storeys in height) for use as an extra care facility including units, communal facilities and services areas, community hall and on-site affordable housing and associated access parking, servicing and landscaping. (MAJOR DEVELOPMENT)				
Applicant:	Leopard UK Kensington Propco Ltd				
Agent:	Miss A Squires Savills				
Properties notified:	Objections:	Support:	Comments:	Petition:	
606	183	24	3	0	
Listed building:	Grade II				
Conservation area:	Kensington Square				

1. Summary

- 1.1 Planning permission is sought for the redevelopment of Heythrop College and 23 and 24 Kensington Square, which are currently in use as a residential college and nursery respectively. The proposals would see a range of refurbished and new buildings for use as an extra care facility (Class C2), community hall (Class D1), three townhouses, and five affordable homes (Class C3).
- 1.2 The Heythrop College Supplementary Planning Document (SPD) contains the Council's aspirations for the college site. The SPD outlines that the site should retain a social and community use, preserve its tranquil and picturesque nature, maintain a high quality green space, and preserve and enhance the character, appearance and setting of the heritage assets on the site.
- 1.3 The proposals would result in the retention and increase in social and community floorspace on the site through the refurbishment of the existing listed buildings on site and introduction of a range of new buildings of high architectural quality centred around a

retained open space which would become a new area of public realm and townscape in the borough. The proposals would result in less than substantial harm to designated heritage assets due to proposed demolition of curtilage listed buildings, but the harm is offset by the design benefits of the scheme.

- 1.4 The proposals deliver 142 extra care homes, three market townhouses, and five affordable homes. The proposals would deliver high quality homes that contribute towards the Council meeting its housing target as set out in the London Plan.
- 1.5 The new public realm would see a high quality garden square as well as other landscaped areas throughout the site made available to the wider public. However, the scheme would result in the loss of significant London Plane trees and impacts from pruning on retained trees, which would not be directly mitigated by proposed landscaping and replanting strategies.
- 1.6 Conditions are recommended which would mitigate against development impacts including from demolition and construction, as well as ensuring good living conditions for occupants of existing and new buildings, and ensuring that highways safety is maintained and traffic congestion suitably managed. Conditions would also ensure that climate change, waste, air quality, contamination, and flooding/drainage matters are appropriately addressed.
- 1.7 The proposals include a range of benefits which would be secured through a legal agreement under section 106. Notably, this includes a commitment of £4,000,000 towards funding a scheme of step free access at High Street Kensington station. Other benefits include the creation and safeguarding of a future route across the proposed deck to the western side of the railway lines, opening up of the site for public access and thoroughfare and the creation of a new community hall and publicly accessible café. The scheme includes affordable housing in the form of five intermediate rented homes, with rent levels capped at RBKC intermediate rent. The s106 would also secure further mitigation relating to the loss of the dyslexia teaching centre (£100,000), adoption of new area of public highway, and standard contributions in accordance with the Council's Planning Obligations SPD. The development would also make a total contribution of £8.7m towards the Mayor of London's and Council's Community Infrastructure Levy.
- 1.8 The s106 agreement would also result in stringent controls on the management of the extra care facility including restricting eligibility of occupants and the level of care required for future occupants, to ensure that the Council secures a genuine extra care facility that contributes directly to the identified need for older people's housing in the borough.
- 1.9 On consideration of the proposals as a whole, the development would bring welcome benefits to the local area and to the borough as a whole and is therefore recommended for approval subject to conditions and completion of a legal agreement.

It is recommended the Committee authorises the Executive Director, Planning & Borough Development:	
1.	Subject to there being no direction to the contrary by the Mayor of London, to grant planning permission on the satisfactory completion of an undertaking or agreement to secure the matters in Section 7 of this report and with the conditions listed in Section 10 of this report.
2.	To refuse planning permission if an undertaking or agreement to secure the contributions in Section 7 of this report has not been satisfactorily completed by 29 March 2019 for the reason that the proposed development would not be accompanied by associated necessary infrastructure improvements.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

3. The site and its surroundings

- 3.1 The application site is Heythrop College, 23 and 24 Kensington Square. The site is bounded by the London Underground District and Circle Lines to the west, residential properties of South End and South End Row to the east, Kelso Place to the south, and Kensington Square to the north.
- 3.2 The site is situated within the Kensington Square Conservation Area, and is bordered by the De Vere Conservation Area to the south and east, with the Kensington Court Conservation Area further to the east of the site. The Grade II listed Chapel of the Assumption Convent is also located at the north-east corner, immediately outside the application site.
- 3.3 The existing site includes a number of buildings and key elements:
- an area of open space in the central part of the site;
 - 31 trees covered by a Tree Preservation Order (TPO);
 - The buildings at the northern part of the site, including numbers 23 and 24 Kensington Square, which are both Grade II listed buildings (although the later western extensions to 23 Kensington Square remain unlisted);
 - On the southern part of the site, a number of buildings including a set of two and three storey buildings in the south-eastern corner that have been identified as positive contributors to the Kensington Square Conservation Area and St Andrew's Hall, which the Council considers curtilage listed;
 - At the south-western corner of the site, a nine storey building for student accommodation;
 - Sports court;
 - 20 existing car parking spaces.
- 3.4 The use of the entire existing Heythrop College site (including 23 Kensington Square) is considered to be in use as a residential college (Class C2) as outlined in the Heythrop College SPD ('the SPD'). Number 24 Kensington Square is in existing use as a nursery (Class D1).

4. The proposal and relevant planning history

- 4.1 Planning permission and listed building consent are sought for the following works:
- The reinstatement of three townhouses, including 24 Kensington Square and part of 23 Kensington Square, to market residential (Class C3) use;
 - The refurbishment of the existing college building (part of 23 Kensington Square) for use as an extra care facility (Class C2);
 - Demolition of all other buildings on site;
 - Erection of deck over adjacent London Underground line;
 - Creation of double storey basement on part of the site;
 - Construction of five buildings, ranging between one and eight storeys in height, for uses including:
 - an extra care facility including extra care homes, communal facilities and services areas (Class C2);
 - community hall (Class D1);
 - five new on-site affordable homes (Class C3 – intermediate rent).
 - Associated access parking, servicing and landscaping.

A brief description of the proposed buildings and their uses is outlined below, moving around the site in a clockwise direction from the northern end of the site.

- 4.2 *24 Kensington Square (Building 2)*
Number 24 Kensington Square is a Grade II listed building currently in use as a nursery (Class D1). It is linked to Building 1A through a lower ground connection, which is proposed to be replaced by a covered gatehouse. Building 2 would undergo internal and external alterations to bring the use of the building back into use as a residential townhouse (Class C3).
- 4.3 *23 Kensington Square – College Building (Building 1A)*
Building 1A is currently used as the main college building and hosts a canteen, teaching space, staff offices, meeting rooms, and a large hall. It is also joined to 24 Kensington Square through the aforementioned link building and is partly fronted by a gallery, added in the 1920s. Most of 23 Kensington Square was listed Grade II in January 2018, including Building 1B (see below), although the later western extensions are not included in the listing. The building would be modified internally and externally to facilitate the change of use of the building from current use as the main college building for extra care use, and would involve the removal of the 1920s gallery addition.
- 4.4 *23 Kensington Square – Reinstated Townhouses (Building 1B)*
Building 1B has historically been in use as two single dwelling houses and were subdivided in order to supplement the main college building. They remain linked with the college building. Building 1B forms part of the building listed by Historic England in January 2018. The proposals would reinstate building 1B as two market residential townhouses (Class C3), facilitated by the removal of internal partitions, rear extensions, restoration of brickwork, blocking up of openings, and the removal of the 1920s gallery fronting Kensington Square.
- 4.5 *Community Hall (Building 4)*
Building 4 is a new build single storey pavilion located at the southern entrance to the site and would host the new community hall (Class D1). The building includes a main hall, meeting room, storage, and WC.
- 4.6 *South End Affordable Homes and Extra Care (Building 7)*
Building 7, is a part three, part four storey L shaped building at the southern end of the site and forms part of an extension to South End that includes the new five affordable homes and a wing of extra care accommodation. The building addresses South End to its north, and the new extra care courtyard to its west.
- 4.7 *Entrance Loggia Pavilion*
The entrance loggia is a three storey building that separates buildings 6 and 7 and serves as the main reception/concierge to the extra care facility, with access provided to the extra care facilities at basement level, as well as to the residents' library on the upper floors of the loggia itself.
- 4.8 *Extra Care Mansion Block (Building 6)*
Building 6, at eight storeys in height, is the tallest building proposed. It is an L shaped building that aligns to the new public route along a continued South End, as well as addressing the communal open spaces and private gardens on the deck to the west.
- 4.9 *Extra Care Mansion Block (Building 5)*
Building 5 is composed of two five storey gabled elements. One sits at the level of the garden and addresses the new garden square, while the rear element sits at deck level addressing the new public route and landscaping to the west and any future public connection that may come forward across to the west.
- 4.10 *Northern New Build Extra Care Block (Building 3)*
Building 3 is a new build element adjacent to the western side of the existing college building at the north of the site. It replaces the western extension to the existing 23

Kensington Square, which are proposed for demolition, and is comprised of a number of elements that are part three, and part four storey. The building is to be used entirely for extra care accommodation.

4.11 *Basement Levels*

The proposals also include a new double storey basement that would be located in the southern portion of the site under buildings 6 and 7. The basement would include servicing, cycle, car and scooter parking, back of house, plant, and extra care facilities including swimming pool, gym, pilates room, yoga room, cinema, and hairdresser.

4.12 *Deck Over Adjacent LU Tracks*

The applicant also proposes decking over the adjacent LU tracks to the west of the site. The deck would bridge the gap between the site and the retaining wall on the western side of the tracks, that adjoins the Cophorne Tara Hotel. It would leave an approximate 10m gap between the deck and the tunnel at the south of the site adjoining Kelso Place, and would span approximately 125m to the north, stopping approximately 70m short of the platform at High Street Kensington Station. The deck would accommodate buildings 5 and 6 built partially on top of it, as well as providing landscaped areas.

4.13 *Existing and Proposed Floorspace*

The proposals would result in the following changes in terms of use and floorspace:

Use	Existing (sqm) (GIA)	Proposed (sqm) (GIA)	Difference (sqm) (GIA)
Proposed Uses			
Dwelling houses (market rent)	0	1,528	+1,528
Dwelling houses (intermediate rent)	0	537	+537
Extra Care Facility incl. all associated operational floorspace	0	28,819	+28,189
Community Hall	0	125	+125
Existing Uses			
Student Residential College (Accommodation Only)	2,632	0	-2,632
Student Residential College (Education Floorspace)	6,551	0	-6,551
Dyslexia Teaching Centre	154	0	-154
Counselling in Companies	230	0	-230
Nursery	380	0	-380

- 4.14 An application for listed building consent, for the works that are the subject of this planning application are also included for consideration on the agenda (**Reference: LB/18/05314**).

Referral to the Mayor of London

- 4.15 The proposal has been referred to the Mayor of London under Category 1A of the Town and Country Planning (Mayor of London) Order 2008. This allows the Mayor the opportunity,

within 14 days of being formally notified of the Council's decision, to direct the Council to either refuse the application, to direct that he is to be local planning authority and decide the application himself, or allow the Council to decide the application itself. The Mayor's full Stage 1 report is appended to this report, and a summary of that Stage 1 report with officer comments is provided in Section 9 below.

4.16 Planning History

Planning history relevant to the application is outlined below:

Reference	Description	Decision
N/A	Erect first floor over rear kitchen to use as housekeeper's room of Convent. Extend both caretakers and priests houses to form two 2 storey living units.	Granted 18 April 1957
N/A	Alterations and erect new buildings for use as students hostel, gymnasium and assembly hall.	Granted 7 April 1960
N/A	Erect four storey building for use as Convent.	Granted 11 July 1960
N/A	Erect two storey extension to new convent building approved 11/7/60 at rear as extra accommodation for invoices and a small flat.	
PP/07/00247	Erection of a new lift shaft located on the north side of the college.	Granted 22 January 2007
LB/07/01043	Internal alterations involving the insertion of partitions to stair	Granted 20 April 2007
PP/08/02466 LB/08/02467	Erection of single storey rear extension at basement level together with minor alterations to the main roof in connection with the use of the building as a convent house	Granted 21 October 2008
PP/18/00329 and LB/18/00322	Demolition and alteration of existing buildings and structures for the redevelopment of the site to provide an extra care facility, nurses training facility, GP surgery, community hall, and two reinstated residential townhouses, across 7 buildings ranging from 4 to 9 storeys, with 2 storey basement, structures for decking over of adjacent London Underground Line, and associated vehicle parking, access, servicing, and landscaping [MAJOR DEVELOPMENT].	Withdrawn 23 April 2018

5. Main policies and strategies relevant to the decision

The development plan

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

	Consolidated Local Plan	London Plan
Heritage Assets	CL3 CL4 CL11	7.8 7.9
General townscape, public realm and open space, and building height	CR1 CR2 CR3 CR4 CR5 CR6 CL1 CL2 CL6 CL9 CL11 CL12	7.3 7.4 7.5 7.6 7.7 7.13 7.21
Living conditions	CL5 CE6	7.15
Basement	CL7	
Land Use	CK1 CH1 CH2 CH3 <i>(See also policies CH1, CH2, and CH3 of the Council's Local Plan Partial Review (LPPR))</i>	3.3 3.4 3.5 3.6 3.7 3.8 3.9 3.10 3.11 3.12 3.13 3.14 3.16 3.17 3.18 7.1 7.2 7.3
Transportation and waste	CT1 CE3 CR7	Chapter 6
Sustainability, Flooding, and Climate Change	CE1 CE2 CE4 CE5	5.2 5.3 5.6 5.9 5.10 5.11 5.12 5.13 7.14
Contaminated Land	CE7	5.21
Infrastructure	C1	8.2

These policies can be read online at:

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

Emerging Policy

Local Plan Partial Review (2018)

- 5.2 The Council is undertaking a Local Plan Partial Review (LPPR). NPPF paragraph 48 makes it clear that decision makers may give weight to relevant policies in emerging plans from the day of publication. The more advanced the preparation of the policy, the greater the weight that may be given. This is also subject to (b) “*the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).*”
- 5.3 The Council’s general approach at this stage is to give moderate weight to the emerging LPPR policies as material considerations when deciding planning applications. The Council will make decisions on planning applications in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 48 of the NPPF, Paragraph 019 of the PPG on Local Plans and other relevant legislation, policy and guidance.
- 5.4 The LPPR can be read here:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

The draft London Plan

- 5.5 The Greater London Authority (GLA) is preparing a new London Plan. A draft plan was published and consulted upon between December 2017 and March 2018. The Mayor of London may suggest changes to the draft London Plan in response to representations received, issues and questions raised by the panel set up to examine the plan or discussions held at the examination in public. Hearings are not currently timetabled until January 2019.
- 5.6 The Council’s general approach at this stage is to give limited weight to the draft London Plan as a material consideration when deciding planning applications given the early stage of preparation. Decisions on planning applications should be made in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 48 of the NPPF, paragraph 019 of the PPG on Local Plans and other relevant legislation, policy and guidance.
- 5.7 The draft new London Plan can be read here:
<https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan>

Other strategies or publications

- 5.8 The main relevant supplementary planning documents adopted by the Council are:
- Kensington Square Conservation Area Appraisal
 - De Vere Conservation Area Appraisal
 - Access Design Guide
 - Air Quality SPD
 - Basements SPD
 - Noise SPD
 - Older People’s Housing Design Guidance

- Planning Obligations (s106) SPD
- Transport and Streets SPD
- Trees and Development SPD
- Heythrop College SPD

5.9 The relevant GLA supplementary planning documents include:

- Mayor of London's Housing SPG (March 2016)
- Mayor of London's Affordable Housing and Viability SPG (August 2017)

5.10 These documents can be read online at:

- Conservation Area Proposal Statements and Conservation Area Appraisals: <https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>
- Council's Supplementary Planning Guidance <http://www.rbkc.gov.uk/planningandbuildingcontrol/planningpolicy/supplementaryplanning.aspx>
- GLA Supplementary Planning Guidance <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance>

6. Evaluation

6.1 In considering the proposed development, the decisive issues are:

- i. Whether the proposed extra care use falls within Class C2 or Class C3 of the Use Classes Order;
- ii. Whether the proposed land uses are acceptable;
- iii. Whether the contribution to the Borough's housing stock would be acceptable in terms of quality, amount, mix, and provision of affordable housing;
- iv. Whether the proposed development would; have a positive impact on the character and quality of the immediate area and wider townscape; preserve or enhance the character or appearance or setting of the Kensington Square Conservation Area and other surrounding conservation areas; and preserve the heritage significance of the Grade II listed buildings on site, and adjacent listed buildings;
- v. Whether the proposed demolition and construction, particularly in light of the basement development, would be acceptable in terms of its impact on living conditions, on heritage assets, and the safe and efficient operation of the surrounding highways network;
- vi. Whether the proposals would ensure that there are better alternatives to car use by making easier and more attractive to walk, cycle, and use public transport, and by managing traffic congestion and the supply of car parking;
- vii. Whether the proposals would protect existing trees and provide new trees that complement the existing, or create new, high quality green areas that deliver amenity and biodiversity benefits;
- viii. Whether the proposal would ensure good living conditions for the occupiers of neighbouring properties;
- ix. Whether the proposal would have any adverse environmental impacts, particularly in terms of flooding and drainage, air quality, ecology, waste, climate change and

sustainability, land contamination, and microclimate.

Extra Care Use – Class C2 or Class C3

- 6.2 The site is considered to be two planning units, with 24 Kensington Square and the main campus site planning units in their own right. While 24 Kensington Square is a single building occupied by an existing nursery and falling within Class D1 use, the college campus includes a number of buildings and uses, which are all considered to be or are ancillary to the main Class C2 use. These buildings and uses include:
- Main college building (23 Kensington Square) including teaching spaces, library, canteen, offices, meeting rooms;
 - Loyola Hall, hall made available to wider community (but ancillary to college)
 - Nine storey student halls of residence to the south of the site and including theology library and student support facilities;
 - Buildings fronting South End that including short term occupiers; the Dyslexia Teaching Centre and Counselling in Companies.
- 6.3 The Town and Country Planning (Use Classes) Order 1987 ('the Order') sets out that a 'Use as a residential school, college, or training centre' falls within Use Class C2. The existing use of the site as Heythrop College, being a residential theological college, is considered to fall within this definition and is therefore considered Use Class C2. The use of the site within Class C2 is also confirmed within the Heythrop College SPD.
- 6.4 It is considered that the planning units described above would not change as a result of the development. However, it is noted that the nature of the proposed planning unit has been questioned and some contend that each of the proposed 142 extra care homes should be considered as a planning unit in their own right with each possessing a front door and facilities for day to day living.
- 6.5 That each of the proposed extra care dwellings would have its own front door and facilities for day to day living are not the key determinative factors in identifying the appropriate planning unit. If considered in complete isolation, it is possible that the homes could be considered as single planning units, however, this would be to ignore the realities of the proposals.
- 6.6 The relationship between the apartments and the rest of the development **is** a key determinative factor in considering the appropriate planning unit. In this instance, all of the residents within the development would have access to a range of communal and healthcare facilities that would be located within the wider development, and residents would be subject to a s106 agreement requiring the assessment, and provision, of care within the development that would require their use of these facilities. There is a clear relationship between the proposed dwellings and the facilities on the site, that demonstrate the site operates as a holistic unit, rather than as 142 single planning units and separate planning units for the facilities
- 6.7 The facilities including restaurant, café, pool, gym, hairdresser etc. are all intimately linked to the provision of care to residents within the development and are not simply standalone amenities. To deliver care and fulfil the needs of the residents, the site operates as a facility with many elements, that are linked to fulfil the required functions. The site does not operate as 142 standalone homes without a relationship to the facilities. The site functions as a whole, and has to do as such to meet the care needs of residents. There is therefore a clear rationale for considering the proposed development as a single planning unit when considered holistically.
- 6.8 The applicant has proposed the development of an extra care facility that would comprise 142 dwellings of one and two bedroom homes, and associated communal and healthcare facilities. The CLP defines extra care housing as:

“an alternative to residential care, helping older people to live as independently as possible and offering self contained accommodation in a choice of tenures with access to a wide range of 24 hour care on site. Schemes may also provide communal areas, hairdressing and laundry services, hobby rooms and a shop”.

- 6.9 Policy CH2 of the CLP outlines that it regards extra care housing as falling with Use Class C2. However, as acknowledged in the Mayor of London’s Housing SPG, the draft London Plan, and indeed the draft Policy CH2 of the Council’s own CLP partial review, there has been considerable debate regarding the categorisation of extra care specialist older person’s accommodation in terms of the Use Class Order and whether this falls within Class C2 or Class C3 of the Use Class Order.
- 6.10 Policy H15 of the draft London Plan and the Mayor’s Housing SPG set out that extra care accommodation is to be considered Use Class C3. However, a policy statement of the sort in the Housing SPG and the draft London Plan cannot change the use class within which a particular use falls. In law the Use Class of a particular development is a matter of fact and degree and must be judged on a case by case basis considering the particular characteristics of the use and cannot therefore be determined by a statement of policy. In addition, the London Plan is in a very early stage of preparation, with the consultation period having been concluded on 2 March 2018 and now having been submitted for examination. It is therefore considered that given the emerging and untested nature of Policy H15, the London Plan policy can have little material weight in the consideration of this application.
- 6.11 The Order defines Class C2 uses as follows:

“Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre”

- 6.12 While it defines Class C3 uses as:

Use as a dwellinghouse (whether or not as a sole or main residence) —

- a) by a single person or by people living together as a family, or*
- b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).*

- 6.13 The consideration of whether the proposed use falls within Class C2 or Class C3 is key given that the Council has, in CLP Policy CH2, outlined that the Council’s affordable housing provisions will not apply to extra care housing schemes. Therefore, where it is considered that the development falls within the definition of Class C2, on the basis of the current development plan the Council could not seek affordable housing from the Class C2 floorspace proposed. See section 6.68 – 6.87 for further assessment of this matter.
- 6.14 Extra care homes, like those proposed in this application, commonly provide all of the facilities for day to day living that you would expect to see in a common Class C3 residential development. The facilities included within the basement levels of the development, including swimming pool, sauna, exercise rooms, gym, hair room, café/restaurant, library etc., are all features that could not be considered unique to an extra care development and indeed many new largescale Class C3 residential developments could include these facilities.
- 6.15 Given the difficulty in physically differentiating Class C2 and Class C3 development it is generally **the provision, and level, of care** that residents must subscribe to that is the key

distinguishing factor in determining whether a use falls within Class C2. These elements are therefore reviewed below in light of the proposals.

6.16 'Care' is defined in the use classes order as:

"personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment".

6.17 In support of the application, and to demonstrate that the proposed extra care facility falls within Class C2, and in accordance with the requirements of the Council's Older People's Housing Design Guidance (adopted November 2015) the applicant has submitted an Extra Care Accommodation Operational Policy (ECAOP) outlining the care, support, and management arrangements for the proposed scheme. Of key importance, the ECAOP outlines the eligibility and care requirements for any future residents of the site.

6.18 The applicant's ECAOP defines the proposed care as:

'Nursing and personal care. Nursing care includes promotion of health and prevention and/or treatment of illness. Personal care includes physical assistance given to a person including eating and drinking, toileting, washing or bathing, dressing, oral care, and the care of skin'.

6.19 Care would be primarily delivered within the residents' own dwellings although, where necessary, would also be given in the extra care facilities. The ECAOP outlines that the development would cater for all health conditions including Alzheimer's, Dementia, Parkinson's, cardiac and orthopaedic conditions, cancer and mobility issues.

6.20 The applicant has proposed that depending on a resident's identified need, there would be three levels of care provision. These levels of care are:

- Low: 2.5 hours per week
- Medium: 2.5 – 15 hours per week
- High: 15+ hours per week.

6.21 In order for prospective residents to be eligible for the facility, they must have an identified medical need that results in them being in need of at least the low care level and all prospective residents would undergo an initial care assessment by the on-site care provider, Draycott Nursing, to determine their eligibility. It should be noted that the applicant has proposed that spouses/dependents would also be eligible to reside in the facility with an extra care resident. The needs assessment would review a wide range of needs for prospective residents and determine which of the three care levels a prospective resident would be in need of. The minimum care level would include the following:

- Minimum of 2.5hrs care (as defined in section 6.18 above)
- Emergency care support (24hrs, 7 days a week)
- 6 monthly care package review
- At least 1 meal per day
- Nutritional advice
- Daily group exercise class

6.22 This care would be administered by Draycott Nursing who would have a permanent presence throughout the application site, 24 hours a day, 7 days a week. While the number of nursing staff cannot be confirmed due to the different requirements based on, as yet, unknown occupancy levels and level of care required for each occupant, the applicant has outlined that care staff on the site would include matrons, nurses, and carers with a minimum presence of 28 staff during the day and 7 at night based on 142 homes occupied at a low care level, and a likely average of 50 staff during the day and 30 at night, based on

an even mix of residents across the three care levels.

- 6.23 As well as the requirement to meet the minimum care requirements to be eligible for the extra care facility, the ECAOP also outlines a minimum age requirement for prospective residents. This minimum age requirement is either 55 years and in need of a medium care level (the 55 to 65 year age group is to be restricted to 10% of overall occupants and would be secured through a s106 agreement), or a minimum age requirement of 65 years and in need of a low care level.
- 6.24 Those elements of the care regime outlined by the applicant in their ECAOP are proposed to be secured through a s106 legal agreement to ensure that all residents of the proposed extra care facility would be in genuine need of care. The s106 legal agreement secures these significant restrictions on the development including:
- Restriction for use as Extra Care Accommodation within Class C2 only
 - Restrictions on age, in accordance with section 6.23 above.
 - Restrictions on occupancy in accordance with care assessment and requirement and subscription to at least the minimum care level
 - Restriction on occupancy of extra care homes by anyone not in genuine need of medical care, except for companions living with a person in need of care
 - Requirement for Extra Care Accommodation Management Plan prior to occupation and occupation in accordance with that Plan
 - Requirement to appoint health provider to management the facility.

The securing of these details through a s106 agreement is decisive in ensuring the development is genuinely Class C2 in nature.

- 6.25 Therefore, while the development has little to differentiate it physically from a Class C3 residential development, the evidence provided by the application with regards to the level and types of care proposed in this development, and the securing of this through a legal agreement, there is a clear distinction from Class C3 development that would have none of the restrictions. The development therefore clearly falls within Class C2 of the Order.

Principle of the Land Uses

- 6.26 Having clearly established the use class of the proposed extra care facility, it is therefore important to assess whether the Class C2 extra care facility, and the other uses proposed as part of the development, are acceptable.

Social and Community Uses

- 6.27 Both 23 and 24 Kensington Square are currently in social and community use. 24 Kensington Square is in use as a nursery and Heythrop College as a residential college. Both nurseries and educational establishments are clearly outlined as social and community uses within the Local Plan.
- 6.28 The application proposed the replacement of the existing uses on site with Class C2 extra care housing as well as a community hall, which are also clearly defined as social and community uses in the Local Plan (see para.30.3.4), as well as market and affordable housing which do not constitute social and community uses.
- 6.29 The existing use of the site contributes to the borough's social and community stock, and given the nature of that use is to alter as a result of the proposals, the application must be assessed under Policy CK1 of the Local Plan (note that Policy CK1 is not the subject of any changes in the LPPR).
- 6.30 Policy CK1 outlines that:

The Council will ensure that social and community uses are protected or enhanced throughout the borough and will support the provision of new facilities.

The policy proceeds, under b and c to state that the Council will:

- b. permit new, and the expansion of existing, social and community uses which predominantly serve, or which provide significant benefits to, borough residents, except where the proposal results in a shared or communal residential/social and community entrance;*
- c. apply the following sequential approach*
 - i. protect land and/or buildings where the current use is or the last use was a social or community use, for re-use for the same, similar or related use;*
 - ii. permit the change of use of land and/ or buildings where the current or last use was a social or community use from one social and community use to another social and community use which predominantly serves, or which provides significant benefits to borough residents and where it is demonstrated that there is a greater benefit to the borough resulting from this change of use;*
 - iii. permit enabling development on land and of buildings where the current use is or the last use was a social and community use in order to:*

significantly improve that use;

provide another social and community use on site;

significantly improve or provide new social and community uses elsewhere within the borough and where it can be demonstrated that there is a greater benefit to the borough resulting from this enabling development.

- 6.31 It should also be noted that the development objectives within the Heythrop College SPD make it clear that the site is expected to retain a social and community use on the site and that any proposed change of use would need to satisfy Policy CK1.
- 6.32 The proposals do not establish a new social and community use, nor does the development propose the expansion of the existing college pursuant to part b of the policy. Therefore, the sequential test required by part c of the policy is triggered.
- 6.33 The first part of the test requires the protection of land/buildings in use for a social and community use for re-use for the same, similar or related use. In this instance, the proposals do not propose the reuse of the site for the same, similar, or related use, as the proposals involve the change of use of 23 Kensington Square from a residential college (Class C2) to an extra care facility (Class C2), community hall (Class D1) and market residential home (Class C3), and 24 Kensington Square from a nursery (Class D1) to a market residential home (Class C3).
- 6.34 It therefore follows that part ii of the sequential test must be considered. CK1(c)(ii) sets out that the Council will allow the change of use of land/buildings where the current use is or was a social and community use, from one social and community to another social and community use which predominantly serves, or which provides significant benefits to borough residents and where it is demonstrated that there is a greater benefit to the borough resulting from this change of use.
- 6.35 The college currently occupies 9,567sqm and at its peak had approximately 1000 students enrolled, with 100 full-time staff and a further 100 part-time staff. However, numbers have fallen significantly over the years and in 2016/17 student numbers stood at 425. Numbers have continued to fall in recent years to unsustainable levels, and the existing use of the site

by the college has now ended.

- 6.36 Of the 1000 students enrolled in the college at peak times, the college have stated that approximate no more than 5% (50 students) would have been students from the borough itself and that at any one time up to 100 students would have been resident in the accommodation on site.
- 6.37 The college vacated the site at the end of October 2018. The reasons for this include insufficient funds and a declining student roll that rendered the site and buildings excessive for the requirements of the college. Heythrop College library and staff members have relocated to Roehampton College, while the Jesuit College has relocated to St Mary's Twickenham.
- 6.38 The existing site and buildings are themselves of varying quality, with much of the site not currently fit for purpose to enable the modern needs of educational establishments to be met onsite. The existing buildings are generally outdated and in need of repair and refurbishment. In order to make them attractive for potential educational occupiers and their associated needs, there would need to be significant adaptation and investment to provide a suitable facility. The financial implications of this are significant for any potential occupier, heightened by the listing of the main part of the college building this year.
- 6.39 Despite the existing users of the site having vacated and the obvious challenges with ensuring the site is sufficient to cater for a suitable educational occupier, the applicant has failed to provide evidence that an alternative educational use of the site was explored or that there is no demand for an education use in the area. This is contrary to London Plan Policy 3.18, which specifically resists the loss of education facilities unless it can be demonstrated that "there is no ongoing or future demand". Therefore, while the proposal still needs to be considered in light of CK1(c)(iii), the proposals are contrary to London Plan Policy 3.18. However, it should be noted that the Mayor's Stage 1 response raises no objection to the principle of the proposed development.
- 6.40 London Plan Policy 3.16 states that the suitability of redundant social infrastructure for other forms of social infrastructure for which there is a defined need in the locality should be assessed. At a local level, policies are supportive of additional extra care housing for older people. The Council's Policy CH2(c) (Chapter 35, CLP) encourages the provision of extra care housing, particularly in the south of the borough. This support is carried through in the emerging Local Plan Policy update – see Policy CH4a (LPPR, p.196). The Heythrop College SPD (para. 3.16) also encourages extra care housing in C2 use, noting, "*this benign use could complement other uses on the site*".
- 6.41 The proposed development would result in a total of 28,945sqm of social and community floorspace on the site, comprising the extra care facility and the community hall, as well as 1528sqm of Class C3 floorspace, and 537sqm of affordable housing (all GIA). In floorspace terms, this represents a significant increase in social and community floorspace (18,998sqm GIA). The increase is not in itself sufficient to provide a greater benefit to the borough, but it does contribute greatly to increasing the borough's social and community stock.
- 6.42 There is a clear identified need for specialist older people's housing in the borough, including extra care, and the proposed extra care facility would assist the borough in meeting this need. The facility includes 142 extra care homes that could cater for a minimum of 142 residents in identified need of care.
- 6.43 The Council's Strategic Housing Market Assessment (SHMA), December 2015 (Section 9) identified an increasing proportion of elderly population in the borough. The proportion of the population of those aged over 65 will increase from 14% in 2017 to 20% in 2037. The SHMA estimates a need for additional specialist housing for older people, in the range of 87

to 100 additional homes per annum in Kensington and Chelsea. This figure is also reflected at a regional level in the London Plan. Annex 5 of the 2015 London Plan details an indicative annualised target for specialised older people in Kensington and Chelsea of 100 homes per annum between 2015-2025. The most recent draft London Plan (2017) provides annual benchmark (homes per annum) for specialist older persons' housing at 85 for Kensington and Chelsea.

- 6.44 The Council's Older People's Housing and Accommodation with Care Services Strategy 2013 also identifies a clear need for this type of older persons' housing. The strategy also outlines the Council's vision for older persons' housing in the borough, and states that this vision is:

“to improve the quality, quantity and choice of housing and accommodation with care services options for older people in the borough. Through the delivery of new housing and other accommodation for older people, the Council aims to maximise independence, reduce health and social care costs and improve housing choices for older people.”

- 6.45 The Council's Older People's Housing Design Guidance (OPHDG) further reinforces the demand for older people's housing in the borough, outlining that *“a significant proportion of older people's housing in Kensington and Chelsea is not fit for purpose. The quality of some of the accommodation does not achieve modern design and care standards or the aspirations of older people”*.

- 6.46 The borough has a pressing need for older people's housing, and this need has been widely evidenced by the Council through the Local Plan and the various documents previously mentioned. To this end, the proposals would meet the identified need by providing:

- High quality homes that are in accordance with the Council's Older People's Housing Design Guidance;
- Flexible 24 hours a day support and care from an identified care provider catering to a range of health requirements of individuals;
- Improved independence and quality of life for older borough residents with health issues, and adaptability that allows residents to remain in the same home as health may deteriorate;
- A new community that integrates with the existing local community, including residents, nearby schools, and wider community.

- 6.47 It is also important to note that a facility such as that proposed would likely assist in freeing up market housing within the borough. Residents of the type that would be catered for by the development are typically reluctant to relocate from their own homes, particularly into traditional care homes. The nature of the proposed development would allow residents to maintain dignity and independence and be provided with a level and flexibility of care that would not carry the stigma associated with traditional care homes. The ability to free up, typically oversized, homes within the borough would be an added benefit and could enable a more efficient use of the borough's housing stock.

- 6.48 There are a number of benefits of the extra care use and associated facilities including a significant contribution to the identified need for extra care housing within the borough. The benefit of the 142 extra care homes is not reduced because of its high end nature, it does not make the proposals unacceptable, nor does it diminish their value to the borough. The extra care facility would meet the care needs of the future occupants and the needs of the borough in providing 142 older people's homes within the borough.

- 6.49 The extra care facility would also result in additional benefits to the wider community. Particular benefit would be derived from opening up the site to the public, given that it is currently a private site and inaccessible to the wider public, creating a new area of public realm within Kensington and Chelsea. This public access to the new landscaped gardens would be supplemented by the securing of a potential future route through the site, across

the proposed deck, and to the west of the site, which could repair the street network in this part of the borough. The introduction of a new café that would also be made available to the public is also of benefit. Public access to the wider site, the securing of the future route, and the public café would be secured through a s106 agreement

- 6.50 In addition to extra care facility and the public access to the site, the proposals would also include the creation of a new dedicated community hall (Class D1) in building 4 with a floorspace of 125sqm (GIA). The new community hall seeks to address the loss of Class D1 use elsewhere in the development, being the 380sqm (GIA) nursery floorspace. The main hall would have a capacity for up to 80 people, and also include a meeting room, ancillary lobby, kitchenette, and toilet facilities. The new community hall would be made available to occupants of the development and to members of the wider community including local residents, school groups, and the wider community. The community hall would be secured through a s106 agreement, as would a management plan for the operation and availability of the community hall.
- 6.51 The proposals would also enable the Dyslexia Training Centre, which is operating on the site on a short term lease, to be retained within the borough with the Council securing a £100k contribution to secure this facility's future in the borough. This contribution would secure a lease for a new premise, fit out costs, and rental costs for the facility.
- 6.52 It is noted that the development would introduce a substantial amount of market residential housing and that the applicant has not demonstrated that the current residential college use could be retained on the site, therefore failing part (i) of the sequential test. However, on balance there is sufficient evidence in the submission, as discussed above, to demonstrate that the proposed development would provide significant benefits to borough residents and would be of a greater benefit to the borough than the existing use of the site. The proposals therefore comply with Policy CK1(c)(ii) and the principle of the change of social and community uses on the site is acceptable.

Additional Housing

- 6.53 As noted, in addition to the replacement social and community uses, the applicant has proposed the refurbishment of three townhouses fronting Kensington Square (Buildings 1B and 2). The extra care facility is considered acceptable and results in a significant increase in the social and community floorspace on the site. The proposed Class C3 residential use would provide additional uses on the site, would support housing provision in the borough, and would provide heritage benefits due to the restoration of the Grade II listed buildings.
- 6.54 At a national level the new NPPF, July 2018, reiterates the importance of boosting the supply of homes in the right places. Policy 3.3 of the London Plan seeks to increase the supply of housing and sets a housing provision target of at least 42,000 net additional homes across London each year. Table 3.1 of the policy sets out a target of a minimum of 733 additional homes a year to be provided within the Royal Borough between 2015 and 2025, with new housing schemes expected to maximise the potential of sites (Policy 3.4). Policy CH1 of the Consolidated Local Plan (CLP) supports the provision in the LP and the principle of providing new homes and the extra care homes, townhouses, and affordable homes would all help meet the borough's housing targets set out in Policy CH1.
- 6.55 The proposals would deliver three new family sized townhouses, five affordable homes, and 142 extra care residential homes which would result in a total of 150 homes and make a valuable contribution to meeting the borough's housing target. The site is in a highly accessible location and the proposals maximise the potential of the site to provide new homes, which is supported.
- 6.55 Therefore, the principle of the market, affordable, and extra care residential homes are supported in principle.

Existing Multi Use Games Area (MUGA)

- 6.56 The site also includes a floodlit astroturf multi-use games area to the southern part of the site. This pitch is used by existing students of the college and by students of the nearby Thomas' School for formal play. The pitch is proposed for removal as part of the development, with no formal sports pitch being reprovided on the site. Sport England has objected to the loss of the pitch.
- 6.57 However, there are a number of important considerations in assessing the loss of the pitch. While the pitch is currently used by college students and the nearby school, the pitch is not a community resource, is privately owned, and is not secured for use as a MUGA in planning terms. The owner of the site could, therefore, remove the MUGA without the need for planning permission.
- 6.58 Further, even if the pitch were a public resource, its quality is poor. It is in a poor state of repair and would require repair and adaptation to make it a usable formal public facility.
- 6.59 While the proposals would not result in the direct replacement of the sports pitch, which as previously noted is not protected, the proposals would result in the opening up of the site to wider public access include spaces that are proposed to be used for active uses including the gardens, a children's play space, and the community hall. The community use management plan secured through the s106 agreement would secure details of community uses (including recreational ones) that would be accommodated on the site.
- 6.60 Therefore, while the loss of the sports pitch is regrettable, the circumstances of this case – being the private nature, lack of protection, and poor quality of the existing facility, as well as the proposed on-site mitigation is considered on balance to be acceptable.

Housing Quality, Quantity, Mix, and Tenure

- 6.61 Policy 3.3 of the London Plan seeks to increase the supply of housing and sets a housing provision target of at least 42,000 net additional homes across London. Table 3.1 of the policy sets out a target of a minimum of 733 additional homes a year to be provided within the Royal Borough between 2015 and 2025, with new housing schemes expected to maximise the potential of sites (Policy 3.4). CLP Policy CH1 supports the supply of housing set out in the London Plan and the principle of providing new homes.
- 6.62 CLP Policy CH2 states that the Council will require developments for new homes to include a mix of types, tenures, and sizes to reflect the varying needs of the borough, taking into account the characteristics of the site and the current evidence in relation to housing need. London Plan Policy 3.8 requires new development to offer a range of housing choices in terms of mix of housing sizes and types

Market Residential Housing

- 6.63 With regards to market housing, paragraph 35.3.10 of the CLP identifies a greater need for 3-bedroom and 4-bedroom in the borough, and states that "*over the next 20 years, the size of new market housing likely to be required in the borough is 20% one and two bedroom homes and 80% three and four bedroom homes*". The Borough has updated its evidence base on local housing requirements through the SHMA 2015. This is shown as a breakdown by bedroom size of the objectively assessed need (OAN) for all types of housing. The evidence is of a 50/50 split between smaller (1-2 bedrooms) and larger (3-4+ bedrooms) homes
- 6.64 The change of use of the three large proposed townhouses at 23 and 24 Kensington Square would result in the creation of 2,041sqm GEA of new residential floorspace within the borough, split between two, five bedroomed houses and one, four bedroomed home.

This would technically fail to make optimal use of the building for housing and represent a missed opportunity to boost the supply of housing. This is a specific aim within paragraph 59 of the National Planning Policy Framework. Paragraph 123 of the NPPF in particular supports optimal use of the potential of each site. Such an approach would specifically conflict with development plan policies 3.4: Optimising housing potential of the London Plan and Policies CH1 and CH2 of the CLP which taken together, aim to ensure the housing needs of the Borough are met.

- 6.65 However, given that all three buildings are Grade II listed, the works required to subdivide these into multiple dwellings would be problematic in heritage terms. Indeed, there is clear heritage benefit in returning the three houses to their original use as large single dwelling houses, the need for which is clearly evidence by the CLP.

Affordable Housing

- 6.66 The level of market housing proposed would trigger both CLP and London Plan requirements to deliver affordable homes. The London Plan Policy 3.12 requires local authorities to seek the maximum reasonable amount of affordable housing when negotiating development proposals having regard to the individual circumstances of the site and development viability. CLP policy CH2 (i) requires development to provide affordable housing at 50% by floor area on residential floorspace in excess of 800 sqm GEA. CLP policy CH2 (k) requires this affordable housing provision on site, unless exceptional circumstances exist.
- 6.67 While the extra care homes proposed in this instance are considered to be 'housing' for the purposes of Policy CH2, the reasoned justification of the policy (para. 35.3.24 and footnote 21) outline that "*The Council will not seek affordable housing from proposals for care homes or extra care housing schemes. The Council regards extra care housing as falling within Class C2: Residential Institutions.*"
- 6.68 The proposed market housing is 2,041sqm GEA while the proposed provision of affordable housing would be 676sqm GEA. This represents a level of 54% of the total floorspace in excess of 800sqm GEA, which is compliant with the 50% target within Policy CH2(i) and equates to 5 affordable homes.
- 6.69 Notwithstanding that the proposals provide a policy compliant amount of affordable housing floorspace based on the current development plan, the LPPR proposes changes to the way that the Council calculates affordable housing requirements for residential floorspace.
- 6.70 LPPR Policy CH2 requires all developments in excess of 650 sqm or more gross residential floorspace (GIA) to provide 35% of all residential floorspace as affordable on site. The LPPR also proposes an amendment to the reasoned justification within Policy CH2 that would remove the aforementioned footnote 21 within para.35.3.24. It would therefore be considered that extra care housing is also captured by the requirements of LPPR Policy CH2. Policy H15 of the draft London Plan also seeks to require specialist older person's accommodation (including extra care) to provide affordable housing in line with draft Policy H5 and H6.
- 6.71 Irrespective of this, all three of the London Plan, CLP and LPPR have an underlying requirement that the maximum reasonable amount of affordable housing is provided. In this instance, the applicant has demonstrated, through an open book viability assessment that notwithstanding their policy compliant contribution to on-site affordable housing based on the current development plan, they are providing the maximum reasonable amount of affordable housing based on all residential floorspace on the site including the extra care floorspace.
- 6.72 The viability of the scheme was assessed having regard to the principles set out in the

NPPF, NPG, GLA Housing SPG, GLA Affordable Housing and Viability SPG, and the RICS Guidance Note.

- 6.73 The applicants open book viability assessment was reviewed by an independent assessor appointed by the Council. To calculate any surplus generated by the development, the Council and its assessor along with the applicant and their assessor negotiated a reasonable Benchmark Land Value (BLV) for the site. This BLV is an Existing Use Value based on comparable educational facilities given the existing use of the site as an education use with halls of residence. Having adjusted the assumptions put forward by the applicant team, the Council and its assessor concluded that the BLV of the site is £67,800,000. Put simply, this means that the site could realistically be sold in its current condition for £67.8m.
- 6.74 The viability of the scheme has therefore been assessed in light of the agreed BLV. To calculate the value of any surplus generated above the BLV (and therefore the maximum reasonable amount of affordable housing), the cost of developing the proposed scheme (including construction costs, professional fees, other costs, profit, and finance) is deducted from the Gross Development Value (the total value of the development if built as proposed). Once this has been calculated the Residual Land Value (RLV) remains. Where the RLV is in excess of the BLV, a surplus is generated, and the available surplus would be split between relevant s106 obligations and affordable housing requirements. The relevant inputs to the viability appraisal including the revenue, costs, and other inputs are outlined in the table below:

Item	Value / Cost
Revenue	
Extra Care Sales Value	£505,250,000
Private Residential (C3) Value	£36,500,000
Affordable Sales Value	£352psf
Community Hall	£7.50psf rent, 6% yield
Total GDV	£545,560,000
Costs	
Construction Costs	£273,860,000
All other costs	£28,480,000
Professional Fees	12% of GDV
Sales Legal Fee	£1,000 per unit
Sales agents and marketing fees	£1.50% on GDV
Finance	6.50% on GDV
Total Costs	£450,300,000
Viability Inputs	
Benchmark Land Value (Based on accepted EUV)	£67,800,000
Blended Return on Investment (Profit)	17.4% on GDV
Residual Land Value	£26,500,000

- 6.75 As evidence in the above table, in this instance the viability assessment negotiated by the Council and its assessor returns a residual land value of only £26,500,000, which represents a value £41,300,000 less than the BLV. The development does not therefore generate a surplus which is available to the Council. Sensitivity testing run by the Council's assessor indicates that there would need to be significant reductions in the projected construction costs and significant increase in projected sales rates in order for the development to generate a RLV in excess of the BLV that would generate a surplus. The increases required are not realistic and the proposals are therefore some distance from generating a surplus.
- 6.76 Notwithstanding that the scheme does not generate a surplus, the applicant is proposing s106 contributions totalling £5,660,705, and an affordable housing contribution that is

compliant with the floorspace requirements of Policy CH2. Based on the evidence put forward by the applicant, and notwithstanding the policy compliant amount of affordable housing floorspace proposed, the development provides the maximum reasonable amount of affordable housing.

Affordable Housing – Tenure and Mix

- 6.78 Notwithstanding that the development provides the maximum reasonable amount of affordable housing, CLP Policy CH2(a) requires “*new residential development to include a mix of types, tenures and sizes of homes to reflect the varying needs of the borough, taking into account the characteristics of the site, and current evidence in relation to housing need*”. The Council’s current evidence of housing need can be found in the Council’s most up-to-date Strategic Housing Market Assessment (SHMA) 2015.
- 6.79 With regards to tenure, CLP Policy CH1 indicates that the Council will seek an affordable housing tenure split of 85% social rent and 15% intermediate, while LPPR Policy CH2 indicates a greater need for intermediate housing by proposing a split of 50% social/affordable rent and 50% intermediate tenure. London Plan Policy 3.11 indicates a strategic target of 60% social rent and 40% intermediate housing.
- 6.80 The proposals are for 5 affordable homes at 100% intermediate rent. This is therefore contrary to CLP Policy CH1, LPPR Policy CH2, and London Plan Policy 3.11. However, given the relatively low number of affordable homes proposed and that the provision has been shown through viability to be well in excess of the maximum reasonable amount of affordable housing that could be delivered on site, a non-policy compliant split in tenure in this instance can be accepted.
- 6.81 The applicant has agreed that the intermediate homes would be delivered at rent levels agreed in line with the borough’s adopted intermediate rent setting policy, and would therefore be genuinely affordable homes within the borough.
- 6.82 With regards to unit mix, paragraph 35.3.10 of the CLP indicates that demand for intermediate housing is greatest at the smaller range, with “*nearly 70% of the demand being for one and two bedroom homes, with only 30% for larger three or more bedrooms*”. The Borough has updated its evidence base on local housing requirements through the SHMA 2015. This is shown as a breakdown by bedroom size of the objectively assessed need (OAN) for all types of housing. The evidence is of a 50/50 split between smaller (1-2 bedrooms) and larger (3-4+ bedrooms) homes. Paragraph 35.3.49 sets out that the requirement within the affordable sector differs from general needs housing, with a requirement of 70% one and two bedroom homes, with 30% required for three and four bedroom homes.
- 6.83 The affordable housing provision is for a mix of 2 x 1-bedroom, 2 x 2-bedroom and 1 x 3-bedroom homes, representing a split of 80% one and two bedroom homes, and 20% three bedroom homes. In terms of the unit mix, the proposals are therefore compliant with the housing needs for affordable intermediate homes as indicated in CLP Policy CH1 and LPPR Policy CH2.

Affordable Homes - Quality

- 6.84 The affordable homes would be provided within a high quality mews style building, fronting South End and in a highly desirable part of the borough. The building is designed as a standalone building to reflect the mews character and is of a high architectural quality. While it therefore has a different external appearance to the other buildings within the development, this is intentional and reflects the character of a typical residential mews building as opposed to the mansion block detailing of the extra care residential buildings within the site. The building is of an equal architectural and material quality as any other

building on the site.

- 6.85 The affordable homes would all meet the minimum floorspace standards set out in the London Plan and the Nationally Described Space Standards, although given their location on South End and the orientation of the building with regards to neighbouring dwellings, there is little opportunity to provide external amenity spaces for each of the new homes. Further, only two of the five new affordable homes would provide dual aspect. However, the homes do comprise additional internal amenity space in lieu of private external amenity space.
- 6.86 The location of the building does make it technically difficult to provide external amenity space and dual aspect requirements. However, the location and arrangement of the building is key in ensuring that the affordable homes are truly deliverable and attractive to potential registered providers and the location proposed by the applicant is supported. The five homes are delivered within a self-contained building with a dedicated core and would avoid the potential to discourage Registered Providers (RPs) which is associated with mixed use buildings or being located within the main site, which would become problematic in terms of management arrangements for a potential RP.
- 6.87 In summary, the proposed affordable homes are considered to be of a high quality and designed to a very high standard. They incorporate internal amenity space, and are designed to achieve the highest proportion of dual aspect homes as possible given the constraints placed on the building. The homes are also close to the new public garden square proposed as part of the development which would in itself provide significant amenity for future residents.

Extra Care Housing

- 6.88 As evidenced previously in this report, there is an identified need for specialist older people's housing in the borough. The proposals would result in the creation of 142 new extra care dwellings which would count towards the Council achieving its housing target as set by the London Plan. The site was identified within the Council's five-year housing supply as having the capacity to accommodate 140 homes and the application would therefore deliver on this projected supply.
- 6.89 The proposals would result in the loss of the existing 109 rooms within the student halls of residence. While the student residence counts towards the existing borough housing target, the Government has issued guidance stating that for the purposes of housing delivery, this should be calculated on the basis of a 2.5:1 ratio. That means that the student accommodation currently provides 44 'homes' towards the Council's housing supply. Therefore, the 142 extra care homes (as well as the eight other residential homes proposed) would result in a total increase of 106 homes towards the Council's housing target.
- 6.90 The extra care facility has been designed in accordance with the guidelines contained in the Council's Older People's Housing Design Guidance. This document has been produced by the Local Housing Authority and is of weight in when considering planning applications. The proposed internal layout and general provision of facilities are consistent with the guidance. The 142 homes would comprise 49% 1 bedroom homes, and 51% 2 bedroom homes. The unit mix accords with the evidence that smaller homes are the most frequent size required for elderly people, and the two bedroom homes provides opportunities for family visitors, carers, or other guests to stay overnight
- 6.91 The homes would range from between 68sqm to 193sqm and 50% would be built to Building Regulation Category M (Category 2) while the other 50% would reach Building Regulation Category M (Category 3) level. The extra care residential buildings have been designed to maximise the level of dual aspect homes within the development and 94%

receive fully BRE compliant levels of daylight and sunlight, or receive levels that are considered acceptable in the context of the surrounding built form and are designed in such a way to mitigate as far as possible, any relatively unsatisfactory levels of internal daylighting and sunlight.

Design, Conservation, Townscape and Listed Building Matters

Demolition

- 6.92 The scheme proposes the partial demolition of 23 and 24 Kensington Square, which are grade II listed, the complete demolition of St Andrew's Hall and neighbouring cottage (14 South End), which are curtilage listed and make a positive contribution to the local conservation area, and the complete demolition of the student hall of residence, its library wing and the remaining low-rise infill buildings on the site.
- 6.93 The student hostel, library and other low-rise post war buildings and structures (incl. Loyola Hall and the rear townhouse extension) are architecturally distinctive of their time. The architecture is of some interest, offering a sense of historical development within the area, but overall are neutral in terms of their contribution to the local conservation. As such the demolition of these buildings is supported, though subject to the quality of the replacement buildings
- 9.94 The demolition works to the listed buildings and the complete demolition of the curtilage listed building (St Andrew's Hall) cause less than substantial harm to the heritage assets, including the local conservation area, and must be assessed in terms of the overall heritage and townscape benefits

General Layout

- 6.95 The existing site suffers from a constrained layout, set within the corner of Kensington Square, bounded westwards by the railway cutting, and with road access limited to the narrow mews in South End. This layout has worked well as a convent and education campus with an inward focus of activity and 'contained' sense of place, but is untypical of much of the surrounding Victorian urban grain, and makes easy integration with the wider public realm difficult.
- 6.96 The proposed masterplan offers a positive response to the site constraints, working with the building alignments onto Kensington Square and setting out an orthogonal layout to the development at the rear. It draws the traditional urban grain of Kensington into the site, providing a series of routes and spaces that connect well with the adjoining streets and extend the public realm into the site in a legible manner.
- 6.97 A new pedestrian route into the site is provided from Kensington Square by opening up a passageway through the listed school building. This route runs directly southwards adjacent to the neighbouring Milleret House and connects with South End. The mews itself is realigned and extended westwards to form a pedestrian and vehicle route into the site. The extended mews accesses the development's service bay, resident drop-off facility and off-street garage. It also continues briefly onwards as a pedestrian route onto the new deck via a new stairway. Further north-south pathways are provided adjacent to the central garden space, above the deck and adjacent to Milleret House and accessing the chapel. An additional side passage cuts around the school building and emerges onto Kensington Square adjacent to 24 Kensington Square.
- 6.98 The intention is to allow public access throughout much of the site, offering a good level of permeability. The existing gates on South End will be removed, permitting continuous pedestrian and vehicle access, whilst the undercroft pedestrian link onto Kensington Square will also be opened to the public. That public access is continuous via South End is supported, and would ensure that the development is not a gated community. However, the

proposals would restrict access onto Kensington Square to daylight hours only, which impacts upon the level of public permeability and would prove inconvenient for visitors and those using the new community hall. Condition 10 is therefore recommended requiring revised details of the access demonstrating that it is open at all times. This is critical to promote the visual and physical connection and foster wider public use. The additional side passageway in the southwestern corner of Kensington Square is shown gated.

- 6.99 The new layout helps to improve local connectivity, adding to the network of publicly accessible routes in an otherwise constrained area, which is welcome. It provides an attractive onward pedestrian link from Derry Street through to St Albans via South End as an alternative choice of route via Thackeray Street/ Kensington Court Place. Furthermore, there is the potential for a more significant east-west pedestrian route that in time could link South End through to Wright's Lane. This would be via the new public stairway onto the new deck, which offers the prospect of a bridge link over the railway; albeit this connection can only be delivered by the development of the opposing Copthorne Tara Hotel. Nonetheless, the deck/ bridge infrastructure and opportunity for wider connectivity are welcome as a starting point
- 6.100 Importantly, the extended South End route through to the public stairs is legible and lined by active building frontages and new public uses (café and community hall). This should support a safe and attractive route and as such represents good urban design. This direct route, however, involves the realignment of that part of South End within the site, which has heritage and townscape consequences (see later). That this network of routes is mainly pedestrian-only is not untypical of the Kensington area, which contains a number of passageways and pedestrian cut-throughs (e.g., Stanford Rd/Cornwall Gardens, Kensington Church Walk). The key feature is that the network is open and reads as a natural extension of the public realm. The minor pathways running within the site provide a finer grain network of routes and spaces within the development, adding a sense of intimate scale and charm that is welcome.
- 6.101 The masterplan would divide the site into two halves, separated by the extended mews and characterised by a hierarchy of spaces and built forms. To the north are the listed townhouses and main school building that back onto a large area of gardens, which forms the principal open space. The gardens are enclosed to the east by the listed chapel and by Milleret House, which are outside but immediately adjacent to the site boundary. On the west side, the gardens are mainly enclosed by a new building (building 5), though they extend to the existing boundary wall towards the northwest corner of the site. Building 3 would replace Loyola Hall and the unlisted school additions in this corner. Building 4 would be positioned in the southeast corner of the main garden space, adjacent to Milleret House and fronting onto the mews. To the south, the masterplan is much more built up, with buildings 7 and 6 forming a continuous building edge onto South End and its westward extension across the site. The adjoining buildings, however, open up southwards to form a central courtyard space. This secondary open space is laid out as gardens and forms a private amenity space for the extra care residents. It can nonetheless be seen from the mews through a glazed entrance and lobby area within building 7, offering a visual amenity to the mews.
- 6.102 The masterplan is well conceived, offering a clear legibility and hierarchy of buildings and spaces. It reflects the layout suggested in the SPD for the site, which similarly conceived two open areas, separated by the extended mews. The masterplan differs from the SPD in the construction of the new deck over the railway extending the site, buildings that sit partly above this deck, and building 5, which partly cuts into the current central open space and prevents the space from fully opening to the west. These interventions work well to optimise the site for development, but bring changes in scale and character to this backland area. Nonetheless, these changes are well handled and draw from the traditional qualities of the context, and should make for a comfortable urban form. The masterplan brings defined edges to the open spaces and mews, with a clear sense of public and private realm, and good activation of the building frontages.

- 6.103 The deck itself sits some 4-5m above garden level and is absorbed within the ground floors of the adjacent buildings 5 and 6. The deck's construction and footprint of building 5 require the loss of a large area of lawn and several significant trees. This loss of green space and the changes to the settings of heritage assets are important considerations, and must be balanced against the quality and benefits of the new development.
- 6.104 In terms of the proposed uses and distribution of activities, the majority of the buildings are planned as self-contained extra care accommodation at grade, deck levels and upper floors overlooking the new central and courtyard spaces and accessed by shared communal entrances onto the spaces. The main reception for the extra care development is housed within building 7 at the south end of the site, which features a distinctive lobby and drop-off facility that fronts onto the extended mews. The lobby also provides access to the residents' communal wellbeing and healthcare facilities (incl. swimming pool, gym and cinema) located at basement levels and a communal library at first floor level that overlooks the mews and gardens beyond. The lobby could also control possible access to the basement facilities for the wider community. An adjacent ground floor ancillary restaurant within the building further animates the street frontage.
- 6.105 The ground floor café in building 6 and replacement community hall (building 4) are similarly located onto South End and work well to define and support the extended mews, activating the public realm and providing informal surveillance. Both uses are given the room to spill out onto the adjacent footway and gardens, adding further public activity to the open space.
- 6.106 All vehicle access and servicing for the extra-care development and public café and community hall is via South End. The split in servicing and car parking access is welcome in retaining the sense of pedestrian-priority within the primary central space. Overall, the distribution of activities complements the function and hierarchy of routes and open spaces within the development.

Built Form and Scale

- 6.107 Looking at the proposed built form and beginning with the north of the site, the retention of the townhouses, main school building and street elevation of 24 Kensington Square are welcome in terms of preserving the scale and massing onto the square and retaining the coherent and attractive form of the historic garden square. The loss of the rear modern extension to the townhouse and modern extensions (Loyola Hall and lift core) to the main school building are supported, taking the buildings back to their original form, though subject to architectural details.
- 6.108 The demolition of the western extensions to the main school is supported on listed building grounds, as they are not judged as adding special interest to the listed host building. The extensions are, however, identified as making a positive contribution to the local conservation area and as such their loss will result in harm to its character and appearance.
- 6.109 As a replacement building, building 3 works well in its height and massing. The new building is part three and four storeys (13/15m) above grade, with a similar footprint to the southern wing of the school and has an articulated form that responds well to the adjacent listed building. The building line and gable end form match the adjacent school wing, whilst its three storey height sits comfortably below by some 4m. Its three storey gabled form at the rear of the villa is similar in massing to the current extension and maintains a comfortable relationship with the listed buildings. The four storey element sits at the back of the building towards the railway line and has a flat parapet roofline. It is mostly obscured by views of the lower elements and remains compatible with the prevailing building height of the school. The taller element will be seen above 24 Kensington Square when viewed along the south side of Kensington Square, though as part of the general roofscape.

- 6.110 Building 4 is adjacent to the mews and is a single storey building, albeit a generous storey (4.5m to ridge) and with an engaging folded roof form. It reads as distinctly ancillary in scale to the surrounding buildings, but nonetheless distinctive in its pavilion form. Complemented by its detailed design treatment with its sense of 'transparency', the building sits well within its garden setting, reading more as part of the landscape. Its position and scale, however, work well to define the mews and vehicle drop-off point, and responds in scale to the low-rise lobby entrance opposite.
- 6.111 Building 5 is one of the two large, extra care apartment buildings. The new building retains a large footprint when assessed at deck level, but its height and massing are well articulated. The building has a comfortable built form that responds well to the existing context and character. The building is designed as a composition of two five storey gables with one wing aligned with the rear southern wing of the listed school and edging the central garden space and the other 'L' shaped wing that sits above the new deck and returns along the new stairway. The 'L' briefly grounds adjacent to the extended South End, where it effectively becomes seven storeys above grade (27m). The composition of gables does well to suggest a finer building grain, and to allow the built form to better address the adjacent context.
- 6.112 The building is set back from the southern wing of the school by 18m, providing a sense of space between the two opposing wings. Its main (east) façade is aligned with the building line of the school wing, whilst at five storeys and with a gabled roof form (18.5m to ridge), it almost matches the southern wing's general height, massing and roofscape. In maintaining the prevailing building line, height and form, building 5 provides a consistent townscape and coherent sense of enclosure to the central gardens, which are welcome. Whilst the 'L' form is positioned above the deck, its raised form has little impact upon the central gardens, being mostly obscured by the building's front wing, appearing mainly as a taller return element adjacent to the extended mews. The taller return does not overwhelm the main building, but helps to terminate the central square. It also works well in easing the transition to building 6. At the rear of building 5, the gable wing is slightly cranked to address the slight shift in alignment of Wright's Lane and the Copthorne Tara Hotel. At five storeys above the deck, the wing moderates the transition in scale to the much larger hotel, but without becoming overly tall or bulky. When experienced from the deck, its scale reflects the traditional built form of the school.
- 6.113 Building 6 is the other main apartment building and at eight storeys above grade (30m) it remains the tallest of the proposed new buildings. Its height accords with the Heythrop SPD, which suggests a replacement building in this location of nine storeys in response to the existing hostel building, albeit the latter has distinctly more modest floor-to-floor heights. Importantly, building 6's final two floors are setback on all sides, easing its sense of scale. The six storey shoulder height at 22m follows through with the eaves height of taller part of building 5, lending a visual coherency to the townscape around the new stairway and to the southern end of the central garden space. The setback storeys present as conventional penthouse levels rather than attic storeys, but nonetheless remain sufficiently recessive.
- 6.114 Where building 6 sits above the deck, its massing articulates back and steps down to four storeys in height. This eases the building's apparent scale when viewed obliquely along South End, improving its proportions and avoiding an overly long slab building. The articulation also makes for a comfortable scale alongside building 5 when experienced at deck level. At the rear, the building additionally sets back at fifth floor level and, with its simplified massing, reduces its sense of scale towards Kelso Place. Overall, the new building is large scale, but is not overbearing. Its scale and proportions reflect Cottesmore Court, a similarly large 1930s apartment building nearby in Kelso Place.
- 6.115 Lastly, building 7 is a composite building, comprising a three storey affordable building within the current South End, an adjacent four storey 'L' shaped extra care apartment building that runs perpendicular to the street to enclose the private courtyard, and a two storey infill building onto the mews that abuts building 6 and forms the main entrance or

'loggia'.

6.116 Beginning at the eastern end, the affordable building is presented as two main storeys and an additional mansard storey (10.5m). The parapet height (8m) almost continues through from the neighbouring group of properties and the façade detailing suggests a finer plot width. The general height and massing respond well to the context, integrating the development with the adjoining townscape. It provides a coherent three dimensional scale that is typical of a mews, albeit there is a change in current character with the realignment of the street. The step up in height to four full storeys (14.5m) works well to announce discreetly a change in urban character as South End enters the main development, but also to accommodate the double-height service bay entrance. The additional height at this point is not overbearing within the mews, particularly as it is eased by the setback of Milleret House opposite. Running southwards the mainly four-storey L-shaped apartment building is comfortably scaled with the communal courtyard and allows good daylighting of the enclosed gardens. Its height works well to counterbalance the much taller building 6 (opposite) and avoids the development becoming too dense in this more constrained corner of the site. The building steps down to three storeys for the return, preserving the amenity of neighbouring properties at the rear in Kelso Place. Lastly, the 'loggia' includes a double-height ground floor lobby with a library room above, and is effectively three full storeys in height at 10.5m above grade. Its modest height works well within the context of the preceding mews and four storey element, but also as a foil to part six/eight storey building 6. The variation in roofline and the loggia's setback building line and distinctive façade treatment combine well to highlight the main entrance.

Architectural Treatment

6.117 The design approach is contemporary in style, but is well detailed and has a contextual approach in its blend of the horizontal hierarchy of base, middle and top, the vertical proportioning of its window openings, and in its use of handset stock brickwork and precast stone. The detailing of window and door surrounds are also well conceived. The detailed architecture of each buildings responds to its immediate site context, but nonetheless holds together well to present a composition of buildings that sit well with their listed neighbours and provide an attractive sense of place. Its success will be dependent on the quality of finishes, which should be controlled by appropriate conditions. Briefly taking each new building in turn:

6.118 Building 3

The architecture is intended to rear as a calm backdrop to the adjacent listed school building. As referred to above, this is achieved in part by its secondary scale and massing, with its pitched roof and gable-ends. The façades complement this approach, adopting a simple and sympathetic design language, comprising a regular order and hierarchy of piers and subservient horizontals. The windows are recessed within a consistent grid of openings, but placed slightly asymmetrical to provide a design feature and avoid direct overlooking of the apartments opposite. The brickwork closing side panels add solidity and detail to the elevation. The windows are multi-paned in a contemporary pattern and finished in dark metal frames. The attic storey comprises a single, long dormer in dark metalwork with similarly contemporary windows, set within a pitched slate roof. The four storey element features a light penthouse floor. The communal entrance is on the east elevation, aligned with the gated side passage. Its simple canopy and stacked windows above announce its position in an understated but nonetheless legible fashion. A side panel of textured brickwork at ground floor adds to the effect. The overall design is simple, respectful and engaging, and is welcome on design grounds, subject to conditions controlling the quality of finishes (incl. canopy, textured brickwork).

6.119 Building 4

The single storey community hall is designed to read as a pavilion in the park. The structure is simple, comprising a suspended roof over mostly glazed facades that gives the building a light and airy quality. Its transparency allows the building to sit relatively quietly

within the garden setting. A pitched and folded roof form with an exposed timber ceiling finish give the structure a finer grain and visual interest. The building is entered from South End through simple glazed double-doors, albeit the entrance would benefit from a more robust and legible finish. A similar single glazed door on the north elevation allows access to an activity lawn. The building's simple, unassuming design is welcome, though its quality will depend on its detailed finishes (incl. main entrance and ceiling finish), which will be secured by condition.

6.120 Building 5

The apartment building is intended to work as a contemporary companion to the school, not only in its scale and form, but also in its architectural expression. The facades take their design cue from the listed building, adopting the same primary vertical ordering, proportions and expression of piers, with a secondary horizontality in its cill, lintel and cornice detailing. The outcome is restrained and complementary. The sense of base, middle and top are evident and run through with next door. The piers are broad at ground/first floor, suggesting a robust base, but are narrowed for the second and third floors, similar to the school and denoting the middle section of the façade. The piers become capped and gathered in precast stone to form a terminating cornice. The top's attic roof is finished in slate and articulated by a row of metal-clad dormers that are large, but add a contemporary feel. There is a discrepancy in the plans and images of the dormers. This should be resolved by condition, ensuring that the dormer size and fenestration are well-proportioned and not too large. The windows throughout are multi-paned with dark metal frames in a Crittal style that is typical of the development. Brick soldier courses for the first and third floor lintels and sloped gable edges provide additional visual interest, though their quality (incl. mechanical fix and without metal supports) will be important, as will be the brickwork in general, all of which are to be secured by condition.

6.121 The architectural language is carried through to the gable ends and repeats on the deck-facing facades. Where the building becomes seven storeys at its southern end, it sits above a two storey stone base that wraps around to flank the new staircase. The stone base projects forward 3.6m on its east side to form a legible and robust entrance portico. The profiled stonework adds an elegance and avoids the structure from appearing chunky. The western façade includes a communal entrance that allows the residents direct access to the deck and its gardens. This too is highlighted in stonework, but more low key fashion and as a secondary entrance. Its central position and legibility provide a focal point for the façade's design, which is welcome. In time this will form an important façade, addressing the pedestrian through-route from Wright's Lane and the eventual bridge link.

6.122 Building 6

The largest of the buildings, building 6 employs a similar calm and ordered appearance and material palette as its companion buildings, but introduces variety in its architectural style. The façade design has a subtle horizontal expression, inspired by other large grain 1930s buildings located nearby and within the borough. Constructed in stock brickwork with stacked, vertically proportioned, continuous stone banding is introduced every two floors with stone lintels above windows on intermediate floors. The stonework lends a horizontal design emphasis and articulates the main volume in three parts, reducing its sense of scale. The base is additionally defined by a double-storey order, marked by stone architraves around the stacked ground and first floor windows. The upper section is defined by its flat parapet and stone cornice line. Two penthouse floors are set back from the main elevation above, with the first storey finished in smooth stone, providing a lighter tone, and the second clad in typical dark metal.

6.123 Additional visual interest is provided by step profile reveals, fluted stonework and intricate dark metal balconies. The full floor windows are multi-paned in dark metal frames and include French windows, giving access to private balconies set within the deep window reveals. Overall, the architecture is well proportioned for its scale and pleasing in its composition, and should make for a robust, handsome appearance. However, the quality of the detailed finishes is critical to this and are to be secured by condition.

6.124 Building 7

The building comprises three parts: the affordable housing; extra-care housing; and entrance loggia. The affordable housing is provided as the three storey apartment building located in South End. The building is designed to appear as a row of contemporary mews buildings in direct response to the local character. It is composed of a rendered ground floor, stock brick upper floor, and a metal-clad mansard storey that is set behind a flat parapet wall. The street façade is divided by a series of downwater pipes that are slotted into the masonry and set out at 5-6m intervals, suggesting a fine plot width typical of mews. Expressed metal lintels are provided at ground floor level, reflecting traditional bressemer-style garage openings. The upper floor level has a simple appearance, with punched hole openings and minimal dressing that comprises a band of soldier course brickwork providing the lintel detail and a stone coping. The window sizes and positions vary, lending an informal quality, though overall the façades remain well composed. The outcome is an attractive, mews appearance that complements the building's setting and is tenure-blind.

6.125 The part three/four storey element adopts a more ordered approach, but retains a relative simplicity in its appearance. It presents as full floors in stock brickwork with stacked window openings, and topped by a flat parapet and stone coping. On the South End façade, the window openings are recessed and feature stone lintels and mullions that lend a warehouse character to the design and works well to incorporate the service bay entrance. The courtyard façade is more articulated featuring recessed openings with chamfered reveals to one side and asymmetrically positioned windows, and projecting stone surrounds for the communal entrances. Where the final floor returns onto the courtyard elevation, it is set back, but finished in brickwork. The windows are multi-paned and the frames and Juliet balconies finished in dark metalwork throughout. The architecture is well-mannered and handsome, and sits well with the adjacent mews and building 6.

6.126 Lastly, the loggia is intended to be a distinctive building, highlighting it as the main entrance to the extra-care facility. It does this with its rich architectural treatment, featuring an expressed main framework of glazed terracotta and dark metal-framed windows with brass trims, railings and canopies. The ground floor windows and fanlights are slightly folded for additional visual interest. The detailed design has an art-deco quality that complements building 6. Arguably, it could have worked well as a contemporary element, but it is nonetheless engaging. It has an opulent appearance, but is not flamboyant or overstated. The building is read mainly from within the central gardens; its impact on the mews being played down by recessing the loggia behind the general building line of building 7 and 6. Its success, however, is very dependent upon its detailing, which again will be secured by condition.

Functionality

6.127 The buildings function well, with tall ground floors of 4m in most buildings and excellent internal heights of 2.8m for the extra-care accommodation on the upper floors. The provision of full height windows promotes good daylighting within the apartments. The plan forms are good throughout the extra care accommodation, often arranged to optimise dual aspect. Nursing stations are located on all residential floors and lifts are sized to accommodate wheelchairs or gurneys.

6.128 The private residential benefit from the good amenity of the historic buildings, with well-proportioned and well-lit rooms on the principal floors. The townhouses feature piano nobile. The new affordable housing is less effective, with two of the homes being single aspect and north facing, albeit one is a duplex unit. None of the homes have private balcony spaces. However, the accommodation enjoys the same generous ceiling heights of 2.8m, whilst single aspect mews properties with little or no outdoor amenity space are not uncommon within the Royal Borough and in this instance the residents would have ready access to the development's central gardens.

- 6.129 Lastly, the pavilion provides a highly flexible plan form, with a generous ceiling height and excellent daylighting, and amenities that should allow a wide range of community uses.

Heritage and Townscape

- 6.130 As noted previously, 23 Kensington Square has been designated a Grade II listed building. It comprises the two former 1838 townhouses and the adjoining Victorian Gothic style former convent school designed by George Goldie for the Sisters of Assumption and built in phases between 1875 and 1889. Both the townhouses and the purpose-built school retain much of their planform and a number of fittings. The list description includes the 1925 entrance gallery by Joseph Goldie, but explicitly excludes the western range by George Goldie (1889) and by Joseph Goldie (1929). The college site includes George Goldie's Victorian Gothic style elementary school (St Andrew's Hall) at the southern end of the former convent, which is regarded as a curtilage Grade II listed building.
- 6.131 The application site also includes 24 Kensington Square, which is a grade II listed late 17th century house that was made over into a villa in the 1820s and considerably rebuilt in the mid-20th century. The site abuts the Grade II listed Chapel of the Assumption Convent (1875) by George Goldie on its east boundary and the grade II listed 18th Century stucco fronted house, 25 Kensington Square, on its northwest boundary. The site is entirely within the Kensington Square Conservation Area and borders with the De Vere Conservation Area to the east.
- 6.132 Sections 16(2) and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the local authority in planning decision-making to have special regard to the desirability of preserving a listed building or its setting. Section 72 of the Act also requires the local authority to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF expects that great weight is given to the conservation of a heritage asset and that its significance can be harmed or lost through alterations or destruction of the asset or development within its setting. The harm or loss to the significance of the heritage asset should be demonstrated as necessary and be outweighed by public benefits (para 195-196).
- 6.133 Looking at the impacts of the development on heritage assets, they comprise the external and internal works to the listed buildings themselves, the impacts of the new buildings on the settings of the listed buildings, the loss of a curtilage listed building, the impacts on the local conservation area from the loss of buildings that make a positive contribution, and from the changes to its open space. Taking these matters briefly in turn:
- 6.134 Townhouses
The proposals are for the reconversion of the college's ancillary offices and teaching rooms back to residential use as two separate dwellings. The external works involve the demolition of the connecting entrance gallery on the front elevation, reinstatement of the traditional street facades at ground and basement levels, including new entrance porticos and a continuous metal balcony at first floor; the reinstatement of front lightwells and traditional front boundary railings; and the removal of the non-original rear additions and works to make good.
- 6.135 Internally, the works involve the infill of the lateral openings to separate the two properties from each other and from the chapel to the east and school building to the west, and the updating of services for modern residential use. The opportunity is being taken to repair and reinstate elements of the original planform and internal decoration, including cornicing, fireplaces, windows and shutters.
- 6.136 The main feature is the return of the properties to their original townhouse form and use as separate dwellings, which is of benefit to the architectural integrity of the built form and to the setting of Kensington Square as a historic residential square. It is, however, predicated

on the loss of the connecting gallery entrance, which is an important part of how the complex of buildings functions and how the listed former convent presents itself onto the square; the broken pediment and cruciform being a distinctive and legible feature in the streetscape. Arguably, its loss returns the convent complex to an earlier appearance, prior to the addition, whilst the gallery does mar an appreciation of the intrinsic qualities of the underlying late Georgian townhouses.

6.137 In terms of the alterations, the approach is generally supported. The repair and reinstatement of the traditional features, including the porticos, first floor balconies and boundary railings, are welcome, as is the retention and in parts the return of the historic planform. The revised plans show a more sympathetic treatment regarding the positioning of door openings and bathrooms. However, it will be important to confirm details of the restoration work and new interventions which are to be required by condition. This includes the replacement porch details and masonry, but also the positioning of service runs, which should avoid new pipework and ducting on the street elevation and minimise the impacts on the internal historic fabric. On balance, the changes to the townhouses are positive and welcome on heritage grounds.

6.138 Main School Building

The former convent school is currently the main college building, providing a number of facilities, including administrative offices, catering; assembly hall, lecture, and tutorial rooms. The proposals convert the building for use as a series of extra care residential dwellings on all floors, with duplex dwellings making use of the attic space

6.139 The external works include:

- the demolition of the connecting entrance gallery on the street elevation and basement lift to 24 Kensington Square;
- the demolition of the modern lift and earlier stair towers;
- demolition of the western range of extensions;
- reinstatement of the street façade at ground floor level and elsewhere to match following demolition works;
- removal of an external fire escape stair;
- excavation of new lightwells on along the southern elevation and enlarging basement lights to form new windows and door openings; and
- enlarging arched window openings to form a new building entrance to a communal lobby and a new public entrance to the rear gardens.

6.140 The internal works include

- the extensive removal of partition walls and creation of new openings
- the loss of historic fabric, including wall panelling, doors, an attic stair and other joinery;
- installation of new services and lifts in connection with the internal planning of the building for self-contained apartments throughout

6.141 Externally, the most prominent change is the loss of the gallery entrance. As with the townhouses, this impacts upon the legibility of the historic building as part of the convent complex. This may be weighed against the benefit of returning the built form to its appearance prior to the gallery's construction, though no evidence is presented as to how or whether the school was accessed from the street. Nonetheless, in this instance, the impact can also be off-set by the design benefit of improving public access to the site in a manner that complements the building, providing a through-route in the style of a porter's lodge to a college precinct; and by the opening up of the adjacent townscape gap between the school and 24 Kensington Square to allow views of the restored front elevation, albeit the public's view is limited by the replacement gateway.

6.142 The detailing of the new public and communal entrance doorways and the finish of the new passageway would need to be confirmed to ensure its high quality and sympathetic design, and these are to be secured by condition. The remaining external alterations are

sympathetic in their sensitive repair and restoration, though the excavation of the rear lightwells requires careful detailing if the sense of the building's base is not to be undermined, and these are also to be secured by condition.

6.143 Internally, at lower floor levels whilst much of the original fabric has been lost, important elements survive (stone corbels, exposed ceiling beams and joinery). The retention of the original feature stairs is welcome, as is the retention of the parts of the simple joinery at upper floor levels and particularly within the attic spaces. However, not all the surviving fabric is retained (e.g., internal timber steps and an attic stair) and other elements will become less visible in subdividing the spaces. More could be done to limit the loss and the degree of harm caused, though it is acknowledged that alterations are required to support the use. As such, a condition is recommended to ensure that existing primary features (including fireplaces) are retained and that more of the simple internal detailing is retained. The detail should remain exposed where possible (include doors fixed shut if necessary) or re-used elsewhere in the building where not.

6.144 It should also be noted that the proposed planning of the school misses the opportunity to make good use of a significant building for a similar education use or a more communal/ public function or activity that would respond more to its architecture (large rooms and legibility) and would in turn support a more active ground floor and adjacent public realm. However, overall, the heritage impacts are neutral on balance, subject to conditions.

6.145 Western Range

Mention should be made of the school's western range. The demolition of the 1960s single storey assembly hall attached to the southwest side of the school and the 1929 two-storey side extension immediately adjacent to the western boundary wall are supported. The buildings are not listed and partially obscure the remaining buildings, and as such their loss presents the opportunity to restore and better appreciate the host building. However, the proposals include the demolition of two late 19th century additions that formed the later phases of the school's original development and are tucked neatly alongside the main building and behind 24 Kensington Square. The structures by George Goldie are purpose-built and well detailed, and though smaller in scale, sit harmoniously with the main school, following through its material finishes.

6.146 The statutory list confirms these additions do not contribute to the significance of the listed building. As such their loss is not considered to impact upon the building's special interest, and is therefore supported on listed building grounds. Nonetheless, the additions have a value as positive contributors to the character and appearance of the Kensington Square conservation area.

6.147 24 Kensington Square

The proposals are for internal and external changes, including the reconstruction of the rear elevation, in connection with the reconversion of the nursery back into residential use, which is supported on heritage grounds.

6.148 Much of the building's internal fabric and plan form has been lost over the years, as has the rear elevation, which was rebuilt in the 1960s. The proposals look to recover much of the property's previous residential plan form, reinstating the stair core in a more central position and the proportions and internal features of the principal rooms. The details for the stair and internal features are to be conditioned to ensure they are sympathetic. The rear elevation is rebuilt, with the correct window proportions and timber sash windows reinstated, albeit the details (including new brickwork) are also to be conditioned. The reinstatement of the building's historic roof form and new slate covering are particularly welcome, as is the tidying up of the front elevation. Overall, the proposals are of positive benefit and are welcome on heritage grounds.

6.149 St Andrew's Hall

The proposals are for the demolition of all buildings within the southeast corner of the site

for the construction of building 7. This includes St Andrew's Hall, which was designed by George Goldie as an elementary school for the convent and is contemporaneous with the chapel and main school. The T-shaped building with its gable end onto South End has an aesthetic and historic value that contributes to an appreciation of the complex of buildings and grounds that formed the convent. Internally, the building retains a number of original/early features, including a simple spiral stairway, exposed ceiling timbers, internal timber panelling and partitions with transom lights that are part of its interest. The loss of the curtilage listed building is harmful. The harm is less than substantial, but nonetheless important, detracting from the convent's historical and architectural interest. That loss should be offset by benefits of the scheme. In this instance, the benefits would include the urban design benefit of extending the public realm and providing a more legible, coherent east-west route into the site, with the potential to improve onward connectivity.

Setting of Listed Buildings

6.150 Because of their scale and/or proximity, buildings 3, 5 and 6 impact upon the settings of the listed buildings on site and nearby, albeit the masterplan approach seeks to minimise the visibility of the development from outside the site. Looking at the new buildings in turn.

6.151 Building 3

The impacts of the scale and appearance of the replacement building on the setting on the main school and 24 Kensington Square are valid considerations. Building 3 is designed to complement the main school building in terms of its size, form and its appearance. As discussed above, the proposed built form generally reflects the adjacent listed building and is scaled to read as secondary. With an intervening distance of about 5m, its close proximity is not uncomfortable and could help form a characterful passageway space between. In terms of the proposed architectural detailing, the contemporary approach works well in terms of its ordered appearance with recessed openings with dark metal multi-paned windows, attractive multi-toned brown brickwork and slate pitched roof with dormers. It presents a calm backdrop building that responds to rather than competes with the adjacent listed school.

6.152 Elsewhere the revised massing of building 3 pushes the taller four storey element of the building westwards to the edge of the site away from 24 Kensington Square. This appears to be sufficient to ensure that the additional height of the replacement building is generally unseen from Kensington Square (View A) and, in particular, from the south side at its junction with Thackeray Street (View 1). This is despite the taller element's parapet roof rising some 2m above the villa's ridgeline. It may well appear above the ridge when viewed further along Thackeray Street. However, it would be only marginally discernible, given its dark material finish.

Building 3 is visible from Scarsdale Place, a publically accessible open space to the west of the site, close to Wrights Lane (view 11). In this view the new building replaces the school's western range and obscures the main building's west gable and all but the pitched roof of its main southern wing, which appears above building 3's three storey element. To an extent building 3's calm and ordered architecture lends a sense of a composition of similar buildings, but it is nonetheless harmful to the setting in this view. However, the impact is less than substantial. The listed villa is unaffected in this view, as it is currently obscured by the school's western range and remains so in the proposals.

6.153 Building 5

The new part five/seven storey, gabled building sits to the rear of the southern wing of the L-shaped listed school building, separated by an 18m wide garden space. Its façade line aligns with the courtyard façade line of the school. The intervening space allows the southern wing of the school building to be read within a green landscaped setting. The alignments and similar height and massing of the new building ensures that the building does not obstruct or impose upon the listed building. It provides a more coherent context for the listed school building, acting in part to screen out the nearby Copthorne Tara Hotel

and to bring more of a focus to its central garden setting. The architectural expression of the new building is contemporary, but is restrained and complementary to the heritage asset in terms of its solidity, proportions and material finishes. Arguably the new building can be seen to establish an attractive precinct setting for the school, townhouses and chapel and as such it enhances the setting of the complex of listed buildings.

6.154 Building 6

This is the larger of the two apartment buildings is positioned southwards further away from the convent complex, and despite its size is regarded as sufficiently distant from the convent buildings not to impact upon the setting when viewed from within the development.

6.155 Outside of the development, the building is not visible from within the gardens of Kensington Square, sitting below the roofline of the listed chapel and convent complex (view 3). Its roof breaches the roofline above part the neighbouring listed terrace (15-16 Kensington Square) when seen from the junction with Young Street (View 4), though it is only just discernible during winter months and is lost during summer within the square's extensive tree cover. Similarly, it has no visible impact upon the listed convent buildings when viewed from the junction with Derry Street (View 2), sitting below the roofline of the listed buildings. Its uppermost storey, however, does come into view further northwards along Derry Street towards Kensington High Street (view B), albeit the impact is short-lived as the geometry results in the school and building 6 becoming obscured by 35 Kensington Square and Derry and Toms in the foreground (view C). Nonetheless, for that short stretch the final penthouse storey sits directly above the school's ridgeline, becoming more pronounced when the large dormers are internally illuminated. This detracts from the school's setting in this view, albeit the harm is minor, given its brevity

6.156 Building 4 and 7

For completeness, buildings 4 and 7 are low-rise and sufficiently distant from the convent and chapel buildings not to impact upon their settings, though their effects on the conservation area remain. The revised position and scale of building 4 is particularly welcome in no-longer diminishing an appreciation of the direct visual connection between the chapel, former convent and its grounds.

Impacts on Local Conservation Areas

6.157 Kensington Square Conservation Area

The application site is entirely within the Kensington Square Conservation Area, which has the residential square as its focus, but extends to include the adjacent department stores on Kensington High Street to the north, and the smaller buildings of South End to the south. The special interest is its very high quality of buildings surrounding the square, which are all listed, and as the first garden square development in the Royal Borough. It is also regarded for its varied character from the striking, listed Art Deco department stores through to the village charm of South End. Green space and planting make a very important contribution to the conservation area in terms of the open character garden square, but also the mature green setting of the former convent.

6.158 The proposed scheme involves the demolition and redevelopment of the early west additions to the school building in the north of the site, and St Andrew's Hall and the neighbouring cottage (14 South End) in the south. These are identified as positive contributors to the local conservation area, albeit the contribution of the extensions is limited to an extent by their low visibility behind later extensions and the railway. St Andrew's Hall particularly makes a very important contribution to the character of South End with its Victorian Gothic style long façade and central gable with oculus bringing a focus to its immediate street setting, whilst working well with the scale of the mews. Whilst the loss of the buildings is less than substantial harm to the heritage asset as a whole, it nonetheless has important detrimental impacts on those parts of the conservation area. The harm should be offset by benefits.

- 6.159 The loss of St Andrew's Hall and cottage are required to improve vehicle access to the site for construction and servicing. The loss of the buildings and realignment of South End enable the more orthogonal site layout and the direct extension of South End westwards, improving the legibility and connectivity of the public realm. The architecture of building 7 in a sympathetic style works well to retain a mews character to the street. Though different in appearance, the character of this part of the conservation area is preserved and, arguably, modestly enhanced by the sense of visual progression into an open area and onward connectivity (view 6).
- 6.160 Regarding the west range, given their limited visibility and the architectural quality of the replacement building 3, which is sympathetic in character to the adjacent listed school, the character of this part of the conservation area is preserved, and arguably moderately enhanced by the removal of Loyola Hall and restoration of the school wing.
- 6.161 There is also the impact on the conservation area of the reduction of the central open space, felling of several mature plane trees and the construction of building 5. The loss of its green, open and informal quality and replacement with an enclosed and more ordered landscape with its series of gardens and lawn bring a distinct change in character and appearance to this part of the conservation area. The consistent building line and scale of building 5 and the school wing and the sympathetic architecture of the new building brings an attractive coherency to the townscape. Together with the main school building, townhouses and chapel the townscape takes on more of a precinct quality, similar in character to a historic college complex. As such the change is an enhancement of this part of the conservation area.
- 6.162 Wider afield the development does not affect the views within Kensington Square, which is the centre-piece of the conservation area, beyond the minor impact when seen from Young Street during winter (View 4). The other impact is on the view from Derry Street (View B), where the penthouse level of building 6 is partly visible above the ridgeline of the school, detracting from its clean roof profile and indicating a large-scale development beyond, suggesting a more built-up character to the conservation area. As referred to earlier, the view is short-lived and the harmful impact is minor.
- 6.163 Surrounding Conservation Areas
The development can be seen from the neighbouring De Vere Conservation Area, though occasionally and where the townscape is low rise. Most noticeably it is seen in view 5, where buildings 7 and 6 sits in the backdrop to the low-rise setting of South End/Ansdell Street. In this view the affordable building's slate mansard and extra-care building's brickwork flank façade blend into the townscape. The large scale of building 6 is evident on the skyline, though its alignment, ordered appearance and articulated penthouse level appears calm and not overbearing above the distinctly domestic setting. That building 6 obscures views of the Copthorne Tara Hotel beyond is of some benefit, although the hotel appears more distant, of similar form and not especially intrusive in this views.
- 6.164 Whilst the development is also seen further away along St Alban's Grove (views 7 and 8) it sits low and calmly on the skyline. Its stone banding and parapet reflecting the corncicing and stucco parapet walls of the Victorian buildings in the foreground when viewed from the junction with Stanford Street (view 7), while its scale and form appears much the same in the more distant view from the junction with Victoria Grove (view 8).
- 6.165 The development cannot be seen in the views provided from the Kensington conservation area (views C and F), Lexham Gardens conservation area (view D), Cornwall Gardens conservation area (view J) or from Queen's Gate Conservation Area (view G), due to densely built-up context.

Impacts on Townscape Outside of Conservation Areas

- 6.166 The site is largely screened by the Copthorne Tara Hotel in views from the west, whilst the

tight street form and relatively tall building context obscure wider views from the north, east and south, most of which are from within conservation areas (see above). The development is, however, occasionally seen in views that are outside of conservation areas and/ or over longer distances. The most noticeable are:

6.167 View 10, Kelso Place

The current townscape is varied in character, comprising low-rise, late 20th century housing in the foreground, the southern flank of the college's 1960s student hostel immediately above, and the prominent slab building of the Copthorne Tara Hotel. In this view the proposed southern end façade of building 6 replaces the student hostel. Though larger in massing, it appears lower on the skyline. With its better alignment, simple massing and lighter brick tones sitting the new building sits more comfortably above the foreground residential buildings. The amenity is moderately enhanced.

6.168 View 11, Scarsdale Place - A square that located to the west of the site and is accessible to the public.

The change in townscape is significant with the view of the school becoming mostly obscured and the open character of the site becoming mostly infilled. However, buildings 3, 5 and 6 work well as a family of buildings with a common material palette, but with a variety of massing and visual interest. The development brings a more built up character to the backdrop to Scarsdale Place, but is not harmful.

6.169 View E, St Mary's Place

The townscape comprises consistent terraces of late 20th century neo-traditional townhouses and apartment buildings. The flank wall of the Copthorne Tara Hotel and the rear elevation of the college's student hostel are prominent above the rooflines, although the hostel appears to follow the line of the terraces and with its simple, unfussy architecture and red brickwork sits relatively quietly on the skyline. In this view building 6 replaces the hostel and is of similar height. Its realignment and revised massing results in the new building terminating the view. However, its ordered facades and contrasting light brickwork are not out of character with the terraces. Its form and appearance appear better resolved within the townscape than currently, albeit the improvement is modest.

Landscaping and Public Realm

6.170 The proposals provide for a series of new, smaller open spaces and walkways, albeit at the cost to the more open character and appearance of the central lawned gardens. The replacement open space is generally well landscaped and should make for a series of attractive, newly planted gardens, most of which are accessible to the public. The railed garden adjacent to the school is private, but offers wider visual amenity. The loss of some substantial trees will detract from the landscape maturity and quality. There is currently no public art proposed, but details are to be secured by Condition 9 and through a s106 obligation.

6.171 The courtyard garden space between buildings 6 and 7 appears well landscaped and should offer good amenity for the extra care residents, as well as glimpsed amenity for passers-by when seen through the glazed loggia. The new garden spaces above the deck are of reasonable amenity, given the close proximity of the Copthorne Tara Hotel and scale of buildings 5 and 6, though the revised and more rational layout should improve daylighting and the sense of comfort.

6.172 Lastly, the development includes new routes in traditional hard landscaping and natural stone that match the adjacent street finishes and should provide a seamless sense of public realm, which is welcome. That the routes are open to the public, generally un gated , legible and well activated by a mix of public and private communal entrances should make for an attractive and engaging environment.

Summary

6.173 The urban design and architecture of the development are of high quality. The scheme provides a well-connected, inclusive and legible network of routes and spaces that draw upon the traditional townscape qualities and form of the borough. The new buildings are contemporary in style, but are well-mannered, attractive and respond well to the surrounding built context. It includes the sensitive restoration of two listed townhouses and a listed villa and their reinstatement for residential use, and the relatively sensitive restoration and re-purposing of the listed school for extra care use. It does, however, cause less than substantial harm to the listed buildings (include curtilage listed building) and their settings and to the Kensington Square Conservation Area. This harm is offset by other design benefits and particularly the improvements to local permeability and potential connectivity and the opening up of the gardens for public access and enjoyment.

Basement Development

Size

6.174 The proposals include the excavation of two storeys of basement underneath the majority of the footprint of the southern site only. Given the double storey basement, in order to comply with CLP Policy CL7(b) it is necessary for the site to be considered a 'large site' in accordance with the definition set out in para. 34.3.56 of the reasoned justification for Policy CL7. This states that large sites will "*generally be new developments located in a commercial setting or the size of an entire or substantial part of an urban block. They should be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site and offer more opportunity to mitigate construction impacts and carbon emissions on site.*"

6.175 The application site, at 1.07ha (excluding the LUL area), is large enough that it is in itself a large urban block, and as existing is largely inwardly focussed away from existing neighbouring residents. The nature of the site provides a much greater opportunity to mitigate construction impacts resulting from the basement such as dust, noise, and vibration, and provides sufficient opportunities to reduce carbon emissions on the site. The application site is therefore considered a large site for the purposes of Policy CL7.

6.176 The submission clearly demonstrates that the site is able to accommodate all equipment including accommodation, plant equipment, and vehicles on the site throughout the construction process, with access provided through South End in accordance with the route put forward in the Heythrop College SPD. The submission clearly details that the proposed methodology and nature of the site mean that the construction process would be contained within the site itself. Therefore, the proposed depth of the basement is considered acceptable with regards to Policy CL7(b).

Structural Stability

6.177 The application is accompanied by a Construction Method Statement which meets the requirements of CLP Policy CL7(m) and the Basement SPD and adequately demonstrates that the structural stability of the existing nearby buildings could be safeguarded in accordance with the Council's guidelines. The submission also makes it clear the sensitivities regarding the listed buildings on and adjacent to the site, are known and that the buildings are not at risk, and that the adjacent London Underground railway lines would be unaffected by the proposed basement.

6.178 Both Transport for London and London Underground Ltd have been consulted as part of the application and neither had objections to the proposals. However, condition 19 is recommended to secured detailed design information prior to construction to ensure no London Underground infrastructure is to be affected by the proposals and a s106 obligation would require a development agreement between the applicant and LUL prior to

commencement of development.

Construction Traffic

- 6.179 The construction traffic associated with the development of the basement is considered acceptable and would be compliant with Policy CL7(k). Sections 6.192 to 6.201 of this report outline full consideration of the construction traffic impacts of the basement and overall development.

Impact on transport, parking, and pedestrian environments, and step free access

Connectivity

- 6.180 Given that it is a large site there is a variation in transport connectivity across it. The northern part of the site is very well served by public transport within a short distance and has a PTAL rating of 5. However, the southern part of the site only received a PTAL score of 3 due to the fairly circuitous walking routes along surrounding streets.
- 6.181 A key constraint on the site, is that the sole vehicle access is by means of a narrow cobbled mews, South End, which itself is accessed via a network of relatively constrained residential streets. This constraint is one placed on the site by the Heythrop College SPD, which outlines this should be the sole vehicle access. For a development to be acceptable in this location, it would need to demonstrate that this constraint has been fully considered in the formulation of the scheme.
- 6.182 In transport terms the site is considered to be one that is suitable for an increase in trip generation in accordance with CLP Policy CT1(a).

High Street Kensington Station (HSKS)

- 6.183 CLP Policy CT1(j) and (k) require that developments contribute towards the improvement in public transport services and specifically towards Step-Free Access (SFA) where there is a redevelopment opportunity. In this instance, the development would increase the use of HSKS and the nature of future occupiers of the extra care facility with potentially limited mobility places additional importance on delivering SFA at the station.
- 6.184 In recognition of the current limitations of HSKS, the applicant has submitted a study on the provision of SFA. This sets out three options for SFA, which have been reviewed by Transport for London (TfL). TfL have reviewed the study and commented that none provide the type of comprehensive scheme they would support; i.e. a scheme that addresses deficiencies in both access and capacity. TfL has commissioned a feasibility study to look at delivering a more comprehensive scheme, for which the initial results are expected in late November/early December 2018.
- 6.185 In order to provide a proportionate contribution towards delivering SFA at HSKS, the applicant has put forward a contribution of £4m that would be secured through a s106 agreement.
- 6.186 Whilst this is not an inconsiderable sum, it would not be sufficient to deliver step-free access to HSKS in its entirety. This means that while it would be partly funded, the delivery of SFA would be reliant on alternative sources of funding becoming available.
- 6.187 In advance of TfL completing their feasibility study, the exact figure required to deliver SFA is not known but initial discussions have suggested that the requisite sum would be between £10-15m, and the contribution proposed by the applicant would not therefore be sufficient to deliver SFA. However, the contribution is considered an acceptable and proportionate contribution based on the specifics of the development, particularly in light of

the development failing to generate a surplus, as demonstrated by the applicant's viability assessment. The contribution proposed is considered likely to be a catalyst for increased interest in delivering SFA at the station and is considered a significant benefit.

Car Parking

- 6.188 In accordance with policy CT1(c), all dwellings on the site including the three C3 townhouses proposed, would be permit-free and would be secured as such with the s106 agreement.
- 6.189 The applicant is proposing to provide a total of twenty-seven car parking spaces, within a basement car park. Twenty of these would be designated as disabled car parking spaces. These spaces are considered to represent essential need for the purposes of CLP Policy CT1 and the Transport and Streets SPD. Of the seven further spaces, four would be for use by the nuns of Milleret House, who have an existing right to park on the site and the remaining three for the reinstated town houses on Kensington Square. Overall this provision is considered to be acceptable and in accordance with policy CT1(b)(d)(e).
- 6.190 The applicant's commitment to provide a minimum of 40% spaces with an active electric vehicle charging supply and the remaining with a passive supply meets the Council's standards as set out in the RBKC Transport and Streets SPD. A commitment to meet the Council's standard and full details on the specification of all parking within the basements would be ensured by a Car Park Management Plan, which is to be secured by condition 17.

Mobility Scooter and Cycle Parking

- 6.191 The proposals include a mix of bicycle parking (113 spaces) and mobility scooter parking (29 spaces) for residents of the extra care homes. In addition to this, a further ten bicycle parking spaces are to be provided for staff and visitors. However, the location and storage of both the scooter and cycle parking is considered to be substandard. Therefore, condition 16 is recommended to secure revised details of both cycle parking and scooter parking prior to construction of the extra care facility, which would allow the applicant and the Council to consider what form of provision is most appropriate for this site

Demolition and Construction Traffic

- 6.192 The proposed demolition and construction works are significant in scale and scope. The addition of a deck above the adjacent London Underground tracks adds a further level of complexity.
- 6.193 In order to demonstrate that the proposals are in accordance with CLP Policy CL7(k) and CT1, as well as the Heythrop College SPD, the application is supported by both a draft Demolition Traffic Management Plan (DTMP) and a draft Construction Traffic Management Plan (CTMP), both of which have been prepared using the RBKC CTMP pro-forma.
- 6.194 The site is relatively large and as would have been expected, the draft DTMP/CTMP confirm that demolition and construction activity would be contained within the site. Given that this is the case, the key considerations relate to the route vehicles would use to and from the site, how many vehicle movements there would be, and how these movements would be managed.
- 6.195 Access to the site would be either east or west along Kensington High Street/Kensington Road, turning left or right into Victoria Road. Vehicles would then travel south along Victoria Road to the junction with St Alban's Grove, where vehicles will then turn right into St Alban's Grove and travel west. At the end of the road, vehicles would then turn right on South End Row and immediately left into South End. Vehicles leaving the site would take the same route back. Tracking diagrams have been submitted that show the construction traffic

proposed could be accommodated on the proposed route safely.

- 6.196 The proposals also include a temporary holding area on Victoria Road to ensure improved timings of deliveries during demolition and construction. While the Council typically resists the use of such arrangements, because they can displace the impact of construction beyond the site itself, it is considered that due to the very significant constraints on access and egress for the site, the provision of such a facility is unavoidable. Final details on the layout and possibly even the location of the holding area would need to be confirmed in a final CTMP submitted prior to commencement of the development.
- 6.197 The applicant is proposing a strategy to ensure a coordinated approach to pedestrian and vehicular interaction. This has a particular focus on construction access/egress and the pedestrian and traffic requirements of the local schools and how these would be managed during peak morning and afternoon traffic. This would include control of traffic flow by full time traffic marshals, a restriction on the hours of site deliveries and collections to between 9.30am and 3.00pm during term time, and 9.30am and 4.30pm outside of term time.
- 6.198 The level of vehicle movements associated with the demolition and construction processes are undoubtedly significant. The number of movements peak to 30 per day each way during the peak of the main construction works. However, with careful management the levels of vehicle movements anticipated by the development can be accommodated on the proposed route.
- 6.199 The proposed draft demolition and construction methodology including the route, management, and numbers of movements are, on balance, the preferable option and acceptable. However, further detail is required to ensure that the types and volumes of vehicles proposed could be accommodated on it without there being unacceptable harm to the safe and efficient operation of the highway.
- 6.200 Therefore conditions 14 and 15 are recommended to secure a final Demolition Traffic Management Plan for the demolition phase, and a final CTMP for the excavation and above ground phases prior to the commencement of each phase.
- 6.201 Requiring a detailed CTMP and DTMP exerts as much control over construction traffic and construction impact as can reasonably be achieved under the Town and Country Planning Act and observing national guidance for conditions. Beyond these mechanisms, further controls exist under the Highways Act 1980, the Control of Pollution Act 1974, and the Environmental Protection Act 1990, and the Council's Code of Construction Practice must also be properly followed.

Trip Generation Methodology

- 6.202 The application is supported by a Transport Assessment, which sets out the multi-modal trip generation of both the existing site and the proposed development. The methodology used and the forecasts made for the baseline conditions are considered acceptable. The baseline conditions are established as the peak possible operation of the existing Heythrop College site.
- 6.203 The assessment outlines a change in key mode shares from the existing to the proposed, as follows (excluding servicing):

Mode	Baseline daily movements	Projected daily movements	Change (%)
Car driver	82	58	- 29%
Taxi	26	67	+157%
Car passenger	32	19	- 41%
Public Transport	338	164	- 51%

Pedestrian/Cycle	1032	168	- 83%
Total	1510	476	- 68%

6.204 The levels of vehicle movements projected would result in a significant increase in the level of daily taxi movements but an overall decrease in the number vehicle movements from the site when compared to the baseline conditions. Pedestrian and cycle movements would decrease significant. The increase in taxi movements and the decrease in public transport and pedestrian movements is unsurprising given the nature of the extra care occupiers.

6.205 While the methodology put forward for the proposed mode share is largely acceptable, there are concerns with regards to the proportion of trips attributed to underground and taxi trips.

6.206 The applicant has forecast a mode share of 22% of trips using HSKS. However, if a significant proportion of future occupants are unable or unwilling to use HSKS, then alternative modes of travel would increase, with taxis and private hire vehicles the most likely alternatives.

6.207 Given that HSKS has no step free access and that this would only likely be delivered in the medium to long term and not delivered by the proposals, the application needs to be assessed as such. It is therefore considered that the applicants projected underground trips are an overestimation.

6.208 If underground trips have been overestimated, for example by 50% (which is not considered unrealistic) this would increase the daily forecast taxi movements from 67 to 120 and overall daily vehicle movements including servicing from 188 to 241. This would represent a 101 daily movements increase from the baseline conditions.

6.209 In terms of the requirements of Policy CT1(b), the increased level of vehicle movements would able to be accommodated on the local transportation network without resulting in a material increase in congestion, and given the mode share is largely taxis that can be accommodated within the site, there would be no material increase for on-street car parking.

6.210 However, should such an increase in taxi trips above the forecast occur, there would be a noticeable increase in traffic from the baseline condition on local streets. While this would result in the altered character of the streets, particularly South End, for the reasons outlined in section 6.272 – 6.279 of this report it is not considered that this level of vehicle movements would result in a level of disturbance contrary to Policy CL5(e).

Deliveries and Servicing

6.211 As existing, the baseline conditions of the site would see a total of 32 vehicle movements associated with servicing per day.

6.212 For the proposed development, it is forecast that there would be 60 vehicle movements a day associated with the servicing of the entirety of the development representing an increase of 28 total movements per day above the baseline. While the Council does not hold servicing data with which to compare this, the number of vehicle movements associated with servicing is considered to be somewhat low.

6.213 Through an appropriate management regime, all regular and scheduled suppliers to the site, could be directed to the use the on-site servicing yard. However, it is likely that a proportion of *ad hoc*, courier type deliveries would use the Kensington Square frontage of the development. A condition is therefore recommended to secure a final Servicing and Delivery Management Plan prior to occupation of the new buildings. The plan would need to include swept paths for all vehicles that would be expected to use the servicing yard, as

although the applicant suggests that this would include vehicles up to 10m in length, it is the case that the two marked loading bays are only 8m in length and the submitted swept path drawings are for 8m long vehicles.

Public Realm and Permeability

- 6.214 The site is currently closed to the public and offers no permeability. The opportunity to open up the site to the public, both in terms of providing amenity space and also new pedestrian routes through it, is a significant benefit of the redevelopment of this site and accords with policies CT1(g) and CR1(c). Indeed, one of the direct benefits of the scheme would be to reduce walking distances from the south of the site, through Kensington Square and beyond to the public transport services on Kensington High Street. This would increase the PTAL of the southern part of the site from a 3 to a 4.
- 6.215 The creation of the deck over the railway creates the future potential to introduce a new east-west route across the site, over the railway line and on to Scarsdale Place. The creation of such a route would be of very significant benefit for this part of the borough.
- 6.216 However, it is disappointing the scheme cannot provide this route. Given the complexity involved in constructing the deck, it is likely that the delivery of a simplified direct link would have been straightforward in engineering terms and insignificant in terms of overall cost.
- 6.217 Unfortunately, the provision involves land outside the applicant's ownership and requires agreement from third parties, which is why delivering the connection as part of this application is not possible. The connection across from the deck is a significant opportunity and the securing of this as a public route in perpetuity is to be secured in the s106 agreement, safeguarding the potential of the route to come forward in the future. This safeguarded route would be required to be clearly communicated to prospective residents and highlighted in the conveyancing process so as to avoid opposition to it at a later date.
- 6.218 The scheme also proposes to introduce a new pedestrian route linking the south-west corner of Kensington Square to South End. However, this is proposed to be restricted to daytime use only and is not considered to be acceptable. CLP Policy CT1(g) seeks to provide pedestrian links through new developments and Policy CR1 seeks to provide an inclusive and legible network of streets, with new development providing links and removing barriers for pedestrians. It also resists the creation of 'gated communities'.
- 6.219 The proposed restrictions on this route are considered to conflict with both Policy CT1(g) and CR1 and condition 10 is therefore recommended to secure revised details demonstrating that this route remains ungated and open. A s106 obligation is also recommended securing public access through the site for the public 24 hours per day, on a minimum of 364 days per year. This would ensure that the route satisfies the relevant policy requirements, but allows the applicant to prevent a right of way being established.

Vehicular Access and Amendments to South End

- 6.220 South End is a cobbled cul-de-sac and although a footway is in place for a section of the street, it is fundamentally a Mews street. The extent of highway adoption is denoted by the surfacing materials, rather than the double yellow lines and therefore the turning head located opposite number 17 South End, is part of the adopted highway.
- 6.221 The applicant is proposing to build over the existing turning head and instead provide a replacement turning facility within the entrance to the proposed service yard. The extent of adopted highway would progress past this point as shown on the Proposed Ground Floor plan (PA-100 Rev 0) and this would therefore ensure that the adopted section of South End can continue to operate effectively in its own right, without reliance on any third party land.

- 6.222 The footway that currently exists on part of the south side of the mews, up to 9 South End, is to be extended in to the site. The provision of a footway is not a typical feature of a Mews, however, it is considered that given the existing partial footway provision and the demographics of the future residents of the site, its continuation is the most appropriate approach.
- 6.223 In order to deliver the required highway works the applicant would need to enter in to a Highways Agreement (S278/S38) with the Council and this requirement would be reinforced within the s106 agreement.

Off-Site Highways Works

- 6.224 The proposals would likely result in damage during the demolition and construction phases to the surrounding highways network. This would apply to all affected roads, but is primarily required in relation to South End, with its historic cobbled surface unlikely to be able to cope with the anticipated volume of movements by demolition and construction vehicles. Funding is therefore proposed to be secured within the s106 agreement to cover the costs of any ongoing repairs required during the programme as well as the full relay that is likely to be required upon completion.

Trees and Landscaping

- 6.225 Policy CR6 of the Council's Consolidated Local Plan outlines that:

The Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits.

To deliver this the Council will:

- a. *resist the loss of trees unless:*
 - i. *The tree is dead, dying or dangerous*
 - ii. *the tree is causing significant damage to adjacent structures;*
 - iii. *the tree has little or no amenity value*
 - iv. *felling is for reasons of good arboricultural practise.*
- b. *resist development which results in the damage or loss of trees of townscape or amenity value;*
- c. *require where practicable an appropriate replacement for any tree that is felled;*
- d. *require that trees are adequately protected throughout the course of development;*
- e. *require new trees to be suitable species for the location and to be compatible with the surrounding landscape and townscape*
- f. *require landscape design to:*
 - i. *be fit for purpose and function;*
 - ii. *be of a high quality and compatible with the surrounding landscape, and townscape character;*
 - iii. *clearly defined as public or private space;*
 - iv. *optimise the benefit to wildlife habitat;*

serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are threatened by development.

- 6.226 There are currently 31 trees on site, all of which are covered by a Tree Preservation Order (TPO 3 1990). While the applicant has outlined a scheme of landscaping post development, the proposed works on site would remove 25 of the existing trees. The six trees that are proposed for retention are three London Plane trees, one Lime, and two Mulberry. The Mulberry are categorised C class trees, while the remainder are categorised as B class by the applicant. However, the London Plan trees would be better reflect by an A2 classification and the scheme is assessed as such.

- 6.227 The proposals would also require the extensive pruning of the retained London Plane trees to facilitate construction and to avoid potential future conflicts with buildings 5 and 6. The pruning would be extensive and the amenity value of the retained London Plane trees would likely be reduced significantly as a result of the pruning. Level changes in the side might also conflict with the root protection area of the retained trees.
- 6.228 The proposals include a scheme of landscaping and replacement tree planting in order to mitigate the loss of the existing trees on site. While the scheme of landscaping is extensive, it would take a considerable amount of time for the replacement scheme of landscaping to suitably mitigate the loss of the existing trees on site. Further, the soil volumes proposed for the replacement planting on the deck are unlikely to be able to accommodate the large trees proposed.
- 6.229 The most significant trees on site, being the London Plane trees, can be viewed from the end of the platform at High Street Kensington Station and the semi-public walkway from the station to Scarsdale Place, but due to the private nature of the site and the surrounding built form, there are very limited views from the adjacent Kensington Square Conservation Area. Their contribution to public amenity values and the conservation area are therefore limited. However, despite the site being opened up to public access and the scheme of mitigation proposed, the loss of the existing trees on site combined with the proposed pruning of the retained trees is contrary to CLP Policy CR6.
- 6.230 For these reasons Conditions 38 – 43 are recommended to ensure stringent tree protection measures during demolition and construction for the retained trees and the carrying out of mitigation measures to offset the loss of the existing trees as far as practicable.

Living Conditions

- 6.231 CLP Policy CL5 requires all development to ensure good living conditions for occupants of new, existing, and neighbouring buildings. To ensure this, the Council requires applicants to take into account the prevailing characteristics of an area, ensure good standards of daylight and sunlight, require reasonable visual privacy, require that there is no harmful increase in the sense of enclosure to existing buildings and spaces, gardens, balconies, and terraces, and that reasonable enjoyment of buildings, gardens, and other spaces is not harmed due to traffic, servicing, parking, noise disturbance, odours or vibration, or other microclimatic conditions.

Daylight and Sunlight

- 6.232 Consolidated Local Plan Policy CL5 indicates that the Council will ensure good standards of daylight and sunlight are achieved in new development and in existing properties affected by new development; and where they are already substandard, that there should be no material worsening of the conditions.
- 6.233 Within the explanatory text for Local Plan Policy CL5 contained in para. 34.4.36 it states that in assessing whether sunlight and daylight conditions are good the Council will have regard to the most recent Building Research Establishment (BRE) guidance, both for new development, and for properties affected by new development.
- 6.234 A daylight and sunlight assessment has been submitted with the application, which considers the impact of the development on the provision of sunlight and daylight to nearby surrounding sensitive receptors, as well as to within the new extra care homes themselves.

Daylight

- 6.235 To assess daylighting, the Vertical Sky Component (VSC) test has been carried out in

accordance with BRE guidance. VSC is a measure of the amount of visible sky available from a point on a vertical plane, usually a point at the centre of a window. The BRE guidelines explain that diffuse daylight may be considered material if, after a development, the VSC is less than 27% and where the resultant amount is more than 20% of its former value.

6.236 To supplement the VSC test, the 'no skyline' test (NSL) has also been carried out. This tests the distribution of daylight within a room, as opposed to just that at the plane of a window. The no sky line is a line which separates areas of the room that do and do not have a direct view of the sky. The BRE guide explains that the daylight distribution may be materially reduced if the area that receives direct skylight is reduced by more than 20%.

6.237 The assessment has analysed the impacts of the proposed development on 90 properties in the surrounding area that could be affected. Of those 90 properties, the results of the assessment indicate that 74 would be fully BRE compliant. There are a further 9 properties that would not comply with BRE guidelines for VSC or NSL when each is considered in isolation, but would only very marginally fail the tests and would retain overall levels of VSC and NSL to levels that are considered to ensure that impacts from the development would likely be unnoticeable to occupiers and are negligible or minor in terms of their impacts.

6.238 This leaves seven receptors where the development may have a greater impact on the daylight and sunlight received and require further consideration. These properties are:

- 1 – 12 Trafalgar Gardens, 7-9 South End, 4/6/8 South End Row
- 16 South End Row
- 20 South End Row
- 26 South End Row
- 38a Kelso Place
- William Cobbett House
- Cophthorne Tara Hotel

6.239 At the Trafalgar Gardens, South End, and South End Row properties, there would be reductions in VSC levels of up to a maximum of 27%, although affected windows would still retain either compliant levels of VSC or relatively good levels of VSC in the context. The properties would also see reductions in the NSL up to a maximum of 45.1%. The proposals would therefore have some impact on the daylight and sunlight received by these properties. However, the VSC changes and reduction in NSL levels across the properties are largely owed to recessed rooms or to the rooms that fail the tests being at low levels and being impacted by obstructions including balconies or their lack of peripheral outlook. While the minor losses in VSC and daylight distribution would fall below the BRE criteria, given the specific circumstances in each case and the level of overall retained light, it is not considered that the living conditions within any of these properties would be materially worsened.

6.240 At 38a Kelso Place, there would be reductions of up to 35.3% in VSC to four of six windows, however, all windows would retain reasonable levels of VSC up to 22%. One of four rooms would also fail the NSL tests for daylight distribution. However, this room would retain a level of daylight distribution to 65% of the area of the room and when coupled with the reasonable levels of retained VSC, it is not considered that the development would materially worsen living conditions within the property.

6.241 At William Cobbett House, which is located to the west of the site, all of the rooms would receive BRE compliant levels of daylight distribution. However, 18 windows would experience VSC losses of between 20.68% and 46%. The windows predominantly serve rooms that have existing levels of VSC which are significantly below the BRE guidelines and in some cases are very low, or have secondary windows which would receive in excess of 18% VSC. The losses likely to be experienced to the affected windows at William Cobbett House in VSC terms may result in some noticeable losses of light.

However, the daylight distribution to all affected windows would retain BRE compliant levels and the development would not therefore materially worsen the living conditions to these properties.

6.242 It should also be noted that the development would also result in reductions to daylighting levels within the adjacent Copthorne Hotel. BRE guidance outlines that the standards for existing buildings may also be applied non-domestic buildings, where occupants would have a reasonable expectation of daylight, and that this includes hotels. The hotel would experience a reduction of VSC up to 58.87% within some lounges and 46.21% within some bedrooms. However, given the transitory nature of the residents within hotel accommodation, the ADF is a more appropriate measurement of suitable daylighting within the rooms. All of the 428 hotel bedrooms would retain a level of between 1.12% and 2.79% which is greater than the minimum values for bedrooms of 1% as outlined in BS 8206-2. Therefore, while the development would result in a worsening of daylight received, it is considered that given that the hotel rooms would not be occupied by permanent residents, the levels of daylighting would not be so unacceptable that the hotel rooms would experience unreasonably low levels of daylighting contrary to Policy CL5.

Sunlight

6.243 To assess the impacts of the proposals on sunlight, the Annual Probable Sunlight Hours (APSH) for habitable rooms surrounding the application site have been assessed. BRE guidelines recommends that the APSH in the proposed situation should be at least 25% of the annual total of which 5% should be from the winter months. When the proposed value falls short of this standard the reduction should be within 0.8 times its former value. Only residential properties that face within 90 degrees of due south are considered by the test, with windows to main living rooms given the most importance in the criteria.

6.244 The assessment shows only two of the receptors that are relevant for testing would fail the BRE criteria for APSH. However, the transgressions are so suitably minor, retaining levels of 20% and 23% respectively, that is it unlikely there would be any noticeable change for residents, and the level of retained light would remain acceptable for the surrounding built context.

Overshadowing

6.245 The BRE guidelines identify that daylight and sunlight should not limit itself to providing good natural light inside buildings. The sun-on-the ground indicator is the method used for assessing sun within the spaces between buildings.

6.246 The BRE guidelines recommend that an amenity area may be adversely affected if less than 50% of the area is prevented by buildings from receiving two hours of sunlight on March 21 (Spring Equinox) and the area which can receive some sun of the 21 March is less than 0.8 times its former value.

6.247 The assessment therefore included analysis of the impact of the proposed development on overshadowing of surrounding areas of public realm and open/amenity spaces. The report demonstrates that whilst some open spaces would satisfy the BRE sun-on-the ground indicator, a number of open spaces would fall below the guidelines in terms of receiving adequate sunlight on the 21 March.

6.248 Within the demise of 1 – 12 Trafalgar Gardens, 7-9 South End, 4/6/8 South End Row, 0.3% of the courtyard receives 2 hours of sunlight on the 21 March, this is reduced to 0% as a result of the proposed development. Given the area of the courtyard which currently receives sunlight is 0.3%, the increase in overshadowing would not cause a material worsening of the living conditions experienced by the occupants.

- 6.249 The open space at 16 South End Row receives at least 2 hours of sunlight on the 21 March at present, this does not change as a result of the development. During the summer solstice, 30.9% of the garden benefits from at least 2 hours of sunlight, the proposed development would reduce this down to 22.1% of the garden area. The indicator therefore demonstrates that the development would result in a reduction of the sunlight to the open space below the BRE guidelines during the summer. However, the reduction would be marginally over the 20% alterations recommended, and it is noted that the open space would receive levels of sunlight in March, in line with the BRE guidelines. As such, the alterations would not be significant enough, to cause a loss of amenity to the occupants.
- 6.250 Within the development itself, the majority of spaces would receive BRE compliant levels of daylight and sunlight, and in the summer months all of the amenity spaces would benefit from at least 2 hours of sunlight to between 82.5% and 100% of their total area. All of the amenity spaces would receive good sunlight during the summer months and are acceptable in terms of overshadowing.

Sense of Enclosure

- 6.251 The sense of enclosure on existing buildings and spaces has been assessed based on the relationship between the proposed buildings and the existing neighbouring context. Assessment of the impact of each of the proposed buildings is taken in turn.
- 6.252 Building 7, is a part three, part four, storey building that addresses South End to its north, and the new extra care courtyard to its west. The building would replace a range of existing buildings in a similar location, which are currently up to part three/four storeys in height. Building 7 as proposed would be separated from the rear facades of the properties at numbers 4 – 26 South End by distances ranging from to 17.1 metres to 24.7 metres. At first floor level and above, the separation distance between 8 South End and Building 7 increases to 29.5 metres. Where the proposed building extends to the site boundary, it would adjoin an existing building to the rear of the South End properties and would match the scale of this existing building.
- 6.253 Sections have been provided that demonstrate that the separation distances between the buildings and the height of the buildings, along with the proposed set back upper storeys, is such that the building would not result in a harmful sense of enclosure to these properties.
- 6.254 Building 6, at eight storeys in height, is the tallest building proposed and is sited in the southwestern corner of the site, roughly in the location of the current nine storey student accommodation block. The proposed building 6 occupies a greater footprint than that of the existing building.
- 6.255 Above the deck level, building 6 would be separated from the rear of the properties on Kelso Place by approximately 25 metres, although the landscaped areas on the deck over the LUL tracks would project to a minimum of 9.5m from these buildings. From fifth floor upwards, the building is further set back by another 10 – 15 metres, further reducing the visual impact of the building on the Kelso Place properties. Taking into account the detailed design and form of the building, along with the separation distances, both the deck itself and building 6 would not result in a harmful sense of enclosure to the properties on Kelso Place.
- 6.256 To the west of building 6 is the Copthorne Tara Hotel. Again, the separation distances are sufficient to ensure that the hotel accommodation would not be unreasonably compromised by the proposed building. The relationship of building 6 and the hotel would be acceptable.
- 6.257 Moving northwards within the site, building 4 to the west of the central square would be single storey in scale and would ensure that the building would not result in an increased sense of enclosure to the properties on South End nor to Milleret House, which given the scale of the community hall and the separation distance between the two would not be

affected by the development.

- 6.258 In the central western portion of the site, building 5 would be a five-storey building. The building would be separated from the Copthorne Tara Hotel by the railway and taking this into account, along with the modest scale, would not result in an unacceptable sense of enclosure to the hotel rooms.
- 6.259 At the northern end of the site, the existing nursery and college buildings would be modified and refurbished internally and externally. The scale and massing of these buildings would remain as existing and therefore would not result in a material increase in the sense of enclosure to the nearby residential properties.
- 6.260 Building 3 is a new build element adjacent to the western side of the existing college building. It would replace the western extension to the existing 23 Kensington Square, which is proposed for demolition, and is comprised of a number of elements that are part three, and part four storey. The nearest residential properties are sited on the opposite side of the railway tracks. This distance and the height of the building are such that the nearest neighbouring properties would not be adversely affected by the proposal.
- 6.261 Overall, the siting of the proposed buildings in relation to the existing residential properties, would include separation distances and massing that responds to the context to an extent that the proposal would not result in an unacceptable sense of enclosure to any nearby residential property.

Overlooking and Privacy

- 6.262 The proposal would result in new windows that would afford new views of the surrounding residential properties. As outlined in the preceding section, all of the buildings proposed are sited such that there are significant separation distances between the proposed and existing buildings surrounding the site. The separation distance increases on upper floors due to the inclusion of set-backs in the designs of each of the proposed buildings.
- 6.263 The reasoned justification to Policy CL5 explains that, within the Royal Borough, when considering privacy, a distance of approximately 18 metres between opposite habitable rooms reduces inter-visibility to an acceptable degree. In the majority of instances on this scheme, the windows of the proposed buildings would be over 18 metres from the nearest habitable room of the existing properties.
- 6.264 Given these significant separation distances, the new windows would retain a sufficient distance between the existing neighbouring buildings and those proposed so that there would not be an unacceptable level of overlooking or loss of privacy to the existing surrounding residential properties.
- 6.265 The proposal also incorporates a number of roof terraces on the upper floors of buildings 6 and 7. The terraces closest to the boundaries of the site have been carefully designed and would include a planted buffer edge, to prevent users of the terrace from standing on the edge of the terrace. The terraces would also be on the upper levels of buildings and any views afforded would therefore be oblique. The specifications of the boundary treatments to the terraces to obstruct any views, including planters and furniture are to be secured prior to occupation of the extra care facility through condition 11.
- 6.266 It should also be noted that there are other roof terraces within the area and given the urban nature of the locality there is inevitably some degree of mutual overlooking already present between properties. Notwithstanding that the terraces would not afford any additional overlooking, in this context the terraces would remain acceptable even if some oblique views were afforded from the terraces this would not result in any unacceptable impact. Therefore, subject to condition 11 required specifications of the furniture and planting on the

terraces, these would not result in a harmful level of overlooking or loss of privacy to any nearby residential property.

Noise, Disturbance, and Vibration

- 6.267 Local Plan Policy CE6 states that the Council will carefully control the impact of noise and vibration generating sources that impact upon amenity. An assessment measuring the existing noise levels in the vicinity of surrounding sensitive properties and around the proposed development site, as well as vibration within the existing building, was included in support of the application and this assessment was reviewed by the Council's Environmental Health team.
- 6.268 The submitted noise report establishes the ambient and background noise levels and vibration throughout the site. Unsurprisingly, noise and vibration from the London Underground railway are the dominant source of both noise and vibration on the site.
- 6.269 With regards to the impact on existing neighbouring dwellings, the noise report details the noise emissions for building services plant and these are set in compliance with the borough's noise criteria. Given the decking over of the railway lines, which are the dominant noise source for the site, the development would actually see significant reductions in the noise level within the site and to nearby residents. Residents on South End, South End Row, and Kelso Place would receive noticeable differences in noise levels up to a halving of the noise level in some places.
- 6.270 With regards to noise levels within the development itself, details of the glazing and façade treatment are yet to be finalised. However, the submission establishes the required performance for each façade of the proposed buildings in terms of sound insulation in order to maintain suitable ambient noise levels. Again, the presence of the deck over the railway would result in significant differences to noise levels within the open space of the site, although mitigation would be required to some of the buildings to ensure noise from the railway underneath the deck would not result in disturbances.
- 6.271 In terms of noise from demolition and construction, general mitigation plans have been set out in the submitted documents and the approach suggested in the submission is considered appropriate. Further information would be required prior to the submission of the application with regards to noise from construction, particularly in light of proposed night working necessary during the construction of the deck. Conditions 21 and 22 are therefore recommended to secure a DEMP/CEMP prior to commencement of the development.

Microclimatic Conditions

- 6.272 Paragraph 34.3.41 of the reasoned justification for Policy CL5 outlines that the level and type of activity generated by the development can affect living conditions through increased traffic, parking, noise, odours and vibrations. The anticipated level of activity as well as the effects on the local microclimate should be taken into consideration
- 6.273 Beyond the immediate site context, high levels of pedestrian and vehicular traffic are not uncommon, with Kensington High Street in particularly being a very busy area. However, the site is surrounded by quiet residential streets, with South End and South End Row a particularly quiet area. The nature of the occupiers of the development as well as the restriction on car parking would result in an increased reliance on taxis and car sharing as part of the development, and the level of vehicle movements on South End would be moderately increased when compared to baseline conditions. The key projected changes in movements around the site are summarised below:

Mode	Baseline daily movements	Projected daily movements	Change (%)
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Car driver	82	58	- 29%
Taxi	26	67	+157%
Car passenger	32	19	- 41%
Public Transport	338	164	- 51%
Pedestrian/Cycle	1032	168	- 83%
Total	1510	476	- 68%

- 6.274 The level of vehicle movements, particularly through South End, are likely to increase as a result of the development, by approximately 16 movements per day. Given the applicants projected use of High Street Kensington Station and the likelihood that step free access at the station would not come forward in the short to medium term, the number maybe slightly higher than this although the Council does not hold any evidence to suggest what impact this might have. The number of pedestrian movements in the area would, however, fall significantly.
- 6.275 The level of projected vehicle movements would be increased from the baseline position and would result in a noticeable increase in existing vehicular traffic for residents, particularly those living in South End. The applicant has sought to design the scheme in such a way that the majority of vehicular traffic is accommodated within the site itself, with little to no idling traffic, deliveries, or servicing occurring within the mews itself.
- 6.276 In order for the development to result in an unacceptable impact in line with CL5(e), the projected level of vehicle movements and associated impacts on disturbance, vibration and local microclimatic effects, must be so significantly above the baseline position that the reasonable enjoyment of people's homes and gardens must be compromised.
- 6.278 This is a high test, and it is considered in this instance that the levels of vehicle movements projected, even were there to be an upwards variation in the numbers projected, would not result in an increase so far beyond the baseline that mitigation and management of the vehicles trips proposed would result in an adverse effect that materially alters the enjoyment of neighbouring residents homes, gardens, and other public spaces.
- 6.279 As indicated previously, this is not to say there would not be an impact. There will be a noticeable increase in local vehicle traffic, although coupled with a significant decrease in pedestrian footfall from baseline conditions. On balance, it is considered that the proposals would not result in such an increased level of activity in the surrounding area that the reasonable enjoyment of people's homes and gardens would be compromised.

Environmental Issues

Flooding and Drainage

- 6.280 The site is located in Flood Zone 1 (low risk) but is located in a Critical Drainage Area and therefore a Flood Risk Assessment and Sustainable Drainage Strategy have been submitted by the applicant, in accordance with the requirements of Policy CE2.
- 6.281 The submission outlines that while the site is in a Critical Drainage Area and that adjacent roads are at high risk of flooding, the site itself is generally at a low risk of surface water flooding. The proposals including defined levels across the site to contain surface water within the boundary, and are accompanied by a robust surface water drainage strategy.
- 6.282 With regards to groundwater, it is outlined that the two basement levels would extend into saturated River Terrace Deposits and London Clay and may therefore encounter groundwater and the basement levels could obstruct groundwater flow. However, given that the basements do not cover the entire site, the submission outlines that the residual risk of groundwater flooding to the site or neighbours is low.

- 6.283 Policy CL7(n) requires basement development to be protected from sewer flooding through the installation of a suitable pumped device. The submission does not contain details of a suitable pumped device at basement level, and these details would be required prior to commencement of the development to ensure compliance with Policy CL7(n). These details are therefore to be secured through Condition 35. Condition 34 is also recommended with regards to sewer flooding, which requires relevant upgrades to sewer networks to be undertaken, where required, prior to occupation of the development.
- 6.284 In terms of the proposed Sustainable Drainage Systems (SuDS), the submission details a reduction in surface water reduction of 50% with the site divided into three catchments to avoid the need for pumping. In order to ensure compliance with Policy CE2, the development must make a significant reduction in the volume and speed of water run-off. The proposed SuDS measures outlined in the submission would meet the required reduction, however, further detailed information of the SuDS measures is required prior to occupation of the development and is to be secured through Condition 35.
- 6.285 Subject to the conditions above, the development would suitably adapt to fluvial flooding and mitigate effects of surface water and sewer flooding, while ensuring a suitable reduction in volume and speed of surface water run-off through the proposed SuDS. The development is therefore considered to be compliant with Policy CE2, CL7(i) and (n) of the Local Plan, and policies 5.12 – 5.15 of the London Plan.

Air Quality

- 6.286 The entirety of the Royal Borough is an Air Quality Management Area for 2 pollutants - nitrogen dioxide (NO₂) and small particles (PM₁₀). Policy CE5 of the Local Plan reflects this by outlining that the Council will carefully control the impact of development on air quality and ensure that development is carried out in a way that minimises the impact on air quality and minimises exceedances of air pollutants.
- 6.287 The application includes an Air Quality Assessment (AQA) that focusses on any impacts from pollutants from the demolition, construction and operational phases on local existing occupiers or new occupiers of the development. In this instance, demolition and construction works, as well as the operational phase of the development may give rise to the following:
- Risk of dust release during demolition and construction
 - Potential adverse impacts on local air quality from pollutants from construction traffic
- Potential adverse impacts on local air quality from pollutants from increased operational traffic and emissions from CHP plant and boilers
- 6.288 The AQA indicates that potential adverse effects are identified as a result of construction traffic, with the worst affected being close to the site entrance at the junction of South End and Ansdell Street, and potentially on St Albans Grove. The AQA also indicates that there is a high risk from dust release during demolition and construction. Mitigation measures are proposed within the AQA (Chapter 10) and these measures would be sufficient to suitably mitigate the potential adverse impacts from all elements of demolition and construction. To secure the proposed mitigation measures, further details of the measures at the relevant stage and to therefore ensure compliance with Policy CE5(e), the following conditions are recommended:
- Condition 21 and 22 – Submission of a detailed Demolition/Construction Environmental Management Plan prior to commencement of development demonstrating mitigation measures against any impacts on local receptors.
 - Condition 26 – Controls on all Non-Road Mobile Machinery to be used in demolition/construction phases
- 6.289 During the operational phase of the development, there are likely to be adverse air quality

impacts resulting from operational vehicle traffic and emissions from CHP Plant, boilers, and the proposed energy centre. In order to ensure that these adverse impacts are appropriately mitigated to a level that would not harm local air quality and the amenity or health of local existing and proposed residents, the following conditions would be required:

- Condition 23 – Low Emission Strategy
- Condition 24 – Details of combustion plant prior to construction
- Condition 25 – Details of confirmed emissions prior to occupation
- Condition 27 – Details of a scheme of mechanical ventilation for the development

6.290 It should be noted that in accordance with Policy CE5(b) of the Local Plan, the applicant has also demonstrated that the development would be Air Quality Neutral. Therefore, subject to the aforementioned conditions, the development would comply with Policy CE5(b) and (d).

6.291 In summary, while the submitted AQA demonstrates the proposed mitigation measures would ensure compliance with Local Plan Policy CE5 and London Plan Policy 7.14, a range of conditions are recommended to secure further details regarding the mitigation measures and to ensure ongoing compliance with local air quality standards.

Ecology

6.292 The application site does not fall within any of the Borough's ecologically sensitive areas or sites of nature conservation interest. However, the applicant has carried out an ecological appraisal for the site, and the appraisal indicates the presence of both nesting birds and roosting bats on the site including in existing buildings and trees. Therefore, to ensure the proposed development continue to contribute to local biodiversity in accordance with Policy CE4, Condition 37 is recommended to secure details of bird and bat boxes on site prior to the occupation of the extra care facility once construction has concluded on the site.

Waste

6.293 The development would require a range of solutions to ensure the appropriate management of waste pursuant to CLP Policy CE3. The three townhouses and the five affordable homes require their own dedicated waste storage and would be served by the Council's kerbside collection service. To ensure that the residential (market and affordable) provide suitable waste storage facilities within the dwellings, Condition 44 is recommended to secure details prior to occupation. The extra care facility would need its own dedicated waste collection and disposal service, which the Council operates. A condition is also recommended to secure details of the waste collection and disposal facilities for the extra care facility.

Climate Change and Sustainability

6.294 CLP Policy CE1 sets out the Council's aspirations with regards to reducing CO2 emissions and how development should contribute towards meeting relevant targets. LPPR Policy CE1 reflects the Government's latest targets to reduce CO2 emissions. Further London Plan Policy 5.2 outlines how development should contribute to reductions in CO2 through following the 'be lean', 'be clean', 'be green' energy hierarchy.

6.295 To enable compliance with the zero carbon policy requirements in the London Plan, the Council has put in place arrangements to collect and spend payments in lieu received to offset regulated carbon emissions. To meet the zero carbon homes standards, the residential element of development should achieve a minimum 35% on site reduction in regulated carbon emissions as measured against Building Regulations. The remaining regulated carbon emissions up to a 100% can be offset through cash in lieu payments.

6.296 The development would achieve a reduction of 62% for the domestic refurbishment and 48% for the non-domestic element against prior consumption. For the new build elements, there would be a reduction of 10 tonnes per annum, which represents 1% in regulated CO2

emissions when compared to a 2013 Building Regulations compliant development. Overall, the total cumulative savings are 39% on baseline conditions.

- 6.297 The development would therefore achieve the minimum onsite carbon reduction targets within London Plan policy 5.2 and policy SI2 of the draft London Plan. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution secured as part of the legal agreement. Condition 46 would also secure a minimum 35% reduction in carbon emissions beyond Part L.

Land Contamination

- 6.298 The proposed uses would be particularly vulnerable to the presence of any land contamination. Therefore, conditions 49 – 55 are necessary to ensure a thorough investigation of the ground conditions and likely sources of contamination, appropriate remediation if necessary, and a validation report if necessary to confirm that all potential contamination has been removed from the site prior to its first use. These conditions are necessary to ensure compliance with CLP policy CE7 and to ensure the development is safe for future occupiers

Issues and Balancing

- 6.299 In accordance with the requirements of the NPPF, the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, the benefits and harms of the development proposals as a whole must be considered and balanced in reaching a decision and applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Statutory duties and national guidance must be adhered to.
- 6.300 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 and to the need for special regard to the desirability of preserving the setting of listed buildings, under s.16 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 6.301 The proposals result in the redevelopment of the Heythrop College site including the refurbishment of the existing listed buildings and the creation of a range of new buildings on the site for use as an extra care facility, the use and restrictions of which would be secured through a legal agreement. The development would see the site remain in Class C2 social and community use with a significant increase in the level of social and community floorspace on the site, albeit balanced against the creation of new Class C3 floorspace in the townhouses fronting Kensington Square which also deliver a policy compliant amount of affordable housing to be delivered on the site.
- 6.302 The demolition of unlisted buildings of merit and curtilage listed buildings would occur within the conservation area and it is considered that this demolition results in less than substantial harm. This harm is considered to be offset by the significant benefits involved in the refurbishment of the existing Grade II listed buildings which are refurbished to a high level and reinstate original features as well as returning the three townhouses to their former use. This is also countered by the wider design benefits of the scheme including the high quality architecture of the new buildings, the potential to repair the fractured townscape created by the railway line, and the extension of the local townscape to create a new garden square and area of new public realm.
- 6.303 While the development would result in a considerable level of demolition and construction traffic throughout a constrained area, the proposals demonstrate that this could be done safely and in compliance with relevant Council and London Plan policies. Traffic associated with the operation of the site would increase but would continue to allow the surrounding public highway network to function efficiently. Conditions and s106 obligations are secured

that would mitigate against the impacts arising from the demolition and construction phases and secure relevant details of operational traffic.

6.304 The development would change the nature of South End through an increase in the level of vehicle movements created by the development, however, this would not result in undue impact on the living conditions of residents. The living conditions of residents would also be maintained with regards to sense of enclosure, privacy or overlooking, daylight and sunlight, or other microclimatic conditions.

6.305 The development would be contrary to CLP Policy CR6 because of the harm created due to the loss of the existing trees on site and that the replacement landscaping and tree planting would take a considerable amount of time to realise any potential mitigation.

6.306 However, overall the public benefits that could be secured by conditions and a s106 legal agreement would outweigh the harms identified to heritage assets and the loss of trees protected by a TPO. The development, taken as a whole, is considered acceptable and in compliance with the development plan.

7. Necessary associated infrastructure improvements

7.1 This development would place additional pressure on local services and infrastructure. The Council requires local services and infrastructure to be improved alongside development and to be funded by the developer in accordance with its Supplementary Planning Document setting out the relevant costs (see paragraph 5.2). In this case these improvements can be secured through an undertaking or agreement under S106 of the Planning Act 1990 completed before planning permission is granted. Details of the funding and projects are shown below.

Heads of Terms		Financial Contribution (where applicable)
Financial Contributions		
1.	Public Art Contribution and Public Art Strategy	£175,000
2.	Air Quality Contribution	£145,120
4.	Construction Training Contribution (£2,500 for each £1m of construction costs as per the Planning Obligations SPD)	£692,500
5.	Employment and Training Contribution	£24,379
6.	Carbon Offset Contribution	£419,906
7.	DTMP Assessment Fee	£2,800 per plan
8.	CTMP Assessment Fee	£2,800 per plan
9.	Travel Plan Monitoring Fee	£1,000 per plan
10.	Highways works contribution for the repair of surrounding highways network	£100,000
10.	Step Free Access contribution (payable prior to commencement of the development)	£4,000,000
11.	Dyslexia Teaching Centre contribution (to secure facility maintained in the borough incl. fit out costs and rent)	£100,000
12	S106 monitoring fee (2.5% of value of contributions excluding affordable housing,	Approximately £36,587

	Dyslexia Teaching Centre contribution and highways works contribution)
Affordable Housing	
13.	Five (5) intermediate affordable homes to be delivered prior to 50% occupation of the extra care facility.
14.	Service charges for affordable homes to be agreed in writing with the local planning authority
15.	Two stage review mechanism with trigger points set in accordance with the Mayor's Affordable Housing and Viability SPG, capped to a policy compliant contribution based on current development plan policy (value TBC)
Highways Obligations	
16.	Permit free nature of all dwellings including extra care facility, market housing, and affordable housing.
17.	Highways works and highways agreement with the Council (entered into within 12 months of implementation)
18.	Adoption of extent of highway to be agreed with the Council
Restrictive Obligations	
19.	Not to implement planning permission until a Development Agreement with London Underground Ltd has been completed.
20.	Restrictions on extra care facility, including: <ul style="list-style-type: none"> • limited to Class C2 • limited to 'Extra Care Accommodation' only; • to be occupied by extra care resident and their companion only; • must provide on-site services including 24-hour care and support administered by a trained health care provider, at least one meal a day on site, and on site shared communal facilities; • health care provider to be regulated by the Care Quality Commission; • management plan to be submitted to the Council prior to occupation which demonstrates compliance with staff arrangements and staff ratios set out in RBKC Older People's Housing Design Guidance; • submit to the Council yearly evidence demonstrating compliance with extra care restrictions
Other Obligations	
21.	Community Hall Management Plan
22.	Securing of the proposed café as a publicly accessible facility
23.	Securing of playspace on-site with details to be submitted to the Council for approval.
24.	Securing of public access to and through the site as follows: <ul style="list-style-type: none"> • securing south end and any future route over the deck as a future public right of way • securing public access from Kensington Square for 364 days a year.

8. Community Infrastructure Levy Information

- 8.1 If permitted and built, the additional floorspace in the proposal would require a payment of approximately £7,496,500.63 towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment of approximately £1,219,150.00 towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

9. Consultations carried out

Mayor of London – Stage 1 Referral

- 9.1 The Mayor of London has been consulted on the planning application in accordance with the Town and Country (Mayor of London) Order 2008. This allows the Mayor the opportunity, within 14 days of being formally notified of the Council's decision, to direct the Council to either refuse the application, to take the case over for his own determination, or allow the Council to determine the application itself. His Stage 1 report is attached to this report as Appendix 1 and the main parts of the Stage 1 response are summarised as:

Principle of Development

- 9.2 The provision of specialist older people's housing in the form of extra care accommodation is strongly supported. Due to the buildings affording the facilities required for day to day self-contained private living, it is considered that the proposal falls within Use Class C3 of the Use Classes Order 1987.

Affordable Housing

- 9.3 Because the extra care facility is considered to fall within Class C3 of the Order, the extra care accommodation is expected to deliver affordable housing in accordance with the Mayor's Housing SPG, draft London Plan, and London Plan. GLA officers are currently robustly interrogating the submitted viability assessment to ensure the maximum reasonable amount of affordable housing is being provided.

Design and Heritage

- 9.4 The proposals deliver high quality design but the affordable block should be revised to incorporate private amenity space. Renovation and upgrades to the listed buildings are supported and the proposals would not harm designated heritage assets or the Kensington Square Conservation Area.

Transport

- 9.5 Cycle parking for staff and visitors and car parking for affordable homes needs to be clarified. Conditions and s106 obligations are required to secure car park management plan, step free access and capacity improvement scheme, delivery and servicing plan, travel plan, construction and logistics plan, London Underground Infrastructure Protection, and development agreement for the deck over the London Underground Line.

Sustainable Drainage and Water Efficiency

- 9.6 The proposed approach to flood risk management is compliant with current and emerging London Plan Policy. Surface water drainage strategy does not comply with current and draft London Plan policy as it does not give sufficient regard to drainage hierarchy and greenfield runoff rate. The proposed water consumption does not accord with current or draft London Plan policies.

Energy

- 9.7 The proposals meet the minimum onsite carbon reductions within the London Plan, however, further information and clarification is required regarding modelling and analysis to verify that the reductions can be achieved, and this must be addressed prior to the Mayor's final decision.

Architecture Appraisal Panel

- 9.8 Both the previous withdrawn application scheme and the current proposals were presented to the AAP. The first in December 2017 and February 2018 and the latter in July 2018. The

panels comments on the current application from July 2018 are attached to this report as Appendix Two. The main points were as follows:

- This is the third time the panel has seen this scheme and the urban design approach has changed considerably since the previous scheme.
- The proposals are much better, responding well to previous comments.
- The scheme is a well-mannered arrangement of buildings that respond to the scale, alignment and proximity of surrounding buildings and create better and calmer external spaces.
- The potential route across the site from the mews is much clearer and the proposals make a new square and truly public realm.
- Architectural approach is appropriate although further work should be undertaken to the mews street, particularly focussing on the top storeys.

Comments from interested parties

9.9 606 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 14 September 2018. A statutory notice advertising the application was posted near the site on 14 September 2018.

24 were received supporting the application, summarised as:

Comment	Response
1. Application would provide benefits to the local community including contributing towards step free access, creation of a community hall, access to the extra care facility, provision of children's play area, and opening the site to the wider public	Noted.
2. The extra care facility is a low impact use of the site in accordance with the Heythrop SPD and would provide benefits to improve the quantity of extra care housing which is needed by the borough	Noted.
3. Application complies with the Heythrop SPD	Noted.
4. Proposals orient the site on an east-west axis which is a benefit	Noted.
5. Support the renovation of the buildings and returning the townhouses to their former use	Noted.
6. Commitment to continued engagement regarding construction traffic is supported	Noted.
7. Application delivers most appropriate long term sustainable use of the site.	Noted.
8. Supportive of the decking over the railway tracks and the visual and noise benefits from this	Noted.
9. Support creating a controlled entrance from Kensington Square	A controlled access from Kensington Square would be contrary to the Council's policies regarding permeability and gated development. The applicant would be able to suitably manage the entrance from Kensington Square, but it is not considered acceptable for this to be unduly restricted.
10. Other extra care facilities should be made	The applicant had been asked to

	available to the wider public, including the swimming pool	investigate opening the facilities including the pool to the wider public. However, given the nature of the users and in particular the size of the pool, it is not practicable to require the applicant to do so.
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183 comments were received objecting to the application, summarised as:

Comments		Response
Land Use		
1	The development is not compliant with the land uses set out in the SPD and does not provide a good mix of uses on the site.	See sections 6.2 – 6.60 of the report for detailed assessment of the land uses including discussion regarding the use class, changes of uses, and justification for loss of college
2	The development is not a genuine Class C2 extra care facility, is not a social and community use and is therefore contrary to Policy CK1	
3	The loss of the existing college and student accommodation has not been justified.	
4	The change of use of the two townhouses is contrary to Policy CK1 because should only be permitted as 'enabling' development.	
5	The proposed housing mix is inappropriate and do not include sufficient affordable housing	See sections 6.61 – 6.91 of this report for assessment of the housing mix and affordable housing requirements
6	The replacement of the community hall with a hall a third of the size	The existing community hall is not a protected community use and is simply let out for public use. The new hall would be a dedicated community hall secured as such through a legal agreement
7	The loss of the sports pitch is unacceptable.	See section 6.56 – 6.60 of this report
8	Dyslexia training centre should be retained on site.	The Dyslexia Teaching Centre is not a protected facility on the site and its lease will expire imminently. Its retention within the borough would be secured through funding secured within a section 106 agreement
9	The flats would be purchased by foreign owners and high net worth individuals and not lived in	The nature of the development as an extra care facility makes it unlikely that the development would not be lived in given the requirements placed upon those that would be renting or purchasing homes.
10	Comparables used in the applicants FVA are not comparable as use different class of housing	The comparables have been scrutinised by the Council and its assessor and are entirely appropriate comparables having regard to relevant guidance on viability.
11	Proposals should include a GP surgery as per previous application	The Council cannot require the applicant to provide a GP surgery as there is no policy basis for this.

12	There is no proven need for this type of accommodation	As per sections 6.61 – 6.91 of the report, there is a clear and identified need for extra care housing in the borough
13	Contrary to policies 3.1 (ensuring life chances for all), 3.16 (protection and enhancement of social infrastructure and 3.18 (education facilities) of the London Plan	Section 6 of this report outlines why the principle of development is considered acceptable and in compliance with relevant London Plan policies. It should be noted that the GLA consider the principle of development acceptable.
Construction, Traffic, Transport, and Access		
14	Demolition and construction traffic would result in unacceptable impacts on living conditions, safety, damage, and congestion across the proposed construction route including from noise and air quality impacts.	See 6.180 – 6.224 for assessment on construction traffic and the requirements that would be put in place to ensure this process is managed appropriately including managing impacts on local schools
15	Development would endanger local schools during construction	
16	Final CTMP should be agreed with local residents and agreed by the Planning Committee at a later date.	Consultation with local residents is a requirement of the CTMP process and the Planning Committee can require the condition is agreed at a committee if they wish.
17	The deck over the London Underground lines is dangerous and would impact upon the operation of the London Underground network	London Underground have confirmed that the deck would not disrupt the operation of the London Underground and could be accommodated safely.
18	The proposals include too much car parking contrary to the SPD requirement that the development is car free and would result in unacceptable impacts from operational trip generation on living conditions and the safe operation of the highways network.	See section 6.180 – 6.224
19	Construction access should be shared with Kensington Square or from the western side across the proposed deck from Scarsdale Place.	The proposed construction route is on balance considered to be the most acceptable given the constraints of the site including existing surrounding buildings and ownership.
20	Dust and noise during construction process would be unbearable.	See sections 6.286 – 6.291 for assessment of the impacts of the development on noise and dust from construction.
21	The site would generate too much pedestrian activity for the local environment resulting in congestion and noise.	The proposals would result in a significant decrease in the level of forecast pedestrian activity from the baseline position.
22	The development would impact on the Quiet Streets Cycle Network.	During the course of construction, the network would be impacted. A final CTMP would need to demonstrate how this has been taken into account and managed appropriately.
23	More options for step free access should have been looked into	The applicant looked into deliverable methods to deliver step free access

		but these were not considered to provide a preferred solution by TfL who are currently engaged in their own study on feasible options to deliver step free access.
24	All foot traffic should go through Kensington Square	The Heythrop College SPD outlines that the main site entrance should be through South End, and it would not be appropriate or acceptable to restrict access through this entrance.
25	Object to any permanent throughway from Kensington Square.	A controlled access from Kensington Square would be contrary to the Council's policies regarding permeability and gated development. The applicant would be able to suitably manage the entrance from Kensington Square, but it is not considered acceptable for this to be unduly restricted.
26	Fire engine access for surrounding properties is compromised.	There is currently no physical access from the application site to surrounding properties for firefighting purposes and no right of way exists currently to allow this. Construction traffic would be managed in a way to ensure emergency vehicle access is not impeded during construction as set out in the draft CTMP.
Design and Landscaping		
27	The development is too large and too dense, and represents overdevelopment	The density, scale, and massing of the development is considered to be appropriate for the reasons set out in sections 6.92 – 6.173 of this report.
28	The alterations, including demolition, to the listed buildings are unacceptable.	The proposals do not demolish part of a listed building and are considered to result in an improvement to the listed building. All details of the internal listed building works are to be required by condition 1 – 18 of the linked listed building consent.
29	The architecture appears too modern for the character of the area and has a corporate appearance.	The architecture of the proposed buildings is considered acceptable for the reasons set out in sections 6.92 – 6.173 of this report.
30	The development is not sufficiently permeable, would not be truly open, and results in a gated community.	The development is a genuinely open development, secured as such by a legal agreement. The controlled entrance from Kensington Square impedes this, however, and details demonstrating it has been amended to be truly open are required prior to commencement. A gatehouse restricting public access would be contrary to Council policies and would result in a gated
31	Kensington is subject to high levels of opportunistic crime gates that close at night would act to mitigate crime. The gatehouse should be secured during night time	

		development
32	The gardens would not truly be publicly accessible, and would be noisy	The gardens would be secured as publicly accessible and would be less affected by noise than at present.
33	The loss of the mature trees and plants would be unacceptable	See sections 6.225 – 6.230 of this report.
34	The development does not reprovide sufficient open space and the development would not fit with the tranquil nature of the existing site as required by the Heythrop SPD	The development provides a sufficient amount of publicly open space that would retain the quiet nature of the existing site through the design of the landscaped areas and nature of uses throughout the site.
Amenity		
35	The development is oppressive and would adversely affect surrounding residents daylight and sunlight access, outlook, privacy, and sense of enclosure	See sections 6.231 – 6.279 of this report
36	There should be no impacts from air conditioning or other plant, this should be conditioned	Details relating to all mechanical plant are required to be submitted by condition.
37	The 'overlooking sections through South End Row properties' are incorrect – does not show ground floor or first floor terrace to no.26	The separation distances between surrounding buildings and the proposed development, upon which the assessment has been based, have been measured and are considered accurate.
Environmental Issues		
38	The development would result in a whirlpool effect and adverse impacts from wind.	There is no evidence to suggest that the development would have an adverse impact on wind microclimate, given the relatively modest scale of the buildings.
39	The basement would result in flooding to buildings surrounding the site.	See sections 6.174 – 6.179 and 6.280 – 6.285 of this report
40	Solar panels should be introduced	While the introduction of PV units on the roofs of buildings would have been desirable, the applicant has not proposed these and has met relevant sustainability and carbon reduction requirements.
41	Water should be recycled	See sections 6.280 – 6.285 of this report
42	The development would result in significant ongoing noise levels from operation of the facility	See sections 6.267 – 6.271 of this report
43	Air quality and pollution would be unacceptable as a result of the proposals	See section 6.286 – 6.291 of this report
Other Matters		
44	The embassies have certain needs not addressed by the proposals	There are no embassies in proximity to the application site that would be affected by the development.
45	The deck over the London Underground lines should be considered separately to the redevelopment of the site and provide access to the station	There is no requirement for the deck to be subject to a separate planning permission and must be considered under this application as the

		applicant has proposed it.
46	The Council should reduce Council tax in the area affected by construction traffic	This is not a relevant planning consideration.
47	Development would not contribute to local community and only benefit would be public access	The development would make a significant contribution to the borough for the reasons outlined throughout this report and for the contributions that would be secured as identified in Section 7 of this report.
48	Proposals cannot be accommodated by local infrastructure	Any additional infrastructure required by the development would be offset through the developments contribution to the Community Infrastructure Levy.
49	The deck might prevent future redevelopment or wider strategic development in the area.	The development has been designed in a way that would not compromise future redevelopment around the site and future routes would be safeguarded through a legal agreement.
50	How can we guarantee that the development is completed	The Council cannot require developers to implement or complete a development should it receive planning permission.
51	The basement is unacceptable and covers 60% of the site.	See sections 6.174 – 6.179
52	Ambience of The Builders Arms would be ruined	Given the distance of the development from The Builders Arms, it is not considered this is likely.
53	The application ignores the planning guidance in the Heythrop College SPD including the relevant site constraints	For the reasons outlined within this report the application is considered to comply with the Heythrop College SPD and is, on balance, considered to comply with the development plan as a whole.
54	Sewer runs under South End Row and Ansdell Terrace 18 inches below surface with a 10 feet circumference with a 7.5 tonne weight limit and would flood rooms in the event of breakage	Thames Water have been consulted on the application and have raised no objections, subject to relevant conditions. Highways officers have reviewed relevant local restrictions and it does not appear as though a weight restriction exists
55	The application does not include sufficient supporting information to assess the application and the supporting information is not accurate.	The application submission including all the relevant supporting documents is extensive and is considered to be accurate and is therefore sufficient to make an informed assessment of the impact of the proposals. The extent and content of the submitted information is also considered sufficient to enable members of the public to development a clear understanding of, and informed representation about, how the proposals might

		impact upon them.
56	The proposals are not considered to be in accordance with the NPPF, or the development plan including London Plan and Consolidated Local Plan	For the reasons set out in section 6 of this report, the proposals are considered to comply with the NPPF and development plan and are for those reasons considered acceptable.

Three letters were received providing general comments on the application, summarised as:

Comment		Response
1.	Does RBKC need another luxury development	The development meets an identified need in the borough and is acceptable for the reasons set out in 6.2 – 6.60 and 6.61 – 6.91 of this report
2.	Would the development contribute to the borough	The development would make a significant contribution to the borough for the reasons outlined throughout this report and for the contributions that would be secured as identified in Section 7 of this report.
3.	The north side of South End currently has no pavements and doors open directly onto the mews.	Noted.
4.	Current traffic speeds are low and the extension of the mews may result in increased traffic speeds	Noted.
5.	Proposals represent a substantial increase in traffic and construction traffic into a single vehicle entrance within South End.	See section 6.180 – 6.224 of this report
6.	The application should include other facilities needed in the borough	The application is considered to include a suitable mix of uses responding to the boroughs needs.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Greater London Authority	The proposals are broadly supported by do not yet comply with London Plan policies. There are remedies that could address these deficiencies.	Section 6 of this report
Transport for London (Spatial Planning)	No objection, however, the applicant would need to enter into a Development Agreement with London Underground to be secured through a s106 agreement. Also see Mayor of London's Stage 1 response.	Section 6.180 – 6.224
London Underground Ltd	No objection, subject to conditions.	Condition 19
Sport England	Objection – due to loss of floodlit Multi	Section 6.56 –

	Use Games Area.	6.60
Historic England	No objection – subject to conditions.	Sections 6.92 – 6.173
Lead Local Flood Authority	No objection, subject to conditions relating to sewer flooding, surface water, and SuDS	Sections 6.280 – 6.291
Thames Water	No objections, subject to conditions and informatives	Conditions 35 - 37 and informative 7
The Environment Agency	No objection	N/A

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Crime Prevention Design Advisors	No response received to date.	N/A
London Fire and Emergency Planning Authority	No response received to date.	N/A
RBKC Ecology Service	No response received to date	N/A
Director of Transportation and Highways	No objections, subject to conditions and s106 requirements including funding for Step Free Access.	Section 6.180 – 6.224
Director of Environmental Health)	No objection the proposed development subject to conditions relating to further information regarding noise, vibration, air quality, and land contamination.	Section 6.280 – 6.298
Conservation and Design	No objection, subject to conditions	Section 6.92 – 6.173
Arboricultural Officer	Objection	Section 6.225 – 6.230
Economic Development and Regeneration Team	No objection, subject to legal agreement building in support for local recruitment, Construction Training Contribution, and employment and skills plan and monitoring of those employed on site to total numbers of local labour employed	Section 8.1

10. Recommended conditions if the application is granted

1. Time Limit

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

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

2. **Compliance with approved drawings**

Except as required by Conditions 3 - 10, 12, 16, and 39 the development shall not be carried out except in complete accordance with the details shown on submitted plans *PA-001 REV 0; PA-002 REV 0; PA-003 REV 0; PA-005 REV 0; PA-007 REV 0; PA-009 REV 0; PA-098 REV 0; PA-099 REV 0; PA-100 REV 0; PA-101 REV 0; PA-102 REV 0; PA-103 REV 0; PA-104 REV 0; PA-105 REV 0; PA-106 REV 0; PA-107 REV 0; PA-108 REV 0; PA-201 REV 0; PA-202 REV 0; PA-203 REV 0; PA-204 REV 0; PA-205 REV 0; PA-207 REV 0; PA-250 REV 0; PA-251 REV 0; PA-252 REV 0; PA-253 REV 0; PA-254 REV 0; PA-255 REV 0; PA-256 REV 0; PA-257 REV 0; PA-258 REV 0; PA-259 REV 0; PA-260 REV 0; PA-261 REV 0; PA-262 REV 0; PA-263 REV 0; PA-265 REV 0; PA-266 REV 0; PA-267 REV 0; PA-268 REV 0; PA-269 REV 0; PA-270 REV 0; PA-300 REV 0; PA-301 REV 0; PA-302 REV 0; PA-303 REV 0; PA-304 REV 0; PA-305 REV 0; PA-306 REV 0; PA-307 REV 0.*

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

3. **Submission of details - 23 and 24 Kensington Square (Buildings 1A, 1B, and 2)**

Notwithstanding Condition 2, the relevant part of the development shall not commence until **full particulars of the following** have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

For Building 1A

- (a) Boundary wall, gates, and door details fronting Kensington Square and onto rear central gardens;
- (b) Detailed design of gatehouse structure between Buildings 1A and 2;
- (c) Detailed design for the reinstatement of the front facade at lower floor levels including stuccoed masonry; and
- (d) Detailed design of the passageway beneath Building 1A from Kensington Square.

For Building 1B

- (e) Detailed design of the portico including stairs and entrance door;
- (f) First floor balcony, including railings;
- (g) Reinstatement of the front facade at lower levels, including stuccoed masonry (including sections at 1:5)
- (h) Rear terrace at lower ground floor, including boundary and party walls and gates; and
- (i) Boundary details of communal private gardens attached to rear terrace.

For Building 2

- (j) Detailed design for any new openings, doors, and windows to flank wall;
- (k) Boundary wall, gates, and door details fronting Kensington Square;

All details should be submitted at a scale of 1:5 or 1:20 or as appropriate.

Reason – To ensure these elements are of the highest architectural and urban design quality, maintain the architectural and landscape quality of the scheme, and contribute positively to the townscape, and to ensure compliance with policies CL1, CL2, and CL3 of the Consolidated Local Plan.

4. **Submission of details - Building 3 ONLY**

Notwithstanding Condition 2, the relevant part of the development shall not

commence until **full particulars of the following** have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of external windows (including reveals, cills, lintels, and canopies) at a scale of 1:20;
- (b) Detailed elevations, plans and sectional drawings of external doors (including the main entrance doors and entrance doors for services and associated louvres) at a scale of 1:20;
- (c) Detailed drawings of all metalwork;
- (d) Elevation drawings showing details of all external finishes;
- (e) Samples, including sample panels, provided and retained on site for inspection of all external finishes including mortar, brickwork (including bonding, jointing and pointing), stonework (including precast and fluted), textured brickwork, slate, and other roofing finishes.

Reason – To ensure these elements are of the highest architectural and urban design quality, maintain the architectural and landscape quality of the scheme, and contribute positively to the townscape, and to ensure compliance with policies CL1, CL2, and CL3 of the Consolidated Local Plan.

5. Submission of details - Building 4 ONLY

Notwithstanding Condition 2, the relevant part of the development shall not commence until **full particulars of the following** have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of external windows (including reveals, cills, lintels, and canopies) at a scale of 1:20;
- (b) Detailed elevations, plans and sectional drawings of external doors (including the main entrance doors) at a scale of 1:20;
- (c) Detailed drawings of all framing, thresholds, the new pitched roof form and ceiling;
- (d) Elevation drawings showing details of all external finishes;
- (e) Samples, including sample panels, provided and retained on site for inspection of all external finishes including glazing, framing, ceiling and roof finishes.

Reason – To ensure these elements are of the highest architectural and urban design quality, maintain the architectural and landscape quality of the scheme, and contribute positively to the townscape, and to ensure compliance with policies CL1, CL2, and CL3 of the Consolidated Local Plan.

6. Submission of details - Building 5 ONLY

Notwithstanding Condition 2, the relevant part of the development shall not commence until **full particulars of the following** have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of external windows (including reveals, cills, lintels, and canopies) at a scale of 1:20;
- (b) Detailed elevations, plans and sectional drawings of external doors (including the main entrance doors and entrance doors for services

- and associated louvres) at a scale of 1:20;
- (c) Detailed drawings of all metalwork;
- (d) Elevation drawings showing details of all external finishes;
- (e) Samples, including sample panels, provided and retained on site for inspection of all external finishes including mortar, brickwork (including bonding, jointing and pointing), stonework (including precast and fluted), slate, and other roofing finishes.

Reason – To ensure these elements are of the highest architectural and urban design quality, maintain the architectural and landscape quality of the scheme, and contribute positively to the townscape, and to ensure compliance with policies CL1, CL2, and CL3 of the Consolidated Local Plan.

7. Submission of details - Building 6 ONLY

Notwithstanding Condition 2, the relevant part of the development shall not commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of external windows (including reveals, cills, lintels, and canopies) at a scale of 1:20;
- (b) Detailed elevations, plans and sectional drawings of external doors (including the main entrance doors and entrance doors for services and associated louvres) at a scale of 1:20;
- (c) Detailed drawings of all metalwork;
- (d) Elevation drawings showing details of all external finishes;
- (e) Samples, including sample panels, provided and retained on site for inspection of all external finishes including mortar, brickwork (including bonding, jointing and pointing), stonework (including precast and fluted), slate, and other roofing finishes.

8. Submission of details - Building 7 ONLY (including entrance loggia)

Notwithstanding Condition 2, the relevant part of the development shall not commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of external windows (including reveals, cills, lintels, and canopies) at a scale of 1:20;
- (b) Detailed elevations, plans and sectional drawings of external doors (including the main entrance doors and entrance doors for services and associated louvres) at a scale of 1:20;
- (c) Detailed drawings of all metalwork and brasswork;
- (d) Elevation drawings showing details of all external finishes;
- (e) Samples, including sample panels, provided and retained on site for inspection of all external finishes including mortar, brickwork (including bonding, jointing and pointing), stonework (including precast and fluted), glazed terracotta, brass, slate, and other roofing finishes.

9. Submission of Details - Public Deck Access

Notwithstanding Condition 2, no development shall commence on the construction of the deck until the detailed design of new public staircases,

lifts, and other access from garden to deck level, including materials, treads, risers, anti-slip devices, and lighting have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved.

Reason – To ensure these elements are of the highest architectural and urban design quality, maintain the architectural and landscape quality of the scheme, and contribute positively to the townscape, and to ensure compliance with policies CL1, CL2, and CL3 of the Consolidated Local Plan.

10. Amended Details Required - Kensington Square Public Entrance

Notwithstanding Condition 2, prior to occupation of the Extra Care Facility, revised drawings of the public entrance to the site from Kensington Square, demonstrating that the entrance is ungated and accessible at all hours for 364 days a year, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter maintained.

Reason - To ensure a high quality appearance and finish of the development which is contextual to the townscape and to ensure compliance with CLP policies CL1 and CL2, and to ensure that the development is a genuinely ungated development to ensure compliance with CLP Policy CR1(e).

11. Terrace Screening Details

Prior to occupation of the Extra Care Facility, full details of the proposed screening for roof terraces shall be submitted to and approved in writing by the local planning authority. The screening shall be installed and maintained in accordance with the details so approved. The extra care facility shall not be occupied until the approved screening scheme has been fully implemented.

Reason - To avoid overlooking and disturbance to neighbouring properties and so accord with policies of the development plan, in particular policy CL5 of the Consolidated Local Plan.

12. No Floodlighting Approved

Notwithstanding Condition 2, no floodlighting equipment is to be attached to the buildings or placed within the landscaping and used to floodlight the buildings without the submission of a separate application and express consent of the local planning authority.

Reason - To avoid disturbance to neighbouring properties and to ensure these elements are of the highest architectural and urban design quality, maintain the architectural and landscape quality of the scheme, and contribute positively to the townscape, and to ensure compliance with policies CL1, CL2, CL3, and CL5 of the Consolidated Local Plan.

13. Rooftop Plant and Structures

No rooftop plant, water tank, lift motor room, or other structure or appliance, shall be erected upon the roof except as in accordance with Condition 2.

Reason - To preserve or enhance the appearance of the building and/or the character of the area, in accordance with policies of the development plan in particular policies CL1, CL2 and CL6 of the Consolidated Local Plan.

14. Demolition Traffic Management Plan (DTMP)

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

a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;

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

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

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

15. Construction Traffic Management Plan (CTMP)

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

- a) routing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and

k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

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

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

16. Scooter and Cycle Parking

Notwithstanding Condition 2, prior to commencement of works on the superstructure of the Extra Care Facility, details of all scooter and bicycle storage facilities across the site including the storage and the allocation of the spaces to the uses across the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved amended drawings.

Reason - To ensure the safe and sustainable movement of traffic on neighbouring highways, in accordance with policies of the development plan in particular policy CT1 of the Consolidated Local Plan.

17. Car Park Management Plan

Prior to the first use of the basement car park in the Extra Care Facility, a Car Park Management Plan should be submitted to, and approved in writing by the local planning authority. This should include:

- details of the layout of the car park, demonstrating the final allocation of car, cycle and scooter spaces for the different uses;
- the provision of 20% of car parking spaces with electric charging points, a further 20% with a passive energy supply for future use
- details of the controls of means of entry to the car park; and
- a proactive regime of car lift maintenance.

The development shall be carried out, and the car park subsequently managed, in accordance with the details approved.

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

18. Delivery and Service Management Plan

Prior to the occupation of the Extra Care Facility a final Delivery and Service Management Plan (including hours of servicing) shall be submitted to, and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved, and so maintained thereafter.

Reason - To ensure that the development does not lead to the obstruction of adjacent streets, and to minimise the impact of hotel operations upon highway safety and nearby residents' enjoyment of their properties in accordance with policies CR7, CT1 and CL5 of the Consolidated Local Plan.

19. LUL Infrastructure Protection

No development shall commence (save for works to Building 1A, 1B, and 2) until a detailed method statement which accommodates the location of the existing London Underground structures has been agreed with London Underground Limited and has then been submitted to and approved in writing by the local planning authority. The statement shall include details

of all foundations, basement and ground floor structures and any other structures below ground level, including piling (temporary and permanent). The development thereafter shall be carried out in accordance with the approved design and method statements.

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

20. Considerate Constructors Scheme (CCS)

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

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements SPD and policy CL5 of the Consolidated Local Plan 2015. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

21. Demolition Environmental Management Plan (DEMP)

No demolition works shall commence until a site specific Demolition Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include methods to mitigate any adverse impacts to air quality from demolition traffic, a dust risk assessment and the appropriate mitigation measures to minimise dust and emissions based on the Mayor's SPG 'The Control of Dust and Emissions during Construction and Demolition'. This should include an inventory and timetable of dust generating activities; dust and emission control methods, measures to control vehicle emission and where appropriate air quality monitoring. The development shall be carried out only in accordance with the Plan so approved

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

22. Construction Environmental Management Plan (CEMP)

No development, save for demolition, shall commence until a site specific Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The plan should include methods to mitigate any adverse impacts to air quality from construction traffic, a dust risk assessment and the appropriate mitigation measures to minimise dust and emissions based on the Mayor's SPG 'The

Control of Dust and Emissions during Construction and Demolition'. This should include an inventory and timetable of dust generating activities; dust and emission control methods, measures to control vehicle emission and where appropriate air quality monitoring. The development shall be carried out only in accordance with the Plan so approved.

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

23. Low Emission Strategy

No development shall commence until a low emission strategy has been submitted to and approved in writing by the local planning authority. The strategy shall detail how the impacts of the development to existing receptors are to be mitigated and include a comparison of emissions against London Plan emission benchmarks for buildings and transport and Band B emission standards for combustion plant. This shall include all traffic and combustion plant emissions generated by the development and include measures to reduce emissions from the operational development. The strategy shall detail the emission reduction strategies to be incorporated including proposals for boiler /plant abatement equipment. Measures for transport emissions should include electric charging facilities in parking areas, permit free, a travel plan, and a delivery and service plan. The development shall be carried out only in accordance with the strategy so approved.

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

24. Combustion Plant (Pre-Installation)

Prior to installation or use of any combustion plant, details of the selected combustion plant (including abatement equipment if required), their emissions and maintenance schedules shall be submitted to and approved in writing by the local planning authority. The details shall include evidence to show that any chimney stack/flue will be located so that it is away from ventilation intakes or accessible areas and at a sufficient height and discharge velocity to disperse the exhaust emissions (a minimum of 3m above accessible areas and neighbouring buildings). The CHP and the Boilers shall have NOx emissions not exceeding as reported in the Air Quality Assessment (ARP-REP-A-02 Issue 3, 24 August 2018). The development shall be carried out only in accordance with the details so approved.

Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised.

25. Combustion Plant (Pre-Occupation)

Prior to occupation of the Extra Care Facility, evidence that emissions from

CHP and boilers comply with limits in the Air Quality Assessment (ARP-REP-A-02 Issue 3, 24 August 2018) shall be submitted to and approved in writing by the local planning authority. Evidence shall include a test certificate and an equipment maintenance schedule.

Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised.

26. **Non-Road Mobile Machinery**

Non-Road Mobile Machinery (NRMM) shall not be used on the development site unless details of all NRMM to be used are submitted to and approved in writing by the Local Planning Authority. All NRMM shall meet as minimum the Stage IIIA emission criteria of Direction 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. An inventory of all NRMM shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM shall be regularly serviced and service logs kept on site for inspection. Records shall be kept on site which details proof of emission limits for all equipment.

Reason - To comply with the requirements of the NPPF, policy 7.14 of the London Plan, and policy CE5 of the Consolidated Local Plan in ensuring that impact upon air quality in the area is minimised, in accordance with the London Councils 'Air Quality and Planning Guidance' recommended format.

27. **Ventilation Scheme**

No development shall commence on the superstructure of the Extra Care Facility until details of a system of mechanical ventilation, with filtration to remove airborne pollutants, for receptor locations as recommended in the Air Quality Assessment (ARP-REP-A-02 Issue 3, 24 August 2018) has been submitted to and approved in writing by the local planning authority. Filtration should ensure that the national Air Quality Objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) are not exceeded in receptor location and shall be supported with dispersion modelling to check compliance.

The approved system shall be installed before occupation of the Extra Care Facility. The system shall be checked and maintained annually, filtration media replaced as necessary and an annual report submitted to the local planning authority for approval. The development shall be carried out only in accordance with the details so approved.

Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised.

28. **Noise from building services plant and vents**

Noise emitted by all external mechanical service plant, or from any louvre or ventilation grill, when operating in combination or individually, shall be -10dB(A) below the lowest existing measured background LA₉₀(15min) level measured or predicted at 1.0m from the nearest residential window and/or at a height of 1.2m above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. Where the noise is tonal it shall be -15dB(A) below. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, they shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.

29. **Supplementary Acoustic Report**

No plant shall be installed until a supplementary acoustic report has been submitted to and approved in writing by the local planning authority. The report shall demonstrate compliance with condition 28 (noise from building services and plant) and the plant noise emission limits as detailed in Section 4.3.3 and Table 10, page 22, and Section 7, page 34, of the Planning Noise and Vibration Report (prepared by Sandy Brown Associates LLP, dated 24 August 2018, ref. 17430-R04-H). The development shall be carried out only in accordance with the details so approved.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.

30. **Facade Insulation**

No development shall commence on the construction of the superstructure of the Extra Care Facility until full facade construction details of all buildings, including glazing, with commensurate composite sound insulation performance predictions, shall be submitted to and approved in writing by the local planning authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233: 2014 'Guidance on sound insulation and noise reduction for buildings', and the indoor ambient noise levels for dwellings as detailed in Table 4 of the Standard. The recommendations contained within Section 6 of the Planning Noise and Vibration Report (prepared by Sandy Brown Associates LLP, dated 24 August 2018, ref. 17430-R04-H) shall also be adopted and implemented in full. The development shall be carried out only in accordance with the details so approved.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.

31. **Re-Radiated Noise Limits and Mitigation**

Re-radiated noise, as a result of vibration from the passage of underground trains affecting the development, should not exceed 35dB_Lmax(s) within the Extra Care Facility. Where it is predicted that noise from this source will exceed 35dB_Lmax(s) then proposals to mitigate re-radiated noise to acceptable levels shall be submitted to and approved in writing by the local planning authority prior to occupation of the Extra Care Facility. The development shall be carried out only in accordance with the details so approved.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.

32. **Vibration Dose Values**

Vibration Dose Values (VDV's), as defined in BS 6472:2008 shall not exceed those of Table 1 of BS 6472:2008 for 'low probability of adverse comment'. The measured or calculated VDV's, generated as a result of vibration from the London Underground railway tracks affecting the site shall be adjusted as necessary to allow for transfer functions from the ground to the foundations and to upper floors of the proposed development. Where it is predicted that VDV's will exceed the values of Table 1 of BS 6472:2008 for 'low probability of adverse comment' then proposals to mitigate VDV's to acceptable levels shall be submitted to and approved in writing by the local planning authority prior to occupation of the Extra Care Facility. The development shall be carried out only in accordance with the details so approved.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.

33. Sound Insulation Between Uses

Prior to commencement of the superstructure of the Extra Care Facility, a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the proposed extra care dwellings and the adjacent plant rooms, gym, delivery gates and delivery bay areas has been submitted to and approved in writing by the local planning authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. The Extra Care Facility shall not be occupied until the approved scheme has been fully implemented.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.

34. Anti-vibration mounts for air-conditioning/ extraction equipment

The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.

35. Thames Water - Waste and Water Capacity

The Extra Care Facility shall not be occupied until confirmation has been provided to the local planning authority that either:

- all water network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and/or sewer flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows and demand anticipated from the new development. Any necessary reinforcement works will be necessary to avoid sewer flooding and/or potential pollution incidents.

36. Flood Risk Assessment and Drainage Strategy

No development shall commence (save for demolition and temporary works) until a revised Flood Risk Assessment and Drainage Strategy has been submitted to and approved in writing by the local planning authority. The assessment/strategy shall include:

- a) The specification and location of suitable pump devices to protect the development against sewer flooding;
- b) The reduction/slowing of surface water run-off rates through SuDS;
- b) Further information about the proposed SuDS, their structure, specification, maintenance, and final details, including profile and species of green roofs;
- d) Confirmation / agreement from Thames Water regarding the acceptability of the proposed total discharge rate (surface water and foul flows) into the combined sewer. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy
- e) Further information regarding foul water flow rates and connection, and surface water attenuation and connections.

The development shall be carried out only in accordance with the details so approved.

Reason – To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Consolidated Local Plan.

37. **Water Efficiency**

The dwelling(s) shall achieve compliance with optional requirement G2 (2) (b) and none shall be occupied until Building Regulations approval has been issued for it certifying that these criteria have been achieved.

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

38. **Bird and Bat Boxes**

The Extra Care Facility shall not be occupied until details of a scheme of 'artificial nesting opportunities' have been submitted to and approved in writing by the Local Planning Authority. These details shall incorporate bird and bat boxes. The details to be submitted to the Local Planning Authority for approval shall include a timetable for provision and shall be implemented in accordance with the approved timetable and thereafter retained in accordance with the approved details.

Reason - To ensure that satisfactory provision is made for 'artificial nesting opportunities' within the development in accordance with Policy 7.19 of the London Plan (2011) and Policy CE4 of the Consolidated Local Plan.

39. **Trees and landscaping – Extra Care Facility and Public Gardens**

Notwithstanding Condition 2, prior to commencement on the relevant part of the development a scheme of landscaping for the following areas, to include all existing trees and shrubs and proposed trees (including full details of all tree pits) and shrubs, hard and soft landscaping including pathways and their steps and slopes, lighting, signage, wayfinding signage, enclosures, bins, seating and other furniture, and public art, shall be submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved:

- (a) All publicly accessible gardens including central garden square, activity lawn, public deck gardens;
- (b) Communal courtyard areas;
- (c) Rooftop terraces and gardens;
- (d) Green roofs;
- (e) Private gardens for Building 1A;
- (f) Landscaping of communal private gardens attached to rear terrace for Building 1B; and
- (g) Private gardens for Building 2;

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

40.

Planting and replanting

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

others of similar size and species.

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

41. Protection of trees during construction – Details required

No development shall commence until full particulars of the method(s) by which all existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.

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

42. Trees - lopping and topping

For the duration of works the tree(s) existing on the site at the date of this permission shall be protected so as to prevent damage above and below ground, and no tree shall be lopped, topped, or felled, or root pruned, without the prior written approval of the local planning authority.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan.

43. Trees – Pre-commencement Meeting Condition

Prior to the commencement of development, a pre-commencement meeting shall be held on site and attended by the developer’s appointed arboricultural consultant, the manager/foreman, and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan.

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

44. Trees – Arboricultural Site Supervision

Prior to commencement of the development (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist, who will submit written reports back to the Local Authority Tree Officer at intervals agreed in writing, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that “No development shall

commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

45. Refuse and Recycling

Prior to occupation of each of the market housing, the affordable housing, and the extra care facility, details of the refuse storage arrangements for those buildings, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the local planning authority. None of the buildings shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

Reason - In order to ensure that satisfactory provision is made for refuse storage and collection, in accordance with Policy 5.3 of the London Plan and Policy CE3 of the Consolidated Local Plan.

46. Site Waste Management Plan (SWMP)

No development shall commence until a SWMP has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - to mitigate the impacts of the demolition and construction in accordance with policy CE3 of the Consolidated Local Plan.

47. Energy Performance

Prior to occupation of the residential townhouses and affordable homes, confirmation shall be provided to the local planning that the homes achieve 35% improvement over Part L of the 2013 Building Regulations in relation to energy performance.

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

48. BREEAM Rating - Extra Care Facility

The Extra Care Facility shall achieve a BREEAM rating of 'Very Good' and within six months of occupation of the facility a Post Construction Review Certificate shall be issued for it certifying that a BREEAM rating of 'Very Good' has been achieved.

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

49. Contamination – preliminary risk assessment report

No development shall commence (save for demolition or the refurbishment of the existing buildings) until a Preliminary Risk Assessment Report comprising:

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

has been prepared in accordance with CLR 11: Model Procedures for the

Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and submitted to, and approved in writing by, the local planning authority.

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

50. Contamination – Site Investigation Scheme

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

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

51. Contamination – Site investigation and quantitative risk assessment

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

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

52. Contamination – Remediation method statement

No development shall commence (save for demolition or the refurbishment of the existing buildings) until a Remediation Method Statement to address the results of the Site Investigation Scheme has been submitted to, and approved in writing by, the local planning authority.

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

53. Contamination – Verification report

Prior to occupation of the Extra Care Facility the approved Remediation

Method Statement shall have been carried out in full and a Verification Report confirming:

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

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

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan.

54. Contamination – Unexpected

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

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

55. Contamination – Long term monitoring

A Development shall not be commenced (save for refurbishment of the existing buildings) until a Long-term Monitoring Methodology Report has been submitted to and approved in writing by the local planning authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken.

B Upon completion of any such approved monitoring work, a Verification Report demonstrating that no residual adverse risks exists shall then be submitted to and approved in writing by the local planning authority.

Reason - To ensure any long term risks from land contamination are minimised, to comply with the NPPF and development plan policies in particular policy CE7 of the Consolidated Local Plan.

56. Professional management of engineering works

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

accordance with this condition.

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Basements SPD and policy CL7 of the Consolidated Local Plan 2015. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

INFORMATIVES

- 1 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

The scheme was submitted in accordance with advice provided through pre-application discussions.

- 2 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

- 3 Condition nos 14, 20, 23, 41, 43, 44, 46, and 56 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

- 4 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Borough Development, before work commences, if you are thinking of introducing any variations to the approved development.

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

- 5 This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Borough Development.

- 6 You are reminded that no work should commence on implementing this Listed Building Consent until all matters, samples, and details reserved by condition have been submitted to, and approved by, this local planning authority. It is an offence to carry out work to a Listed Building unless all such conditions have been complied with. Any proposed departure from the works specified in the approved drawings should be brought to the attention of the planning department for further consideration before the work is carried out. The Council will use its enforcement powers, including use of Breach of Condition Notices or Prosecution, to ensure compliance with conditions and prevent harm to the special historic character and historic interest of Listed Buildings. You are advised that there is

currently a maximum fine of £20,000 if the offence is dealt with summarily, and if the offence is dealt with by indictment the fine is unlimited.

- 7 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect developers to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team as follows:
Email: wwqriskmanagement@thameswater.co.uk
Phone: 0203 577 9483
Application forms should be completed on line via
www.thameswater.co.uk/wastewaterquality

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Should you require any further information please contact Thames Water.
Email: developer.services@thameswater.co.uk
Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm)
Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1

- 8 In granting this permission the Council has had regard to Planning Obligation(s) under Section 106 of the Town and Country Planning Act 1990, as amended.
- 9 When creating self-contained dwellings it is desirable to ensure that any occupiers of the accommodation do not suffer excessive airborne or impact noise nuisance from the occupiers of adjoining accommodation. You are reminded that the Building (Approved Inspectors etc) Regulations 2010 Approved Document E 'Resistance to the Passage of Sound' requires protection against sound from other parts of the building and adjoining buildings and protection against sound within a dwellinghouse.
- 10 Tree(s) on this site are protected by a Tree Preservation Order, Numbered TPO 3 of 1990 and must not be cut down, lopped or topped without the prior written permission of the Council. Anyone who deliberately destroys a tree or damages it in a manner likely to destroy it could be fined up to £20,000 if convicted in the magistrates' court, and a replacement tree would normally be required to be planted. The Arboriculture team of the Directorate of Planning and Borough Development, Town Hall, Hornton Street W8 7NX (020-7361-2767) will be pleased to advise on any proposed works.
- 11 Your attention is drawn to BS5837 'Trees in relation to Design, demolition and construction – Recommendations' and the content within the Council's own 'Trees and Development' Supplementary Planning Document which can be viewed at: [Trees SPD](#)

- 12 It is possible that bat roosts may exist within the application site. Bats are a statutorily protected species, and it is the developer's responsibility to ensure that requirements relating to the protection of bats and their roosts are fully complied with. 11 species of bat and their breeding sites or resting places (roosts) are protected under [Regulation 41 of the Conservation of Habitats and Species Regulations 2010](#) and [Section 9 of the Wildlife and Countryside Act 1981](#). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not, or whether planning permission exists or not. Further advice regarding bats and the planning process can be found at the [Natural England website](#) and at [the Bats Conservation Trust](#)
- 13 You are reminded that, if not properly managed, construction works can lead to significant negative impacts on the local environment, reducing residential amenity and the safe function of the highway. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under Section 137 of the Highways Act 1980. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see [Advice for Builders](#) on the Council's website; from this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required) which are very valuable instruments in limiting the impact of large scale building work.
- 14 Naming and Numbering requirements provided under the Towns Improvement Clauses Act 1847 and the Public Health Act of 1925 mean that that premises must display their street number, and that no name or number other than that formally assigned may be displayed. Any requests for the assignment of names and numbers to new development should be made to the Executive Director, Planning and Borough Development, Town Hall, Hornton Street, W8 7NX well in advance of the completion of the building.
- 15 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/PP/18/05313 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Mr. J. Whitworth

Telephone: 020 7361- 3377