

Notting Hill Gate Draft SPD – consultation comments
[Option 2 - Comprehensive approach]

Document Section	Respondent name	Respondent company / organisation	Comment	Council response	Recommended change to draft SPD
Option 2.1 - Comprehensive approach	laure ghouila-Houri		I am totally backing the Council plan to transform and regenerate Notting Hill Gate which is currently a no man land in central London. The issue here is to get it right and not end up with something worse that what we currently have.	Support noted.	No change
Option 2. 2 - Comprehensive approach	laure ghouila-Houri		I agree with the plan: I am looking for more green spaces to soften the urban landscape, nicer and more interesting shops, nice cafes and restaurants and not chains. I oppose affordable housing in the vicinity. They should be relocated towards Golborne road.	Support for provision of green spaces and opposition to social housing provision on the site, suggesting that the house be relocated towards Golborne Road noted.	No change
Option 2. 3 - Comprehensive approach	Bulmer Mews Management Limited (J Gardner)	Bulmer Mews Management Limited	P42 plan: Service areas - any plans need to avoid recreating the awful disused and unwelcoming area currently at the rear of Newcombe House. Also given the size of the roads at the rear of the site, are these big enough for servicing vehicles or would it be more appropriate	Support for plans that favour the redevelopment of the area behind Newcombe House noted. 4.4 of the revised SPD states that where off-street servicing exists, redevelopment must include the ability to	No change

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			for these to use Kensington Church St for access only. See also my comments on option 1 regarding the internal corridor/tunnel at night from a safety aspect and that it doesn't become a place for rough sleepers.	service off-street so this suggestion is not appropriate, and 4.5 acknowledges the opportunity should be taken to reduce the need for servicing traffic to pass through residential areas to the rear of Notting Hill Gate.	
Option 2. 4- Comprehensive approach	Beckitt		Development of David Game House/ Hobson House including substation 1. I would have concerns about the height and massing of any development proposal in this area. It seems likely that it would have a significant impact on my property both in terms of rights to light and loss of amenity. 2. I would be opposed to the creation of a pedestrian connection to Notting Hill Gate. Jameson Street is a quiet residential enclave largely free of street scene intrusion.	Concerns about the comprehensive redevelopment option noted but this option is unlikely to come forward and has been removed from the final version of the document.	Option 2 removed from SPD
Option 2. 5 - Comprehensive approach	Hogg		If achievable, the comprehensive development of Newcombe House would be by far the best long-term alternative, as well as providing much needed improvement and amenities for the area.	Support for the comprehensive redevelopment option noted but this option is unlikely to come forward and has been removed from the final version of the document.	Option 2 removed from SPD

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Option 2. 6 - Comprehensive approach	Graeme Cook		Tall buildings on two sides of Jameson Street will ruin the character of the village. It would be an awful to spoil one of the very distinctive residential areas in Notting Hill by over-shadowing it with over development.	Concerns about the comprehensive option's impact on Jameson Street noted. This option is unlikely to come forward and has been removed from the final version of the document.	Option 2 removed from SPD
Option 2. 7 - Comprehensive approach	David Marshall		I believe the Pears Group should be encouraged to think actively about developing Astley House, by strengthening the canopy over the pavement and widening it to the road side, turning the first floor offices at least into shops which can be reached from lifts and stairs on the outside. I believe that a bridge should be designed to jump over the Barclays Bank corner of Astley House into Newcombe House. I believe that walkways should be established across this bridge.	Support for redevelopment of Astley House noted. Rather than to provide pedestrian bridges current urban design thinking is that streets should be designed meet the needs of people as well as traffic.	No change
Option 2. 8- Comprehensive approach	GVA (Fred Drabble)	GVA	Option 2 – Comprehensive Approach 6.17 Note: In this section we refer to Paragraphs 4.19 and 4.20 on Page 23, Paragraph 6.5 on Page 39 and Option 2: Comprehensive approach set out on Page 43. The draft SPD at Paragraph 6.4 states that there may be two approaches to the redevelopment of the	Concerns about the comprehensive redevelopment option noted but this option is unlikely to come forward and has been removed from the final version of the document.	Option 2 removed from SPD.

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			<p>'Newcombe House sites'. The Council states that the first of these "works within" the constraints of the sites (Paragraph 6.4) and the second is "a more comprehensive approach, in which increased height on David Game House / Hobson House and the [LUL] substation may create value to allow the buildings to be redeveloped" (Paragraph 6.5). Paragraph 6.5 states that "this [comprehensive approach] would allow a pedestrian connection from Jameson Street to Notting Hill Gate to be introduced, reflecting the historic street pattern. To achieve this, the Council would need to take a proactive role [in respect of overcoming Rights of Light constraints]". 6.19 We understand that the 'comprehensive approach' is a very preliminary idea and by the Council's own admission at Paragraph 6.4, this largely ignores the constraints of each of the group of 'Newcombe House sites'. Whilst we do not object to the aspiration to develop these sites comprehensively, we do not consider that this preliminary idea can be presented within the</p>		

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			<p>SPD in diagrammatic form as an alternative 'option' (i.e. to the same degree of weight as the more progressed and considered option focussing on Newcombe House). We consider that 1) this preliminary idea is not feasible and deliverable as presented; 2) the idea is unlikely to come forward within the timescale of the SPD; and 3) we question whether the principal benefits of the idea can be achieved. We assess the constraints to the comprehensive approach that support our objection below.</p> <p>Rights of Light and daylight / sunlight constraints 6.20</p> <p>Paragraph 4.20 of the draft SPD states that a viability assessment undertaken to support the SPD indicated that a comprehensive approach may be achievable. As in the case of Paragraph 4.16, we consider that this misleading and ignores a number of very significant constraints, including notably the reality of the Rights of Light and daylight / sunlight constraints. 6.21 We have had sight of the massing model used to inform the viability assessment by GL Hearn of the 'comprehensive approach'. This indicative massing again</p>		

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			<p>assumes six storeys at the rear along the Kensington Church Street frontage, as well as increased massing at the substation site and David Game House. The GL Hearn viability assessment dated 25 November 2013 makes it clear that deliverability relies on each component of the comprehensive approach being viable – i.e. the comprehensive approach is "only likely to come forward if there is sufficient financial incentive / profit margin for each of the landowners unless the Council is willing and able to intervene through brokering an equalisation agreement or using compulsory purchase powers". However we note that efforts to co-ordinate a comprehensive redevelopment option or facilitate a compulsory purchase order of the sites by the Council are likely to be protracted and consequently, it is likely to result in Newcombe House, an identified eyesore, remaining undeveloped for the lifetime of the SPD. 6.22 The statement at Paragraph 4.20 that the comprehensive approach may be 'achievable' relies on the massing approach assessed by GL Hearn, which spreads the</p>		

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			<p>massing along Kensington Church Street (as assumed in the 'renewal option without a tower'), increases the massing significantly at David Game House (up to seven storeys and incorporating the LUL substation) and Hobson House (up to five storeys). The Council itself acknowledges that the feasibility of this is significantly constrained by Rights of Light and daylight constraints. Paragraph 6.2 for example states that "rights to light place a constraint on increasing the height along Kensington Church Street or above David Game House and most probably the substation". GVA Schatunowski Brooks has carried out its own analysis of the comprehensive approach, which highlights the severe constraints in delivering such an option from a Rights of Light and daylight / sunlight perspective. In summary, GVA Schatunowski Brooks concludes the proposals will result in significant potentially injunctable losses to a considerable number of neighbouring residential properties, and even if Section 237 were to be considered, it is highly questionable that it would be sufficient to override a</p>		

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			<p>challenge in respect of Human Rights Legislation. It is therefore not feasible within a commercial degree of risk and also exceeds any reasonable degree of planning risk. Structural Constraints 6.23 The structural constraints to the redevelopment of the Newcombe House site are set out by ARUP at Appendix 2. ARUP's assessment supports the statement at Paragraph 6.3 that "underground, the connecting interchange tunnel between the District and Circle, and Central Lines, passes under Newcombe House. This places constraints on any potential foundations for this site. It will require the bulk of the structure to be set back from the Notting Hill Gate frontage on the corner of Kensington Church Street. This could be overcome to some extent by a cantilevered structure, but this is expensive". Despite the above, the massing model used to inform the viability assessment carried out by GL Hearn of the 'comprehensive approach' assumes that massing can be spread directly at the corner of Kensington Church Street and Notting Hill Gate – i.e. directly above the connecting pedestrian interchange tunnel.</p>		

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			<p>Supported by ARUP's analysis, we have already stated when commenting on the 'renewal without a tower' option that such an approach is unlikely to be feasible and ignores significant abnormal costs. In this context we again strongly question the statement at Paragraph 4.20 of the SPD that such an approach by be 'achievable'. Deliverability – Ownership constraints 6.25 GL Hearn states in its letter of 25 November 2013 as part of the evidence base in support of the 'comprehensive approach' that "the combined three development parcels [Newcombe House, Hobson House and David Game House] are diverse in nature, cross land ownerships and are already intensely developed resulting in a complex development proposition". GL Hearn emphasise that, including long leasehold interests, there are as many as 24 properties, some with multiple occupiers that would need to be assembled to deliver the 'comprehensive approach'. As stated above, efforts to co-ordinate a comprehensive redevelopment option are likely to be protracted and consequently are likely to</p>		

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			<p>result in Newcombe House, an identified eyesore, remaining undeveloped in the medium term (i.e. the delivery period of the SPD). 6.26 In light of these constraints, we do not consider that this scenario is likely to come forward within a reasonable timeframe for the SPD. Notably, the comprehensive approach relies on bringing David Game House, the LUL substation and Uxbridge Street into the comprehensive development. Taking each in turn, David Game House includes a number of retail tenants occupying their properties on long leaseholds – the owner (WPG) has confirmed that this, together with significant Rights of Light and daylight / sunlight constraints, limits this development opportunity; the redevelopment of the substation would require the rationalisation of LUL equipment and whilst this has been discussed with LUL, no detailed study has been undertaken and there is no identified budget or timescale for this; and Uxbridge Street is within our clients ownership and is required to provide an appropriate servicing strategy for any scheme at the rear of</p>		

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			<p>Newcombe House (see our further comment on this below). In summary therefore, this concept is only preliminary at this stage and we do not consider that it should be afforded the same weight as the more advanced proposals focussing on the Newcombe House site. Servicing As stated above at Section 3 and in the memo by TPP at Appendix 1, vehicular access from Kensington Place only is inappropriate given that it would require a large turning head within the site, compromising the quality of the public realm, leading to an inefficient site layout and compromising pedestrian safety and traffic flows within the site. Furthermore, it is likely to increase conflict between vehicle users at the southern end of the site, requiring more space to be given up to vehicles to allow them to pass. Viability 6.28 GL Hearn has carried out a viability assessment of the comprehensive approach as part of the evidence base for the SPD. The 'comprehensive approach' was considered within a letter from GL Hearn dated 25 November 2013. We understand</p>		

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			<p>that the SPD refers to this letter when it states at Paragraph 4.20 that the comprehensive approach "may be achievable". As stated, we consider this to be misleading as such a statement should be heavily caveated. 6.29 We note for example that GL Hearn states in its letter of 25 November 2013 that "all scenarios [meaning the development of all sites] on the basis of a 50% affordable housing provision are not viable development propositions". The report then considers a lower % of affordable housing and states that "across the three parcels there is a project surplus. Therefore it would be possible to deliver the overall scheme based on a planning consent showing 25% affordable housing. However, this would be dependent on some form of cross-funding agreement between the landowners (or assembly into a single parcel". 6.30 The GL Hearn letter also states that "however, the surplus is only at such a level that relatively small increases in build cost or decreases in rental / sales values could reduce the viability beyond breakeven, and given the high level nature of the</p>		

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			<p>financial modelling, this scenario should be considered relatively marginal". It is only when affordable housing is removed completely that GL Hearn concludes there may be a "substantial" surplus. We have provided specific comment on the viability assessment prepared by GL Hearn at Appendix 3. In summary, taking into account 1) the real benchmark land value of the site (rather than the existing use value assumed in the assessment); 2) the actual development constraints and true massing opportunities (i.e. real world Rights of Light, daylight / sunlight and structural constraints); 3) build costs reflective of the aspirations of the scheme and fit for market; 4) other exceptional build costs; and 5) the potential delays associated with 3rd party agreements, the 'comprehensive approach' is likely to be even less viable than assumed in the study. Again this emphasises that point that, whilst aspirational, this 'option' should not be afforded the same weight as 'option 1', focussing development at Newcombe House. We disagree with an un-</p>		

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			<p>caveated statement at Paragraph 4.20 that such an approach "may be achievable". Conclusion 6.32 We do not object to the aspiration of bringing forward either the LUL substation or David Game House for redevelopment, however we do object to the Council's inclusion of an option for comprehensive development. These ideas are by the Council's own admission 'untested' and therefore immature, particularly when considered alongside the current proposals for the other sites within the SPD process, which have benefitted from two years of dialogue – notably our clients proposals for the redevelopment of Newcombe House. 6.33 There is no certainty that a comprehensive development including the substation site and Uxbridge Street is capable of being delivered in the medium term (i.e. the expected delivery period of the SPD). We therefore disagree with the inclusion of the 'Option 2' diagram alongside the option to focus on Newcombe House (Option 1). 6.34 In any case, the preliminary idea for a comprehensive approach closes off the connectivity to our site via</p>		

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			<p>Uxbridge Street and we question why, if the substation site is to be considered, the diagram does not reflect a more accurate proposition that plugs into our scheme (i.e. the substation could still be redeveloped without encroachment onto third party land with the step-free access provided from Uxbridge Street and through our current design). 6.35 We are not opposed to the SPD referring to the substation as a possible future development site but we are concerned about including the very preliminary idea presented at Option 2 within the adopted SPD. We are also concerned by the un-caveated statement at Paragraph 4.20 that such an approach "may be achievable" – this is misleading. 6.36 Recommendations: On the basis of the above, we request that the diagram for 'Option 2' is removed from the SPD and instead reference is simply made to the "potential future opportunity" to redevelop the LUL substation as part of a comprehensive development with Newcombe House. 6.37 Failing that, as a minimum, we request that the SPD makes very clear that there is no certainty</p>		

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			<p>that Option 2 will come forward as it relies upon the following factors: a) a feasibility assessment of the substation rationalisation; b) achieving vacant possession at David Game House which is currently subject to a number of long leases; c) the acquisition of a number of Rights of Light from surrounding properties, and d) appetite from a large number of landowners to bring this forward together. 6.38 Furthermore, Paragraph 4.20 should be amended to delete the statement that "a viability assessment undertaken to support the SPD indicated that a comprehensive approach may be achievable" – left un-caveated, this statement is misleading and ignores a number of significant site specific factors.</p>		