

# GREATER LONDON AUTHORITY

## Development, Enterprise and Environment

**Joseph Whitworth**  
Development Management  
Royal Borough of Kensington and Chelsea  
Kensington Town Hall  
London W8 7NZ

**Department: Planning**  
Our ref: GLA/4491a/01  
Your ref: P/18/05313  
Date: 15/10/2018

Dear Mr Whitworth

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**  
**Heythrop College 23-24 Kensington Square Local Authority Reference: PP/18/05313**


I refer to the copy of the above planning application, which was received from you on 19 September 2018. On 15 October 2018, the Mayor considered a report on this proposal, GLA/4491a/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan and draft London Plan, for the reasons set out in paragraph 60 of the above-mentioned report; but that the possible remedies set out in paragraph of this report could address these deficiencies.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Clare Seiler, [ClareSeiler@tfl.gov.uk](mailto:ClareSeiler@tfl.gov.uk), 020 7027 9639.

Yours sincerely,

pp. 

**John Finlayson**  
Head of Development Management

Cc Tony Devenish, London Assembly Constituency Member  
Nicky Gavron, Chair of London Assembly Planning Committee  
National Planning Casework Unit, DCLG  
Lucinda Turner, TfL  
Aimee Squires, Savills

15 October 2018

**Heythrop College****23-24 Kensington Square**

in the Royal Borough of Kensington and Chelsea

planning application no. PP/18/05313

**Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Reinstatement of three townhouses on Kensington Square, refurbishment of existing college building and demolition of all other buildings on site. Construction of new buildings and erection of a landscaped deck over the adjacent London Underground Line to be used as a residential care home and to deliver five additional residential units.

**The applicant**

The applicant is **Leopard UK Kensington PropCo Ltd** and the architect is **KPF**.

**Strategic issues summary**

**Principle of development:** Provision of specialist older persons housing in the form of extra care accommodation is strongly supported. As the buildings afford the facilities required for day to day self-contained private domestic existence it is considered that the proposal falls within Use Class C3 of the Town and Country Planning (Use Classes Order) 1987. (Paras 14-20)

**Affordable housing:** As it is considered that the proposed extra care accommodation constitutes C3 residential under the Use Classes Order 1987 the Mayor's Housing SPG, draft London Plan and London Plan affordable housing policies apply therefore, the nil on-site affordable housing provision in relation to this element is unacceptable. GLA officers are currently robustly interrogating the submitted viability assessment to ensure that the maximum contribution is delivered in accordance with the draft London Plan and the London Plan. Early and late stage review mechanisms must be secured as necessary. (Paras 23-31)

**Design and Heritage:** the scheme delivers high quality design and GLA officers welcome amendments to address design concerns raised on the previous application. The affordable block must be revised to incorporate private amenity space. The renovation and upgrade works to the listed buildings are strongly supported and the proposal would not cause harm to designated heritage assets or the Kensington Square Conservation Area in accordance with the NPPF. (Paras 32-49)

**Transport:** the quantum of cycle spaces for staff and visitors and accessible car parking provision for the affordable units must be confirmed. Conditions and Section 106 obligations are required to secure the following; car park management plan; step free access and capacity improvement scheme; delivery and servicing plan; travel plan and construction and logistics plan, London Underground Infrastructure Protection and a development agreement for the deck over build of the London Underground Line. (Para's 53-56)

Outstanding issues regarding **Energy** must also be addressed.

**Recommendation**

That Kensington and Chelsea Council be advised that while the scheme is broadly supported, it does not yet comply with the London Plan and draft London Plan for the reasons set out in paragraph 60 of this report; however, the possible remedies set out in that paragraph could address these deficiencies.

## Context

1 On 19 September, the Mayor of London received documents from Kensington and Chelsea Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan and draft London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 1A, 1(B) and 1C(c) of the Schedule to the 2008 Order:

- *1A 'Development which comprises or includes the provision of more than 150 hours, flats or houses and flats'*
- *1(B)(c) 'Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of 15,000 square metres.'*
- *1C(c) 'Development which comprises or includes the erection of a building of more than 30 metres high and is outside of the City of London'*

3 Once Kensington and Chelsea Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

5 The site is situated on the southern side of Kensington Square and comprises Heythrop College including associated student accommodation (a specialist philosophy and theology college of the University of London), a nursery school and community hall. The site also contains a tennis court utilised by the neighbouring St Thomas's School. It is also understood that Fordham College have been utilising teaching space and student accommodation on site. The site also contains a Dyslexia Training Centre and Counselling in Companies.

6 The site adjoins the railway line which serves the London Underground Circle and District Lines. The site is located within the Kensington Square Conservation Area. The site contains 24 Kensington Square which is a Grade II Listed Building and is adjacent to the Grade II Listed Chapel of the Assumption Covent and several Grade II Listed residential dwellings fronting Kensington Square. It is understood that following an application to list the Heythrop College and 23 Kensington Square these buildings are have recently been Grade II Listed. This site is also located within the Kensington Square Conservation Area.

7 The majority of the site has a PTAL level of 5 (on a scale of 0-6b, where 6b is the highest level of public transport accessibility) indicating high public transport accessibility. High Street Kensington Underground station is 300 metres from the site (serving the district and circle lines) and there are nine bus routes within acceptable walking distance serving bus routes to and from the West End, Kings Cross, Hammersmith, Wandsworth, Kensal Rise, Chiswick and Camden Town.

## **Details of the proposal**

8 The applicant proposes the following:

- Reinstatement of three dwellinghouses fronting Kensington Square, refurbishment of 23 Kensington Square, retention of 24 Kensington Square;
- demolition of all other buildings;
- Construction of new buildings to be used as specialist older persons accommodation (consisting of 142 self-contained units) including associated amenities and ancillary community uses such as a nursing training facility and community hall;
- Construction of a building containing five new residential dwellings; and
- Erection of a deck over the adjacent London Underground Line and wider landscaping and access improvements.

## **Case history**

9 On 04 September 2018, a pre-application meeting was held with GLA officers regarding the above proposal (GLA/4491a/01). The proposed development of the site to provide residential extra care housing was supported in principle however it was considered to be Use Class C3. Other detailed issues discussed included land use; affordable housing; urban design; inclusive design; sustainable development and drainage; and transport.

10 On 19 March 2018 the Mayor issued a Stage 1 letter in response to planning permission for Reinstatement of two townhouses on Kensington Square, refurbishment of existing college building and 24 Kensington Square, demolition of all other buildings on site. Construction of new buildings and erection of a landscaped deck over the adjacent London Underground Line to be used as a residential care home. Associated access, car parking, servicing and landscaping (GLA/4491/01). This application was withdrawn in April 2018.

## **Strategic planning issues and relevant policies and guidance**

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Kensington and Chelsea Consolidated Local Plan (2015), Kensington and Chelsea Extant Unitary Development Plan (2002) and the London Plan 2016 (Consolidated with alterations since 2011).

12 The following are also relevant material considerations:

- The National Planning Policy Framework;
- The draft National Planning Policy Framework
- National Planning Practice Guidance;
- Draft London Plan (consultation draft December 2017, including early suggested changes published August 2018) which should be taken into account on the basis described in the NPPF;
- Kensington and Chelsea Local Plan Review (Issues and Options 2015)
- Kensington and Chelsea Elderly Person's Accommodation Supplementary Planning Document; and
- Kensington and Chelsea Heythrop College Planning Brief Supplementary Planning Document.

13 The relevant issues and corresponding policies are as follows:

- Principle of development *London Plan; Social Infrastructure SPG*
- Housing *London Plan; Housing SPG; Housing Strategy; Affordable Housing and Viability SPG; Play and informal recreation;*
- Urban Design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Inclusive Design *London Plan; Accessible London SPG*
- Climate change *London Plan; Sustainable Design and Construction SPG; London Environment Strategy*
- Transport *London Plan; the Mayor's Transport Strategy*

## **Principle of development**

14 As set out above, the current uses on the site consist of a specialist philosophy and theology college, a nursery school, a community hall, a dyslexia training centre and counselling centre. London Plan Policy 3.18 and Policy S3 of the draft London Plan state that proposals that result in the net loss of education facilities should be resisted unless it can be demonstrated that there is no ongoing or future demand. In addition, London Plan Policy 3.16 and Policy S1 of the draft London Plan resist the loss of social infrastructure and require applicants to consider the suitability of redundant social infrastructure premises for other forms of social infrastructure where there is a defined need, before alternative developments are considered.

15 The scheme would provide specialist older persons housing, and a community hall, which are considered to be appropriate alternative social infrastructure uses provided there is no demand for educational uses on the site. GLA officers raised concerns in the previous application regarding the quality and accessibility of the community hall. The relocation and redesign of the community hall is a significant improvement on the previous scheme and is welcomed. The public use of the community hall must be secured by section 106 obligation to include the submission of a management plan.

16 The reinstatement of three dwellinghouses within the Heythrop College building and delivery of five additional residential units is supported in accordance with London Plan Policy 3.3 and Policy H1 of the draft London Plan.

### Specialist Older Persons Housing

17 London Plan Policy 3.8 and Policy H15 of the draft London Plan encourage boroughs to work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing taking account of local and strategic housing need (in this regard, the annual indicative benchmark for specialist housing in Kensington and Chelsea is 85 units per annum under the draft London Plan). Sites should be well connected in terms of contributing to an inclusive neighbourhood, with access to social infrastructure, health care, and public transport facilities, and proposals are encouraged to address the increasing need for accommodation suitable for people with dementia. At a local level Kensington and Chelsea Council's Consolidated Local Plan recognises that there is a need for mixed tenure specialist older persons housing within the south of the borough to cater for local resident's needs. This report contains further discussion below regarding the landuse classification of specialist older persons housing in accordance with the Use Classes Order 1987, the Housing SPG and draft London Plan.

18 It is considered that the proposed extra care accommodation falls within Use Class C3 of the Use Classes Order 1987. Guidance contained within Policy H15 of the draft London Plan and the Mayor's Housing SPG (paragraph 3.7.4) make a clear distinction between C2 and C3 uses in respect of specialist older persons housing. It is considered that sheltered accommodation and

extra care accommodation falls within Use Class C3. More specifically, paragraph 4.15.3 defines extra care accommodation as: self-contained residential accommodation and associated facilities, designed and managed to meet the needs and aspirations of older people, and which provides 24-hour access to emergency support. Furthermore, a range of facilities are normally available such as a resident's lounge, laundry room, a restaurant, or meal provision facilities, classes, and as base for health care workers. Domiciliary care will be available to varying levels, either as part of the accommodation package or as additional services which can be purchased if required. This definition fully conforms with the design of the proposed dwellings and applicant's description of the extra care accommodation proposed.

19 Conversely residential nursing care accommodation would constitute Class C2 within the Use Classes Order 1987, as reflected from a policy perspective in paragraph 4.15.3 of the draft London Plan, where accommodation is non-self-contained; is for people who require additional personal or nursing care; provides communal facilities; and personal or nursing care is a critical part of the accommodation package. From a policy perspective but applicable to the interpretation of the Use Classes Order 1987, the draft policy also highlights that care homes are unlikely to provide more than 80 bed spaces in total.

20 The proposal as put forward is considered to fall within the category of sheltered accommodation and/or extra care accommodation given that the proposal contains 150 self-contained units with associated facilities and domiciliary care. The buildings afford the facilities required for day to day private domestic existence and therefore, the proposal must be treated as Class C3 use.

## Housing

21 The development proposes 142 self-contained extra care units, three five-bedroom residential townhouses and a block of five intermediate residential units. The proposed unit mix of the extra care units is as follows:

| Units        | Specialist Older Persons Accommodation | Total %     |
|--------------|--|-------------|
| One-bed      | 69                                     | 49%         |
| Two-bed      | 73                                     | 51%         |
| <b>Total</b> | <b>142</b>                             | <b>100%</b> |

22 The proposed mix of the affordable units is as follows:

| Units        | Intermediate Housing | Total %     |
|--------------|----------------------|-------------|
| One-bed      | 2                    | 40%         |
| Two-bed      | 2                    | 40%         |
| Three-bed    | 1                    | 20%         |
| <b>Total</b> | <b>5</b>             | <b>100%</b> |

### Affordable Housing

23 In accordance with London Plan Policy 3.12 and Policies H5, H6 and H15 of the draft London Plan, specialist older persons housing comprising extra care or sheltered accommodation (Use Class C3) must deliver affordable housing.

24 London Plan Policy 3.12 seeks the maximum reasonable amount of affordable housing and Policy H6 of the draft London Plan and the Mayor's Affordable Housing SPG, set out a 'threshold approach' whereby schemes meeting or exceeding a specific threshold of affordable housing of 35% by habitable room without public subsidy and which meets other criteria are not required to submit viability information to the GLA, nor would the application be subject to a late stage review mechanism. The applicant must maximise the delivery of affordable housing and make the most efficient use of available resources to do so. As noted in the SPG, the Mayor requires applicants to measure the percentage of affordable housing on schemes in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family sized homes, taking account of the need to meet local need in the housing mix and having regard to site specific circumstances.

25 It is noted that the revised scheme now includes onsite affordable housing in the form of five intermediate units (537 sq.m.) which equates to 35% of the floor area of the three reinstated townhouses. While this is welcomed in principle, the onsite affordable housing offer will need to deliver 35% by habitable room to meet the Mayor's fast track threshold. In addition, as raised in relation to the previous application in accordance with Policy H15 of the draft London Plan, specialist older persons housing comprising extra care or sheltered accommodation (Use Class C3) must deliver affordable housing in accordance with Policies H5 and H6 of the draft London Plan. At this stage, the applicant has not put forward an affordable housing offer in relation to the extra care element of the proposal.

26 The applicant has submitted a financial viability assessment in support of the planning application which is currently being scrutinised by GLA officers.

27 The SPG and draft London Plan Policies H7 and H15 provide guidance on tenure. The Mayor's preferred tenure split is for schemes to deliver: at least 30% low cost rent (social and affordable), at least 30% as intermediate products and the remaining 40% to be determined by the Council. It is noted that Council's preferred tenure split is 60% affordable rent/ 40% intermediate, however, the Council does not have specific tenure requirements for specialist older persons accommodation. GLA officers will work with the Council and the applicant to determine the most appropriate affordable housing products and tenure split for the site.

28 As also set out in the SPG, any proposed affordable products should be genuinely affordable with rents and income levels based on the benchmarks set out in the Mayor's Homes for Londoners: Affordable Homes Programme 2016-21 Funding Guidance (published in November 2016), or any subsequent guidance or annual monitoring reports (AMRs) issued by the GLA. This information should be provided as part of the detailed pre-application discussion on affordable housing. Rents and income levels will need to be secured through the S106 agreement at application stage.

29 In accordance with the SPG, the applicant must explore the use of grant to increase the level of affordable housing. Further guidance on GLA grant funding available is provided in the Mayor's Homes for Londoners: Affordable Homes Programme 2016-2021 Funding Guidance (November 2016). The applicant must therefore engage with a registered provider as early as possible as this is essential to benefit from grant and also with the GLA housing team so that any affordable housing grant can feed into viability inputs. Contact details for the GLA housing team can be provided on request.

30 In accordance with the Policy H6 of the draft London Plan an early stage review will be required, and, should the applicant propose less than 35% affordable housing by habitable room, a late stage review will also be required.

31 The viability assessment must be made publicly available in accordance with paragraph 1.18 of the Mayor's Affordable Housing and Viability SPG and Policy H6 of the draft London Plan.

## Residential quality

32 London Plan Policy 3.5 and Policy D4 of the draft London Plan promotes high quality new housing provision, with further guidance provided in the Housing SPG. The scheme has been designed to meet and exceed London Plan and draft London Plan minimum residential space standards and the layout of the self-contained extra care units has been designed to maximise dual aspect units. The development does not contain any north facing single aspect units, which is strongly supported.

33 As raised at the pre-application meeting, the applicant must provide a policy compliant level of private amenity space on the affordable block, as well as ensuring the highest design quality is secured in accordance with paragraph 3.76 of the London Plan and Policy D4 of the draft London Plan.

## **Urban design**

34 The design principles in chapter seven of the London Plan and chapter 3 of the draft London Plan place expectations on all developments to achieve a high standard of design which responds to local character, enhances the public realm and includes architecture of the highest quality that defines the area and makes a positive contribution to the streetscape and cityscape.

35 It is acknowledged that the site has access and legibility constraints given that it is only accessed from a small entrance from Kensington Square at the site's northern end and a gated entrance from the mews to the south. The tube line flanks and closes off the site's western boundary.

36 A key feature of the proposal is the intention to deck over the tube lines and introduce two large mansion block style residential buildings. Stepped access is proposed between the new deck level and the site's ground level. It is understood that there may be potential to extend a public route further to the west to reach the neighbouring hotel site. GLA officers raised concerns on the previous application regarding the legibility of the proposed route. It is noted that the applicant has now amended plans to ensure that the route is deliverable and clearly articulated through the site, which is strongly supported.

37 The new build architecture across the scheme, based on simple detailing and well-proportioned buildings is broadly supported. The amendments made to the bulk and massing of the buildings since the withdrawal of the previous application is a significant improvement and it is now considered that the new build elements complement the listed buildings and open space.

38 Overall, it is considered that the revised proposal addresses all design points raised by GLA officers in the previous Stage 1 report. The proposal would deliver a high quality-built environment and public realm and has been carefully considered in relation to the surrounding heritage assets. An architect retention condition must be secured to ensure the high quality design carries through to build out.

## **Heritage**

39 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harm or lost through alteration or



destruction of the heritage asset or development within its setting. London Plan Policy 7.8. and Policy HC1 of the draft London Plan states that development should conserve heritage assets and avoid harm.

40 As discussed above, the site contains the Grade II Listed 24 Kensington Square and is adjacent to the Grade II Listed Chapel of the Assumption Convent and several Grade II Listed residential dwellings fronting Kensington Square. This site is located within the Kensington Square Conservation Area. In addition, an application to list the Heythrop College and 23 Kensington Square has been made to Historic England in recognition of their heritage merit. It is understood that this application has been determined and that both Heythrop College and 23 Kensington Square have recently been Grade II Listed.

41 The applicant has submitted a townscape and heritage analysis which identifies that the proposal would result in a degree of harm on the Kensington Square Conservation Area as well as the setting of the Grade II Listed Chapel of the Assumption Convent. The report however concludes that the harm arising from the development is offset by improvements to the character of the conservation area and enhancement of the settings of the listed buildings (including improving public access to these assets).

42 It should be noted that as discussed above the combination of limited opportunities to access the site and the cluster of heritage assets in the northern portion of the site means that any new build interventions need to be designed to be sensitive to and enhance the heritage assets and, where feasible, improve the legibility and accessibility of routes into the site. It is on this basis that GLA officers have undertaken an assessment of the proposed impact on heritage assets.

43 The renovation and upgrade works to the listed buildings, including the 1874 college, 1875 recreation wing and 1836 townhouses in the northern portion of the site are strongly supported. GLA officers feel that as a whole the planning submission demonstrates that a sensitive and thorough heritage-led approach to the sites redevelopment has been undertaken.

44 Having regard to the statutory duty in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the relevant paragraphs in the NPPF in relation to listed buildings and conservation areas. GLA officers are satisfied that the proposal would not harm the listed buildings on site or the setting of the adjacent listed buildings and would preserve and enhance the character and appearance of the conservation area in which it is located. The refurbishment works to the recreation wing and townhouses is welcomed and will enhance their collective significance and the wider setting of the conservation area. The design of the scheme as a whole is considered to be high quality and sympathetic to the surrounding heritage assets. The proposal therefore accords with Policy 7.8 of the London Plan and Policy HC1 of the draft London Plan.

## **Inclusive design**

45 The extra care accommodation must meet the Mayor's housing standards, including accessibility requirements in line with London Plan Policies 3.8 and 7.2, and Policies H15 and D3 of the draft London Plan, the Housing SPG and Accessible London SPG. Draft London Plan Policy H15 states that specialist older persons housing (Use Class C3) should deliver accessible housing in accordance with draft Policy D5 and the highest standards of accessible and inclusive design in accordance with Policy D3 of the draft London Plan.

46 Policy D3 of the draft London Plan requires development proposals to be entered and used safely, easily and with dignity by all; are convenient and welcoming with no disabling barriers, providing independent access without any additional undue effort, separation or treatment; and are designed to incorporate safe and dignified emergency evacuation for all building users. In this

regard, officers remain concerned about the shared pedestrian and vehicular route into the site. Currently, the route provides one single level surface for both pedestrians and vehicles which has safety and usability implications for people with a range of sensory and physical impairments. As discussed at pre-application stage the applicant should look to delineate and/or segregate a pedestrian only path along this route to offer a safe zone for pedestrians. Elsewhere internal circulation could be further rationalised to ensure the buildings are designed to be clearly legible for residents to navigate. Fire excavation lifts should also be provided in all cores. As a specialist older persons housing scheme, the development must be designed to meet the highest standards of access and inclusion having regard to the particular needs of older and disabled people in line with Policy D3 of the draft London Plan. The scheme must therefore be revised to incorporate these changes.

47 Policy H15 of the draft London Plan requires suitable levels of safe storage and charging facilities for resident's mobility scooters. This provision must be confirmed.

48 In respect of Policy 3.8 of the London Plan and Policy D5 of the draft London Plan, the development will deliver 50% of wheelchair accessible dwellings meeting Building Regulations requirement M4(3) wheelchair dwellings, with the remaining units designed to meet the Building Regulations requirement M4(2) accessible and adaptable dwellings, which is in excess of the policy requirements and therefore fully supported. The Council should secure M4(2) and M4(3) requirements by condition following the guidance in the London Plan policy 7.2 and Policy D5 of the draft London Plan.

49 With respect to the two separate dwelling houses to be reinstated in Grade II Listed 23 Kensington Square, it is noted that the applicant intends to remove the existing ground floor gallery in order to rebuild the dwelling houses to their original design of stairs up to a raised ground floor level this means that level access to these dwelling houses would not be able to be provided. The applicant has ensured that the interior layouts of the dwellings meet the requirements of M4(1) in accordance with draft London Plan Policy H2. Given the site circumstances this acceptable in this instance.

## **Climate change**

### Energy

50 In accordance London Plan Policy 5.2 and Policy SI2 of the draft London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary, the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures); site wide heat network; gas fired CHP. The applicant is not proposing any renewable technologies. The approach proposed would achieve a 38% carbon dioxide reduction beyond 2013 building regulations on the residential elements, and a 37% carbon dioxide reduction on the non-domestic elements of the proposal.

51 The applicant must implement further passive measures to limit overheating without active cooling in all areas of the proposal in accordance with draft London Plan Policy SI3 and London Plan Policy 5.9.

52 The applicant must explore the potential for additional measures to deliver further carbon dioxide reductions including renewable technologies. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

## **Transport**

53 It is noted that the quantum of car parking has been reduced from the previous scheme and is now at a ratio of 0.19 spaces per unit which is welcomed. While the level of parking proposed is in accordance with London Plan Policy 6.13 it should be noted that it is in excess of draft London Plan Policy T6.1 which states that residential development in areas of PTAL 5 and 6 should be car-free with the exception of blue badge parking. Given the extra care nature of the scheme and as majority of the spaces are designated for disabled person on balance the proposed level of car parking is acceptable in this instance, noting that not all the site has a PTAL of 5 or 6. A car parking design and management plan containing detail of how the provision of blue badge parking will be managed and enforced must be secured, alongside confirmation that spaces will be leased not sold. Electric vehicle charging points must be provided in accordance with draft London Plan standards. The transport assessment states that no car parking will be made available to residents of the affordable housing units, however this restriction should be removed to ensure that residents of any accessible units who are Blue Badge holders have suitable parking provision. Proposed car parking arrangements for the re-instated town houses should also be confirmed.

54 A total of 142 long stay cycle parks will be provided in the basement including 29 spaces for mobility scooters and six for adapted cycles. Cycle parking for the affordable housing units will be provided in accordance with draft London Plan standards. An onsite cycle hire scheme is also proposed. This is welcomed. The applicant must confirm the provision of cycle parking for staff and visitors.

55 The site is located directly to the east of the London underground lines, in close proximity to High Street Kensington station. As requested at the pre-application stage by both TfL and the Council, the applicant submitted a 'step-free access options' study in support of the withdrawn application. The options for step free access at High Street Kensington Station have been reviewed by London Underground and found to be unfavourable from an operational and management perspective. TfL has commissioned a feasibility study looking at delivery of step-free access and capacity improvements to High Street Kensington Station. It is expected that the study will be completed in the course of determination of this application and it is on this basis that a contribution towards delivery of the step free access/station improvements must be secured by the Council.

56 Conditions and S106 obligations are required to secure the submission of a delivery and servicing plan; travel plan and construction and logistics plan, London Underground Infrastructure Protection and a development agreement for the deck over build of the London Underground Line.

## **Local planning authority's position**

57 The applicant has undertaken pre-application discussions with Kensington and Chelsea Council planning officers. It is understood that officers are support of the proposal. RBKC are currently undergoing an independent review of the applicant's financial viability assessment. The scheme will likely be decided at RBKC's November 27 planning committee meeting.

## **Legal considerations**

58 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must

consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

59 There are no financial considerations at this stage.

## Conclusion

60 London Plan and draft London Plan policies on social infrastructure; specialist older persons housing; affordable housing; urban design; heritage; inclusive design; transport; and climate change are relevant to this application. The application does not comply with the London Plan and draft London Plan. The following strategic issues must be addressed for the application to fully accord with the London Plan and draft London Plan:

- **Principle of development:** Provision of specialist older persons housing in the form of extra care accommodation is strongly supported. As the buildings afford the facilities required for day to day self-contained private domestic existence it is considered that the proposal falls within Use Class C3 of the Town and Country Planning (Use Classes Order)1987.
- **Affordable housing:** As it is considered that the proposed extra care accommodation constitutes C3 residential under the Use Classes Order 1987 the Mayor's Housing SPG, draft London Plan and London Plan affordable housing policies apply therefore, the nil on-site affordable housing provision in relation to this element is unacceptable. GLA officers are currently robustly interrogating the submitted viability assessment to ensure that the maximum contribution is delivered in accordance with the draft London Plan and the London Plan. Early and late stage review mechanisms must be secured as necessary.
- **Design:** he scheme delivers high quality design and GLA officers welcome amendments to address design concerns raised on the previous application. The affordable block must be revised to incorporate private amenity space.
- **Heritage:** The proposal would not harm the listed buildings on site or the setting of the adjacent listed buildings and would preserve and enhance the character and appearance of the conservation area in which it is located. The refurbishment works to the recreation wing and townhouses is welcomed and will enhance their collective significance and the wider setting of the conservation area. The design of the scheme as a whole is considered to be high quality and sympathetic to the surrounding heritage assets
- **Inclusive design:** The scheme must be revised to incorporate the highest standards of accessibility and inclusive design
- **Energy:** The applicant must implement further passive measures to limit overheating without active cooling. In addition, the applicant must explore the potential for additional measures to deliver further carbon dioxide reductions. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.
- **Transport:** the quantum of cycle spaces for staff and visitors and accessible car parking provision for the affordable units must be confirmed. Conditions and Section 106 obligations are required to secure the following; car park management plan; step free access and capacity

improvement scheme; delivery and servicing plan; travel plan and construction and logistics plan, London Underground Infrastructure Protection and a development agreement for the deck over build of the London Underground Line.

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for further information, contact GLA Planning Unit (Development Management Team):

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