

100 West Cromwell Road

in the Royal Borough of Kensington & Chelsea

planning application no. PP/11/00107

Strategic planning application stage II referral (new powers)

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

The proposal

The proposed development comprises 278 residential units, extension of existing Tesco store by 2,333 sq.m. new leisure and community space (3,880 sq.m.) and a crèche (480 sq.m.). The proposals include 300 retail and 116 residential vehicle parking spaces. The proposal also includes 14 motorcycle parking spaces. Provision for cycle parking is proposed at 88 retail and 319 residential. Other landscaping and public realm works are also proposed.

The applicant

The applicant is **Spem Hill Developments Limited** and the architect is **Benson & Forsyth**

Strategic issues

The application raises strategic issues regarding the **loss of strategic transport functions, retail, housing and affordable housing, urban design, access, townscape, heritage, climate change and transport**. These matters have been broadly addressed.

The Council's decision

In this instance Kensington & Chelsea Council has resolved to grant permission.

Recommendation

That Kensington & Chelsea Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 18 February 2011, the Mayor of London received documents from Kensington & Chelsea Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1A.1, 1B.1c) and 1C.1c) of the Schedule to the Order 2008:

Category 1A.1

Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

Category 1B.1

*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—
(c) outside Central London and with a total floorspace of more than 15,000 square metres*

Category 1C.1

*Development which comprises or includes the erection of a building of one or more of the following descriptions—
(c) the building is more than 30 metres high and is outside the City of London*

2 On 30 March 2011, the Mayor considered planning report PDU/2713/01, and subsequently advised Kensington & Chelsea Council that the application did not comply with the London Plan, for the reasons set out in paragraph 128 of the above-mentioned report; but that the possible remedies set out in paragraph 130 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 14 February 2012 Kensington & Chelsea Council decided that it was minded to grant planning permission and on 27 February 2012 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Kensington & Chelsea Council under Article 6 to refuse the application or issue a direction to Kensington & Chelsea Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 11 March 2012 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case. The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

5 At the consultation stage Kensington & Chelsea Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 128 of the above-mentioned report; but that the possible remedies set out in paragraph 130 of that report could address these deficiencies:

- **Principle of development:** the applicant should provide further details of possible alternative locations and further impact analysis regarding the loss of the existing coach parking facility as well as all design options explored in terms of onsite retention of the coach parking facility. The applicant should provide further details regarding the cumulative impacts on other town centres.
- **Urban design and inclusive access:** The applicant should provide fully rendered views from within Philbeach Gardens to illustrate the impact on the setting of the listed church and confirm materials and uses to the top of the tower. The applicant should also provide analysis to show the impact on the existing residents of Notting Hill Housing Association units. The applicant needs to confirm the public access strategy, location of lifts, access to the top of the tower and materials proposed for the building.

- **Housing quality:** The space standards proposed for the private units should be set out and justification should be provided where these are not consistent with the Mayor's space standards. Reconsideration of the number of units per core in the private block is required to ensure this does not exceed 8 units per core.
- **Play space:** The strategy for play requires further detail or should be secured through detailed condition regarding quantum and mix of equipment.
- **Affordable housing:** The housing offer needs to be independently verified. Discussion is also required regarding the change in national policy regarding HCA funding and delivery. The density tenure and housing mix should be considered in parallel with this discussion as appropriate on the findings of the viability testing.
- **Climate change mitigation:** minor technical clarification required on the heat network and location of CHP.
- **Climate change adaptation:** conditions regarding water use, green roofs, SUDS, should be secured by the Council.
- **Noise:** further analysis is required to identify which specific flats are most exposed to noise exposure levels above NEC C. GLA officers will further scrutinise the Environmental Statement to ensure the methodology is robust and adequate mitigation is proposed.
- **Transport:** further detail regarding the impacts arising from the loss of the coach parking facilities and the alternative locations being considered. The car parking for both the retail and the residential elements of the proposals should be reduced to reflect the policy objectives to limit use of car and manage the impact on the operation of the TLRN. Financial contribution is sought towards the streetscape scheme on the A4 West Cromwell Road. Further provision of cycle parking, reconsideration of the Travel Plan and car club scheme, and a financial contribution towards the Legible London wayfinding scheme and the cycle hire docking station is required.

Summary of amendments

6 Since then, the application has been amended:

- The housing numbers have been subject of significant debate in terms of the overall offer of affordable housing and market housing. This has been through a process of review and testing having regard to the Council's requirements for section 106 community and infrastructure needs. The final agreed offer as reported in the Council's addendum report is set out in table 1 below and will be secured in the section 106 agreement.
- The extension of the existing retail store (6,485 sq.m.) by 2,333 sq.m. to provide a total floor space of 8,818 sq.m.
- Provision of 3,880 sq.m. community and private leisure facility areas.
- Provision of a 480 sq.m. creche.
- 300 retail and 116 residential vehicle parking spaces.
- 14 motorcycle parking spaces.

- 88 retail and 319 residential cycle parking spaces.

Table 1 bedroom size mix

	1-bed	2-bed	3-bed	4-bed	Total
Social rent	7	3	14	4	28
Intermediate	3	17	0	0	20
Market	72	135	16	7	230
Total	82	155	30	11	278

7 The following sections set out the applicant’s response to the Mayor’s comments made at the consultation stage.

Principle of development

Loss of the coach parking facility

8 As previously reported, the proposals result in the loss of the existing 36 bay coach parking facility. Since the Mayor’s consultation stage response the new London Plan has been formally adopted but the form of the relevant policy in relation to land for transport functions had already formed part of the consideration of the case as set out in the stage 1 report. The relevant policies, 6.2 ‘Providing public transport capacity and safeguarding land for transport functions’ and policy 6.8 ‘Coaches’, have not changed since the previous report and adoption of the new London Plan.

9 As such the assessment remains broadly as reported in the stage 1 report. At that time it was noted that London Plan policy 6.2 ‘*Providing public transport capacity and safeguarding land for transport*’, sets out that as part of LDF preparation “*Boroughs and any other relevant partners must ensure the provision of sufficient land, suitable located for development of an expanded transport system to serve London’s needs by: a) safeguarding in DPD’s existing land used for transport or support functions unless alternative facilities are provided that enables existing transport operations to be maintained*”. In response to this the Council’s policy CA6 of the adopted Core Strategy (December 2010), allocates the site for a minimum of 350 residential units with leisure, social and community uses, provision of car parking and open amenity space. As such, there is no specific reference to the existing coach parking facility in the description of the site in the Core Strategy or any such requirement for its retention as part of the mixed use allocation. The matter of coach parking was raised by TfL during pre-submission consultation in the lead up to the Core Strategy Examination in Public, however a ‘non conformity’ objection to the specific allocation was not pursued in this particular instance. Part B of policy 6.2 seeks to protect those schemes set out in Table 6.1. Table 6.1 ‘Indicative list of transport schemes’ relates to strategic transport projects rather than specific development sites with existing transport functions.

10 London Plan policy 6.8 ‘Coaches’ states “*The Mayor will work with all relevant partners to investigate the feasibility of developing a series of coach hubs or the potential for alternative locations for coach station facilities to provide easier access to the coach network, while retaining good access to central London for coach operators*”.

11 It is recognised therefore that neither of these policies require the protection of the existing facility which is ultimately privately owned and operated. The Council's local policy requirements as set out in the saved UDP does however offer a level of protection for off site coach parking facilities. Policy TR20 seeks '*to resist the loss of off-street coach parking*'. Paragraph 7.17.17 of the UDP states '*off-street coach parks are provided at certain locations in the Borough and elsewhere in London, and these must be maintained*'.

12 As part of the case for the loss of the facility, the applicant has submitted two reports to support the case that the facility is not required. As reported in paragraph 4.33 of the Council's officer report:

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

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

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

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

TfL response

13 TfL is disappointed about the loss of 36 existing coach parking bays currently located beneath the existing Tesco store brought about by the proposed development, however the principle of the loss was established in the Council's Local Development Framework. The applicant has sought to demonstrate justification for the loss of coach parking on the basis of a decline in usage as well as their relocation having no detrimental impact on the surrounding highway network. Whilst TfL expresses its disappointment at the loss of coach parking, it notes that the land is privately owned and regrettably TfL has little control over its redevelopment. In order to help manage the loss of spaces the applicant has agreed to fund TfL coach mapping which provides coach parking information for London. A contribution of £110,000 has been secured in accordance with London Plan policy 6.2.

Retail impacts

14 Since the consultation stage the applicant has responded to the matters set out in the report regarding impact on nearby town centres. As reported in the Council's committee report the case has been considered independently as commissioned by the Council. The conclusions noted the following:

- *"The sequential approach had been met as required by PPS4.*
- *There is evidence that the proposals may have a marginal impact on the Earls' Court Road local centre. However this impact would not be significantly adverse under the terms of EC17.1B in PPS4.*
- *The next test as included in EC17.2 in terms of the cumulative effects and applying the balance of other gains from the application has been met in that the cumulative effect from other committed developments is limited and that the expanded store would help to meet the needs of the increasing population on and within the vicinity of the application site. Furthermore the increased comparison goods offer would improve consumer choice.*
- *The conclusions note that the extension meets retail policy set out in PPS4 and Core Strategy CF1 subject to conditions regarding limit to net sales floor space for convenience and comparison split."*

15 GLA officers are broadly satisfied the impacts have been tested and the approach is consistent with PPS4 and the London Plan policy 4.7B.

Affordable housing

16 The affordable housing offer is set out in table 1 above. The applicant submitted a viability assessment which has been the subject of detailed independent scrutiny by the Council's appointed valuers, the Valuation Office Agency (DVS). The DVS concludes that the offer represents the maximum reasonable amount of affordable housing in this instance. The scheme will not attract any grant funding from the HCA and will be delivered without any external funding support. The offer is broadly consistent with the objectives of policy 3.12 of the London Plan.

Urban design

17 The Mayor raised a number of detailed design comments at the consultation stage. These have been broadly addressed. The applicant has submitted additional information and views testing, in particular views from Philbeach Gardens and confirms the proposal is 1.4 kilometres south of the view of St Pauls Cathedral from King Henry's Mound. Other changes include the removal of parking in front of Courtyard 2. This is a significant improvement and will create a much more intimate space for future residents and those passing through the development. The Mayor's space standards will also be broadly met and courtyard 3 and level 12 roof space confirms the locations for play space. Not all cores will be less than eight units however the general approach to layouts and multi aspect living is supported. The broad principles of the Draft housing SPG Quality and Design Standards (Mayor's Housing Design Guide) will be met. Overall the scheme has improved since the consultation stage and is broadly supported in design terms.

Climate change mitigation: energy

18 The proposals include a range of energy efficiency measures, combined heat and power technology on a district heating network, and renewable energy. The strategy has not been

amended since the consultation stage, however the Council has secured condition requiring the development to achieve a minimum carbon reduction in line with Code for Sustainable Homes level 4 – equivalent to a total carbon savings of 25% beyond 2010 building regulations. BREEAM 'very good' has also been secured by condition and whilst this falls short of the targets in the London Plan it is recognised that the site includes existing buildings which will be adapted as appropriate to meet the emerging targets but that such an approach has limitations in terms of the impacts on overall carbon savings. The approach is therefore broadly accepted and consistent with London Plan.

Climate change adaptation

19 At the consultation stage the Mayor raised a number of matters requiring suitable planning conditions. The Council has secured conditions regarding green and brown roofs, renewable energy and other energy targets (Code for sustainable Homes/BREEAM) and surface water drainage. The approach is consistent with London Plan policies on climate change adaptation.

Noise

20 At the consultation stage officers were in the process of scrutinising the noise and vibration impacts arising from the proposed development. Two major sources of noise and vibration were identified from the road and rail infrastructure that surrounds the site. The Council has included various conditions to mitigate the impacts on residents. GLA officers are broadly satisfied the approach is consistent with the London Plan.

Transport for London's comments

21 At the consultation stage TfL raised a number of issues in respect of transport and infrastructure. In particular TfL was concerned about the loss of coach parking (considered earlier in this report), the level of car parking and the need for significant financial contributions towards transport improvements and mitigation. TfL also sought further work on highways and pedestrian safety, cycle hire and cycle parking and travel planning.

22 Since then the applicant has agreed to make a substantial financial contribution towards improvements to the A4 West Cromwell Road, part of the Transport for London Road Network (TLRN). A total of £1,500,000 has been secured in the section 106 Heads of Terms towards streetscape improvements to be defined through the drafting and implementation of the section 106 agreement. A further £250,000 has been secured towards pedestrian crossing facilities at the West Cromwell Road, Warwick Road junction. In addition a financial contribution of £305,102 has also been secured for environmental improvements, pedestrian facilities, road safety improvements and street lighting to Warwick Road, also part of the TLRN. Importantly TfL will need to either be a party to the section 106 agreement or have a key role in the drafting of related obligations in the section 106 as TfL will require ultimate approval of all works and responsibility for delivery where they are on the TLRN. This issue of signatory remains ongoing – a verbal update will be provided to the Mayor at the meeting.

23 The residential car parking ratio has been reduced to 0.39 spaces per unit following TfL's concerns about highway impact and requirements under London Plan policy 6.13 including table 6.2. This is also consistent with the emerging Earls Court and West Kensington Opportunity Area SPD which includes a maximum parking standard of 0.4 spaces per unit; this site is directly adjacent to the Opportunity Area.

24 The level of cycle parking has been increased in line with the London Plan, in particular TfL had requested that two cycle parking spaces be provided for each 3 and 4 bed unit and this has

been addressed. Land has also been safeguarded for a TfL Cycle Hire docking station at the rear of the development, the committee report does not however refer to a financial contribution for delivery of the docking which would normally be £200,000. The site would only allow for 16 spaces which may result in a slightly reduced contribution being required. In addition the site would need to be approved by both TfL and the Council. These matters will continue to be discussed with TfL as part of the final drafting of the section 106. TfL considers the application to be consistent with London Plan policy 6.9 including Table 6.3.

25 Following advice by TfL the Travel Plan was amended to include stronger targets for staff and customers of the store, the Travel Plan has been secured in the section 106 agreement and will include a delivery and servicing element. TfL will also be consulted on the construction management plan due to the potential effects of construction on operation of the TLRN.

26 Should this application be granted planning permission, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.

27 In summary TfL is satisfied with the changes, which have been made to the application since the consultation stage and in particular the significant contributions towards improvements to the Transport for London Road Network. It is vital that TfL has a key role in drafting and implementation of the section 106 agreement and may need to be a party to the section 106 agreement on this basis. TfL is disappointed about the loss of coach parking but given the other benefits offered and in particular the commitment to coach mapping, TfL is satisfied that on balance the application is in accordance with the London Plan and acceptable in transport terms.

Section 106 agreement

28 The following has been set out in the heads of terms and the draft section 106:

- The provision of 48 units of affordable housing in the mix set out in Table 1 above.
- A policy of affordable pricing for the leisure facility to be benchmarked against other Council/community leisure facilities in the Borough.
- The lease to the leisure provider will require any tenant to enter into any pricing/programming policy required by the Council.
- The leisure provider is to be identified by the owner. The leisure provider is to be acceptable to the Council and the Owner will not lease/assign the facility to anyone other than a leisure provider that the Council have approved.
- A financial contribution of **£3.6 million** to provide full fit out costs for the community leisure facility.
- A financial contribution of **£1.5 million** for streetscape improvements to the A4.
- A financial contribution of **£250,000** to improve the pedestrian crossing at West Cromwell Road/Warwick Road junction.
- A financial contribution of **£305,102** for environmental improvements, pedestrian facilities, road safety improvements and street lighting to Warwick Road.

- A financial contribution of **£110,000** towards the provision of coach mapping leaflets produced by TfL.
- A financial contribution of **£524,367** towards the provision of education facilities (based on Planning Obligations SPD).
- A financial contribution of **£216,800** towards the provision of health facilities (based on Planning Obligations SPD).
- A financial contribution of **£25,000** to improve existing community facilities to Shaftsbury Place.
- Cost of assessing construction traffic management plans at relevant phases of the development (at **£2800**) each phase.
- A financial contribution of **£270,362** towards open space provision (based on Planning Obligations SPD).
- A financial contribution of **£58,966** towards play space provision (based on Planning Obligations SPD).
- A financial contribution of **£45,765** air quality contribution (based on Planning Obligations SPD).
- A financial contribution of **£46,586** for monitoring fees (based on Planning Obligations SPD).
- A financial contribution of **£48,323** for community facilities revenue contribution (based on Planning Obligations SPD).
- A financial contribution of **£62,822** for library facilities (based on Planning Obligations SPD).
- A financial contribution of **£249, 787** for construction training (based on Planning Obligations SPD).
- A financial contribution of **£39, 806** for training provision (based on Planning Obligations SPD).
- A financial contribution of **£42,924** for public realm revenue (based on planning obligations SPD).
- To retain the services of Benson and Forsyth architects as the principal architects for the development.
- Submission of residential and staff travel plans for the development.
- Development to be permit free.
- Provision of highway works to Beckford Close.
- Provision of public access through the development (the North-South route).

Response to consultation

29 The Council consulted locally on the application including 1,281 letters of notification sent to occupiers of properties in Warwick Road and West Cromwell Road. The proposals were also advertised in local press and through site notice.

30 73 letters of objection were received including those from the following amenity societies:

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

31 The objections can be summarised as follows:

- Loss of coach parking.
- Leisure facility should fulfil the requirements of a public use.
- Expansion of Tesco store is contrary to policy.
- Amenity space will not be used.
- Loss of amenity space to Shaftsbury Place.
- Impact on townscape and conservation areas.
- Tower is too tall.
- Density is too high.
- Affordable housing insufficient.
- Loss of security to Shaftsbury Place.
- Segregation of tenures would create a ghetto.
- Loss of sunlight and daylight.
- Loss of privacy to neighbouring properties in particular Shaftsbury Place.
- Traffic on Fenelon Place.
- Healthcare would be overstretched.
- The observation tower has no value.
- Create a sense of enclosure to Shaftsbury Place.
- Courtyard 2 would be in shadow.
- Car parking is too high.

- The planning 106 agreement should include provision for NHS dental practice, Citizens advice and facilities for young people.
- Tesco store would create more noise and disturbance.
- Noise and disturbance from construction.
- Proposal does not include land uses as specified in the original permission.
- Proposal could make provision for sheltered or assisted living.

Representations received by the Mayor of London

32 The Mayor received three letters regarding the loss of the coach parking facility from members of the public.

33 The Mayor also received copies of correspondence from Assembly Member Victoria Borwick raising concern at the loss of coach parking and the impact on serving the nearby museums.

GLA officer comment

34 The matters set out above do not raise any new strategic or local planning issues that have not been considered by the Council or the GLA as part of the planning assessment of this case and in the context of the Development Plan. The Council also considers each point in detail at paragraph 5.2 – 5.27 of the Officer report. Where appropriate suitable mitigation measures have been secured through appropriate conditions/section 106 legal agreement.

Article 7: Direction that the Mayor is to be the local planning authority

35 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

36 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to 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. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

Financial considerations

37 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*'Costs Awards in Appeals and Other Planning Proceedings'*) emphasises that parties usually pay their own expenses arising from an appeal.

38 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

39 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

40 The applicant has responded to the concerns set out in the Mayor's consultation stage comments. The proposal is broadly consistent with the London Plan.

for further information, contact Planning Decisions Unit:

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100 West Cromwell Road**in the Royal Borough of Kensington & Chelsea****planning application no. PP/11/00107****Strategic planning application stage 1 referral (new powers)**

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

The proposal

The proposed development comprises 280 residential units, extension of existing Tesco store by 1,722 sq.m. new leisure (1,400 sq.m.) and community (1,730 sq.m.) uses; a creche and a new cafe. The proposals include 335 retail and 112 residential vehicle parking spaces. Provision for cycle parking is proposed at 88 retail and 107 residential. Other landscaping and public realm works are also proposed.

The applicant

The applicant is **Spen Hill Developments Limited** and the architect is **Benson & Forsyth**

Strategic issues

The application raises strategic issues regarding the **loss of strategic transport functions, retail, housing and affordable housing, urban design, access, townscape, heritage, climate change and transport.**

Recommendation

That Kensington & Chelsea be advised that the application does not comply with the London Plan for the reasons set out in paragraph 128 of this report; but that the possible remedies set out in paragraph 130 of this report could address these deficiencies.

Context

1 On 18 February 2011, the Mayor of London received documents from Kensington & 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 has until 31 March 2011, to provide the Council with a statement setting out whether he considers that the application complies with the 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 Category 1A.1, 1B.1c) and 1C.1c) of the Schedule to the Order 2008:

Category 1A.1

Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

Category 1B.1

*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—
(c) outside Central London and with a total floorspace of more than 15,000 square metres*

Category 1C.1

*Development which comprises or includes the erection of a building of one or more of the following descriptions—
(c) the building is more than 30 metres high and is outside the City of London.*

3 Once Kensington & 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 environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The site currently accommodates a Tesco store of 6,485 sq.m (GEA) plus 75 Notting Hill Housing Association dwellings. The store is served by 360 parking spaces and the residential dwellings served by 60 car parking spaces. A basement of the application site is occupied by a 36 bay coach and lorry park which is operated by a third party on behalf of Tesco.

7 The site is located on the corner of West Cromwell Road (A4) and Warwick Road (A3220) which meet at a major signal controlled junction. Both West Cromwell Road and Warwick Road (which operates one way northbound) are part of the Transport for London Road Network (TLRN). The site is located to the south of Kensington & Chelsea's Warwick Road Planning Brief.

8 A total of six bus routes are within walking distance of the site (328 and C3 on Warwick Road, 28 and 391 on North End Road, the 74 from Warwick Road/West Cromwell Road and the C1 from Earls Court Road). The closest Underground stations are West Kensington (District Line) and Earl's Court (District and Piccadilly Lines). The public transport accessibility level (PTAL) of the site is an excellent rating of 6a, on a scale of 1 to 6b where 6b is the highest.

Details of the proposal

9 The proposed development comprises the following land uses:

Table 1: land use mix

use	sq.m.
residential	33,523 (280 units)
food store extension	1,722
leisure	1,400
community	1,730
creche	450
cafe	150
total	38,975

10 The residential accommodation is currently proposed as follows:

Table 2 current bedroom size mix by tenure

	1-bed	2-bed	3-bed	4-bed	Total	Habitable rooms
social rent	11	10	17	9	47	165 (20%)
intermediate	6	3	0	0	9	21 (3%)
market	70	123	24	7	224	630 (77%)
total	87	136	41	16	280	816 (100%)

11 As reported in the planning statement the residential accommodation is still to be finalised subject to the outcome of viability testing. It is proposed to provide a maximum of 293 additional dwellings comprising a mix of 224 market dwellings and up to 69 affordable dwellings. Two options for the number of affordable dwellings are being considered: 69 and 56 units (the 56 unit option is shown above in table 2). Both options are being considered as part of the financial viability assessment and are being assessed in terms of what can reasonably be provided on site. This is considered in further detail later in this report.

Case history

12 The case history for the site is long and complex and is summarised as follows:

13 Outline planning permission was granted on 3 May 1996, for the redevelopment of the Fenelon Place site (which includes the application site and land to the north) in the form of a three phased development. Phase one originally comprised a retail food store with housing above, leisure facilities and coach and lorry park. Phase two was to comprise a landmark office development and phase three additional housing. The phase one development has now been built (Tesco Store with housing above together with the car park and coach parking). Leisure facilities were deferred to the other phases.

14 In December 1998 planning permission was granted for the redevelopment of the 'Phase Three' part of the Fenelon Place site (land north of the application site) to provide a large residential block comprising 272 flats with basement parking. This was later varied in 2000 to

provide 296 flats with 60 affordable housing units. This element of the development was built out in 2003, and is now known as Kensington Westside.

15 The phase two proposals for an office building (on the current application site) were not progressed and instead on 9 November 2001 detailed planning permission was refused for the erection of a 24 storey residential tower on the existing podium deck above the coach and lorry park.

16 On 6 October 2005 Multiplex and Tesco submitted a detailed planning application for the erection of a 27 storey residential building, including affordable housing. The former Mayor considered the case at the consultation stage (PDU/1124/01) on 15 December 2005, and was broadly supportive of the proposals. Kensington & Chelsea Council officers concluded that the scheme substantially overcame the reasons for the refusal of the 2001 proposal, however, the determination of the application was deferred to allow Officers to further negotiate the exact nature of the community contribution on site. In July 2007 the application was reconsidered at committee with a officer recommendation to approve, however the application was refused.

17 Following this refusal, Bolles & Wilson Architects were commissioned by Brookfield (formally Multiplex) to prepare a revised proposal to overcome a number of the reasons for refusal. In March 2008, duplicate applications 08/00676 and 08/00677 were submitted to Kensington & Chelsea by Brookfield for the erection of a 24 storey residential building, including 367 residential units, creche, health and fitness centre and community multi-purpose sports hall (Planning Applications A & B). GLA officers were involved in informal pre-application discussions at that time, prior to the pre-application charging service, however the case (which was subject to the Mayor's old planning powers) was not reported to the Mayor.

18 The scheme as submitted was not supported by Kensington & Chelsea officers, and the production of a partnership-led design competition was sought by the Council to take development of the site forward. A panel representing the Council, residents groups, Brookfield and Tesco was assembled to judge the design competition.

19 As a result of a joint assessment process with the above stakeholders the proposals by Benson & Forsyth were progressed by the applicant. Kensington & Chelsea has placed the duplicate applications from 2008 in abeyance on the basis that a final scheme will be worked up in general accordance with the Benson & Forsyth proposal. Following several time extensions, the duplicate applications received a further extension for their determination until the end of September 2010. Since this time, no further extensions have been granted. In November 2010, GLA officers met with the design team to discuss the revised emerging proposals. Matters regarding retail, loss of the coach parking facility, urban design, access, affordable housing and climate change were raised.

Strategic planning issues and relevant policies and guidance

20 The relevant issues and corresponding policies are as follows:

- Economic development *London Plan; the Mayor's Economic Development Strategy*
- World city role *London Plan*
- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG, Housing Strategy; Interim Housing SPG; Housing SPG EiP draft*
- Affordable housing *London Plan; PPS3; Housing SPG, Housing Strategy; Interim Housing SPG; Housing SPG EiP draft*

- Density *London Plan; PPS3; Housing SPG; Interim Housing SPG; Housing SPG EiP draft*
- Urban design *London Plan; PPS1*
- Mix of uses *London Plan*
- Regeneration *London Plan; the Mayor's Economic Development Strategy*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13; Land for Transport Functions SPG*
- Parking *London Plan; the Mayor's Transport Strategy; PPG13*
- Retail/town centre uses *London Plan; PPG13, PPS4*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Tall buildings/views *London Plan; RPG3A, Revised View Management Framework SPG*
- Sustainable development *London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; the Mayor's Energy Strategy; Mayor's draft Climate Change Mitigation and Adaptation Strategies; Mayor's draft Water Strategy; Sustainable Design and Construction SPG*
- Historic Environment *London Plan; PPS5*

21 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the December 2010 Core Strategy and the 2002 (as saved 2007 and following the adoption of the Core Strategy) Unitary Development Plan and the London Plan (Consolidated with Alterations since 2004). The draft replacement London Plan, published in October 2009 for consultation is also a material consideration.

Principle of development

22 The site is in an out of town centre location but is part of the existing Tesco store development which includes 75 Notting Hill Housing Association units above and the existing 36 bay coach parking facility below, along with store and residential car parking. The strategic land use policy guidance therefore relates to the status of existing site in terms of the coach parking as a strategic function and the retail extension proposed in an out of town centre location.

23 At present the application seeks to remove the current coach parking facility. London Plan policy 3C.4 '*Land for transport*' states that sufficient land should be maintained for transport functions to serve the economic, social and environmental needs of London. It states that changes of use of land from transport and transport support functions should only be approved if it is no longer required and is unlikely to be required in the future for its purpose, or if equally good alternatives are provided. In terms of the policy at local level the Kensington & Chelsea saved UDP policy TR20 seeks to resist the loss of off street coach parking.

24 Whilst this is the case draft replacement London Plan policy 6.2 *Providing public transport capacity and safeguarding land for transport*, sets out that as part of LDF preparation that "*Boroughs and any other relevant partners must ensure the provision of sufficient land, suitable located for development of an expanded transport system to serve London's needs by: a) safeguarding in DPD's existing land used for transport or support functions unless alternative facilities are provided that enables existing transport operations to be maintained*". Policy CA6 of the recently adopted Core Strategy (December 2010), allocates the site for a minimum of 350 residential units with leisure, social and community uses, provision of car parking and open amenity space. There is no specific reference to the existing coach parking facility in the description of the site in the Core Strategy or any such requirement for its retention as part of the mixed use

allocation. The matter of coach parking was raised in broad terms by TfL during pre-submission consultation in the lead up to the Core Strategy Examination in Public, however a non conformity objection to the specific allocation was not pursued in this particular instance.

25 The existing coach parking facility forms part of an original permission considered as part of the wider redevelopment of the site for a mix of uses including office, housing and retail. It is not clear from the applicant's submission how the loss of the facility fits in the context of the original permission and the obligations originally considered for the wider redevelopment. This is a key consideration in terms of the status of the original consent and how this fits with the recently adopted Core Strategy allocation. Furthermore, whilst the site allocation is recognised as informing the land use approach, the saved development control policy TR20 and London Plan policy 3C.4 are material in the consideration of the case and the loss of the facility remains a matter of principle in terms of justifying the approach to its loss, the potential impact and in taking the application forward. Further comment on this issue is set out in the transport section of this report.

26 In terms of the broader assessment of the allocation for a housing led mixed use development (minimum 350 homes), the proposals were subject to a design competition (see case history) in response to the Council's 2008 design brief for the site. The scheme currently includes 280 residential units plus the existing 75 from the previous permission (total delivery = 355). Community and leisure uses also form part of the current submission. Notwithstanding the need to protect land for transport functions, which remains a principle concern, and the impact of retail extension on other town centres (considered below), the mix of other uses on site is broadly consistent with the local land use objectives set out in the Core Strategy.

Retail extension

27 National planning policy guidance for retail, leisure and entertainment, offices, arts, culture and tourism and other main town centre uses is provided by Planning Policy Statement 4 (PPS4) *Planning for Sustainable Economic Growth*. This was published in December 2009, and replaced PPG4 (1992), PPG5 (1992) and PPS6 (2005). The key change from PPS6 to PPS4 is the replacement of the need test with a wider ranging six-point impact test. The sequential test remains, as does the scale test, which has been incorporated into the new impact test alongside accessibility by a choice of means of transport. PPS4's main objectives include delivering more sustainable patterns of development, reducing the need to travel, especially by car, and responding to climate change, and promoting the vitality and viability of town and other centres as important places for communities.

28 London Plan policy 3D.1 seeks to strengthen the role of London's town centres and secure a sustainable pattern of retail provision by encouraging retail, leisure and other related uses in town centres and discouraging them outside town centres. London's strategic town centre network is illustrated on map 3D.1 and in Annex 1. Policy 3D.2 states that the scale of retail, commercial and leisure development should be related to the size and role of a centre and its catchment, and that retail and other service provision should be managed in line with the sequential approach, seeking to reduce car dependency and traffic generation and to improve public transport access to promote more sustainable forms of development. These principles are reflected in draft replacement London Plan policy 4.7 *Retail and town centre development*.

29 The application proposes an increase in retail provision (see figure 1) in addition to the existing store floor space in an out of town centre location. In line with PPS4, critical to the acceptability of new retail provision in this location will be its impact on the vitality and viability of nearby town centres.

Sequential test

30 In terms of the requirement for the sequential test, the applicant has considered eight other possible areas. Given the need for local knowledge of particular sites, the robustness of this analysis should be led by the Council in discussion with the GLA.

The need for retail development

31 Whilst consideration of 'need' is no longer a national policy requirement, the applicant's assessment of expenditure capacity is useful when considering the potential impact of the development under the new wider impacts test.

32 The assessment suggests that there is need for the retail floorspace with expenditure capacity for comparison and convenience goods in the catchment. However, estimates of capacity are highly sensitive to technical assumptions and the GLA seeks clarification on a range of these assumptions including the expenditure projections and other schemes in the planning pipeline before the expenditure capacity estimates can be accepted.

Scale of the proposed retail

33 The London Plan states that development plans should relate the scale of retail, commercial and leisure development to the size and role of a centre and its catchment and encourage appropriate development on sites in town centres in the network (policy 3D.2).

34 The retail assessment is based on the following increase in floorspace:

	Net Floor Area	Gross External Area¹
Existing Store	3,678m ²	6,485m ²
Proposed Extension	1,722m ²	2,333m ²
Proposed New Store	5,400m ²	8,818m ²

¹ Gross External Area excludes plant area.

Figure 1: proposed floorspace for Tesco store extension (source: Planning and retail assessment)

35 Notwithstanding the impact at this stage, the scale of retail development proposed is considered to be generally acceptable given the quantum of other land uses proposed as part of this mixed use development and the scale of residential and other ancillary land uses being brought forward to the north of the site.

Impact on existing centres

36 The greatest impact will be on the neighbourhood centres in zones 1 and 2 (impacts >4%) although largely on comparison goods. Whilst this is the case any impact should be carefully considered as whilst individually such impacts may not be significant, cumulatively they can be detrimental to the successful functioning of existing town centres. It is not clear whether the impacts in Table 7 are cumulative (i.e. they include other proposals in the planning pipeline) and also whether there might be any impacts on planned strategic investment in the Earls Court Opportunity Area. Further clarification is therefore required.

Accessibility: choices of means of transport

37 An understanding of the accessibility of the proposed development by a choice of means of transport, taking into account the importance of fostering public transport use in London and the likely effect on overall travel patterns and car use, is essential for assessing the acceptability of the proposed development. The site currently has a high public transport accessibility level of 6a. Whilst this is the case, the comments made by Transport for London in paragraphs 100 to 109 of this report, particularly those that relate to car parking provision, need to be taken into account.

38 Further discussions on these issues will therefore be necessary before the application is referred back to the Mayor for final determination.

Housing

39 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

40 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

41 Policy 3.13 of the draft replacement London Plan establishes the approach to negotiating affordable housing on site, and states that *"The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes"* taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development, and viability.

42 The Council's Core Strategy policy CH2 covers affordable housing, amongst other matters. Here it sets a strategic target of 50% affordable housing and requires the maximum reasonable amount of affordable housing on individual sites, with an 80/20 split (social/intermediate) in this particular location.

43 The housing offer is currently being discussed. The initial housing offer is set out in table 2 above, however, as set out in the description of development, two affordable housing options are being considered. One at 56 affordable housing units as set out in table 2 and an increased offer of 69 affordable housing units (bedroom size mix to be determined). The applicant has submitted a viability appraisal to the Council which is currently being scrutinised by an independent valuer.

44 As set out above, the policy test is to seek the maximum reasonable amount of affordable housing at both local and strategic levels having regard to a range of factors. The conclusions of the independent valuer will need to be discussed in detail with the GLA and the Council prior to final determination of the application. The Council and the applicant should also be aware of the implications of the new affordable housing model, as outlined in the HCA's affordable housing

programme framework, as well as changes to funding and definitions of affordable housing. Notting Hill Housing Association should also be involved in these discussions should they be the preferred Housing Association to deliver and manage new provision arising. These changes need to be an integral consideration and should be adequately reflected in the final offer. It is recommended that the applicant and their consultant team have early discussions with the Council's housing team, GLA officers, and Notting Hill Housing Association in this context as the scheme progresses. Discussions regarding tenure split, housing mix and density can continue in parallel to the detailed assessment of viability work however these are considered at high level below.

Tenure split

45 As above, the availability of HCA funding and changes to the definitions of affordable housing will be a determining factor regarding the type of affordable housing products that will be secured. The planning policy position is, however, currently unchanged. London Plan Policy 3A.9 states that affordable housing targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that within the affordable element 70% of housing should be social and 30% intermediate provision, and of the promotion of mixed and balanced communities. Policy 3.12 of the draft replacement London Plan states that within the 13,200 affordable homes per year target, the Mayor will, and boroughs and other partners should, seek to ensure that 60% is social housing and 40% is intermediate. The current offer as set out in table 2 provides an 83/17 split (social/intermediate). Notwithstanding the policy guidance, this approach can be justified in this instance on the basis of local need arising, however, further discussion will be necessary as the funding arrangements and affordable housing products become more clearly defined.

Housing mix

46 London Plan Policy 3A.5 encourages a full range of housing choice. This is supported by the London Plan Housing Supplementary Planning Guidance, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs. Policy 3.12 of the draft replacement London Plan states that within affordable housing provision, priority should be accorded to family housing. Recent guidance is also set out in the draft revised interim Housing Supplementary Housing Guidance (October 2009) and draft replacement London Plan policy 3.8, which seeks to widen housing choice. A draft mix is provided (as set out in table 2) but is likely to be subject to change. The proposal will, however, be expected to accord with the strategic and local requirement for a significant proportion of family accommodation. Given the nature of the location it is important that the units will be affordable and are consistent with the GLA's affordability criteria. The current offer provides a significant proportion (over 50%) of the social rented accommodation as 3 or 4 bedroom accommodation. Given the local needs arising in the borough for family housing, this approach is supported. As above, discussions regarding tenure and viability will need to continue as the final mix is agreed.

Density

47 London Plan Policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4B.1 and public transport capacity. Table 3A.2 of the London Plan provides guidelines on density in support of policies 3A.3 and 4B.1. The draft replacement plan moves away from maximising site capacity to optimising development potential with a stronger focus on local context in particular. The issue of density is not considered in the planning submission and therefore must be considered before the Mayor is required to make a decision, particularly in terms

of the impact of density on housing quality. The applicant should have regard to the density guidance in the London Plan as set out above and the guidance (including on how to calculate it) in the interim Housing SPG.

Housing choice

48 London Plan Policy 3A.5 states that all new housing should be built to Lifetime Homes standards and that 10% should be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This is supported by draft replacement London Plan policy 3.8.

49 The applicant's commitment that all new residential units will meet Lifetime Home standards and that 10% will meet wheelchair standards is welcomed.

Design and access

50 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B, which address both general design principles and specific design issues. Policy 4B.1 sets out overarching design principles for London, and states that the Mayor will seek to ensure that new developments maximise site potential (see also policy 3A.3), enhance the public realm, provide a mix of uses, are accessible, legible, sustainable, safe, inspiring, exciting and respect London's natural and built heritage. Policy 4B.2 promotes high quality, world-class contemporary and integrated design.

51 Policy 4B.3 refers specifically to the contribution of planning applications to the public realm. Policy 4B.4 encourages the retrofitting and reuse of buildings. Policy 4B.5 requires all development to meet the highest standards of accessibility and inclusion, and that the principles of inclusive design should be integrated into proposed developments, with information on how inclusion will be maintained and managed. These general design principles should be reflected in developments. Policy 4B.6 requires proposals to address the fear of crime and to minimise potential crime through good design. Policy 4B.8 requires proposed developments to preserve or enhance local context and distinctiveness, including social, physical, cultural, historical, environmental and economic characteristics.

52 London Plan policies 4B.9 and 4B.10, which relate to the specific design issues associated with tall and large-scale buildings, are of particular relevance to the proposed scheme. These policies set out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor.

53 The draft replacement London Plan reinforces these principles, with new development required to have regard to its context, and reinforce or enhance the character, legibility and permeability of the neighbourhood (Policy 7.1).

54 The Mayor has also published his draft London Housing Design Guide. Although this is not supplementary planning guidance, the principles within it should help the scheme to demonstrate consistency with London Plan strategic design principles.

Scale and massing

55 The scale and massing of the proposals have been subject to detailed debate over a significant period of time and the Council's design brief considered a range of possible options including a mix of tall building option testing heights. The testing responded to the 1996 permission for a landmark tower.

56 The landmark element has been significantly reduced from the previous applications and whilst the scale is still apparent when considered in the wider townscape, the location represents an important exit and entry point into the borough and marks one of the boroughs major areas for regeneration. In addition the setting of the townscape at this junction will significantly change in the future. Kensington & Chelsea Council, Hammersmith & Fulham Council and the GLA are jointly consulting on the draft Earls Court and West Kensington Opportunity Area SPD (March 2011). The boundary of the OA runs up to West Cromwell Road and the illustrative masterplan promotes a significant change to the scale of the townscape at this point. The proposed massing has responded to concerns raised by the Council and other stakeholders and the tower is now a fairly modest and well proportioned response to the existing townscape setting. The result of reducing the tower is, however, an increase in mass to the podium block, which is noticeable in townscape views facing west, along West Cromwell Road. Whilst this is the case the greatest mass is set along the railway line and responds accordingly to these circumstances, similar to the masterplan guidance set out for the four Warwick Road sites to the north.

57 What remains unclear, however, is the scale of the proposals in the views from the existing housing association block to the east test views should be provided to ensure the new block is not unreasonably overbearing. This requires further testing, and was raised at pre-application stage.

Heritage and strategic views

58 London Plan policies 4B.11 to 4B.15 set out the strategic approach to the protection and enhancement of London's rich built heritage. Whilst the broad architectural approach is supported, the proposals will impact on the setting of nearby listed buildings, including Church of St Cuthbert, Philbeach Gardens (grade II*) and on the character and appearance of the surrounding conservation areas including Philbeach Conservation Area and Olympia and Avonmore which falls within the jurisdiction of Hammersmith & Fulham Council.

59 The application is supported by detailed heritage and townscape analysis. The majority of the views of the proposals appear to meet the policy requirement to preserve or enhance the character and appearance of the conservation area and protect the setting of listed buildings. Whilst this is the case, the townscape analysis identifies a number of sensitive views. In particular that from Philbeach Gardens. It is clear that the work on the wider masterplan for Earls Court seeks to limit intrusion into the conservation area and the setting of the Church. The views of the proposed development will be in the background of the eastern spires of the church. These are shown as wire line test views and whilst the townscape analysis concludes the impact to be minor to moderate, the effect described as neutral, GLA officer request fully rendered view to test the impact in detail (view M7).

60 The impact on the character and appearance of the Olympia and Avonmore Conservation Area is also sensitive point when viewed from Stanwick Road (junction with Matheson Road). Full rendered views in this instance are provided and the impact is described as minor to moderate, the effect as neutral. In this particular instance the view from Stanwick Street to outside the conservation area will be subject to change as part of the emerging OA planning framework. This part of the conservation area is fairly fine grain, and the building will be visible in glimpses, mostly hidden as you continue down Stanwick Street. It will however be noticeable from the junction as shown in the townscape analysis, but the change is to one part of the conservation area and would not significantly harm the overall character and appearance or experience as you travel through the area.

61 For the majority views the proposals are broadly acceptable, however further work is required before the application is reported back to the Mayor for final determination.

62 London Plan policies 4B.16 to 4B.18 set out the strategic approach to the management of strategically important views. The applicant has not considered the impact on strategic view 9A, King Henry VIII's Mound, Richmond to St Paul's Cathedral, which cuts across the borough. This was considered in wire line at pre-application, however has not been included in the assessment provided by Millar Hare on the applicant's behalf. It is unlikely there will be any noticeable infringement within these views, however this would need to be confirmed as part of the full townscape analysis.

Layouts and access

63 The aim of London Plan policy 4B.5 and draft replacement London Plan policy 7.2 *An Inclusive Environment* is that proposals aim for the highest standards of accessibility and inclusion (not just the minimum) and that the design process has from the outset considered how everyone, including disabled and deaf people, older people, children and young people, will be able to use the places and spaces that are proposed. Draft replacement London Plan policy 7.1 also stresses the importance of extending these inclusive design principles to the neighbourhood level by meeting Lifetime Neighbourhood criteria. This can help to ensure that the public realm, the parking areas, the routes to the site and links to adjacent public transport and local services and facilities are also designed to be accessible, safe and convenient for everyone, particularly disabled and older people. This concept can also help to meet the specific needs of older people (see the CLG report 'Lifetime Homes Lifetime Neighbourhoods A National Strategy for Housing in an Ageing Society').

64 The layout arrangements are significantly complex and set over three main publically accessible courtyards.

Courtyard 1: street level/Tesco entrance

65 The level access into the community/leisure use and residential block are supported. The existing external (tapering) steps outside Tesco's on the corner of Warwick Road result in a significant accessibility barrier to and from the bus stop. The applicant should consider remodelling to provide a ramped route from the bus stop in Warwick Road to the entrance of the store.

66 The glass screen on west Cromwell road should be highlighted sufficiently to prevent people walking into the glass (particularly those who may be visually impaired). This area should also be landscaped where possible.

67 The two lifts which provide access up to level 2 courtyard should extend up to courtyard 3. (If this third courtyard is to be public, see comments below). It is not clear if there is lift access to this level other than by private residential cores in the tower block. The design and access statement suggests that these residential cores will be public but that is not usually the case. There does not appear to be an accessible alternative to the steps into courtyard 3 from the Fenelon Place (north side) side of the site.

Courtyard 2: in front of Notting Hill Housing Association units

68 There is concern that vehicles would be sharing the space adjacent to courtyard 2. This area should be limited to pedestrian movement only given it will be a key route through the site to the north. The detailed design of this area should be further considered. It is also unclear how or why the lift access to the north down to street level is located at the far end of this level two route. It lacks natural surveillance and may be subject to antisocial behaviour and should be located closer to the main block.

Courtyard 3: *upper level*

69 The public function to this courtyard space is questioned. The southern end of the courtyard may be more suited to public access given there will be a cafe and opportunities for wide ranging views of London, however, the more intimate space to the north may be more appropriate as private amenity space for residents. It would also appear that access to this area from the north is also only possible by steps.

Housing quality

70 Draft replacement London Plan policy 3.5 addresses the quality and design of housing developments and is supported by table 3.3, which sets out minimum space standards for new development. Paragraphs 3.31 to 3.33 of the draft replacement London Plan state the Mayor's intention to produce guidance on the implementation of policy 3.5 for all tenures in a new housing SPG, drawing on the guidance contained in the draft Housing Design Guide. Page 16 of the design and access statement provides some detail regarding space standards. It sets out that with the exception of the 1 bedroom accommodation, all other social rented units will exceed the Mayor's emerging standards. The 1 beds fall short due to provision at between 48-50 sq.m. where the standard seeks a minimum of 50 sq.m. It also suggests these figures are target areas rather than actual fixed standards to be delivered. For the private units, the space standards are not shown. A full commitment across all tenures is required regarding space standards which should be conditioned by Kensington & Chelsea Council.

71 The proposals perform fairly well on other areas of design quality. For the affordable block the number of units per core does not go above seven. The private ranges from 8 to 4 from a single core and to the northern side of the block there are a maximum of 12 units accessing from one lift core but two stair cores. The applicant should reconsider this arrangement to ensure the number of units accessing of single lift cores is minimised to the standards set out in the Housing Design Guide. In terms of aspect, the proposals are mostly single aspect, however all units benefit from either an east or west aspect with no north facing only single aspect units. The units facing the railway elevation benefit from winter gardens to mitigate noise and air quality impacts (see noise section below).

Architecture

72 The architecture is high quality and with sustainability objectives clearly integral in the layout, orientation and appearance of the building. The materials appear to be stone, render and glass, which will provide a high quality, finish to the appearance of the development, however the design and access statement provides limited commentary on the selected materials. There is concern that the white finish to the building may age significantly given the location adjacent to West Cromwell Road. If it is stone it is likely to weather fairly sympathetically and consistently, however if render is proposed then the applicant needs to give consideration to maintenance and weathering to provide longevity to the building. Whilst the tower is striking in appearance, it is not clear from the plans what the top of the building is used for and whether there will be public access.

Children's play space

73 Policy 3D .13 of the London Plan sets out that "the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs."

Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 101 children within the development. The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with under-5 child playspace provided on-site. As such the development should make provision for 1,001 sq.m. of playspace.

74 This development provides a range of opportunities in terms of public realm which the applicant suggests exceeds 11,000 sq.m. The applicant identifies 100 sq.m. for under 5's and 350 sq.m. for 6-11 year olds. Whilst this is the case it is not clear where specific play opportunities will be focused as these areas are not shown on plan. The applicant should provide further detail regarding the proposed play space strategy for the site which identifies suitable areas and opportunities for formal and passive equipment.

Climate change mitigation

75 London Plan policies 4A.4 to 4A.7 require the submission of an energy demand assessment along with the adoption of sustainable design and construction, demonstration of how heating and cooling systems have been selected in accordance with the hierarchy and how the development will minimise carbon dioxide emissions, maximise energy efficiencies, prioritise decentralised energy supply, and incorporate renewable energy technologies, with a target of 20% carbon reductions from on-site renewable energy. Chapter 5 of the draft replacement London Plan echoes the policy approach already in the current London Plan.

76 The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. The proposals are broadly acceptable; however, further information is required before the carbon savings can be verified.

Energy efficiency

77 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum values required by building regulations. Other features include energy efficient lighting and mechanical ventilation with heat recovery.

78 The energy strategy confirms that the development as a whole will just exceed 2010 Building Regulations compliance through energy efficiency alone. This has been demonstrated through modelling.

District heating

79 The energy strategy indicates that there are no existing district heat networks within the vicinity of the proposed development but a commitment to ensuring the development is designed to connect to future district heating networks, should one become available, has been provided. The applicant states that the majority of the development's space heating and domestic hot water loads will be met by a community heating system. However, further details are required regarding the site heat network infrastructure. The applicant should confirm that all dwellings and non-domestic building uses will be connected to the site heat network infrastructure. The applicant should also ensure that the heat network infrastructure is fed from a single energy centre. A drawing showing the proposed location of the energy centre should be provided and the minimum floor area of the energy centre should be confirmed.

Combined heat and power

80 Two 70kWe natural gas-fired combined heat and power engines are proposed to meet 60% of the development's base heat load. A third combined heat and power unit serving the retail store is also proposed. A reduction in carbon dioxide emissions of 137 tonnes per annum (11%) is envisaged through this second part of the energy hierarchy. The applicant should provide load profiles to support the sizing of the combined heat and power plant.

Cooling

81 A range of passive measures are proposed to reduce the cooling demand. This includes the use of balconies in the residential apartments to provide shading and the use of high performance glazing.

Renewable energy

82 336 sq.m. of photovoltaic (PV) panels are proposed. A roof plan showing the location of the proposed PV is provided. A reduction in carbon dioxide emissions of 21 tonnes per annum (1.5%) will be achieved through this third element of the energy hierarchy.

Energy summary

83 The estimated carbon emissions of the development are 1,048 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, combined heat and power and renewable energy has been taken into account. This equates to a reduction of 163 tonnes per year in emissions compared to a 2010 Building Regulations compliant development, equivalent to an overall saving of 12.5%.

Climate change adaptation

84 The London Plan promotes five principles in Policy 4A.9 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure (the corresponding draft replacement London Plan policy is policy 5.3). There are specific policies covering overheating, living roofs and water. Further guidance on these policies is given in the Mayor's SPG Sustainable Design and Construction.

85 Policy 4A.11 and draft London Plan policy 5.11 seek major developments to incorporate living roofs and walls where feasible. Policy 4A.14 of the London Plan and Policy 5.13 of the draft replacement plan seek to ensure that surface water run-off is managed as close to its source as possible and sets out a hierarchy of preferred measures to achieve this. Policy 4A.16 of the London Plan and policy 5.15 of the draft replacement plan seek to ensure that new development has proper regard to the impacts on water demand and existing capacity by minimising the use of treated water and maximising rainwater harvesting.

86 The proposals have been designed to reduce carbon dioxide emissions beyond building regulations through energy efficiency measures alone. This includes the use of natural ventilation and techniques to minimise the risks of overheating. Green roofs will be included within the proposals and should be conditioned by Kensington & Chelsea Council. A commitment to minimising the use of water will also be conditioned by the Council, in accordance with London Plan policy 4A.16.

87 Regarding water, the Environment Agency's flood zone map shows that the existing site is considered to be at low risk of flooding from tidal and fluvial sources. The primary flood risk is therefore the effect of the proposed development on flood risk as a result of surface water runoff and drainage. A rainwater collection and recycling system is being considered through the sustainable urban drainage system. This should be conditioned by Kensington & Chelsea Council. Overall the site impermeable surfaces have been reduced. The Environment Agency has been consulted, any significant comments will be reported at the final determination stage.

88 Microclimate matters, biodiversity, air quality impacts will be considered further in discussion with the Council

Noise

89 London Plan policy 4A.20 *Reducing noise and enhancing soundscapes* states that the Mayor will, and boroughs should reduce noise by, among other things, "*minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals*" and that new noise sensitive development should be separated from major sources of noise wherever practicable. This is also reflected in draft replacement London Plan policy 7.15. The advice contained in Planning Policy Guidance note 24 (PPG24): Planning and noise is also relevant.

90 The application site contains several major sources of noise including road traffic noise from West Cromwell Road and rail and freight noise from railway. The residential parts of the proposed development will be particularly sensitive to road and rail noise and mitigation may therefore be required. The application proposes to use sound insulation to protect new residential properties from unacceptable noise conditions. However, in line with London Plan policy 4A.20, it will be essential to fully explore the sort of design and layout measures to minimise exposure e.g. placing habitable rooms on quieter facades, and only to use sound insulation when design measures alone are unable to achieve acceptable noise conditions.

91 Whole house ventilation is proposed which allows for significant protection against noise due to air tightness levels. It is however not clear where and which units are worst affected. The planning statement suggests that mitigation proposed means that most of the units are only exposed to the more moderate levels of noise (NEC categories no higher than A and B), which suggests whilst noise should be taken into account when determining planning applications it can be dealt with where appropriate through the use of conditions imposed to ensure an adequate level of protection against noise.

92 GLA officers will further scrutinise the methodology in the Environmental Statement and may provide further comment in due course. This matter may therefore require further discussion before the Mayor considers the case at the final determination stage.

Transport for London's comments

Coach parking

93 The site currently includes a coach and lorry parking facility with parking for 36 coaches which is an independent franchise that is well used by coach operators serving local hotels and events in west London. The application seeks to remove this facility and to convert it into car parking to serve the new development on the site.

94 The coach parking facility plays an important role in supporting coach activity in London and provides safe, 24 hour, off-street mid to long term parking. In the immediate vicinity, the

coach park supports the activities of coaches serving the south Kensington museums, hotels and other attractions in the West End. Its closure, without a suitable alternative, would lead to coaches being dispersed to areas where their presence may be detrimental to residents and other road users. The alternative coach parking facilities quoted in the transport assessment report are significant distance from central London to be considered appropriate alternatives and the existing facilities in central London are close to capacity. If the coach parking were lost, coaches would have to move to existing on street short stay (2 hour) parking locations many of which are close to or at capacity and there would be an increase in coach kerbside activity on the Transport for London Road Network close to the museum and hotels which will have a negative impact on traffic flows and on highway safety.

95 Coach parking is protected by London Plan 3C.4 Land for transport which states that sufficient land should be maintained for transport functions to serve the economic, social and environmental needs of London. It states that changes of use of land from transport and transport support functions should only be approved if it is no longer required and is unlikely to be required in the future for its purpose, or if equally good alternatives are provided.

96 The draft replacement London Plan Policy 6.8 Coaches states 'The Mayor will work with all relevant partners to investigate the feasibility of developing a series of coach hubs or the potential for alternative locations for coach station facilities to provide easier access to the coach network, while retaining good access to central London for coach operators.'

97 The London Plan SPG 'Land for Transport Functions' states that if a site currently being used for permanent coach parking facilities is to be redeveloped, a suitable alternative site should be provided. Whilst this is the case, in terms of the plan led approach, draft replacement London Plan policy 6.2 *Providing public transport capacity and safeguarding land for transport*, sets out that as part of LDF preparation that "*Boroughs and any other relevant partners must ensure the provision of sufficient land, suitable located for development of an expanded transport system to serve London's needs by: a) safeguarding in DPD's existing land used for transport or support functions unless alternative facilities are provided that enables existing transport operations to be maintained.*" The adopted Core Strategy allocates the site for a housing led mixed use scheme. The retention of the existing coach parking facility is not identified as part of the allocation nor is it listed in the draft replacement London Plan table 6.3 (indicative list of transport schemes) which relate to strategic transport projects, offered greater protection as set out in policy 6.2B. TfL raised the issue of coach parking in broad terms during the consultation stages of the Core Strategy, however, a non conformity objection was not pursued during the Examination in Public.

98 The adoption of the Core Strategy has resulted in the deletion of a number of UDP policies, and the retention of others. Policy TR20 of the Council's UDP was saved in the Core Strategy adoption process and seeks 'to resist the loss of off-street coach parking'. Paragraph 7.17.17 of the UDP states 'off-street coach parks are provided at certain locations in the Borough and elsewhere in London, and these must be maintained'.

99 At present whilst the plan led approach is understood, the loss of the coach parking facility at this site has not been justified in terms of London Plan policy 3C.4 and UDP policy TR20. The applicants should investigate an alternative nearby like-for-like coach and lorry parking facility that could be provided in place of the existing facility or consider a revised design of the development proposal such that it will ensure that the coach and lorry parking facility can be retained.

Car parking

100 The current store has a floor area of 6,485 sq.m. and a parking provision of 360 spaces, which is equivalent to 1 space per 18.4 sq.m. This existing parking provision is much higher than necessary given the accessibility of the site by public transport (6a).

101 The London Plan standards for food retail stores over 2,500 sq.m. with public transport accessibility level values of 5-6 is one space per 25-38 sq.m. The parking provision of a site with a public transport accessibility level rating of 6a should be towards the 1 space per 38 sq.m. end of that range. The provision of 335 parking spaces for the store is equivalent to 1 space per 26 sq.m. which is therefore at the range more appropriate to an area with lower public transport accessibility level. The applicant should therefore consider a reduction in parking given the London Plan objectives does.

102 The transport assessment includes a survey which shows a maximum occupancy of 186 spaces of the existing car park and used this to predict the maximum demand for the extended store of 221 spaces. A 21% daily variation factor increase was then applied to the 221 spaces plus a 3% operational efficiency factor to give a total predicted maximum demand of 277 spaces. A further 10 space margin has then been added plus the 34 disabled and 14 parent and child spaces to give the total of 335 spaces. This approach provides an attempt to justify the parking based on the demand on one the busiest likely Saturdays of the year then adding further contingencies for operational efficiency plus a further 10 spaces as a margin. This does not provide a satisfactory argument that a provision of 335 parking spaces would be appropriate.

103 TfL requests that the store parking provision is reduced to a level that is towards the 1 space per 38 sq.m. level set out in the London Plan.

104 TfL support the proposed ratios of disabled and parent and child bays. The proposed proportion of electric charging points is acceptable given that it exceeds the 10% active charging and 10% passive charging minimum requirements set out in the draft replacement London Plan.

105 The proposed additional 293 residential units would be served by 112 parking spaces, equivalent to circa 0.38 spaces per unit. The residential car parking will be in addition to the commercial car parking and will therefore contribute to the net increases in car trips to and from the site in a sensitive location adjacent to two important Transport for London Road Network routes. Given the location of the site with excellent access to public transport it is considered that car free or a very low parking provision would be suitable.

106 It is noted that the existing 60 Notting Hill Housing Association dwellings have a parking provision of 57 spaces. It is questioned whether this parking provision is necessary and should be maintained.

107 TfL supports the permit free approach which will ensure that the residential units will be exempt from eligibility for on-street parking permits that will ensure that there is no impact on residential parking bays in the vicinity of the site.

108 The provision of car club spaces is supported but TfL considers that 2 spaces would be insufficient for the number of residential units proposed.

109 TfL support the disabled parking ratio of 10% of spaces for the residential component. TfL also support the proposal to provide 20% of spaces with active charging and 20% of spaces with passive charging for the residential component, this meets the requirements of the draft replacement London Plan.

Cycling

110 The cycle parking for the retail element of the proposals at 88 spaces is acceptable and complies with the London Plan standards. The cycle parking for the residential element is 107 spaces for 293 units which falls well below the minimum requirements in the London Plan and this should be increased accordingly. The provision of surface level visitor cycle parking for the community uses on the site should be provided.

111 The provision of land for a cycle hire facility on Fenelon Place is welcomed and funding for implementation of this facility will be required through the section 106 agreement.

Walking

112 The audit of pedestrian facilities is considered to be acceptable in its approach and the measures suggested appropriate. TfL will expect the Borough to agree an appropriate s106 contribution to cover the costs of implementing these works.

113 Legible London is a way-finding initiative to encourage walking and a contribution towards providing Legible London map posts in the vicinity of the site will be sought by TfL.

114 TfL has an aspiration to undertake significant highway and streetscape improvements on the A4 West Cromwell Road and its junctions with Warwick Road and Earls Court Road. TfL is currently in the process of reviewing and costing the various options, and expects the applicant to make a substantial contribution to fund the scheme. We would recommend that a meeting is arranged to discuss the way forward.

Trip generation

The trip generation assessment is considered to be acceptable in its approach and is satisfactory to TfL.

Highways assessment

115 Further modelling work will be undertaken by TfL as part of the A4 West Cromwell Road scheme, and we propose that the development impact should be tested using these models. Further discussions should be held with TfL to take this forward.

116 Notwithstanding this, the surrounding highway network is currently highly congested and any additional traffic is likely to have a detrimental impact on traffic flows. In addition, the recent removal of the Western Extension of the Congestion Charging Zone has resulted in an increase in traffic levels. On this basis, it is crucial that the parking for the development is restricted and it is suggested that no parking is provided for the additional residential units and that the retail parking is reduced to minimise the traffic impact.

Impact on public transport

117 The proposed development would not result in sufficient additional trips on the London Bus network or London Underground network to require any improvement works and hence no mitigation measures are sought.

Travel Plan

118 The travel plan has failed the ATTrBuTE assessment. The residential and workplace travel plan were combined and assessed together. The travel plan does not contain a baseline modal split, which is fundamental for target setting and monitoring progress and there is no information regarding how the travel plan will be secured or funded. Additional car club spaces should be

provided to ensure the success of this measure. Travel plans should be secured through the section 106 agreement.

Servicing & delivery

119 The Freight Unit requests submission of a delivery and servicing plan (DSP, ref. London Freight Plan 2008) which should seek to rationalise servicing with the aim to reduce the total number of trips made and to avoid critical times on the road network. The DSP should identify efficiency and sustainability measures to be undertaken once developments are operational, including:

- booking systems;
- consolidated or re-timed trips;
- secure, off-street loading and drop-off facilities;
- using operators committed to best practice, demonstrated by membership of TfL's Freight Operator Recognition Scheme (FORS), or similar;
- swept-path analysis demonstrating sufficient access for delivery vehicles;

120 This document should be secured through the section 106 agreement.

Construction impact

121 TfL welcomes the submission of the Construction Management Plan. DP also requests submission of a Construction Logistics Plan (CLP), which should seek to minimise highway and traffic impact to the highway network during the course of construction, including:

- booking systems
- consolidated or re-timed trips
- secure, off-street loading and drop-off facilities
- possible mode-shift from road to water or rail
- using operators committed to best practice, demonstrated by membership of TfL's Freight Operator Recognition Scheme (FORS), or similar.

122 This document should be secured through the section 106 agreement.

Traffic Management Act

123 Should this application be granted planning permission, the developer and their representatives are reminded that this does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.

Summary

124 The loss of the coach parking facility has not been fully justified in terms of London Plan and borough policy. The car parking for both the retail and the residential elements of the proposals should be reduced to ensure compliance with the London Plan and to ensure there is not a detrimental impact on the operation of the TLRN. The proposed streetscape scheme on the A4 West Cromwell Road is a priority for TfL and it is requested that the development provides a substantial contribution towards the funding of this scheme. Further issues relate to insufficient cycle parking, an insufficient Travel Plan and car club scheme, contributions towards the Legible London wayfinding scheme and the cycle hire docking station.

Local planning authority's position

125 The Council's recommendation is currently unknown.

Legal considerations

126 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 and any connected 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

127 There are no financial considerations at this stage.

Conclusion

128 London Plan policies on are relevant to this application. In general, the application complies with these policies, for the following reasons:

- Principle of development: (non compliant) the loss of the coach parking facility and the quantum of retail requires further consideration.
- Urban design and inclusive access: (non compliant) some further testing is required regarding the setting of St Cuthbert Church and Philbeach Gardens Conservation Area as well as the impact on the existing Notting Hill Housing Association units above the Tesco store. Further work is required on the location of lifts as part of the access strategy, and use of materials for the building. Public access around the site needs further consideration and the uses for the top of the tower needs clarification.
- Housing quality: The space standards for private units should be provided. Reconsideration of the number of units per core in the private block is also required
- Play space: (non compliant) the strategy for play requires further consideration as there is a lack of detail regarding the provision of specific spaces and equipment.
- Affordable housing (non compliant) the viability submission requires testing. The density, tenure and housing mix also requires further discussion.
- Climate change mitigation (compliant): Broadly supported, subject to technical clarifications on the heat network and location of CHP.
- Climate change adaptation (compliant): broadly supported, subject to conditions.

- Noise: further analysis is required regarding noise impacts and mitigation proposed.
- Transport: (non compliant). The loss of the coach parking facility has not been fully justified in terms of London Plan and borough policy. The car parking for both the retail and the residential elements of the proposals should be reduced to ensure compliance with the London Plan and to ensure there is not a detrimental impact on the operation of the TLRN. The proposed streetscape scheme on the A4 West Cromwell Road is a priority for TfL and it is requested that the development provides a substantial contribution towards the funding of this scheme. Further issues relate to insufficient cycle parking, an insufficient Travel Plan and car club scheme, contributions towards the Legible London wayfinding scheme and the cycle hire docking station.

129 On balance, the application does not comply with the London Plan.

130 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- Principle of development: the applicant should provide further details of possible alternative locations and further impact analysis regarding the loss of the existing coach parking facility as well as all design options explored in terms of onsite retention of the coach parking facility. The applicant should provide further details regarding the cumulative impacts on other town centres.
- Urban design and inclusive access: The applicant should provide fully rendered views from within Philbeach Gardens to illustrate the impact on the setting of the listed church and confirm materials and uses to the top of the tower. The applicant should also provide analysis to show the impact on the existing residents of Notting Hill Housing Association units. The applicant needs to confirm the public access strategy, location of lifts, access to the top of the tower and materials proposed for the building.
- Housing quality: The space standards proposed for the private units should be set out and justification should be provided where these are not consistent with the Mayor's space standards. Reconsideration of the number of units per core in the private block is required to ensure this does not exceed 8 units per core.
- Play space: The strategy for play requires further detail or should be secured through detailed condition regarding quantum and mix of equipment.
- Affordable housing: The housing offer needs to be independently verified. Discussion is also required regarding the change in national policy regarding HCA funding and delivery. The density tenure and housing mix should be considered in parallel with this discussion as appropriate on the findings of the viability testing.
- Climate change mitigation: minor technical clarification required on the heat network and location of CHP.
- Climate change adaptation: conditions regarding water use, green roofs, SUDS, should be secured by the Council.
- Noise: further analysis is required to identify which specific flats are most exposed to noise exposure levels above NEC C. GLA officers will further scrutinise the Environmental Statement to ensure the methodology is robust and adequate mitigation is proposed.

- Transport: further detail regarding the impacts arising from the loss of the coach parking facilities and the alternative locations being considered. The car parking for both the retail and the residential elements of the proposals should be reduced to reflect the policy objectives to limit use of car and manage the impact on the operation of the TLRN. Financial contribution is sought towards the streetscape scheme on the A4 West Cromwell Road. Further provision of cycle parking, reconsideration of the Travel Plan and car club scheme, and a financial contribution towards the Legible London wayfinding scheme and the cycle hire docking station is required.

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