

Land at Lancaster Green, North Kensington**in the Royal Borough of Kensington and Chelsea****planning application no. PP/12/01833****Strategic planning application combined stage 1 and stage 2 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

New 1,140 place academy, replacement leisure centre and 33 residential units.

The applicant

The applicant is **Kensington and Chelsea Council** and the architect is **Studio E**

Strategic issues

Provision of new school places, impact on sports and leisure facilities, zero affordable housing, loss of existing affordable housing, energy and transport.

The Council's decision

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

Recommendation

That Kensington and 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 25 May 2012 Kensington and Chelsea Council received an application to develop the above site for the above uses. Contrary to paragraph 4 of the Town & Country Planning (Mayor of London) Order 2008 the application was not referred to the Mayor and the Council resolved to grant planning permission on 26 September 2012. Following an objection sent to the Mayor, regarding the application, it was subsequently ascertained that was referable under Category 1B (b) of the Schedule to the Order 2008 - development of more than 20,000 sq.m. in Central London. The Council has not yet issued the decision notice and has asked that the application be considered under Article 5 of the Order.

2 This request was validated on 6 December 2012. 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 and Chelsea Council under Article 6 to refuse the application or issue a direction to Kensington and 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 19 December 2012 to notify the Council of his decision and to issue any direction.

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

Site description

4 The 2.2ha site is located in North Kensington and currently comprises a three court multi use games court (MUGA), leisure centre, car park, three 3-bed houses used for short/medium term accommodation for young adults leaving local authority care, street sweepers depot and incidental open spaces. There are a number of footpaths that cross the site as well as 108 trees. The surrounding character is a combination of traditional Victorian terraces and a series of local authority blocks of flats including the 23-storey Grenfell Tower.

5 The application site is accessible from Silchester Road and Bodmore Road, which are controlled by the Royal Borough of Kensington and Chelsea. The nearest section of the Transport for London Road Network, the A40, Westway is 215m north west of the site. The Hammersmith and City /Circle Underground line runs on a viaduct to the west of the site. Latimer Road station is within an accessible walking distance. Four bus services operate within acceptable walking distance of the site the majority travelling north towards Ladbrooke Grove. The nearest cycle hire station is located 200m south of the site. The overall public transport accessibility level of the site ranges from 2 to 4 where 1 is poor and 6 is good.

6 The site is located to the east of the White City Opportunity Area and the draft OAPF proposes the development of up to 5000 new homes within the Opportunity Area and improved links from White City to Royal Borough of Kensington and Chelsea across the A40, West London line and West Cross Route.

Details of the proposal

7 The application comprises three elements. A 1,140 place 11-18 academy in a building up to four storeys, a two-storey leisure centre with a 25m pool, learner pool, 8-court sports hall, fitness suite, 2 squash courts, cafe and spectator seating and 5-storey residential block with 32 flats. The open space on site and footpaths will be re-configured and a new access road created.

Case history

8 There is no strategic planning history

Strategic planning issues and relevant policies and guidance

9 The relevant issues and corresponding policies are as follows:

- Education *London Plan*
- Open land *London Plan;*
- Sports provision *London Plan;*
- Housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Providing for Children and Young People's Play and Informal Recreation SPG;*

- Affordable housing *London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy;*
- Urban design *London Plan;*
- Transport *London Plan; the Mayor's Transport Strategy;*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy;*
- Parking *London Plan; the Mayor's Transport Strategy*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*

10 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 2010 Core Strategy, the 2002 Unitary Development Plan and the 2011 London Plan.

11 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework
- The draft Revised Early Minor Alteration to the London Plan
- The 2011 Kensington Academy and Leisure Centre Planning Brief SPD
- The Draft White City OAPF 2012

Education, sports and leisure provision and open land/trees

12 Through the NPPF the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The Government urges authorities to give great weight to the need to create, expand or alter schools. The London Plan similarly supports the expansion of school places (policy 3.18).

13 The Council has identified a need for additional secondary school places in the north of the borough. There is currently no co-educational, non-denominational secondary school north of Notting Hill Gate, resulting in over a third of the boroughs publicly educated children travelling to other boroughs. Therefore the provision of a new academy is strongly supported. The school has been designed to easily facilitate community use and a condition has been imposed requiring a community use plan, which is welcome.

14 The proposal does result in the loss of the 3-court MUGA and a re-configured open space. The loss of the MUGA has been offset by a new MUGA at the nearby Westway Sports Centre, located on two previously unusable clay tennis courts. The MUGA and sports hall at the new school will also have public access. In addition there is enhanced leisure provision in the new leisure centre.

15 Sport England has no objection to the application, subject to a number of conditions, which the Council has imposed.

16 Although not designated as protected open space in the UDP there is some 11,500 sq.m. of hard and soft landscaping distributed across the site, which has amenity value. The new scheme has a similar total quantity of soft and hard landscaping (this includes the access road), however, there is a reduction of soft/green landscaping. The existing playground to the west of Grenfell tower is to be redesigned and enhanced. The re-configuration of the open space does not raise any strategic planning issues.

17 In addition as part of the implementation of the White City OAPF a new park should be created just to the west, which will be accessible to Royal Borough of Kensington and Chelsea residents.

18 There are some 120 trees on the site, of which 78 will be felled to facilitate this development, of these 12 are category R (in a poor/dangerous condition) and 39 are category B or C, no category A trees will be lost. 86 new trees will be planted in their place. The existing trees contribute to the amenity of the current open spaces and their loss is unfortunate, however, the proposed planting will rapidly mitigate this. The layout has also been designed to minimise tree impact.

19 The existing leisure centre was built in the 1970s and is reaching the end of its serviceable life. Whilst refurbishment may technically be an option, the centre does not meet current sporting and accessibility standard and long term operational and maintenance problems mean that a new leisure centre is a more sustainable option. The new centre will also have an improved range of facilities. The proposal will result in a loss of continuity of leisure provision during the three-year construction period, which is a source of objection from users. This is an unfortunate but inevitable consequence of the project. There are other leisure facilities nearby (1 – 1.2 miles) and a commitment to keep Chelsea Sports. A condition, required by Sport England, to produce a continuity plan has been imposed. Overall the leisure provision is supported from a strategic perspective.

Housing

20 The inclusion of 32 homes on the site is supported. While only 16% of the units are three-bed, the Council considers this is appropriate given the site characteristics, difficulty in providing sufficient amenity space for more larger units and need to maximise value to cross subsidise the leisure centre. Given the small number of units involved this does not raise a strategic issue.

21 There is no affordable housing included in the scheme, on the basis that all of the revenue from the private housing is required to contribute to the new leisure centre (which the Council is also contributing to from its capital programme). While the London Plan gives highest priority to delivery of affordable housing, this is subject to viability. In this instance the applicant has submitted a viability assessment, which has been independently assessed demonstrating the affordable housing is not viable in this instance, provided the capital receipt is used to cross-subsidise the school/leisure centre. The draft section 106 agreement includes such a clause. The absence of affordable housing in this instance is accepted.

22 The proposal also involves the loss of three units used by young adults leaving local authority care. Technically this is a loss of affordable housing, which is contrary to the London Plan. However, the Council's Family and Children's Services Department has confirmed that the model of provision does not reflect the needs of users and do not need to be re-provided. As such this loss is acceptable.

23 The units will meet the minimum space standards set out in the London Plan and generally provide a good standard of residential quality. Based on the methodology in the play space SPG

there would be four children living in the development. Schemes generating less than ten children need not make on-site provision. Given the sporting, open space and play facilities provided elsewhere, as part of the scheme no further provision is required.

Urban design and inclusive access

24 Overall the design of the three elements and spaces around them has been carefully thought out and is well resolved. The building heights are acceptable to the local context, street frontages have been activated where possible and the materials used are robust and attractive. The scheme raises no strategic design issues.

25 All of the buildings have been designed to ensure inclusive access for all. Lifts are provided in both the school and leisure centre, within the leisure centre the changing areas, toilets, circulation routes and spectator seating have all been designed with regard to relevant guidance. 10% of the flats are capable of wheelchair adaptation and all of the units meet Lifetime Homes Standards.

Energy

26 The applicant's energy strategy has been supplemented by a further appraisal of the viability of combined cooling, heat and power (CCHP) and a further assessment of CCHP options. The applicant has broadly followed the energy hierarchy set out in the London Plan and overall the scheme provides more than 25% carbon savings, as required by the London Plan. This is achieved through energy efficiency measures and renewables (air source heat pumps and photovoltaic panels). The applicant has discounted the use of CCHP, despite the fact that the Council's Core Strategy required CCHP to serve the site with potential to provide heat and power for a wider district energy network for the surrounding area. This is principally on the grounds that a wider heat network is not viable to the Lancaster West Estate or wider potential network area and would result in significant heat loss through distribution. The assessments have also looked at the potential for a CCHP system for the leisure centre alone; although feasible this has also been discounted, as it is incompatible with the proposed cooling system. Further information has been sought from the applicant to justify this position.

27 In normal circumstances justification of this position would have been the subject of ongoing discussion with the applicant during the course of determination. For the reasons set out in paragraph 1 of this report that has not been possible. Unlike other forms of development schools need be able to open at the start of the academic year and this imperative does not allow for further discussion prior to the Mayor making his decision if the construction programme is to be met. Given the great weight attached by the Government to facilitating new school development and the commitment made by the Council to continue dialogue on this matter after the Mayor's decision, a direction to refuse is not recommended.

Transport

28 It is understood that the proposals are split into 4 phases, phases 1-3 cover the construction of an academy, the leisure centre and public realm and phase 4 will deliver the residential units on the site.

29 There will be no parking at the academy except for 7 disabled spaces on the internal link road and 18 spaces for the 35 residential units. Due to the loss of the leisure centre car park 25 extra pay and display parking bays will be provided on surrounding streets. Electric vehicle charging bays have been secured for the residential element by condition. The parking proposals are in line with London Plan policy 6.13.

30 Cycle parking is proposed and secured by condition including 125 cycle spaces for the academy and 56 spaces for the residential elements. This is acceptable and in line with London Plan policy 6.9.

31 Following a review of the trip generation assessment, TfL concluded that the academy school children could not be accommodated on two existing bus routes. A contribution of £70,000 (index linked for 5 years) per annum payable over 5 years has been secured through the section 106 agreement payable to The Royal Borough of Kensington and Chelsea two years from occupation of the school. A survey of bus patronage will be undertaken and should be provided to TfL for review upon commencement of the second academic year to reassess travel patterns. The council has confirmed that it will consult TfL at the appropriate stages to ensure the bus network can continue to operate satisfactorily.

32 Through the assessment the Council raised concerns over coach provision in and around the site. The applicant has demonstrated how access is achievable and a coach management strategy has been secured by condition in accordance with London Plan policy 6.8 and 6.10.

33 A travel plan, servicing management plan and Construction Management Plan (CMP) have been secured by condition. TfL has requested that it be consulted on these plans before construction work commences on site.

34 In summary a number of issues have been identified and resolved through planning conditions and the section 106 agreement. The Council has agreed to consult with and transfer the bus contribution subject to the terms of the section 106 agreement. TfL is satisfied that the application can be considered to be in line with the transport policies set out within the London Plan (2011).

Response to consultation

35 **Sport England** – Issued a holding objection, subject to clarification on matters relating to community use, the need for sports halls in both the school and leisure centre, continuity of provision and safeguard that the new leisure centre will be built once the existing one is demolished. The objection has been withdrawn following clarification and imposition of a number of conditions.

36 **Thames Water** – Insufficient capacity to deal with wastewater from this proposal, surface water should be dealt with using SUDs. Insufficient capacity to supply water, a condition should be imposed requiring an impact study, informatives relating to water pressure, proximity of mains water infrastructure and impact of piling required.

37 **Environment Agency** – Following direct comments to the applicant regarding the Flood Risk Assessment the Agency was pleased to see the additional sustainable drainage measures. However, further work on the Assessment relating to storm water discharge, living roofs, basins/ponds, filter strips/swales, permeable surfaces and filter drains and design of drainage system. A condition requiring a drainage strategy, in line with the flood risk assessment has been imposed.

38 **Natural England** – Development could benefit from enhanced green infrastructure, standard advice re. bats.

39 **Kensington Society** – object on the following grounds, inclusion of housing within the scheme and its impact on open space for the school, loss of open space and amenity space, Sport England's objection, Thames Water objection, provision of a new access road, replacement MUGA

at Westway Centre is not acceptable mitigation, standard/quality of school is worse than Holland Park School, absence of CCHP, misleading development description and questions about coach and disabled parking.

40 **Grenfell Action Group** – object on the following grounds, loss of open/green space, over development, impact on residential amenity, misleading/false/inaccurate statements in the application documents, inadequate size of school amenity space, loss of trees, inadequate car and coach parking, new access road, absence of CCHP, EIA should have been required.

41 **Architects Appraisal Panel** – Welcomed improved layout following decision to divert the sewer, uncomfortable relationship between housing and leisure centre, support ‘flowing’ open space but consider boundary fence between school and park is negative feature and have concern re. design and use of new access road. Some concerns re. elevational treatment.

42 **Notting Barnes Ward Cllrs** – Broadly welcome the project, require commitment to address noise, traffic and problems caused by number of young people if they arise, object to, impact of roof-top MUGA on residential amenity, loss of open space, replacement MUGA at Westway Centre is not acceptable mitigation, absence of private open space for Grenfell Tower, loss of social rented accommodation, scale of housing and impact on open space that inclusion of housing causes, new access road, insufficient car and coach parking, impact of additional traffic (including on air quality), public art contribution should be used for railway bridge improvements, impact of construction and operation of the academy.

43 **Chelsea and Westminster Swimming Club** – Support the proposals, but consider there is insufficient parking, concerns re Club access to facilities within the leisure centre, impact of discontinuity for the Club.

44 **Planning Aid for London (on behalf of Grenfell Action Group, Grenfell Leaseholders Association, Lancaster West Estate Management Board, Lancaster West Resident’s Association)** – Object to the proposal on the following grounds, lack of consideration of impact in relation to wider regeneration proposals, scale of development, poor design, alternative sites for the Academy should have been explored, open space for Academy is too small, Academy will have impact on residential amenity, especially the roof-top MUGA, leisure centre does not need redevelopment, impact of discontinuity of leisure, loss of open space and trees, new access road, insufficient parking, construction impacts, and insufficient infrastructure capacity

45 A standard objection letter from 288 people was submitted objecting on the following grounds, loss of open space, loss of sports pitches, discontinuity of leisure provision, new leisure centre is of poorer standard of provision (including disabled provision) and existing centre could have been refurbished, loss of trees, loss of habitat, noise and disturbance, new access road, inadequate size of school amenity space, better alternative sites for the school, insufficient car parking, poor design, loss of social housing units, absence of affordable housing, loss of street cleaning depot, poor quality landscaping, absence of CCHP, misleading information, absence of EIA.

46 30 letters of objection were also received raising similar issues to those outlined above, but also impact on local businesses.

47 Two letters of support were received.

48 In addition an objection has been made directly to the Mayor raising the following issues. Absence of EIA, flaws in the process, lack of impartiality as RBKC is applicant and planning

authority, loss of trees and open space, absence of CCHP especially to Lancaster West Estate, concern that work has started prior to Mayor's decision.

49 Those objections that relate to strategic matters have been addressed in the report, local matters have been addressed in the Council's committee report, where appropriate conditions and section 106 clauses have been imposed. The Mayor has no power to determine the need for EIA or to investigate concerns about the way that the Council has determined the application.

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

50 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 address strategic planning matters, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

51 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.

Financial considerations

52 There are no financial considerations at this stage.

Conclusion

53 The proposal for a new academy, replacement leisure centre and residential units is supported from a strategic planning perspective. It is not possible to determine whether the energy strategy is compliant with the London Plan. However, given the Government imperative to providing new school places and the commitment by the Council to continue a dialogue on this matter after the Mayor's decision, recommendation to direct refusal is not justified in this instance.

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