

Heythrop College

23-24 Kensington Square

in the Royal Borough of Kensington and Chelsea

planning application no. PP/18/00329

Strategic planning application stage 1 referral

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

The proposal

Reinstatement of two townhouses on Kensington Square, refurbishment of existing college building and 24 Kensington Square, demolition of all other buildings on site. Construction of new buildings and erection of a landscaped deck over the adjacent London Underground Line to be used as a residential care home. Associated access, car parking, servicing and landscaping

The applicant

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

Strategic issues summary

Principle of development: Further justification for the loss of education and social infrastructure uses required. Concerns regarding quality and usability of the proposed community hall. Provision of specialist older persons housing in the form of extra care accommodation is strongly supported. As the buildings afford the facilities required for day to day self-contained private domestic existence it is considered that the proposal falls within Use Class C3 of the Town and Country Planning (Use Classes Order)1987. Draft London Plan Policy H15 also reflects this view from a policy perspective. (Paras 13-20)

Affordable housing: As it is considered that the proposed extra care accommodation constitutes C3 residential under the Use Classes Order 1987 the Mayor’s Housing SPG, draft London Plan and London Plan affordable housing policies apply therefore, the nil on-site affordable housing provision in relation to this element is wholly unacceptable. The development must provide affordable housing and submit a viability assessment in support of this. In addition, the proposed dwelling houses (over 1000 sq.m.) also trigger a FVA requirement. The FVA will be subject to robust interrogation by GLA officers to ensure that the maximum contribution is delivered in accordance with the draft London Plan and the London Plan. Early and late stage review mechanisms must be secured as necessary in accordance with Policy H6 of the draft London Plan and Mayor’s Housing and Viability SPG. (Paras 22-29)

Design: Further discussion required on the pedestrian movements/arrangements through the site, quality of the community hall and the form and massing of Block 5 and the Pavilion building. The scheme must be revised to incorporate the highest standards of accessibility and inclusive design. (Paras 31-42, 50-54)

Heritage: The renovation and upgrade works to the listed buildings are strongly supported. (Para’s 43-49) Outstanding issues regarding Transport and Energy must also be addressed.

Recommendation

That Kensington and Chelsea Council be advised that while the scheme is broadly supported, it does not yet comply with the London Plan and draft London Plan for the reasons set out in paragraph 65 of this report; however, the possible remedies set out in that paragraph could address these deficiencies.

Context

1 On 29 January 2018, the Mayor of London received documents from Kensington and Chelsea Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan and draft London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

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

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

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

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

Site description

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

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

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

Details of the proposal

8 The applicant proposes the following:

- Reinstatement of two dwellinghouses fronting Kensington Square;
- Refurbishment of 23 Kensington Square;
- Retention of 24 Kensington Square;
- Demolition of all other buildings;
- Construction of new buildings to be used as specialist older persons accommodation (consisting of 150 self-contained units) including associated amenities and ancillary community uses such as a nursing training facility, general practice and community hall; and
- Erection of a deck over the adjacent London Underground Line and wider landscaping and access improvements.

Case history

9 On 14 December, a pre-application meeting was held with GLA officers regarding the above proposal (GLA/4491/01). The proposed development of the site to provide residential extra care housing was supported in principle subject to confirmation that the educational use of the site was no longer required and that alternate social infrastructure uses have been appropriately prioritised as part of the disposal process. Other detailed issues discussed included land use; affordable housing; urban design; inclusive design; sustainable development and drainage; and transport.

Strategic planning issues and relevant policies and guidance

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 Kensington and Chelsea Consolidated Local Plan (2015), Kensington and Chelsea Extant Unitary Development Plan (2002) and the London Plan 2016 (Consolidated with alterations since 2011).

11 The following are also relevant material considerations:

- The National Planning Policy Framework;
- The draft National Planning Policy Framework
- National Planning Practice Guidance;
- Draft London Plan (consultation draft December 2017);
- Kensington and Chelsea Local Plan Review (Issues and Options 2015)
- Kensington and Chelsea Elderly Person's Accommodation Supplementary Planning Document; and
- Kensington and Chelsea Heythrop College Planning Brief Supplementary Planning Document.

12 The relevant issues and corresponding policies are as follows:

- Principle of development *London Plan; Social Infrastructure SPG*
- Housing *London Plan; Housing SPG; Housing Strategy; Affordable Housing and Viability SPG; Play and informal recreation;*

- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG*
- Climate change *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*
- Transport *London Plan; the Mayor's Transport Strategy*

Principle of development

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

14 While the applicant has confirmed that Heythrop College is vacating the site because of falling student numbers they also confirmed that the college found the buildings on the site not 'fit for purpose'. However, the applicant has not provided evidence that alternative education provision was investigated as part of the redevelopment process in accordance with London Plan Policy 3.18 and Policy S3 of the draft London Plan nor have they provided evidence that there is no ongoing demand for the operation of a dyslexia training centre, counselling services and nursery on the site. GLA officers will work with the Council and the applicant to ensure that alternative education uses have been considered, and if found to be suitable, are provided in the development.

15 It is acknowledged that the scheme would provide specialist older persons housing, a GP surgery and community hall, all of which are considered to be appropriate alternative social infrastructure uses provided there is no demand for educational uses on the site. However, GLA officers have concerns regarding the quality and accessibility of the community hall (discussed further below). GLA officers will work with the Council and the applicant to ensure this is a high quality useable community facility, and the public use of the community hall must be secured by the Council (including a management plan). GLA officers will work with the Council to verify the need for a GP surgery in this location.

16 Notwithstanding the above, the reinstatement of two dwellinghouses within the Heythrop College building is supported in accordance with London Plan Policy 3.3 and Policy H1 of the draft London Plan.

Specialist Older Persons Housing

17 London Plan Policy 3.8 and Policy H15 of the draft London Plan encourage boroughs to work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing taking account of local and strategic housing need (in this regard, the annual indicative benchmark for specialist housing in Kensington and Chelsea is 85 units per annum under the draft London Plan). Sites should be well connected in terms of contributing to an inclusive neighbourhood, with access to social infrastructure, health care, and public transport facilities, and proposals are encouraged to address the increasing need for accommodation suitable

for people with dementia. At a local level Kensington and Chelsea Council’s Consolidated Local Plan recognises that there is a need for mixed tenure specialist older persons housing within the south of the borough to cater for local resident’s needs. This report contains further discussion below regarding the landuse classification of specialist older persons housing in accordance with the Use Classes Order 1987, the Housing SPG and draft London Plan.

18 It is considered that the proposed extra care accommodation falls within Use Class C3 of the Use Classes Order 1987. Guidance contained within Policy H15 of the draft London Plan and the Mayor’s Housing SPG (paragraph 3.7.4) make a clear distinction between C2 and C3 uses in respect of specialist older persons housing. It is considered that sheltered accommodation and extra care accommodation falls within Use Class C3. More specifically, paragraph 4.15.3 defines extra care accommodation as: self-contained residential accommodation and associated facilities, designed and managed to meet the needs and aspirations of older people, and which provides 24-hour access to emergency support. Furthermore, a range of facilities are normally available such as a resident’s lounge, laundry room, a restaurant, or meal provision facilities, classes, and as base for health care workers. Domiciliary care will be available to varying levels, either as part of the accommodation package or as additional services which can be purchased if required. This definition fully conforms with the design of the proposed dwellings and applicant’s description of the extra care accommodation proposed.

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

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

Housing

21 The development proposes 150 self-contained extra care units and two five-bedroom residential townhouses. The proposed unit mix of the extra care units is as follows:

Units	Specialist Older Persons Accommodation	Total %
One-bed	56	37%
Two-bed	94	63%
Total	150	100%

Affordable Housing

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

23 London Plan Policy 3.12 seeks the maximum reasonable amount of affordable housing and Policy H6 and H15 of the draft London Plan and the Mayor’s Affordable Housing SPG, set

out a 'threshold approach' whereby schemes meeting or exceeding a specific threshold of affordable housing of 35% by habitable room (or 50% on public land) without public subsidy and which meet other criteria are not required to submit viability information to the GLA, nor would the application be subject to a late stage review mechanism. As stated at pre-application stage, and in accordance with strategic policies GLA officers expect this scheme to deliver the maximum level of affordable housing.

24 In relation to the two reinstated residential dwellings fronting Kensington Square, the applicant proposes an off-site contribution of £547,000 to Kensington and Chelsea Council's affordable housing fund. This sum has been calculated in accordance with Policy CH2 of Kensington and Chelsea Council's Consolidated Local Plan which requires developments to provide affordable housing at 50 per cent by floor area on residential floorspace in excess of 800 sq.m. gross external area. However, as the floorspace of the two units is greater than 1,000 sq.m. an affordable housing contribution in relation to these units must be viability tested in accordance with draft London Plan policy H6 ensuring that the maximum reasonable amount of affordable housing is secured. On the basis of the above, the applicant must submit a viability assessment that incorporates all elements of the scheme to determine the level of affordable housing to be secured.

25 The applicant proposes nil affordable housing contribution in relation to the specialist older persons housing element of the proposal. The applicant must present an affordable housing offer in relation to the specialist older persons accommodation element of the scheme. Should the applicant propose less than the threshold level of affordable housing, a viability appraisal must be submitted which will be robustly scrutinised by GLA officers. Given the strategic priority for affordable housing, this element must be addressed as soon as possible and a viability assessment submitted for review.

26 It should also be noted that under the provisions of the London Plan, draft London Plan Policy H5 and the Mayor's Affordable Housing and Viability SPG, the onus is on onsite affordable housing, with offsite and cash in lieu payments only acceptable in exceptional circumstances. Whilst it is acknowledged that there are challenges associated with onsite affordable housing provision in this instance, it would be possible to design the scheme to accommodate affordable housing in a part of the scheme which does not benefit from the shared facilities (the pavilion buildings for example). On this basis, the GLA will work with the Council and the applicant to establish how best to incorporate affordable housing onsite.

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

28 Subject to these discussions, and the final affordable housing proposal, should less than 35% affordable housing be secured, early and late stage viability review mechanisms must be secured within the S106 agreement in accordance with Policy H6 of the draft London Plan and Mayor's Affordable Housing and Viability SPG. A draft of the s106 agreement must be provided to the GLA for review as soon as one is made available to ensure that the review mechanisms have been applied as required by Policy H6 and the Mayor's SPG. The applicant should also seek to secure grant funding to boost the level of affordable housing beyond the threshold in accordance with London Plan Policy 3.12, the Affordable Housing and Viability SPG and draft London Plan Policy H6.

29 The Council must publish the financial viability assessment including any review, in accordance with Policy H6 of the draft London Plan and the Mayor's SPG and to ensure transparency of information.

Residential quality

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

Urban design

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

32 London Plan Policy 3.4 and draft London Plan Policy D6 seek to optimise the potential of sites, having regard to local context, design principles, public transport accessibility, and capacity of existing and future transport services. The higher the density of a development, the greater the level of design scrutiny that is required, particularly qualitative aspects of the development design, as described in draft London Plan policies D2 and D4. The proposal has a density of approximately 152 units and 404 habitable rooms per hectare. This is within the guidance ranges contained in Table 3.3 of the London Plan (based on the sites PTAL of 5) and is below the thresholds for increased scrutiny of design quality set out in the draft London Plan. Subject to the resolution of a number of issues raised below, the proposal would deliver good design and residential standards. The density of the proposal is also appropriate considering local transport facilities and connectivity.

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

34 A key feature of the proposal is the intention to deck over the tube lines and introduce two large mansion block style residential blocks. Stepped access is proposed between the new deck level and the site's ground level. It is understood that there may be potential to extend a public route further to the west to encompass the neighbouring hotel site however there is currently no certainty that this can be delivered. GLA officers question the benefit of providing a new east/west connection in strategic terms, given the majority of footfall through the site is likely to be via Kensington Square, towards High Street Kensington Station and there is no obvious route to connect to further to the west. The significant level change required to get up to deck level and down again will also severely limit the usability and desirability of the proposed route, as will its very limited legibility on the approach along the mews from the east. The security requirements of the care facility are also likely to conflict with the ability to manage genuinely public access through the site. It is on this basis that GLA officers will work with the Council and the applicant to verify the desirability of such a route and to secure a connection through the site to the adjacent Copthorne Hotel should it be required. Should a route be pursued the applicant should reposition the stepped access with the Mews to create a more direct and legible public route through the site.

35 As discussed at the pre-application meeting, the ability to accommodate both pedestrian and vehicular/servicing access along the mews is questioned given its limited width. The applicant must provide confirmation on vehicular and pedestrian movement patterns and create separate, safe routes for pedestrians into the site.

36 In addition to the above, the public entrance from Kensington Square via the pathway between the retained college and proposed block 3 does not provide a legible public route into the wider site. GLA officers will work with the Council and the applicant to explore means of opening up the entry sequence into the site. This could be achieved by creating a defined public entrance to the community facilities via the retained recreation wing. Visuals looking towards the green space on the approach from Kensington Square must be provided to demonstrate the legibility of public access via the college's undercroft passage.

37 As raised above, GLA officers question the accessibility and usability of the community facilities as they are tucked away in the basement and can only be accessed by a lift at the far end of the entry passage from Kensington Square. The facilities are considered to be of poor quality and unusable given the lack of natural daylight and the gated access arrangement. In order to provide a genuinely useable community facility, the applicant should revise the layout to ensure this facility is provided at ground level.

38 The arrangement of the blocks in the southern portion of the site, forming a triangular perimeter block, incorporating the deck building 5 and lower-rise mews buildings is broadly supported subject to confirmation on the extent of sunlight penetration into the courtyard space and further justification on the loss of the stables building.

39 The proposed pavilion buildings and second deck building (building 5) frame the retained portion of green open space and define access routes through the site. There is however a significant loss of green space overall due to the footprint of building 5 and its massing will impact on the setting of the listed college building in views looking across the green space from the south. While the form of building 5 is stepped at its northern end to acknowledge the scale and proximity of the college building, pulling back the footprint further away from the college building would allow for a clearer separation between old and new buildings and the ability to retain more green open space.

40 The applicant must confirm the impact that the proposed pavilion buildings would have on the quality of outlook of the neighbouring Convent of Assumption. In addition, consideration should be given to the removal of the bridging element at the mews entrance to the central green space to improve the composition of these buildings, allowing them to read as standalone and modest interventions. Its removal would also create a welcoming continuation of the mews improving legibility through the site.

41 The new build architecture across the scheme, based on simple detailing and well-proportioned buildings is broadly supported, however, the bulk and scale of the two mansion block buildings are at risk of appearing overbearing on the public realm. As set out above, the applicant should explore means of pairing back the footprint of building 5 and reducing the scale of both mansion blocks to be more sympathetic to their sensitive context and predominantly low-rise urban grain. This can be achieved by removing the upper level set back elements, providing a more refined and clean-lined roofline profile.

42 In accordance with Policy D11 of the draft London Plan, the Council should include an informative prescribing the submission of a fire statement, produced by a third party suitably qualified assessor.

Heritage

43 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and the more important the asset, the greater the weight should be. Significance can be harm or lost through alteration or destruction of the heritage asset or development within its setting. London Plan Policy 7.8. and Policy HC1 of the draft London Plan states that development should conserve heritage assets and avoid harm.

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

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

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

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

48 However, it is noted that the 1875 stable block is proposed to be demolished. This building while not listed, is considered to have heritage merit as it provides a strong contribution to the special character of the mews. GLA officers will work with the Council and the applicant to explore alternate options to retain the stable block within the scheme.

49 Having regard to the statutory duty in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the relevant paragraphs in the NPPF in relation to listed buildings and conservation areas. The refurbishment works to the recreation wing and townhouses is welcomed and will enhance their collective significance and the wider setting of the conservation area. The design of the scheme as a whole is considered to be high quality and sympathetic to the surrounding heritage assets. The proposal therefore accords with Policy 7.8 of the London Plan and Policy HC1 of the draft London Plan.

Inclusive design

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

51 Policy D3 of the draft London Plan requires development proposals to be entered and used safely, easily and with dignity by all; are convenient and welcoming with no disabling barriers, providing independent access without any additional undue effort, separation or treatment; and are designed to incorporate safe and dignified emergency evacuation for all building users. In this regard, officers remain concerned about the shared pedestrian and vehicular route into the site. Currently, the route provides one single level surface for both pedestrians and vehicles which has safety and usability implications for people with a range of sensory and physical impairments. As discussed at pre-application stage the applicant should look to delineate and/or segregate a pedestrian only path along this route to offer a safe zone for pedestrians. Elsewhere internal circulation could be further rationalised to ensure the buildings are designed to be clearly legible for residents to navigate. Fire evacuation lifts should also be provided in all cores. As a specialist older persons housing scheme, the development must be designed to meet the highest standards of access and inclusion having regard to the particular needs of older and disabled people in line with Policy D3 of the draft London Plan. The scheme must therefore be revised to incorporate these changes.

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

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

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

Climate change

Energy

55 In accordance with the principles of London Plan Policy 5.2 and Policy S12 of the draft London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary, the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures); site wide heat network; gas fired CHP. The applicant is not proposing any renewable technologies. The approach proposed would achieve a 38% carbon dioxide reduction

beyond 2013 building regulations on the residential elements, and a 37% carbon dioxide reduction on the non-domestic elements of the proposal.

56 The applicant must implement further passive measures to limit overheating without active cooling in all areas of the proposal in accordance with draft London Plan Policy S13 and London Plan Policy 5.9.

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

Transport

58 The development should be car free with the exception of blue badge parking in accordance with draft London Plan policy T6.1 therefore the 19 non-blue badge car parks must be removed. A car parking design and management plan containing detail of how the provision of blue badge parking will be managed and enforced must be secured. Electric vehicle charging points must be provided in accordance with draft London Plan standards.

59 A total of 120 long stay cycle parks will be provided in the basement and an additional 20 short stay parks will be providing within the public realm. This is in accordance with London Plan Standards. Given the extra care nature of the proposal provision of spaces for adapted cycle spaces must be included. Cycle parking must be designed in accordance with London Cycle Design Standards and supporting facilities must be provide for staff.

60 The site is located directly to the east of the London underground lines, in close proximity to High Street Kensington station. As requested at the pre-application stage by both TfL and the Council, the applicant has submitted a 'step-free access options' study in support of the application. The options for step free access at High Street Kensington Station have been reviewed by London Underground and found to be unfavourable from an operational and management perspective. A preferable approach is to undertake an investigation into a comprehensive solution for the delivery of step free access and capacity improvements to High Street Kensington Station. A contribution toward a feasibility study and implementation of step free access must be secured in support of this application.

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

Local planning authority's position

62 The applicant has undertaken pre-application discussions with Kensington and Chelsea Council planning officers. It is understood that officers support the principle of development however further discussions are ongoing regarding detailed elements of the scheme. A committee date has not been targeted for the application yet.

Legal considerations

63 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft

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

Financial considerations

64 There are no financial considerations at this stage.

Conclusion

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

- **Principle of development:** Further justification for the loss of education and social infrastructure uses required. Concerns regarding quality and usability of the proposed community hall. Provision of specialist older persons housing in the form of extra care accommodation is strongly supported. As the buildings afford the facilities required for day to day self-contained private domestic existence it is considered that the proposal falls within Use Class C3 of the Town and Country Planning (Use Classes Order)1987. Draft London Plan Policy H15 also reflects this view from a policy perspective.
- **Affordable housing:** As it is considered that the proposed extra care accommodation constitutes C3 residential under the Use Classes Order 1987 the Mayor's Housing SPG, draft London Plan and London Plan affordable housing policies apply therefore, the nil on-site affordable housing provision in relation to this element is wholly unacceptable. The development must provide affordable housing and submit a viability assessment in support of this. In addition, the proposed dwelling houses (over 1000 sq.m.) also trigger a FVA requirement. The FVA will be subject to robust interrogation by GLA officers to ensure that the maximum contribution is delivered in accordance with the draft London Plan and the London Plan. Early and late stage review mechanisms must be secured as necessary in accordance with Policy H6 of the draft London Plan and Mayor's Housing and Viability SPG.
- **Design:** Further discussion required on the pedestrian movements/arrangements through the site, quality of the community hall and the form and massing of Block 5 and the Pavilion building.
- **Heritage:** The renovation and upgrade works to the listed buildings are strongly supported.
- **Inclusive design:** The scheme must be revised to incorporate the highest standards of accessibility and inclusive design
- **Energy:** The applicant must implement further passive measures to limit overheating without active cooling. In addition, the applicant must explore the potential for additional measures to deliver further carbon dioxide reductions. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

- **Transport:** Car parking should be reduced. Adapted cycle spaces must be provided. Conditions and Section 106 obligations are required to secure the following; car park management plan; a feasibility study to investigate and deliver a comprehensive step free access and capacity improvement scheme; delivery and servicing plan; and construction and logistics plan, London Underground Protection and a development agreement for the deck over build of the London Underground Line.

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

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