

# Town Planning Statement

Land at 43-45 and 39-41 Notting Hill Gate  
and 161-237 (odd) Kensington Church Street,  
London W11 3LQ



## **Town Planning Statement**

Land at 43-45 and 39-41 Notting Hill Gate and 161-237 (odd), Kensington Church Street, London, W11 3LQ

**On behalf of:** Notting Hill Gate KCS Limited

**Date:** May 2023

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## **1 Introduction**

- 1.1 This Planning Statement has been prepared by Gerald Eve LLP on behalf of Notting Hill Gate KCS limited (herein referred to as “the Applicant”). It supports an application for full planning permission for the development proposals at Land at 43-45 and 39-41 Notting Hill Gate and 161-237 (odd), Kensington Church Street, London, W11 3LQ (herein referred to as “Newcombe House” or “the Site”).
- 1.2 Notting Hill Gate KCS limited are bringing forward the proposals, alongside Squire & Partners, as lead designers alongside the full design team.
- 1.3 The Applicant has appointed Beltane Asset Management to bring forward and manage the development on their behalf. Beltane and their development partners have a history of delivering office-led developments in London. Their vision focuses on delivering comprehensive refurbishments and extensions of tired buildings to provide high-quality commercial-led schemes.
- 1.4 The Applicant has a commitment to delivering schemes of exceptional design quality (both internally and externally), with an occupier focus on wellbeing and sustainability that ultimately make a positive contribution to the vibrancy and vitality of London.
- 1.5 In the last 10 years, they have secured planning permission and successfully delivered or in the process of delivering a number of schemes across central London including St Paul’s House, 24 King William Street, 55 Gresham Street, 150 Aldersgate Street, Marylebone Place and One Millennium Bridge. , The Applicant can confirm that the existing site is predominantly vacant and funding in place to deliver the project.
- 1.6 This Site in Notting Hill Gate was acquired by the Applicant primarily due to its location, the excellent transport connectivity and the opportunity to provide a best-in-class commercial-led development within a 5-year timeframe. RX London in their Market Report have stated the following about the forthcoming proposal, “the location, design flair and amenity rich offer will create a best in class offer with the highest sustainability credentials with all the right ingredients to attract high profile occupiers to Notting Hill Gate”.

1.7 The Applicant has taken an entirely different approach to developing the site, when compared to the extant consent dated 25 June 2020 under LPA Ref. PP/17/05782 (this is detailed further at Section 3). Rather than wholesale redevelopment, the proposals take a much more sustainable approach seeking to retain and extend Newcombe House to provide best-in-class Grade A office accommodation, with the remainder of the Site being redeveloped to deliver retail, further office floorspace and community uses, including replacement housing which will be 100% affordable. The proposal seeks to create a destination at this pivotal Site in Notting Hill Gate and the provision of this quality of commercial floorspace will attract best in class occupiers to the area. Squire & Partners, have designed a series of exceptional buildings, responding to the character of Notting Hill Gate (this is further detailed in Section 5) and also important feedback and comments have been provided by the local community during the Applicants engagement process. The proposals also include significant improvements to the public realm which will benefit all who travel through the area and the Applicant is committed to delivering a new public square, which will integrate with the emerging masterplan for the wider Notting Hill Gate area.

1.8 The Applicant is therefore seeking full planning permission for the following:

**“Partial retention, refurbishment and extension of the Newcombe House tower for continued office use (Class E(g)(i)), the full demolition of the rest of the Site comprising existing retail (Class E) and housing (Class C3) uses and surface level car park, and redevelopment to provide retail use (Class E) at ground floor and office use (Class E(g)(i)) at the upper floors, housing (Class C3) and a medical centre (Class E (e)), in new buildings ranging from 6 – 15 storeys with double basement, and public realm works and other ancillary works (MAJOR DEVELOPMENT).”**

1.9 The Applicant has proactively entered into a Planning Performance Agreement (“PPA”) with The Royal Borough of Kensington and Chelsea (RBKC), and the Proposed Development has evolved through a series of pre-application meetings with Transport for London (TFL) and the Greater London Authority (GLA) concentrating on topics such as land use, design, townscape and heritage, sustainability and energy, deliveries, servicing and infrastructure. This is alongside other stakeholders which are detailed at Section 4.

- 1.10 The proposals were also presented to the Quality Review Panel on 22 June 2022, 20 October 2022, and 16 February 2023. RBKC use this forum as their Design Review Panel (DRP) and the proposals have evolved in response to the feedback received.
- 1.11 The Applicant has also undertaken comprehensive consultation with the local community, business groups, ward councillors, and community groups. The feedback received has resulted in some key design changes. Details of this engagement are included within the Statement of Community Involvement, prepared by Polity and summarised at Section 4 of this Statement.
- 1.12 This Town Planning Statement provides a comprehensive review of national, regional and local planning policy and guidance relevant to the proposals. It assesses the degree to which the proposals accord with policies of the Development Plan and takes other material considerations into account, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the statutory tests. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.13 The details of the scheme are explained further throughout the Planning Statement and include the following:
1. Retention and extension of Newcombe House to create a part 14 and part 15 storey building fronting Notting Hill Gate, to deliver Grade A commercial office floorspace (Use Class E (g)(i));
  2. Removal of bridge structure between Newcombe House and David Game House;
  3. Overall delivery of Grade A commercial floorspace to regenerate and revitalise Notting Hill Gate District Centre;
  4. Redevelopment of the remainder of the Site and erection of a new 6-storey building to provide;
    - a. Flexible retail space at ground floor along Kensington Church Street to respond to tenants' requirements and retain active retail frontage (Use Class E(a));
    - b. Grade A office floorspace at the upper levels along Kensington Church Street (Use Class E (g)(i) to provide more economic opportunity; and

- c. Redevelopment of Royston Court to provide an 8 storey building to provide new affordable residential accommodation (Use Class C3) and medical floorspace (Use Class E (e));
  5. Creation of public square at the Notting Hill Gate frontage, through the provision of high-quality landscaping and seating;
  6. Setting back of the building line along Kensington Church Street at ground floor to increase the width of the pavement and create a new public realm;
  7. Significant improvements to Uxbridge Street, through landscaping works to create a high-quality pedestrian environment and route to Notting Hill Gate;
  8. Dedicated servicing area within the Site to the rear of Kensington Church Place, alongside on street servicing along Kensington Church Street; and
  9. Cycle parking provision across the development.
- 1.14 It should be noted that Beltane and the Applicant have a strong track record of securing planning consents and delivering projects in Central London with a focus on sustainable development, particularly deep retrofit projects that delivers buildings back to the market as if they are completely new from the ground up, whilst sustainably retaining the frame and structure.
- 1.15 This Planning Statement should be read in conjunction with the submitted plans, drawings and documents which are submitted in support of the application for full planning permission. A full list of the application documentation can be found at Appendix A.

## 2 Site and Surroundings

- 2.1 This section of the Planning Statement describes the Site, its location, character, and land use in the context of the surrounding area. The full extent of the Site is shown within the red line boundary of the Site Plans, submitted with these applications and photos of the building are included within the Design and Access Statement prepared by Squire & Partners.
- 2.2 The Site comprises linked buildings including Newcombe House and the commercial units along Kensington Church Street. Royston Court is a standalone building and located to the back of the Site on the corner of Kensington Church Street and Kensington Place. These buildings vary in height, scale and massing. To the rear of the Site is a private surface level car park.
- 2.3 Newcombe House tower is located at the northern part of the Site, it provides office floorspace (Use Class E (g)(i)). The tower is 11 storeys in height and includes plant at roof and basement level. The building is currently in a poor state of disrepair and is currently vacant due to its condition. The building is set back from Notting Hill Gate frontage, and there is an area of hardstanding at street level with benches, as well as public art in the form of a steel elephant sculpture. This area of hardstanding is used as an existing access point to the Site.
- 2.4 There is a built structure at the first and second floor level of Newcombe House which extends to David Game House. This bridge structure provides a connection with David Game House.
- 2.5 The Kensington Church Street frontage of the Site comprises a 1 and 2 storey linear block of commercial units. The occupation and use of these commercial units vary between retail, restaurants, and leisure (Use Class E). The buildings are also in a poor state of disrepair.
- 2.6 Royston Court is an existing housing block, located on the southern end of the Site at the corner of Kensington Place and Kensington Church Street. It is 5 storeys in height. The ground floor previously provided retail floorspace (Use Class E) and the upper levels provided housing floorspace (Use Class C3). This residential floorspace provided bedsit accommodation for rough sleepers. The building is vacant and not habitable in its current state.



- 2.7 The Site also includes Newcombe Street, which enters the Site off the junction with Kensington Place. Whilst Newcombe Street does not form part of the applicants land ownership boundary, highways works are proposed through a Section 278 Agreement.
- 2.8 A further road, Uxbridge Road (vehicular route), falls within the Site and runs from the undercroft of Newcombe House. Uxbridge Road pathway does not fall within the Site boundary.
- 2.9 Adjacent to this is Bethesda Baptist Church and Pippa Pop-ins Nursery.
- 2.10 Along the western part of the Site, the boundary wall forms the side of the Grade II listed Notting Hill Underground Station District/Circle Line platforms.
- 2.11 The Site is located within the Notting Hill Gate District Centre which comprises commercial uses at ground floor level with residential, and office uses at upper floor levels. A number of buildings within the vicinity of the Site have recently been refurbished as part of the wider masterplan aspirations to regenerate Notting Hill Gate. This includes Astley House, David Game House, and Ruby Zoe Hotel.

### **Site Designations**

- 2.12 Policy CV11 of RBKC's Local Plan (2019) identifies the Site as an important Site for redevelopment, alongside other neighbouring sites including: Astley House, the Gate Cinema, West Block, Ivy Lodge to United House, 66-74 Notting Hill Gate and David Game House. This policy relates to the Council's vision for Notting Hill Gate up to 2028.
- 2.13 Draft Site Allocation Policy SA10 of RBKC's Emerging Local Plan (October 2022) identifies the Site for a high-quality residential or office-led mixed-use development.
- 2.14 Whilst the Site is not situated within a Conservation Area, it adjoins a number of Conservation Areas including:
- Kensington Conservation Area to the South West;
  - Kensington Palace Conservation Area to the South East;
  - Ladbrooke Conservation Area to the North-West; and

- Pembridge Conservation Area to the North-East.

2.15 In addition, whilst the buildings on the Site are not statutory listed, the Grade II listed Notting Hill Gate Underground Station is located below ground level adjacent to the western boundary of the Site. The listing description for the underground station dome roof is as follows:

**“Station. 1868. Sir John Fowler, for Metropolitan Railway. Brick retaining walls with blind arcades, supporting elliptically arched iron roof of 9 bays, partially glazed and partly panelled with wood. Listed as relatively well preserved example of underground railway platform of "cut and cover" type.” (Listing NGR. TQ2529980371)**

2.16 There are also a number of statutory listed building in close proximity to the Site. These are identified in the Heritage Statement prepared by Mola. The ones in close proximity include:

- Gate Cinema – Grade II Listed; and
- Mall Chambers – Grade II Listed.

2.17 The Site has a Public Transport Accessibility Level (PTAL) of 6b which indicates the highest attainable level of accessibility.

2.18 The Site is located next to Notting Hill Gate Underground Station (50m). Holland Park Underground Station (805m), Queensway Underground Station (644m) and Bayswater Underground Station (966 metres) are all in close proximity to the site. The Site is also well served by local buses from Notting Hill Gate Station, Kensington Church Street, Hillgate Street, Pembridge Road, and Palace Gardens Terrace etc.

### 3 Planning History

- 3.1 A review of the Royal Borough of Kensington and Chelsea’s online planning records has been undertaken and a summary of the relevant planning history relating to the Site is included below.
- 3.2 On 1 December 2015, an application for full planning permission was submitted under application reference no. PP/15/07602 for the following:
- “Demolition of existing building and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (Ranging from ground plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works.”**
- 3.3 On 29 April 2016, this application was taken to appeal and dismissed under appeal reference no. APP/K5600/W/16/3149585).
- 3.4 On 8 September 2017, an application for full planning permission was submitted under application reference no. PP/17/05782 for the following:
- “Demolition of the existing buildings and redevelopment to provide office, 55 residential units, retail uses and a flexible surgery/office use, across six buildings (ranging from ground plus 2 storeys to ground plus 17 storeys), with 2 storey basement together with landscaping to provide a new public square, ancillary parking and associated works.”**
- 3.5 This application was called in by the Mayor of London and then the Secretary of State.
- 3.6 On 25 June 2020, this application was granted full planning permission under appeal reference no. APP/G6100/V/19/3225884).
- 3.7 It is clear that the previous landowner could not deliver the development scheme consented under the above planning permission (PP/17/05782) and subsequently sold the Site in March 2022. As set out, the Applicant has taken an entirely different approach to developing the Site to that of the previous land owner. The Applicant is focused on delivering this scheme as soon as possible.

- 3.8 The relevant pre-commencement conditions associated with the extant consent (application reference no. PP/17/05782) have since been discharged.
  
- 3.9 A full list of the planning history for surrounding Sites can be found in Appendix B of this Planning Statement.

## **4 Pre-application Engagement**

4.1 This section of the Planning Statement summarises the pre-application engagement and consultation process and sets out how the Proposed Development has responded to comments received. This section should be read in conjunction with the Statement of Community Involvement Community prepared by Polity (May 2023). This Statement details the programme of engagement with key stakeholders and sets out how the Applicant team responded to feedback throughout the consultation process. The evolution of the design of the Proposed Development is set out in Squire & Partners Design and Access Statement.

### **Pre-application Engagement – Policy Context**

4.2 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. The paragraph also states that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

4.3 Paragraph 40 of the NPPF states that local planning authorities have a key role in encouraging other parties to take maximum advantage of the pre-application stage. The paragraph also states that local planning authorities should also encourage applicants to engage with the local community and statutory and non-statutory consultees where relevant.

4.4 Paragraph 41 of the NPPF states that the more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. The paragraph also states that for their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. Moreover, the paragraph states that this assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

4.5 Policy GG1 of the London Plan encourages early and inclusive engagement with stakeholders (including local communities) in the development of proposals, policies and area-based strategies.

- 4.6 The objective of the engagement and consultation process has been to ensure that relevant stakeholders have had the opportunity to understand and help shape the proposals in accordance with national, regional and local planning objectives.

#### **Pre-application Engagement**

- 4.7 The following stakeholders were identified as key stakeholders as part of the pre-application engagement and consultation process.

#### ***Pre-application Engagement with RBKC***

- 4.8 The Proposed Development has been subject to extensive discussions with RBKC Planning Policy, Urban Design, Conservation and Heritage, Planning and Transport Officers, as well as an external Sustainability Consultant. The pre-application discussions with officers have primarily focused on land use, design, sustainability and energy, conservation and heritage, daylight and sunlight, transport, and other technical matters. In addition, the Applicant team has consulted with the Growth and Delivery Team to determine local projects that the Council running, alongside the new emerging public realm strategy for Notting Hill Gate.

- 4.9 The pre-application advice from early engagement with RBKC officers has shaped the proposed design, height, scale and massing of the buildings. Through pre-application engagement, in principle support has been given by officers at RBKC on the following elements of the Proposed Development:

1. Approach to developing the Site through the retention of Newcombe House and redevelopment of the remainder of the site;
2. The commercial led development and the overall land uses proposed across the site;
3. The layout of the buildings across the Site and the architectural responses to each of the varying contexts of the site;
4. The height, scale and massing of the proposed buildings across the site; and
5. The provision of a public square at Notting Hill Gate and improvements to the wider public realm along Kensington Church Street.

4.10 The Applicant has also engaged with the Growth and Delivery Team and has provided temporary space on Site for a local project to utilise, ahead of the proposal coming forward. The Applicant has worked in close collaboration with officers to provide this. In addition, the Applicant is working closely with the officers at the Council, to ensure that the emerging landscape and public realm proposals align and achieve the wider vision for the emerging masterplan for the wider area.

***Pre-application Engagement with the Greater London Authority (GLA) and Transport For London (TFL)***

4.11 The Proposed Development has also been subject to consultation with GLA and TFL officers. The pre-application discussions with officers have primarily focused on land use, urban design, sustainability and energy, alongside transport and infrastructure.

4.12 The officers at the GLA, position on the pre-application proposals is summarised as follows:

1. The proposed land uses were considered acceptable and it was requested that the Applicant confirmed that the new affordable housing proposed would be social rent tenure and evidence of consultation with the NHS was requested to demonstrate that they were satisfied with the medical floorspace proposed;
2. A fast-track route for the affordable housing provision was agreed for the new affordable accommodation, on the basis the accommodation is provided at social rent levels and secured through a Section 106 agreement;
3. The Site was considered suitable for a tall building and the proposed heights of the Proposed Development were considered acceptable in principle;
4. The new area of public realm (public square) at Notting Hill Gate was welcomed and seen as a significant improvement;
5. The transport credentials of the scheme were considered positive, through the overall improvement to the public realm, specifically opening up of Uxbridge Street, the introduction of the colonnades and increase in width of the footpath at Kensington Church Street; and
6. Further discussions were requested around the position on the delivery of step-free-access with TFL.

4.13 The Applicant team has also consulted TFL on the Proposed Development, discussions have focused on car parking, cycle parking, trip generation, public transport impact assessment, delivery and servicing, travel plan and construction. The position around the delivery of step free access at the Site is a strategic infrastructure issue, whereby discussions are ongoing, and this is detailed at Section 19 of this planning statement and detailed further within the Design and Access Statement prepared by Squire & Partners.

***Pre-application Engagement with Historic England and MOLA***

4.14 The Proposed Development has also been subject to early engagement with Historic England (who previously advised on the extant consent) and Greater London Archaeology Advisory Service (GLAAS).

4.15 Historic England's position on the pre-application proposals is summarised as follows:

1. Historic England have advised that the proposals would likely result in some harm to a number of designated heritage assets. This harm would be 'low' in the range of less than substantial in each case.
2. Historic England have advised that as a shorter building, the present scheme could, on balance, offer an improvement on the visual impacts of both the existing and consented scenarios in most cases. Historic England recognise that the retention of the existing structure would also offer a more environmentally sustainable form of development and is therefore desirable.
3. Historic England have advised that the views concerning Kensington Palace and Gardens should inform the development of the proposals and be included in any future planning application. Historic England have also advised that any harm to such highly graded assets (which should be avoided where possible) would need to be very clearly justified by the public benefits that the scheme would deliver.

4.16 In terms of archaeology, MOLA have advised that the Site is likely to have little or no archaeological survival potential for remains pre-dating the 19<sup>th</sup> century. The Archaeological Desk Based Assessment prepared by MOLA confirms this position and reiterates that the Site has 'low' or 'no potential' for archaeological remains predating the later medieval period, and 'low' or 'moderate' potential for late medieval or post medieval remains. On this basis,



GLAAS have confirmed that no further investigations are likely to be required given the previous intrusive works which were undertaken through the extant consent.

### ***Quality Review Panel***

4.17 The proposals were presented to the Quality Review Panel, on 22 June 2022, 20 October 2022, and 16 February 2023. RBKC use this forum as their Design Review Panel (DRP) and the proposals have developed iteratively in response to the feedback received. Further details of the feedback are included within the Design and Access Statement prepared by Squire & Partners.

### **Stakeholder Engagement**

4.18 The consultation programme with local amenity groups and stakeholders was discussed and agreed with RBKC at the very early pre-application stages and prior to its execution. The consultation programme as set out in the Statement of Community Involvement, set out the key stakeholders for the Applicant team to engage with, the catchment for engagement and the proposed series of meetings and events. Polity (the Applicants community engagement consultant) led and executed this programme of engagement. Engagement with stakeholders began in May 2022 and will continue throughout the determination of the planning application.

### ***Execution of Consultation Programme by Applicant***

4.19 The Applicant team led various workshop sessions and meetings with key resident's associations and the civic groups including Hillgate Village Residents Association, Pembridge Association, Campden Hill Residents Association ('3RA') and the Kensington Society.

4.20 In addition, the Applicant team has led briefings with non-resident associate groups including Portobello Market, London Farmer's Markets, NHS/local partner GPs, Bethesda Baptist Church, Fox Primary School, Pippa Pop-ins Nursery and other local businesses.

4.21 The Applicant team has also held three public exhibition events, which 78 stakeholders attended. These were held at Essex Church on Palace Gardens Terrace on 18 October 2022,

19 October 2022 and 21 March 2023 whereby the Proposed Development was displayed and set on exhibition boards and the applicant's team of professionals were on hand to discuss the proposals and answer questions.

4.22 At the March 2023 event, the exhibition material also included details about the demolition and Construction of the Proposed Development.

4.23 In addition to the in person events, the Applicant has also held webinars to update the stakeholders on the proposals and respond to any queries. Approximately 15 stakeholders attended the first webinar in October 2022 and 16 stakeholders attended the second webinar in March 2023 (27 stakeholders pre-registered to attend).

#### ***Consultation Programme – Led by the Council***

4.24 Alongside the Applicant team, as part of the pre-application process, the Council led introductory sessions with resident's associations and briefing meetings with key political stakeholders including the Cabinet Member for Planning, Chair of the Planning Committee and Ward Councillors.

4.25 The Council also organised two Development Forum Meetings for the proposals to be presented at in both October 2022 and March 2023. Development Forums were introduced by the Chair of the Planning Committee to increase transparency of the planning application process and secure maximum community benefit. The Applicant team presented the proposals at these meetings and residents had the opportunity to ask questions directly.

4.26 Further details of the responses and feedback received during these events is set out in the Statement of Community Involvement, prepared by Polity and submitted as part of this application for the Council's consideration.

#### ***Key changes to the Proposed Development resultant of Pre-application Engagement***

4.27 The Applicant team have sought to respond to the feedback received from the pre-application engagement process from all stakeholders. It is considered that the proposals have been through a thorough consultation process with all stakeholders. The evolution of the scheme is detailed within the Design and Access Statement prepared by Squire & Partners

and the key changes to the Proposed Development resulting from pre-application engagement are summarised as follows:

1. Removal of the commercial building fronting Notting Hill Gate;
2. Removal of internal shopping arcade from Notting Hill Gate through to Kensington Place;
3. Creation of a public square at ground level to Notting Hill Gate, which is open to the sky;
4. Set back of building line, inclusion of a colonade and the creation of public realm and a wider pedestrian route along Kensington Church Street;
5. Improvement to the layout of the commercial floorspace; and
6. Architectural approach and response to each of the varying contexts of the Site along Notting Hill Gate and Kensington Church Place, which has resulted in a building of exceptional design.

4.28 The Applicant team is committed to ensuring continued and regular dialogue with the local amenity groups and wider community throughout the planning application and construction process. The Proposed Development website will be the main source of updates and Polity will continue to respond to queries via the Proposed Development email address.

## 5 The Proposed Development

- 5.1 This section of the Town Planning Statement sets out the key aspects and objectives of the Proposed Development. A full explanation of the Proposed Development is set out within the Design and Access Statement, prepared by Squire & Partners.

### **Approach to Development**

- 5.2 The Applicant is taking an entirely different approach to developing the Site and is seeking to retain and refurbish the existing structure of Newcombe House and redevelop the remainder of the Site (including Kensington Church Street frontages and Royston Court). The Proposed Development will provide a high quality and sustainable scheme that includes Grade A commercial office floorspace at upper levels, flexible retail space at ground floor, new affordable residential accommodation, medical floorspace suitable for occupation by the NHS, alongside the delivery of a public square and other significant public realm improvements.

- 5.3 The Proposed Development will provide a range of benefits whilst delivering ‘best in class’ commercial office floorspace, flexible retail space, new affordable residential accommodation, medical floorspace and a public square. The benefits arising from the scheme are explained further throughout the Planning Statement but are summarised as follows:

1. Retention and extension of Newcombe House to create a part 14 and part 15 storey building fronting Notting Hill Gate, to deliver Grade A commercial office floorspace (Use Class E (g)(i)). The retention of the structure reduces embodied carbon emissions;
2. Overall delivery of commercial floorspace to regenerate and revitalise Notting Hill Gate District Centre;
3. Redevelopment of the remainder of the Site and erection of a 6 storey building to provide;
  - i. Flexible retail space at ground floor along Kensington Church Street to respond to tenants’ requirements and retain active frontage (Use Class E(a));



- ii. Grade A office floorspace at the upper levels along Kensington Church Street (Use Class E (g)(i); and
  - iii. Redevelopment of Royston Court to provide an 8-storey community building, which will provide new affordable accommodation (Use Class C3) and medical floorspace (Use Class E(e);
4. Creation of public square at the Notting Hill Gate frontage, through the provision of high-quality landscaping and seating; Set back of the building line along Kensington Church Street at ground floor, the increase of width of the pavement and creation of new and improved public realm;
  5. Improvements to Uxbridge Street through landscaping works to create a high-quality pedestrian environment and route to Notting Hill Gate;
  6. Dedicated servicing area within the Site to the rear of Kensington Church Place, alongside on street servicing along Kensington Church Street; and
  7. Cycle parking provision across the development.

5.4 The socio-economic benefits resultant of the proposals are as follows:

1. Confidence in deliverability of the Proposed Development by an active and experienced developer underpinned by secure funding;
2. A high profile and best in class new commercial building for Notting Hill Gate;
3. £150 million of investment in construction and the provision of approximately 690 jobs during the construction period, which will include employment and skills training;
4. Circa 1,400 new additional full time equivalent jobs will be created on-Site once the development is completed and the Applicant is committed to supporting local employment opportunities which complement the future tenants operations;
5. Estimated spending power by new employees to be £2.3 million per annum, which will support the local economy and enhance the attractiveness of investment into Notting Hill Gate;
6. Provision of new social rent affordable homes, responding to local needs through the provision of family size units. The Proposed Development will provide an uplift of residential floorspace of 38%; and

7. Provision of new medical floorspace which has been designed alongside the NHS and responds to its needs.

### **Description of Development**

- 5.5 Full planning permission is sought for the following:

**“Partial retention, refurbishment and extension of the Newcombe House tower for continued office use (Class E(g)(i)), the full demolition of the rest of the Site comprising existing retail (Class E) and housing (Class C3) uses and surface level car park, and redevelopment to provide retail use (Class E) at ground floor and office use (Class E(g)(i)) at the upper floors, housing (Class C3) and a medical centre (Class E (e)), in new buildings ranging from 6 – 15 storeys with double basement, and public realm works and other ancillary works (MAJOR DEVELOPMENT).”**

### **Proposed Development**

#### Retention and Redevelopment

- 5.6 The Proposed Development proposes to retain and extend the structure of Newcombe House and redevelop the remainder of the Site including Kensington Church Street buildings and Royston Court. The demolition drawings prepared by Squire & Partners identify the buildings for demolition.

#### Land Use

- 5.7 The proposals seek to retain and extend Newcombe House to create a part 14 and part 15 storey building (fronting Notting Hill Gate) to deliver Grade A commercial office floorspace. In addition, the proposals also seek to redevelop the remainder of the Site and erect a 6 storey building to provide further Grade A commercial office floorspace at the upper levels and flexible retail space at ground floor level (along Kensington Church Street). Moreover, the proposals seek to redevelop Royston court to provide an 8-storey building with new affordable residential accommodation and medical floorspace.

5.8 The Proposed Development seeks to deliver the following, as set out in the table below and included within the Design and Access Statement prepared by Squire & Partners:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change in GIA (+/-)
Residential	955 m2	1,320 m2	+365 m2
Medical	-	784 m2	+784 m2
Retail	2,569 m2	1,696 m2	-873 m2
Office	5,619 m2	23,102	+17,483 m2
<b>Total</b>	<b>9,143 m2</b>	<b>26,902 m2</b>	<b>+17,759 m2</b>

*Note. Back of house floorspace is included within the above figures.*

Design

5.9 This section of the Town Planning Statement should be read in conjunction with the Design and Access Statement prepared by Squire and Partners. The Design and Access Statement comprises a full description of the Proposed Development and sets out the evolution and rationale for its design, scale, height, massing, layout, access and materiality.

5.10 The Proposed Development seeks to create public open space at Notting Hill Gate through providing high quality landscaping and seating which will help create a focal point within the Notting Hill Gate District Centre. In addition, the building line is set back along Kensington Church Street to create a new and improved public realm, as well as significant improvements to Uxbridge Street through landscaping works to create a high quality pedestrian environment and improved route to Notting Hill Gate.

5.11 The design-led benefits of the proposal can be summarised as follows:

1. Regeneration of a pivotal Site in Notting Hill District Centre;

2. Retention and refurbishment of the existing tower – A significant sustainable carbon reducing measure;
3. exceptional design quality, introducing new and distinctive architecture which responds to Notting Hill Gate;
4. Transformed public realm through the provision of a new public square on Notting Hill Gate open to the sky;
5. Inviting and secure pedestrian link via Uxbridge Street;
6. Introduction of greening at the Site through the introduction of attractive landscaping curated by an award-winning design practice, Andy Sturgeon.
7. Improved animation of street frontages with a quality retail and restaurant offer on Notting Hill Gate and Kensington Church Street; and
8. Introduction of new colonnade and widened route along Kensington Church Street to improve pedestrian accessibility and experience.

#### Transport and Servicing

5.12 The Site is located in an area with excellent transport links and has a PTAL rating of 6b , which indicates the highest attainable level of accessibility. The Proposed Development will be car-free with no-onsite parking provision proposed, two disabled parking bays are proposed on Newcombe Street, replacing two shared bays and motorcycle parking. Cycle parking is provided for the development to accord with the London Plan standard. However, 50% provision of visitor spaces is proposed to ensure there is no conflict with the landscaping and public realm proposals.

5.13 In terms of servicing, the Proposed Development proposes to make use of three shared use parking bays at Notting Hill Gate and single loading bay at Kensington Church Street. It is predicted that the ground floor retail alongside Newcombe Tower will make use of the three parking bays at Notting Hill Gate, and the ground floor retail, residential, medical and office land uses would make use of the single loading bay at Kensington Church Street.

#### Energy and Sustainability

5.14 The Proposed Development proposes to retain the foundation and superstructure of Newcombe House and is estimated to save approximately 1,324,632 kg CO<sub>2</sub>e of embodied



carbon emissions. The development proposes to target Band A/B LETI 2030 design target and Band A/B RIBA 2030 built target.

- 5.15 The proposed office, retail and medical floorspace is targeting a BREEAM new construction version 6 excellent rating.
- 5.16 The Proposed Development is seeking to meet the highest sustainability and energy credentials and is exceeding the Part L targets of 15% greenhouse gas emission reductions for the commercial space and 10% reduction for the residential units, delivering a minimum on-Site carbon dioxide emissions reduction of over 35% beyond the Part L 2021 target emission rate (TER).

#### Landscaping

- 5.17 The Proposed Development will create a public square of circa 360m<sup>2</sup> at Notting Hill Gate, through providing high quality landscaping and seating to help create a focal point within the Notting Hill Gate District Centre. Whilst the proposals are indicative and the detailed design will be secured by planning condition, the Applicant is committed to delivering a public square in consultation with the Council to ensure that this space will the benefit local community as well as the visitors to the area.
- 5.18 Moreover, the development proposes to significantly improve Uxbridge Street through landscaping works to create a high quality pedestrian route to Notting Hill Gate.
- 5.19 Terraces are proposed for the commercial floorspace which will provide circa 717m<sup>2</sup> of landscaped areas which will overall contribute to the quality of the office accommodation.
- 5.20 The landscaping design increases the urban greening on the Site and provides an increase in net biodiversity gains.

#### Access

- 5.21 The Proposed Development will be able to be accessed by walking, cycling and public transport. The Site benefits from a widened footway that runs along the Kensington Church Street frontage and ranges from 3.0 to 3.2 metres in width. The development proposes an

area of open public space at the Notting Hill Gate frontage which improves the site's accessibility.

- 5.22 In addition, the Proposed Development will also be able to be accessed by cycling, as there are a number of signed on-road cycle routes located in close proximity to the Site which form part of the London Cycle Network ('LCN').
- 5.23 Furthermore, the Proposed Development will be able to be accessed by public transport as the Site is well served by London Underground, rail networks and bus services. The Site is within a short walking distance of 10 frequent bus services which can be accessed from the Site's eastern frontage on Kensington Church Street or via bus stops along Notting Hill Gate. In terms of London Underground services, the Site is located in close proximity to Notting Hill Gate Underground Station which provides access to Central, Circle and District Lines Services. The Site is also within walking distance of Queensway, Holland Park, Bayswater and Notting Hill Gate Underground Stations.
- 5.24 The Site has a PTAL level of 6(b) indicating the highest achievable level of accessibility.

## **6 Planning Policy Framework**

- 6.1 This section of the Statement outlines the relevant national, regional and local planning policy and guidance documents against which the Proposed Development should be assessed against.

### **Legislative Context**

- 6.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall 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.
- 6.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

### **Statutory Development Plan**

- 6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 6.5 The adopted Statutory Development Plan for the purpose of these applications comprises:
- The London Plan (2021); and
  - The Royal Borough of Kensington and Chelsea's Local Plan (2019).

### **National Guidance – National Planning Policy Framework (2021)**

- 6.6 The National Planning Policy Framework ('NPPF') sets out the Government's economic, environment and social planning policies for England and supersedes the vast majority of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). It summarises in a single document all previous national planning policy advice. Taken together, these

policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

- 6.7 The NPPF sets out the Government's requirements for the planning system. It provides a framework within which local people and their accountable councils can produce their own local and neighbourhood plans, which reflect the needs and priorities of their communities. The NPPF is a material consideration in the determination of planning applications.

#### **National Guidance – Planning Practice Guidance (as updated to 2022)**

- 6.8 In March 2014, the Government launched the web-based Planning Practice Guidance ('PPG') resource which provides up-to date and accessible guidance. This aims to provide guidance which is useable in an up-to-date and accessible manner.
- 6.9 The PPG outlines how government planning practice should be followed and interpreted in accordance with the principles of the NPPF. Regarding decision making, the guidelines set out in the PPG are a material consideration and accordingly should carry weight in the determining of planning applications.

#### **Regional Planning Policy – The London Plan (2021)**

- 6.10 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The London Plan forms the London-wide policy context within which the Boroughs set their local planning agendas, and forms part of the Statutory Development Plan
- 6.11 The detailed objectives of the London Plan seek to ensure that London can meet the challenges of economic and population growth; be internationally competitive and successful, deliver diverse, strong, secure and accessible neighbourhoods; be world-leading in improving the environment; and be easy, safe and convenient for everyone to access, jobs, opportunities and facilities.

#### **Supplementary Planning Guidance – Other GLA Guidance**

6.12 The following adopted GLA supplementary planning guidance (“SPG/SPD”) documents are considered as material considerations in the assessment of these proposals:

- Accessible London SPG (2014);
- Planning for Equality and Diversity in London SPG (2007);
- Character and Context SPG (2014);
- Public London Charter (2021);
- Affordable Housing and Viability SPG (2017);
- Housing SPG (2016);
- Social Infrastructure SPG (2015);
- All London Green Grid SPG (2012);
- London’s Foundations SPG (2012);
- Be Seen Energy Monitoring LPG (2021);
- Circular Economy Statements LPG (2022);
- Energy Planning Guidance (2022);
- The Control of Dust and Emissions in Construction SPD (2014);
- Whole Life Carbon LPG (2022);
- Crossrail Funding SPG (2016);
- Use of Planning Obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG.
- Air Quality Positive LPG (February 2023);
- Air Quality Neutral LPG (February 2023);
- Urban Greening Factor (UGF) LPG (February 2023);
- Sustainable Transport, Walking and Cycling LPG (December 2022).

6.13 The following draft GLA supplementary planning guidance (“SPG/SPD”) documents are considered as material considerations in the assessment of these proposals:

- Draft Fire Safety LPG (2022);
- Draft Housing Design Standards LPG (2022); and
- Draft Optimising Site Capacity LPG (2022).

**Local Planning Policy – Royal Borough of Kensington and Chelsea Local Plan (2019)**

6.14 The Royal Borough of Kensington and Chelsea (RBKC) adopted their Local Plan in September 2019. The Local Plan provides the overarching vision and spatial strategy for RBKC as well as strategic policies to deliver their vision.

### **Supplementary Planning Guidance – Royal Borough of Kensington and Chelsea**

6.15 The following supplementary planning guidance (“SPG/SPD”) documents are considered as material considerations in the assessment of these proposals:

- Notting Hill Gate SPD (2015);
- Access Design Guide SPD (2010);
- Air Quality SPD (2009);
- Basements SPD (2016);
- Building Height SPD (2016);
- Community Housing SPD (2020);
- Designing Out Crime SPD (2008);
- Greening SPD (2021);
- Noise SPD (2009);
- Planning Contributions SPD (2019);
- Transport and Streets SPD (2016); and
- Tree and Developments SPD (2010).

6.16 In February 2023, the Full Council approved the New Local Plan Review for submission to the Secretary of State for examination. The draft policies currently carry limited weight. The draft policies will carry more weight following adoption. The draft local plan policies are a material consideration and have therefore been assessed as part of this application and should be considered in the assessment of the proposals.

### **Key Planning Considerations**

6.17 The key planning considerations affecting the Proposed Development are considered to include the following:

1. Principle of Developing the Site;

2. Land Use;
3. Design;
4. Townscape and Heritage;
5. Energy and Sustainability;
6. New Affordable Housing;
7. Amenity of surrounding occupiers;
8. Amenity of occupiers of the development;
9. Transport;
10. Environmental Quality;
11. Deliveries, Servicing and Waste Collection;
12. Fire Safety;
13. Flooding and Drainage; and
14. Infrastructure and Planning Contributions.

6.18 The following section of the Town Planning Statement addresses the Proposed Development against the relevant planning policies and provides an assessment of how the proposals address these accordingly.

## **7 Planning Consideration - Principle of Developing the Site**

- 7.1 This section of the Town Planning Statement assesses the principle behind the Proposed Development against the relevant policies.

### **Principle of Developing the Site (part refurbishment and redevelopment) – Policy Context**

- 7.2 At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 of the NPPF sets out the economic, social, and environmental objectives to achieve sustainable development, which include helping build a strong, responsive, and competitive economy, supporting strong, vibrant and healthy communities and protecting and enhancing our natural, built and historic environment.
- 7.3 Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account identified needs, market conditions, the availability and capacity of infrastructure and services, the desirability of maintaining an area’s character or promoting regeneration and change, and the importance of securing well designed, attractive and healthy places.
- 7.4 London Plan Policy (LP) GG2 ‘making best use of land’, sets out the key requirements to create successful sustainable mixed-use places that make the best use of land. The focus is upon enabling development of brownfield sites and prioritising those which are well-connected by existing and planned public transport. It further notes that development must proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well connected.
- 7.5 In addition to the above, Good Growth Objective GG6 of the LP emphasises the importance of efficiency and resilience to achieving good growth, which includes creating a low carbon circular economy.
- 7.6 Adopted Local Plan Policy CV 11 ‘Vision for Notting Hill Gate in 2028’ notes that the area will have strengthened its distinct identity as one of the Borough’s main district centres, benefitting from a high level of public transport accessibility. It goes onto state that it will



continue to be a major office location and build upon its long-standing reputation for arts, culture and the evening economy as well as serving the needs of local people. It references the Notting Hill Gate SPD and makes clear that opportunities will be taken to refurbish or redevelop outdated 50s buildings within the area.

- 7.7 Included within policy CV11, it states the following priority under paragraph 11.4 ‘refurbish or redevelop a number of sites identified in the Notting Hill Gate Supplementary Planning Document, including one of the tower blocks, Newcombe House, where refurbishment or redevelopment in a different plan form are both identified as appropriate options for the site’. In addition, the Notting Hill Gate SPD under paragraph 11.5, identifies the Newcombe House Site as an opportunity for ‘development, refurbishment, or some additional storeys’.

#### **Principle of Developing the Site (part refurbishment and redevelopment) – Assessment**

- 7.8 The Site falls under the definition of a brownfield land. It is located in the heart of Notting Hill District Centre and achieves a PTAL rating of 6b. National and Regional Policy focus upon enabling development of brownfield sites and prioritises those which are well connected to public transport. Policy GG2 specifically stated that development must proactively explore the potential to intensify the use of land to support additional homes and workspaces. Overall, it is considered that the approach of developing the Site is wholly appropriate.
- 7.9 The Site has been identified by the Council in adopted Local Plan CV11 and the supporting Notting Hill Gate SPD as an opportunity for ‘development, refurbishment, or some additional storeys’. More recently, the Council have identified it under draft Site allocation SA10 ‘Newcombe House’, within their draft Local Plan which sets out the land use priorities and principles for the site.
- 7.10 It should also be noted that the Site benefits from an extant consent (LPA Ref. PP/17/07582), which is detailed under Section 3 of this Planning Statement. This permits the redevelopment of the Site in its entirety.
- 7.11 The Applicant has considered the planning policy basis and has taken an entirely different approach to developing the Site to that of the extant consent (LPA Ref. PP/17/07582). The proposals are to retain and extend the Newcombe House structure, alongside the

redevelopment of the remainder of the site. This has significant benefits in terms of embodied and whole life carbon, which are detailed within Section 13 of this Statement. The approach to part refurbish and part redevelop the Site is wholly supported by planning policy and will contribute towards the regeneration initiatives as set out in the Notting Hill Gate SPD. The approach to developing the Site will enable the Site to be intensified and deliver land uses to support the district centre through the delivery of significant employment floorspace alongside complimentary town centre uses, which will enhance the arts and culture of the area and support the key priorities set out in Policy CV 11, Draft Policy PLV10 and the Notting Hill Gate SPD.

- 7.12 The following paragraphs assess the specific proposed land uses against the relevant planning policy considerations.

## 8 Planning Consideration - Land Use

8.1 This section of the Town Planning Statement assesses the land use components of the Proposal in accordance with the relevant policies. This is assessed in relation to the re-provision and increase in quantum office floorspace, re-provision of retail floorspace, provision of new affordable residential floorspace, medical floorspace and a new public square. The final section of this statement assesses the proposals against the emerging Site Allocation SA10 'Newcombe House' for the site. .

### **Re-provision and creation of new office floorspace – Policy Context**

8.2 Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It further states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.3 Paragraph 82 of the NPPF states that planning policies should proactively encourage sustainable economic growth, meet anticipated needs over the plan period, seek to address potential barriers to investment and enable a rapid response to changes in economic circumstances.

8.4 Policy GG5 'Growing a Good Economy' of the London Plan (LP) states that to conserve and enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners, development must promote the strength and potential of the wider city region, seek to ensure that London's economy diversifies and plan for sufficient employment space in the right locations to support economic development. Part C of LP GG5, states that those involved in planning and development should plan for sufficient employment floorspace in the right locations to support economic development and regeneration.

8.5 LP Policy E1 'Offices' part A, states that improvements to the quality and adaptability of office space of different sizes should be supported by new office provisions, refurbishment, and mixed-use development. Part C goes on to identify Kensington & Chelsea as a 'the nationally significant office location where offices should be developed and promoted'. LP Policy E2

‘providing suitable business space’ part D sets out that development proposals for new B Use Class business floorspace greater than 2,500 sq m (gross external area) should consider the scope to provide a proportion of flexible workspace.

- 8.6 The strategic objective of adopted Local Plan Policy CO2 is to foster vitality for the boroughs residents and enhance this by a wide variety of cultural, creative and commercial uses which can significantly contribute to the well-being of residents and to the capital’s role as a world city.
- 8.7 Adopted Local Plan Policy CV11: Vision for Notting Hill Gate in 2028 recognises the Site as a major office location “will continue to be a major office location and build upon its long-standing reputation for arts, culture and the evening economy as well as serving the needs of local people”. A similar vision is set out in the New Local Plan Review Policy PLV10: Notting Hill Gate, which states that “It will build upon its long-standing reputation for the arts, culture and for the evening economy. It will also use the pull it has as a key employment area to provide the premises needed by the types of agile business which will thrive in a post Covid-19 world”.
- 8.8 Local Plan Policy CF5 ‘Business Uses’ seeks to ensure that there is a range of business premises within the borough to allow business to grow and thrive. Policy CF5 (c), requires new large scale office development to be located within a town centre, other accessible areas or within an Employment Zone.
- 8.9 The employment land and premises study which was published alongside the Draft Local Plan (Regulation 18) in February 2022, identifies an additional need for 60,500 sqm (net additional floorspace) of office floorspace during the lifetime of the New Local Plan. The study concludes that the Notting Hill office market area is strong, stating that it “performed well during the pandemic, with vacancy rates remaining relatively low and rents remaining towards the top end of the medium-term average... None of the key indicators show that offices in the area are anything other than viable”.
- 8.10 Adopted Local Plan CF5 ‘Business Uses’ further sets out requirements for new business floorspace, setting out that new large-scale development should be located within a town centre and should be flexible and capable of accommodating a range of unit sizes. It further

states that the Council will ensure that there is a range of business premises within the borough to allow businesses to grow and thrive. It also requires all new business floorspace over 100 sqm to be flexible and capable of accommodating a range of unit sizes. This is reinforced in Draft Policy BC1 of RBKC's Emerging Local Plan which also states that new offices will be supported within town centres where they contribute to the character, function and viability of that centre (part D).

- 8.11 The draft Site allocation 'SA10 Newcombe House' states that the Site will deliver a 'high-quality residential led or office led mixed use redevelopment'. Under part C, it states that it will deliver 'high quality office employment space, including large, flexible office floor plates that will meet diverse local occupier requirements'

#### **Reprovision and creation of new office floorspace – Assessment**

- 8.12 ***Principle of Office Land Use*** - The Site currently provides 5,206 m<sup>2</sup> (GIA) of office floorspace, although this is now largely vacant due to the condition of the buildings. The principle of office use on Site is established by the existing use and the site's location within Notting Hill Gate District Centre, which is identified by both the GLA and the Council as a 'major office location' (LP Policy E1 'Offices' and Local Plan Policy CV11). Furthermore, the draft Site Allocation SA10 'Newcombe House' supports an office-led mixed-use development on site. RX London have prepared a London Office Market Report' (May 2023) and further reinforce this position, stating that 'Notting Hill Gate is located in a primary location between submarket office locations within excellent transport links'. Both the Council and GLA are supportive of continued office use on the site, alongside the uplift and this has been confirmed through pre-application discussions.

#### ***Demand and Quantum of Office Floorspace proposed***

- 8.13 The proposal seeks to deliver an increased quantum of office floorspace on Site which would total 23,102 m<sup>2</sup> (GIA). It is wholly appropriate to deliver large-scale office development within town centres, as set out in Local Plan Policy CF5 and draft Site Allocation SA10 'Newcombe House'. This quantum of uplift (circa 17,000 sq m) would also seek to contribute

to the Councils identified need for office floorspace which totals 60,500 (net additional floorspace), over the emerging local plan period.

8.14 Whilst both the Council and GLA have identified a need overall for additional office accommodation, there is a clear need for Grade A office accommodation across London and specifically in RBKC. RX London's Office Market Report reinforces the planning policy position for demand, further supplementing this with the specific demand for Grade A office floorspace. The key evidence from the report is summarised as follows:

1. The vacancy rate remains at 9% across Central London, however, less than 2% of this is new/refurbished Grade A stock. This is set to reduce further as demand grows for best in class office floorspace;
2. Active demand is therefore primarily focused on new Grade A space and 60% of take up in 2022 was in this category (circa 6m sq ft). 75% of office floorspace is currently under offer is Grade A;
3. In RBKC there is currently 0.5% supply of new/Grade A floorspace which presents a scare supply, particularly in the context of what the active demand is for;
4. There is a trend of high-profile businesses locating to West London Markets and the sub-markets of Paddington, White City, Hammersmith, Kensington, Knightsbridge and Marble Arch; and
5. 80% of London office stock is currently not EPC B compliant and retrofitting buildings to meet EPC compliance is considered to be costly, which further exacerbates the demand for Cat A stock.

8.15 It is clear that there is significant demand for new office floorspace which is of a high-quality standard (Grade A) both across London and within RBKC. The proposal will seek to deliver this in accordance with regional and local plan policies. It is important to note, that the quality of the floorspace goes hand in hand with the quantum of floorspace proposed. This is further assessed in paragraph 8.18.

8.16 Another important consideration of the quantum of office floorspace proposed, is that it will support the growth of a localised economy. Hatch have prepared an Economic Benefits Report (May 2023). The office floorspace will contribute towards the following:

1. Delivery of c, 1590 additional FTE jobs-on-site;
2. C £3.6m business rates created; and

3. £2.66m local spend from workers per annum.

8.17 It is therefore considered that this quantum of Grade A office floorspace is needed within the borough given the limited supply and current demand and overall it will support economic growth in the locality and as a whole for RBKC, which is identified as ‘a nationally significant office location’, in accordance with paragraph 82 of the NPPF and LP Policy GG5 ‘Growing a Good Economy’.

### ***Quality of Office Floorspace***

8.18 As stated, the proposal will deliver best-in-class Grade A office floorspace. This is a key consideration alongside the quantum of office floorspace proposed. The London Office Market Report states that ‘the current issue for the office market in Notting Hill Gate is not about its ability to attract office occupiers as a location but that there has not been the quality office product available to attract a high-profile occupier’. Local Plan Policy CF5, emerging Local Plan BC1 and the Site allocation (SA10), require new office developments to provide high quality floorspace, including large, flexible office floor plates that meet diverse local occupier requirements.

8.19 RX London’s Office Market Report sets out the current occupier trends which have also informed the design of the floorspace, alongside the fact that it will be Grade A. The office floorspace will attract occupiers for the following reasons:

1. Sustainability credentials, through the retention and refurbishment of the existing building and the operation through utilising 100% electric systems and be Net Zero Carbon in Operation;
2. The range of different sized floor plates (3,500 sq ft – 19,000 sq ft) which have excellent levels of natural light and benefit from far reaching views;
3. Access to external amenity space through terracing which will incorporate planting;
4. Openable windows;
5. The Site has excellent transport links, however, Notting Hill is a vibrant and interesting location in its own right and this will attract occupiers;
6. Within the wider development amenities are proposed which office occupiers can utilise, including retail use and public realm.

8.20 By delivering best-in-class office floorspace, in a highly accessible Central London Location, it will attract high profile office occupiers, particularly given the lack of supply and the desire to move to the west London sub-market which is evidenced in the RX Report. It is clear that the quality of floorspace will fully support the planning policy requirements, as set out in Local Plan Policy CF5, draft Policy BC1 and the draft Site Allocation.

#### **Retail floorspace – Policy Context**

8.21 Chapter 7 of the NPPF seeks to ensure the vitality of town centres and Paragraph 86 states that planning policies and decisions should support the role that town centres lay at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

8.22 Paragraph 86 (d) of the NPPF states that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed to meet the anticipated needs of retail, leisure and other town centre uses.

8.23 Policy SD6 of the LP states that the vitality and viability of London’s varied town centres should be promoted and enhanced by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses such as retail.

8.24 LP Policy E9 ‘retail, markets and hot food takeaways’ under part A, requires a successful, competitive and diverse retail sector, which promotes sustainable access to goods and services for all Londoners, particularly for town centres. Under part 3B of this policy, states that Boroughs should set out policies and Site allocations to secure an appropriate mix of shops and other commercial units of different sizes, informed by local evidence and town centre strategies.

8.25 Policy CF2 of RBKC’s Local Plan states that the Council will promote vital and viable town centres and ensure that the character and diversity of the borough’s town centres is maintained.



- 8.26 Policy CF3 of RBKC's Local Plan states that the Council will secure the success and vitality of our town centres by protecting, enhancing and promoting a diverse range of shops and by ensuring that these uses will be supported, but not dominated by a range of complementary town centre uses. The policy states that to deliver this, the Council will protect all shops and shop floorspace at ground floor level in the primary retail frontage of Notting Hill Gate and secondary retail frontage of Notting Hill Gate District Centre.
- 8.27 Draft Policy TC2 of RBKC's Draft Local Plan requires a range of shop unit sizes in major new retail development, and to resist the amalgamation of shop units, where the retention of the existing units contribute to achieving the vision of the town centre.8.27
- 8.28 Draft Policy TC3 of RBKC's Emerging Local Plan states that the Council will require developments to support the vitality and the viability of town centres.
- 8.29 The emerging Site Allocation (SA10) identifies the Site to create retail and leisure uses at ground floor.
- 8.30 The Notting Hill Gate SPD sets out that active frontage should face onto Kensington Church Street and Notting Hill Gate.

### **Retail floorspace – Assessment**

#### ***Principle of re-provision of retail floorspace***

- 8.31 Retail floorspace exists on Site and the proposals seek to re-provide this. The principle of retail floorspace within the District Centre is well established. The proposed Use class of this floorspace is proposed to be flexible, to enable opportunities for occupation. This will ultimately support the vitality and viability of the retail centre in accordance with LP Policy SD6, Local Plan CF2 and Local Plan Policy CF3.

#### ***Quantum of retail floorspace***

- 8.32 The proposal would result in the net loss of 873 m2 (GIA) of retail floorspace. It is considered that the reduction of retail floorspace will not negatively impact the success and vitality of

the district centre. A proportion of the existing retail floorspace is located at upper levels and is either vacant or used as ancillary space to the ground floor retail units, therefore not directly contributing to the vitality of the district centre. In addition, the wider development seeks to deliver other priority town centre (alongside the flexible retail floorspace) uses including office accommodation, new housing and medical floorspace, therefore overall, the uses within the district centre will be enhanced, in accordance with LP Policy SD6, Local Plan CF2 and Local Plan Policy CF3.

- 8.33 The location of the retail units would maintain and enhance the active retail frontages along Notting Hill Gate and Kensington Church Street within the district centre, in accordance with Local Plan Policy CF3 and the draft Site Allocation. The loss of retail floorspace has formed part of pre-application discussions and officers have confirmed the reduction in retail floorspace is acceptable on the basis that the retail frontage is maintained at ground floor level and contributes to the overall vitality of Notting Hill Gate District Centre.

***Quality and layout of retail floorspace –***

- 8.34 The existing retail units on Site are in a poor state and the proposal seeks to redevelop this part of the site. The new retail floorspace will be of a high quality, glazing will be double height onto the retail frontage, the floorspace will be BREEAM Excellent and also flexible in terms tenant occupation. It is key that this retail floorspace is of a high standard to be delivered alongside the Grade A office accommodation. Overall, it is considered the new retail floorspace will support the success and vitality of the district centre and meet the requirements set out in LP Policy E9, Local Policy CF3 and Draft Policy TC2 and TC3.

**New Affordable Housing – Policy Context**

- 8.35 Chapter 5 of the NPPF seeks to ensure the sufficient delivery of homes. Paragraph 60 of the NPPF states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.36 LP Policy H8 ‘Loss of Existing Housing and Estate Redevelopment’, under part A states that ‘loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace’.

8.37 The definition of ‘Affordable Housing’ is referenced in the supporting policy wording to LP Policy H4 ‘delivering affordable housing’ at paragraph 4.4.1. This paragraph includes footnote 53, which cross refers to the definition of affordable housing as included in Annex 2 of the NPPF. Part A ‘Affordable Housing for Rent’ within the affordable housing definition, sets out the following conditions to meet. Our current pre-application proposal is assessed against each of these as follows:

- a) ‘The rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (include service charges where applicable)’ – The accommodation at Royston Court is in a significant state of disrepair and currently not habitable. It has been vacant for more than 6 years, therefore no rent has been ‘set’ is subject to legal requirements to be ‘set’ for a substantial period of time. For this reason we do not consider the accommodation meets part ‘a’ of the definition of ‘affordable housing for rent’;
- b) ‘The landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider)’. The Site is owned by a private landlord and the previous landowner was also a private landlord. The Site has not been in the ownership of a Registered Provider for circa 12 years and it has now been owned by two private landowners. Firstly in 2011 by Brockton Capital Fund and then in March 2021 by Notting Hill Gate KCS Ltd (managed by Beltane Asset Management LLP). Therefore, we do not consider the accommodation meets part ‘b’ of the definition of ‘affordable housing for rent’.
- c) ‘It includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)’ – The accommodation is not restricted through either Section 52 or Section 106 agreements or any other legal agreement or covenant

that we are aware of. Therefore, we do not consider the accommodation meets part 'c' of the definition of 'affordable housing for rent'

- 8.38 Adopted Local Plan Policy CH1, part F states that the Council will resist the net loss of affordable housing floorspace and units through the borough.
- 8.39 Draft Policy HO3 seeks to protect existing affordable housing through resisting the net loss of affordable housing floorspace and where it is accepted that affordable housing is to be reprovided, it must be provided on a like for like basis. Moreover, the Draft Policy HO3 of RBKC's Emerging Local Plan states that all schemes involving demolition and replacement of affordable housing will be required to follow the viability tested route and should seek to provide an uplift in affordable housing in addition to the replacement of affordable housing floorspace as set out in the London Plan.
- 8.40 The draft Site Allocation SA10 under land use, part B, states the Site should 'refurbish or re-provide a minimum of 20 social rent homes and floorspace on-site with a requirement to provide additional community homes as per Policy HO3'.

#### **New Affordable Housing – Assessment**

- 8.41 Royston Court is an existing 5 storey building which is in a state of disrepair, it is understood to have been vacant since 2017 prior to the Applicant's ownership. The upper 4 floors previously provided 20 studio bedsits which accommodated rough sleepers and provided 955m<sup>2</sup> of floorspace (GIA) overall. The ground floor is currently vacant, but benefits from flexible Use Class E.
- 8.42 Photos of the existing building are included within Squire & Partners Design and Access Statement. As noted, the accommodation is uninhabitable and does not meet current housing, energy and building standards. There is also currently no lift provision and no ancillary storage space for refuse or bicycles. Overall, it would fail to meet current standards for residential accommodation.
- 8.43 The proposal is for a commercial-led development, therefore the requirement to deliver affordable housing does not directly arise from this. The existing accommodation on Site does

not fall within the definition of affordable housing as set out in the NPPF (Annex 2). Part A of the definition sets out the following conditions that accommodation would need to meet to be considered as 'affordable housing for rent' under the affordable housing definition. The existing building is assessed against these provisions of the definition as follows:

- a. *'The rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (include service charges where applicable)'* – The accommodation at Royston Court is in a significant state of disrepair and currently not habitable. It has been vacant for more than 6 years, therefore no rent has been 'set' and is subject to legal requirements to be 'set' for a substantial period of time. For this reason we do not consider the accommodation meets part 'a' of the definition of 'affordable housing for rent';
- b. *'The landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider)'*. The Site is owned by a private landlord and the previous landowner was also a private landlord. The Site has not been in the ownership of a Registered Provider for circa 12 years, and it has now been owned by two private landowners. Firstly in 2011 by Brockton Capital Fund and then in March 2021 by Notting Hill Gate KCS Ltd. Therefore, we do not consider the accommodation meets part 'b' of the definition of 'affordable housing for rent'; and
- c. *'It includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)'* – The accommodation is not restricted through either Section 52 or Section 106 agreements or any other legal agreement or covenant that we are aware of. Therefore, we do not consider the accommodation meets part 'c' of the definition of 'affordable housing for rent'.

8.44 Therefore, for the purposes of this planning application, it is considered that it does not fall within the definition of affordable housing as set out in Annex 2 of the NPPF. On this basis it

is not considered that that the proposals are required to address the criteria set out under part C – E of London Plan Policy H8 ‘Loss of Existing Housing and Estate Redevelopment’.

8.45 Notwithstanding this , as part of the Proposed Development a replacement building is being delivered on the corner of Kensington Church Street and Kensington Place to deliver community uses.

8.46 The new building will provide new community uses and the upper levels (floor 4 – proposed to provide 100% affordable residential accommodation. This floorspace will provide 1,320m<sup>2</sup> (GIA) and 8 residential units. This is considered a significant planning benefit of the proposal. The housing mix and quality of floorspace are assessed in Section 11.

8.47 In the event the Council consider the existing accommodation is affordable housing and engage adopted Local Plan Policy CH2 and emerging Local Plan Policy HO3, the proposal provides an overall uplift in affordable floorspace of 355m<sup>2</sup> (GIA) which equates to 38%. Whilst the number of units falls below that which exist and as identified in the draft Site Allocation (SA10), it is considered there are material planning considerations that clearly outweigh this.

- a. The poor state of significant disrepair of the accommodation which means it is has not been habitable for some time and does not currently provide accommodation. As noted it has been vacant since 2017;
- b. The redevelopment of the existing accommodation will provide high standard of accommodation;
- c. The increase in overall habitable rooms from that which exist to the Proposed Development (20 vs 28);
- d. The accommodation will meet Nationally Described Space Standards (NDSS) and other building regulations;
- e. The units will provide family sized accommodation to respond to a local need; and
- f. The tenure of the affordable accommodation will be social rent.

8.48 The above position has been discussed with RBKC and the GLA through pre-application discussions, and it is considered that the material considerations outlined above, outweigh the perceived planning policy departure from Local Plan Policy CH2 (f) and draft Local Plan

Policy HO3 to require 20 no. units on site, if the existing accommodation was considered to be affordable housing.

- 8.49 Overall, it is considered that the new affordable accommodation will satisfy the objectives of the policy H8 and deliver a greater quantum of affordable housing (both floorspace and habitable rooms) which will be of a high quality and be secured in perpetuity.
- 8.50 The new accommodation will also meet the Council's preferred housing mix for affordable housing and will meet current housing need for family sized homes, building and fire standards. Overall, we consider the material considerations of the proposals outweigh the perceived departure regarding the re-provision of unit numbers, therefore according with LP H4, Local Plan Policy CH2 (f), Local Plan Policy HO3 and draft Site allocation SA10.
- 8.51 GLA officers have confirmed through pre-application engagement that, in this instance, given the wholly affordable housing offer, that the proposal will be considered under the Fast Track Route, on the basis that the units will be all made available at social rent levels and secured in a Section 106 Agreement.

#### **New medical floorspace – Policy Context**

- 8.52 LP Policy S2 'health and social care facilities' states that Boroughs should work with Clinical Commissioning Groups (CCGs) and other NHS and community organisations to identify and address local health and social care needs within development plans. Under part B and C, it states that development proposals that support the provision of high-quality new and enhanced health and social care facilities should be supported. In addition, new facilities should be easily accessible by public transport, cycling and walking.
- 8.53 Policy CV11 of RBKC's Local Plan states that the Council will seek provision for a new primary healthcare centre as part of their vision for Notting Hill Gate.
- 8.54 Draft Policy SA10 'Newcombe House' of the Draft Local Plan states that the Council will seek the provision of a new medical centre / GP surgery of a minimum of 650 sqm GIA.
- 8.55 The Notting Hill Gate SPD at paragraph 3.6 identifies an existing requirement for a new primary healthcare facility in the area.

### **New medical floorspace – Assessment**

- 8.56 The Proposed Development includes medical floorspace within the community use building located on the corner of Kensington Church Street and Kensington Place. The medical floorspace is proposed to be accommodated at basement level – third floor. It will occupy the ground floor and create active frontage. The overall quantum of medical floorspace proposed is 784 m<sup>2</sup> (GIA).
- 8.57 It is acknowledged under the supporting policy text (para 11.4) of CV11 that a priority for Notting Hill is to seek provision of a new primary healthcare centre. However, Newcombe House is not specifically identified to deliver this. The Notting Hill Gate SPD also does not state that the Newcombe House Site is required to deliver a medical centre. The extant planning permission (Ref. PP/17/05782) included the delivery of a medical facility which was considered one of the wider community benefits of the scheme. The Council have brought forward the requirement for the Site to provide medical floorspace in the draft Site Allocation under part E, which states ‘that a new medical centre / GP surgery of a minimum 650 sq m GIA’ under land uses.
- 8.58 The proposed medical floorspace included within the development exceeds as the floorspace set out in the draft Site Allocation (SA10), therefore providing an overall uplift in medical floorspace for the local area, this is considered a significant benefit of the Proposed Development and accords with the aspirations set out in Local Plan Policy CV11 and the draft requirement as set out in Site Allocation SA10.
- 8.59 In addition, the Applicant has worked closely with the NHS and local practitioners to design the space which responds to their requirements and will operate as a GP surgery whereby patients will be considered as ‘independents’. The floorspace will be provided in a high-quality building and meet the needs as set out by the NHS and will overall meet the requirements as set out by the GLA under LP Policy S2.
- 8.60 Importantly, although it is the clear intention for the space to be offered to the NHS, in the event their requirements change, additional affordable residential accommodation would be provided within this building instead. A mechanism within the Section 106 Agreement will be included that will state that if the NHS do not occupy the medical floorspace, that this will be



provided as additional social rent residential accommodation. On this basis the medical floorspace is considered a planning benefit of significant weight.

### **New public square – Policy Context**

- 8.61 Paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are attractive, well-designed and include high-quality public spaces which promote social interaction.
- 8.62 Policy D8 of the London Plan states that development plans and proposals should encourage and explore opportunities to create new public realm where appropriate and ensure that it is well-designed, safe, accessible, inclusive, attractive and well-connected.
- 8.63 Policy G4 of the London Plan states that development plans should promote the creation of new areas of publicly accessible open space particularly green space.
- 8.64 Adopted Local Plan CV11 “Notting Hill Gate” Supporting planning policy text to CV11 of the adopted Local Plan states under ‘priorities’ that the Council’s objective is to improve the public realm and junctions around Notting Hill Gate.
- 8.65 The Notting Hill Gate SPD under ‘Newcombe House’, states under para 4.21 “Whether redevelopment or refurbishment are pursued, schemes should provide improved public space on either the Notting Hill Gate frontage and/or the area to the rear of Newcombe House”.
- 8.66 The draft Site Allocation SA10, under principles requires the development to deliver (under part F), ‘a new accessible, permeable and inclusive public square with level access through the site’ and (Part G) ‘a high quality vibrant new public realm’.

### **New public square – Assessment**

- 8.67 The proposal delivers a public square which is located at the Notting Hill Gate frontage. This proposal has evolved through pre-application discussion and the square now proposed is publicly accessible and open to the sky. It is proposed at a pivotal location within Notting Hill Gate and will help to create a new and legible pedestrian connection, as well as create a

separation between busy roadways. Whilst the landscaping proposals are indicative, it is envisaged that the area will include public seating, amenities, and flexible space for pop-up activities. It is clear that the proposal accords with paragraph 92 of the NPPF and London Plan Policy D8 through the provision of a high-quality public space which is well-designed, safe, accessible, inclusive, attractive and well-connected.

- 8.68 Given the fact that the public square is publicly accessible and indicative proposals include green planting, it is considered that the proposals fully accord with Policy G4 of the London Plan.
- 8.69 The provision of the public square at Notting Hill Gate will also improve the public realm and junction at Notting Hill Gate and it is clear that this is a priority of adopted Policy CV11. In addition, the Applicant has engaged with the Growth and Delivery Team at RBKC, to ensure that the design of the public square integrates with wider vision and improvements to the public realm of Notting Hill Gate.
- 8.70 Whilst meeting the strategic policies, the public square will provide a new accessible, permeable, and inclusive area which fully accords with the vision in the Notting Hill Gate SPD and draft Site Allocation SA10. On this basis the new public square fully supports the Council's existing and emerging policy objectives and is considered a planning benefit of significant weight.

### **Overall Conclusion on Land Uses**

- 8.71 Adopted Local Plan CV11 sets out priorities for Notting Hill Gate as a whole, stating that it is a major office location and that it will build upon its long-standing reputation for arts, culture and evening economy. The Notting Hill Gate SPD includes the Newcombe House under 'Site 1' and sets out the Council's priorities focusing on land use, delivery of publicly accessible space, investigation into the delivery of step-free access to the concourse and District and Circle Line at Notting Hill Gate Stations and creation of active frontages provided to the main streets.

8.72 As noted, the draft Site allocation SA10 “Newcombe House” sets out the Council’s current priorities for any development on the Site to achieve. Overall, the Proposed Development will deliver against these as follows:

**i. *The Site will deliver a high-quality residential led or commercial led mixed use development*** – the proposal will re-provide and provide new office floorspace in an identified major office location. The delivery of this quantum of commercial floorspace will respond to an identified need in RBKC, and it is clear there is a significant demand for Cat A commercial floorspace, of which this proposal will deliver. As noted, through the provision of best-in-class commercial floorspace, it will attract occupiers which will deliver wider economic benefits to Notting Hill Gate.

**ii. *Refurbish or re-provide 20 social rent homes and floorspace on Site with a requirement to provide additional community homes*** - The proposal will provide 8 new family sized residential units, which will be social rent tenure and this will be secured through the Section 106 agreement. The larger family units respond to the Council’s housing need and there is an overall uplift in floorspace by 38%, when compared to floorspace of the existing floorspace that exists on site. The provision of the new affordable accommodation at the Site will follow the fast-track route as confirmed by both The Council and the GLA at pre-application stage.

**iii. *High quality office employment space, including large, flexible office floorplates that will meet diverse local occupier requirements*** – The proposed commercial floorspace will be best in class and will be Category A. Through the sustainability credentials of the building, alongside the large flexible floorplates, excellent levels of natural light and access to amenity space, it is clear that the commercial floorspace will be of the highest quality;

**iv. *Retail and leisure uses, at ground level bringing active frontages to the ground floor*** – The proposal will provide flexible retail floorspace at ground floor level, which will retain active frontages within the town centre.

**v. *A new medical centre/GP surgery of a minimum of 650 m2 (GIA)*** – The proposal includes a new community use building, which includes floorspace for a GP surgery for

the NHS. The Applicant has worked in close collaboration with the NHS to ensure it meets their needs. It should be noted that the proposal provides in excess of the medical floorspace required.

***vi. A new accessible, permeable and inclusive public square with level access through the***

***Site*** - It is clear that the proposed public square will deliver against these and further discussions with the Growth and Delivery team at RBKC, will ensure that it aligns and compliments the wider vision for public realm improvements in Notting Hill Gate.

***vii. A new high quality vibrant public realm*** – It is clear that significant improvements will

be made to the public realm around the Site and the indicative proposals have been supported by RBKC and the GLA, particularly the widening of the pedestrian route on Kensington Church Street and the significant improvements to Uxbridge Street.

***viii. The delivery of step free access from street level to the southbound platform of the Circle and District Line of Notting Hill Gate Underground Station through new lifts and walkways*** –

As the Applicant has taken a different approach to developing the Site through the retention of the structure of the existing tower, it is not structurally feasible or practical to deliver this in a proportional way. This is further detailed in Section 19 of this Planning Statement and included within the Design and Access Statement prepared by Squire and Partners.

***ix. Planning Contributions in accordance with the CIL Regulations and other relevant***

***Local Plan Policies and SPDS*** – The proposal will provide planning obligations proportionate to the Proposed Development and is CIL liable. This is further detailed under Section 19 of this planning statement.

8.73 Overall, it is considered the Proposals fully support the adopted and emerging policy objectives for this site.

## 9 Planning Consideration - Design

9.1 This section of the Town Planning Statement assesses the design component of the Proposed Development in accordance with the relevant policies. This is assessed in relation to the height and massing, layout, materiality, landscaping and accessibility. Further details on the design can be found in the submitted Design and Access Statement, prepared by Squire & Partners.

### Design – Policy Context

9.2 Chapter 12 of the NPPF sets out the Government’s commitment to ensure high quality design of the built environment. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable building and places is fundamental to what the planning and development process should achieve. The paragraph also states that good design is a key aspect of sustainable development and creates better places for people to work and live and helps make development acceptable to communities.

9.3 Paragraph 129 of the NPPF states that design guides and codes can be prepared at an area-side, neighbourhood or site-specific scale, and should be produced as part of a supplementary planning document to carry weight in decision making.

9.4 Paragraph 130 of the NPPF stipulates that it is important to plan positively for the achievement of high quality and inclusive design for all development, which would function well over the lifetime of the development, be visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site, and create places that are safe.

9.5 Paragraph 134(B) of the NPPF states that in determining planning applications, significant weight should be given to outstanding or innovation designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings.

9.6 Policy GG2 of the London Plan states that to create successful, sustainable mixed-use places that make the best use of land, development must proactively explore the opportunity to

intensify the use of land, promote higher density development apply a design-led approach to determine the optimum development capacity of sites.

9.7 Policy D3 of the London Plan states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including Site allocations. The policy also states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Policy D3 also sets out detailed principles which developments should consider in their design relating to form, layout, experience, quality and character. This includes:

- Enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape;
- Encouraging and facilitating active travel with convenient and inclusive pedestrian and cycling routes, cross points, cycle parking and legible entrances to buildings;
- Facilitating efficient servicing and maintenance of buildings and the public realm;
- Achieving safe, secure and inclusive environments;
- Responding to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respecting, enhancing and utilising the heritage assets and architectural features that contribute towards to the local character;
- Being of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan; and
- Aiming for high sustainability standards.

9.8 Policy D4 of the London Plan states that where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, Site or development proposal and should be thoroughly scrutinised by borough planning, urban design and conservation officers. The policy also states that Design and Access Statements need to be submitted with development proposals and should demonstrate that the proposal meets the design requirements of the London Plan.

- 9.9 Policy D9 of the London Plan states that development plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. The policy also states that development proposals should address the visual, functional, environmental, and cumulative impacts of tall buildings.
- 9.10 Policy CL1 of RBKC's Local Plan states that the Council will require all development to respect the existing context, character and appearance, taking opportunities available to improve the quality and character of buildings and the area and the way it functions, including being inclusive for all. The policy states that to deliver this, the Council will require development to contribute positively to the townscape, addressing issues such as scale, height, bulk and mass, and respond to the local context. The policy also requires the density of development to be optimised.
- 9.11 Policy CL2 of RBKC's Local Plan states that the Council will require all development to be of the highest architectural and urban design quality, taking opportunities to improve the quality and character of buildings and the area and the way it functions. The policy states that to deliver this, the Council will require development be functional, robust, attractive, locally distinctive, sustainable, inclusive, and secure.
- 9.12 Policy CL5 of RBKC's Local Plan states that the Council will require all development ensures good living conditions for occupants of new, existing, and neighbouring buildings. This policy is saved in RBKC's Emerging Local Plan as Draft Policy CD8.
- 9.13 Policy CL11 of RBKC's Local Plan states that the Council will require all development to protect and enhance views, vistas, gaps, and the skyline that contribute to the character and quality of the area.
- 9.14 Policy CL12 of RBKC's Local Plan states that the Council will require new buildings to respect the setting of the borough's valued townscapes and landscapes, through appropriate building heights. The policy states that to achieve this, the Council will require proposals strengthen traditional townscape in terms of building heights and roof space and resist buildings significantly taller than the surrounding townscape other than in exceptionally rare

circumstances, where the development has a wholly positive impact on the character and quality of the townscape.

- 9.15 Draft Policy CD1 of RBKC's Emerging Local Plan states that development is required to be beautiful, respecting the existing context, character and appearance, including historic characteristics. The draft policy states that where relevant, development should enhance the quality and character of buildings and improve connectivity and function, including making it inclusive for all. The draft policy also states that opportunities should be taken to contribute positively and respond to local townscape through architecture and urban form, through addressing matters such as scale, height, bulk, mass and proportion. Moreover, the draft policy requires the density of development to be optimised using a design-led approach in a manner sensitive to context.
- 9.16 Draft Policy CD2 of RBKC's Emerging Local Plan states that the Council will require an appropriate architectural response to the context of the site, including in terms of scale, height, mass and bulk and the building's proposed design, form and use.
- 9.17 Draft Policy CD7 of RBKC's Emerging Local Plan states that proposals that meet or exceed the definition of a tall building in criterion A will be assessed in accordance with Policy D9 of the London Plan. The draft policy also states that the Council will expect tall buildings to be of exemplary design quality which includes requiring tall buildings to be well-integrated at street-level with surrounding buildings and street scene.
- 9.18 Draft Policy CD14 of RBKC's Emerging Local Plan states that the Council will require all development to protect and enhance views that contribute to the character and quality of the area and resist development which disrupts the skylines. The draft policy states that the Council will require development whose visual impacts extend beyond that of the immediate street, to demonstrate how views are protected or enhanced.

### **Design - Assessment**

- 9.19 The Proposed Development proposes three buildings including Newcombe House which is part 14 and part 15 storeys and an extension of the existing structure, the Kensington Church Street building which is a new building and 6 storeys, alongside the community building,



which is new and 8 storeys. The Proposed Development would enhance and replace the existing buildings on site with three buildings of substantially higher architectural and visual quality.

- 9.20 The works proposed to Newcombe House will be visually interesting and composed of three linear elements of differing heights, which would modulate the appearance of its overall massing. It is proposed that the Tower will have a clear sense of order to its architecture, with an identifiable base, middle and top and the grouping of window bays providing it with vertical emphasis. The macro treatment of the building has been developed in the 1950s international style. Further detail is set out in the Design and Access Statement presented by Squire & Partners.
- 9.21 As set out in the Tall Building Impact Assessment prepared by Gerald Eve LLP, the site is identified as suitable for tall buildings in accordance with Draft Policy SA10 of RBKC's Emerging Local Plan. As such, Newcombe House tower has been designed with consideration to the fact that it is on a major District Centre Primary Shopping Area, which is wide and capable of accommodating buildings of a significant height, whilst also recognising that the character of the area to the west of the site is lower and more residential in character and scale.
- 9.22 The vertical extension of Newcombe House tower has been designed so that it improves the proportions of the tower and its legibility within the wider townscape. It is proposed that the existing floorplan of the tower is extended towards the north to improve the overall efficiency of the floorplates.
- 9.23 Similarly, to Newcombe House tower, the Kensington Church Street frontage building is proposed to have an identifiable base, middle and top, and elevations with a sense of order, including a rhythm of bays that would complement the terrace plots in the surrounding residential area. It is proposed that the main building line on each floor would be progressively recessed from the west, and the upper levels from the east would effectively break up the overall scale of the building whilst mitigating the risk of overlooking to Jameson Street properties.

- 9.24 Moreover, the affordable/medical block is proposed to have a relatively similar appearance in red brick and concrete with deep reveals to windows providing further visual interest.
- 9.25 Overall, the Proposed Development seeks to replace the existing buildings on Site with a high quality commercial-led mixed-use development, that transforms the Site into a new destination that compliments the wider Notting Hill Gate District Centre. The development proposes to greatly improve the publicly accessible space with new thoroughfares and landscaped spaces, as well as reactivate ground floor uses with retail and commerce.
- 9.26 Through adopting a design-led approach, which responds to the context of the site, the development proposes to ensure that all aspects of the proposed design of the buildings and landscaping are of high quality and are inclusive. Measures have therefore been taken to provide equal access to all users, including providing ramped and stepped access and including handrails where required (in compliance with part M of the building regulations).
- 9.27 The proposed buildings have been designed to provide differing details and architectural language to express their individual character as well as respond appropriately to the existing context, character and appearance of the surrounding area. In addition, the proposed buildings have been designed by referencing key characteristics of surrounding buildings and interpreting them in a contemporary way.
- 9.28 Please refer to the design principles and evolution chapter of the supporting Design and Access Statement to better understand how the proposed design responds to the existing context, character and appearance of the area.
- 9.29 Overall, the proposals therefore accord with policies D3, D4 and D9 of the London Plan, and policies CL2, CL5, CL11 and CL12 of RBKC's Local Plan and draft policies CD1, CD2, CD7 and CD14 of RBKC's Emerging Local Plan.

#### **Landscaping – Policy Context**

- 9.30 Paragraph 8 of the NPPF sets out the environmental objectives to achieve sustainable development, which include protecting and enhancing the natural, built and historic

environment through making effective use of land, improving biodiversity and mitigating and adapting to climate change.

- 9.31 Paragraph 130(B) of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130(E) of the NPPF states that planning policies and decisions should ensure that developments should optimise the potential of the Site to accommodate and sustainably an appropriate amount and mix of development including green and other public space.
- 9.32 Paragraph 174(D) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising the impacts on and provide net gains for biodiversity.
- 9.33 Paragraph 180(D) of the NPPF states that local planning authorities should support development whose primary objective is to conserve or enhance biodiversity or improve biodiversity in and around developments especially where this can secure measurable net gains for biodiversity.
- 9.34 LP Policy D8 states that development plans and proposals should encourage and explore opportunities to create new public realm where appropriate and ensure that it is well-designed, safe, accessible, inclusive, attractive and well-connected. The policy also states that development proposals should incorporate green infrastructure such as street trees and other vegetation into the public realm to support rainwater management, reduce exposure to air pollution and increase biodiversity.
- 9.35 LP Policy G4 sets out that development plans should promote the creation of new areas of publicly-accessible open space particularly green space. Furthermore, LP Policy G5 states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of Site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. The policy also states that boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. Paragraph 2.1.1 of the Draft Urban Greening Factor LPG

(2023) states that the UGF requirements should be considered from the outset of the design process to ensure Site specific constraints can be considered and opportunities be fully realised, including the potential to link on-Site greening into the wider green infrastructure network.

- 9.36 LP Policy G6(D) of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. The policy also states that proposals which reduce deficiencies in access to nature should be considered positively.
- 9.37 Policy CO4 of RBKC's Local Plan sets out the Council's strategic objective for an engaging public realm which endows a strong local sense of place by maintaining and extending the public realm in the borough. This policy is not included in RBKC's Emerging Local Plan.
- 9.38 Policy CE4 of RBKC's Local Plan states that the Council will protect biodiversity in, and adjacent to, the borough's Sites of Nature Conservation Importance and require opportunities to be taken to enhance and attract biodiversity. This policy is replaced by Draft Policy G17 in RBKC's Emerging Local Plan.
- 9.39 Draft Policy GB15 of RBKC's Emerging Local Plan states that all development should maximise opportunities for incorporation of green infrastructure. The policy also states that major residential development is required to achieve an Urban Greening Factor score of 0.4 and 0.3 for non-residential development.
- 9.40 The Notting Hill Gate SPD states that for the Newcombe House Site, that dependent on the development approach that a proposal should seek to deliver a courtyard or partial square which is publicly accessible. In addition, the emerging Site Allocation "SA10 Newcombe House" sets out under land use and part G "a new accessible permeable and inclusive public square with level access through the site".

### **Landscaping - Assessment**

- 9.41 A Planting and Landscape Design Report and supporting landscaping plans have been prepared by Andy Sturgeon and are submitted as part of this application for the Council's consideration. The report sets out the landscaping and public realm proposals at the Site.

- 9.42 In accordance with Policies D8 and G4 of the London Plan, as well as guidance set out in the Notting Hill Gate SPD, the Proposed Development proposes a public square at the junction of Notting Hill Gate and Kensington Church Street (circa 360 m<sup>2</sup>). This increases the area beyond that which exists, and the indicative landscaping proposals set out how this area could be used for both the existing community and people visiting and passing through the area. It is likely to include public seating, alongside hard and soft landscaping. In addition, areas have been identified which could accommodate local art installations along with pop-up activities. The trees and raised planters will help to separate the space and create a sanctuary away from the busy roads and it is considered it will provide a significant improvement when compared to the area of public realm that exists, both in terms of quality and quantum. The Proposals will therefore accord with Draft Site Allocation Policy SA10 of RBKC's Emerging Local Plan and deliver a new, accessible, permeable, and inclusive public square.
- 9.43 It is proposed that clear and legible circulation routes will be created through the square as well as building entries. This will allow for increased permeability for everyday use. The public square is proposed to include variations in paving to delineate movement zones and public open space. The square can be accessed through three main entries including Notting Hill Gate, Uxbridge Street and Kensington Church Street. As noted at Section 4, the Applicant has engaged with the Growth and Delivery Team at the Council, as this public square will form part of the wider public realm masterplan in Notting Hill Gate. The Applicant is keen for these discussions to continue alongside the development of the detailed landscaping scheme.
- 9.44 Moreover, the development proposes to set back the ground floor of the Kensington Church Street building to form a double height colonnade connecting through to the public square frontage from Uxbridge Street to Notting Hill Gate. The proposed colonnade will offer shelter in inclement weather, increase the pedestrian walkway, and improve the overall streetscape and pedestrian experience. In addition, the colonnade would create a more permeable and responsive interaction along the site, enhance arrival experience and create better visual connections between the indoor and outdoor space.
- 9.45 The proposed arch openings at the Kensington Church Street building forms an additional colonnade which provides active frontages, animation at streetscape level and an enhanced pedestrian experience and retail interface.

- 9.46 The Proposed Development seeks to improve the existing public realm to Uxbridge Street to create a high-quality pedestrian environment that addresses the issues arising from the continuous retail façade along Notting Hill Gate and Kensington Church Street, such as the lack of visual permeability and access from Notting Hill Gate into Uxbridge Street. In addition, the Proposed Development seeks to improve the existing streetscape to Uxbridge Street and Newcombe Street through undertaking greening and landscaping improvements which are intended to provide a positive and user-friendly streetscape and overall experience. The proposed greening and landscaping improvements include tree planting, a green wall to the southern elevation of Uxbridge Street and bicycle racks to support green mobility.
- 9.47 Furthermore, the Proposed Development seeks to improve the landscaping and streetscape at Newcombe Street. Access is proposed from Newcombe Street to the affordable housing block on Kensington Church Street and it is proposed that Newcombe Street will maintain vehicular access into the servicing yard (to the rear of the Kensington Church Street building). The proposed location of the servicing yard is considered to be practical and less intrusive to pedestrian movement and interaction across the site. It is proposed that the on-site servicing yard will provide two loading spaces to service the retail/office floorspace and will be accessed from Newcombe Street. The development also proposes two disabled blue badge parking spaces at Newcombe Street. The proposals at Newcombe Street accord with the aims of policy D8, G5 and G6 of the London Plan and policy CO4 of RBKC's Local Plan.
- 9.48 The proposals also include terraces and balcony for the commercial floorspace, in order to deliver best in class office space, access to external space is essential. The design of the green roof terraces respond to three key principles including habitat creation and layered urban greening, screening and preventing direct outward views and perimetral planting including shrubs and cascading perennials. The terraces for the commercial floorspace will provide circa 717 m<sup>2</sup> of landscaped areas which will contribute to the overall quality of the commercial floorspace.
- 9.49 The proposed landscaping design increases the biodiversity net gains and increases the urban greening factor (UGF) on site to 0.28.

### **Accessibility – Policy Context**

- 9.50 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive, and accessible.
- 9.51 LP Policy D5 'Inclusive Design' states that development proposals should achieve the highest standards of accessible and inclusive design. The policy also states that Design and Access Statements submitted as part of development proposals should include an inclusive design statement.
- 9.52 LP Policy T1 'Strategic Approach to Transport' states that all development should make the most effective use of land, reflecting its connectivity and accessibility to existing and future public transport, walking and cycling routes. LP Policy T4 sets out that development proposals should reflect and be integrated with current and planned transport access, capacity, and connectivity.
- 9.53 Policy CV11 'Notting Hill Gate' of RBKC's Local Plan sets out its vision for Notting Hill Gate in 2028 and states that the area will have strengthened its distinct identity as one of the borough's main district centre benefitting from a high level of public transport accessibility. This policy will be superseded by Draft Policy PLV10 in RBKC's Emerging Local Plan. Policy CR1 of RBKC's Local Plan states that the Council will require a well-connected, inclusive and legible network of streets to be maintained and enhanced. The policy states that to deliver this, the Council will ensure optimal connectivity and accessibility. This is reinforced in Draft Policy T1 of RBKC's Emerging Local Plan.

### **Accessibility - Assessment**

- 9.54 The Design and Access Statement prepared by Squire & Partners and the Transport Assessment has been prepared by Caneparo Associates. These are submitted as part of this application for the Council's consideration. Alongside setting out details relating to the Proposed Development, the DAS sets out the how the proposal intends to develop a Site that is safe, inclusive, and accessible to all, in accordance with LP Policy D5. With regards to access, the Transport Assessment sets out the Site's connectivity and accessibility to existing and future public transport, walking and cycling routes, in accordance with Policy T1 and T4 of the London Plan.



- 9.55 In terms of pedestrian access and experience, the Site benefits from a generous footway that runs along the Kensington Church Street frontage which ranges from 3.0 to 3.2 metres in width. The development proposes an area of open public space at the Notting Hill Gate frontage which will improve the overall level of accessibility at the Site, as well as enhance the level of connectivity and permeability for all users of the Site.
- 9.56 In addition, as the Site slopes north to South, there will be numerous entrances to the retail and office units along Kensington Church Street which will have flush step free access and through doors to suit wheelchair access requirements. Moreover, there are internal level changes at ground floor between the office entrances via Notting Hill Gate and Kensington Church Street. Steps and ramps will be designed to ensure independent access and all cores will be fitted with wheelchair accessible lifts to provide flush access to all floors/escape stairs and space will be allocated for disabled refuge. With regards to the residential entrance lobbies and all residential units, these will be provided with adequate space to manoeuvre as required under part M and all floors will be served by adequately sized lifts for wheelchair users.
- 9.57 Whilst the Proposed Development is car-free, two blue badge parking bays will be provided on Newcombe Street. One of the parking bays will be for the M4(3) wheelchair user dwelling and the other will be for medical use. The location of these parking bays have been considered to allow for easy access.
- 9.58 In addition, the Proposed Development will also be able to be accessed by cycling, as there are a number of signed on-road cycle routes located in close proximity to the Site which form part of the London Cycle Network ('LCN') and facilities provided across the Site to facilitate this, in accordance with LP 11 and adopted Local Plan CR1 and emerging Local Plan T1.
- 9.59 Furthermore, the Proposed Development is extremely accessible by public transport as the Site is well served by London Underground, rail networks and bus services, it benefits from PTAL 6a . The Site is within a short walking distance of 10 frequent bus services which can be accessed from the Site's eastern frontage on Kensington Church Street or via bus stops along Notting Hill Gate. In terms of London Underground services, the Site is located in close proximity to Notting Hill Gate Underground Station which provides access to Central, Circle



and District Lines Services. The Site is also within walking distance of Queensway, Holland Park, Bayswater and Notting Hill Gate Underground Stations.

9.60 Overall, the proposals in terms of accessibility accord with policies D5 and T1 of the London Plan and policy CV11 of RBKC's Local Plan.

## **10 Planning Consideration - Townscape and Heritage**

- 10.1 This section of the Town Planning Statement assesses the Proposed Development within the context of its historic environment and the statutory duty to have special regard to the desirability of preserving or enhancing conservation areas as well as listed buildings, their settings, or any features of special architectural or historic interest.
- 10.2 A full analysis of the impact of the Proposed Development on designated heritage assets is included in the Heritage Statement prepared by Mola, Archaeological Desk Top Based Assessment prepared by Mola and the Townscape Visual Impact Assessment (TVIA) prepared by Tavernor Consultancy. These assessments are submitted as part of this application and should be read alongside this section of the Town Planning Statement.

### **Townscape and Heritage – Policy Context**

- 10.3 The Government has attached great importance to conserving and enhancing the historic environment in the NPPF. The NPPF advises that decisions on applications with implications on designated heritage assets should be made on the basis of the significance of the asset, and the harm (substantial or less than substantial) that the proposals would cause to the significance of the heritage asset.
- 10.4 Paragraph 194 of the NPPF states that planning applications should best describe the significance of any heritage assets affected, including any contribution made by their setting. The paragraph also states that where a Site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.5 Paragraph 197 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- c) The desirability of new development making a positive contribution to local character and distinctiveness.

- 10.6 Paragraph 199 of the NPPF sets out that when considering the impact of a Proposed Development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). The paragraph notes that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial to its significance.
- 10.7 Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The paragraph states that substantial harm to or loss of grade II listed buildings should be exceptional, and wholly exceptional to grade I and II\* buildings.
- 10.8 Paragraph 201 of the NPPF states that where a Proposed Development will lead to substantial harm (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits.
- 10.9 Paragraph 202 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, securing its optimum viable use. Furthermore, paragraph 206 of the NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 10.10 LP Policy HC1 'Heritage Conservation and Growth' states that development proposals affecting heritage assets, and their settings should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The policy also sets out that development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

- 10.11 LP Policy HC1(D) 'Heritage Conservation and Growth' states that development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. The policy states that where applicable, development should make provision for the protection of significant archaeological assets and landscapes.
- 10.12 Policy CL3 'Heritage Assets' of RBKC's Local Plan states that the Council will require development to preserve or enhance the character or appearance of the conservation area and protect the special architectural or historic interest of the area and its setting.
- 10.13 Policy CL4 'Heritage Assets' of RBKC's Local Plan states that the Council will require development to protect the heritage significance of listed buildings, scheduled ancient monuments and Archaeological Priority Areas. The policy states that to deliver this, the Council will require all development and any works for alterations or extensions to listed buildings, scheduled ancient monuments and Archaeological Priority Areas, to preserve the heritage significance of the building, monument or Site or their setting or any features of special architectural or historic interest.
- 10.14 Policy CL4(g) of RBKC's Local Plan states that the Council will require desk-based assessments and where necessary, field evaluation for major developments proposed in Archaeological Priority Areas.
- 10.15 Draft Policy CD3 of RBKC 'Heritage Assets – Conservation Areas' of RBKC's Emerging Local Plan requires development to preserve or enhance the character or appearance of the conservation area and hereby protect the special architectural or historic interest of the area and its setting.
- 10.16 Draft Policy CD4 'Designated Heritage Assets – Listed Buildings' of RBKC's Emerging Local Plan requires development protect the heritage significance of listed buildings.
- 10.17 Draft Policy CD5 'Scheduled Ancient Monuments and Archaeology' of RBKC's Emerging Local Plan states that the Council will require applications for development to make proportionate

provision for the assessment and evaluation of archaeology on site, including desk based assessments for major developments proposed in Archaeological Priority Areas.

### **Heritage and Townscape - Assessment**

- 10.18 The Site does not contain any designated or non-designated heritage assets, nor does it lie within a Conservation Area. As highlighted, it does lie between four Conservation Areas. In addition, the Grade II listed Notting Hill Gate Underground Station lies below ground level along the western boundary of the Site and there are four further listed buildings to the south-east of the Site within the Kensington Gardens Conservation Area. It has been agreed with officers at RBKC, that Listed Building Consent is not required for the proposed works which run alongside the Grade II Listed Building adjacent to the site.
- 10.19 Throughout the evolution of the scheme, the Conservation and Heritage Officer has been engaged and reviewed the various iterations of the scheme.
- 10.20 A Heritage Statement has been prepared by Mola which assesses the proposals in the context of the Conservation Areas. Mola have concluded that in policy terms, the proposals will cause less than substantial harm to the settings of the four nearby Conservation Areas from the agreed identified views, and the setting of the four listed buildings situated on Kensington Church Street. Mola have confirmed that there will be no harm to the Grade II listed Notting Hill Gate Underground Station, as there is no intervisibility between the Site and this designated heritage asset. Furthermore, Mola conclude that the new facades including green areas will provide new active street frontages and a new dynamic streetscape, will transform this important corner plot into an aesthetically pleasing landmark. It concludes “As the impact on the setting of the Conservation Areas will only be visible from certain streets looking in certain directions, the resultant harm will not amount to more than less than substantial harm from these specific views”. Mola have confirmed that this is the lower level of the spectrum of “less than substantial harm”.
- 10.21 At pre-application stage, the views were shot using a 24 mm tilt-shift lens as per the previous application (LPA Ref. PP/17/0578). However, for this application, it was agreed that the views would be reshot using a 50 mm non-shift lens in accordance with the technical instructions received from RBKC. As it was agreed that there were limitations to some of these views, rather than deleting the views, a different lens size and use of shift was used where it was

not possible to use a 50 mm non-shift lens i.e. Where the viewpoint was too close and the context could not be seen, where there were no alternative viewpoints to relocate to, or where heights of surrounding buildings could not be seen etc. The TVIA sets this out in further detail alongside the assessment of the 27 verified views discussed and agreed with RBKC.

- 10.22 The verified views in Section 6 of the TVIA demonstrate that the greatest visual effects are on those views closest to the Site and along streets aligned on it, primarily Notting Hill Gate, Kensington Church Street, Kensington Park Road and Uxbridge Street. Tavernor Consultancy have concluded that ‘the visually interesting form of Newcombe Tower within the Proposed Development could generally be appreciated in such views, along with the strong sense of order in its architecture and the depth and articulation provided by the frame to the bays’.
- 10.23 In views along Kensington Church Street, they have identified ‘that the primarily brick frontages of the KCS Office Block and the Medical/Affordable Block would relate well to the existing buildings in the view, and their frontages would have depth and articulation which would enliven the street scene compared to the drab existing buildings on the Site’. The TVIA states that the effect of the Proposed Development would be beneficial or neutral in each of the 27 assessed verified views. In addition, the images in Appendix A of the TVIA demonstrates that there would be ‘no or very low visibility’ of the Proposed Development from the viewpoints identified in Kensington Gardens, as shown through views A1-A6, and in the viewpoints shown from Talbot Road, which are nearly 1km from the Site, with no significant visual effect arising in any of these views.
- 10.24 Tavernor Consultancy set out that the Proposed Development would reinforce and enhance the existing townscape character of the TCA in which it is located. In addition, the cumulative schemes would reinforce the existing character of TCA 1 together with the Proposed Development, and would have ‘little or no visual impact beyond that TCA’. The linear form and medium rise nature of Astley House and 146-164 Notting Hill Gate would be complementary to the townscape role of the proposed Newcombe Tower as one of two taller, vertically emphasised buildings within the District Centre. The Proposed Development would be consistent with the existing townscape context in which heritage assets in the TCAs are experienced. It would be of a substantially higher visual quality than the existing buildings on Site when seen in views including heritage asset.

- 10.25 Tavernor Consultancy have concluded that the Proposed Development would be consistent with planning policy and guidance in respect of its design quality and effect on townscape and views. In line with the Local Plan Policy CL12 Building Heights, the Proposed Development would constitute a rare taller local landmark building, which would have “...a wholly positive impact on the character and quality of the townscape.” As required by the Local Plan Policy CL11 Views, the Proposed Development would protect and enhance views, vistas, gaps and the skyline that contribute to the character and quality of the area. In line with the Notting Hill Gate SPD, while the Proposed Development would represent a “modest increase in height over the existing building”, it would provide “significant benefits to Notting Hill Gate” and deliver “an architecturally excellent building” which “does not have a harmful impact” on identified views.
- 10.26 The Proposed Development would be consistent with the draft local policy in the New Local Plan Review Publication, CD7: Tall Buildings, in that Newcombe Tower would be of “...exemplary design quality...” including being “...well-integrated, at street level, with surrounding buildings and the streetscene...”. It would have no significant effect in the views identified in Draft Policy CD14: Views and the Building Height SPD.
- 10.27 In summary, the Proposed Development would represent a substantial improvement to the existing situation on the Site, with a positive or neutral effect on views and townscape, and considerable urban design benefits. Please refer to the TVIA for Tavernor Consultancy’s full assessment and analysis of the townscape views.

### ***Archaeology - Assessment***

- 10.28 The Site lies within an archaeology priority area as defined on the Council’s planning policy designations. An Archaeology DBA has been prepared by Mola and is submitted as part of this application for the Council’s consideration. It assesses the impact of the proposed scheme on any archaeology remains (buried heritage assets) and sets out the potential archaeological implications of the development. The DBA concludes that the Site has low or no potential for archaeological remains predating the later medieval period, and low or moderate potential for late medieval or post-medieval remains. It further concludes that the main impact from the Proposed Development will be an extension of the existing basement

under Newcombe Tower as well as excavations for the basements within the remainder of the Site.

- 10.29 Pre-application engagement with the GLAAS has confirmed that the proposal is 'unlikely' to have a significant effect on heritage assets of archaeological interest, as the majority of the Site has been significantly impacted by previous development and that previous investigations were undertaken under the extant consent which confirmed this position.
- 10.30 Whilst the Site is located within an archaeological priority area, the DBA has assessed the archaeological significance in accordance with the provisions of the NPPF and Policy HC1 (d) of the London Plan and adopted Local Plan Policy CL4 (g) and draft Local Plan Policy CD5, it has been demonstrated that Site has low or no potential for archaeological remains confirmed that mitigation is not required. The basement extension has been designed sensitively and through pre-application consultation, Mola have also confirmed that further investigation is not required in terms of archaeology and RBKC are aware of this position.



## **11 Planning Consideration - Energy and Sustainability**

11.1 This section of the Town Planning Statement considers the relevant policies and material considerations associated with the energy and sustainability elements of the Proposed Development.

### **Energy and Sustainability – Planning Context**

11.2 The NPPF sets out the Government’s overarching planning policies on the delivery of sustainable development through the planning system. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking

11.3 Section 14 and Paragraph 152 of the NPPF identifies the role that planning plays in helping shape places to secure radical reductions in greenhouse emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

11.4 Paragraph 0.0.18 of the London Plan is committed to the concept of Good Growth, which is defined as growth that is socially and economically inclusive and environmentally sustainable, and underpins the London Plan and ensures that it is focused on sustainable development.

11.5 LP Policy SI2 states that major developments should be net zero-carbon and reduce their greenhouse gas emissions in accordance with the energy hierarchy:

1. Be lean: use less energy and manage demand during operation.
2. Be clean: exploit local energy resources and supply energy efficiently and cleanly.
3. Be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site.
4. Be seen: monitor, verify and report on energy performance.

11.6 LP Policy SI2(c) states that a minimum on-Site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10%, and non-residential development should achieve 15% through energy efficiency

measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

1. Through a cash in lieu contribution to the borough's carbon offset fund, or
2. Off-Site provided that an alternative proposal is identified and delivery is certain.

11.7 LP Policy SI2(F) expects that major development proposals referable to the Mayor, should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

11.8 London Plan Policy S3 states that boroughs and developers should engage at an early stage with relevant energy companies and bodies to establish the future energy and infrastructure requirements arising from large scale development proposals. The policy states that energy masterplans should be developed for large-scale development locations which establish the most effective energy supply options.

11.9 The supporting text at Paragraph 9.3.3 of the London Plan recognises the limitations and impacts arising from combined heat and power (CHP) systems and the increasing evidence of adverse air quality impacts. Therefore, the supporting text is clear at Paragraph 9.3.4 that developments should connect to existing heat networks, wherever feasible.

11.10 Policy SI4 of the London Plan states that development proposals should seek to minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the incorporation of green infrastructure. The policy also states that major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

11.11 Policy SI7 of the London Plan seeks to conserve resources, reduce waste and increase the re-use of materials and recycling. Part B of the policy states that referable applications should promote circular economy outcomes and aim to be net zero-waste, to demonstrate:

- a. How all materials arising from demolition and remediation works will be re-used and/or recycled.

- b. How the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life.
- c. Opportunities for managing as much waste as possible on site.
- d. Adequate and easily accessible storage space and collection systems to support recycling and re-use.
- e. How much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy.
- f. How performance will be monitored and reported.

11.12 Policy CE1 of RBKC's Local Plan recognises the Government's targets to reduce national carbon dioxide emissions by 34 per cent against 1990 levels by 2020 in order to meet a 80 per cent reduction by 2050 and will require development to make a significant contribution towards this target. The policy states that to deliver this, the Council will require that carbon dioxide and other greenhouses gas emissions are reduced in accordance with the following hierarchy:

- Energy efficient building design, construction, and materials, including the use of passive design;
- Provision of on-Site renewable and low-carbon energy sources;
- Decentralised heating, cooling and energy supply, through combined cooling heat and power.

11.13 Policy CE1 of RBKC's Local Plan also states that the council will require an assessment to demonstrate that non-residential development of 1,000 sq m or more meets BREEAM very good with 60 per cent of the unweighted credits available in the energy, water and materials sections. In addition to this, Draft Policy HB3 of RBKC's Emerging Local Plan states that applicants for major development proposals will be required to calculate the whole life-cycle carbon emissions and demonstrate actions taken to reduce whole life-cycle carbon emissions through submission of a whole life-cycle carbon assessment.

11.14 Draft Policy GB4 of RBKC's Emerging Local Plan states that major developments must design in the ability to connect to future or proposed heat networks. The draft policy also states that all applications for major development must be accompanied by an energy

strategy/assessment demonstrating how the requirements of Policy GB4 will be met. The draft policy states that as a minimum, energy strategies must meet the requirements of the London Plan, as well as the Mayor's most up to date energy assessment guidance.

### **Energy - Assessment**

- 11.15 An Energy Statement has been prepared by HDR and is submitted as part of this application for the Council's consideration. The Energy Statement sets out the assessment process, proposed energy efficient measures and low zero carbon ('LZC') technologies. The report has been prepared in accordance with London Plan guidance and GLA energy assessment guidance, as well as the relevant local and emerging plan policies. The Energy Strategy has been subject to several pre-application discussions with the GLA and RBKC.
- 11.16 The Energy Statement concludes that the 'Be Lean' measures identified within the report predict that the Proposed Development can achieve 15% carbon savings when compared with the Building Regulations Part L Volumes 1 and 2. This is in line with Policy SI2 of the London Plan which requires a 15% reduction at the 'Be Lean' stage for the commercial element of the scheme and 10% reduction for the residential element of the scheme.
- 11.17 Moreover, the Energy Statement concludes that the regulated CO2 saving targets for the Proposed Development accord with London and local plan requirements to achieve net zero carbon with at least 35% CO2 onsite over Part L 2021. For the proposed residential units, the Energy Statement predicts that the development will achieve 63% carbon savings on Site when compared to the Building Regulations Part L 2021 side wide baseline. In comparison, the non-domestic units of the Proposed Development are predicted to achieve 36% carbon savings on Site when compared to the Building Regulations Part L 2021 side wide baseline.
- 11.18 Furthermore, the Energy Statement concludes that the Proposed Development exceeds the requirements set out in Policy SI2 of the London Plan including the 15% reduction target at the Be Lean Stage (for commercial space), 10% reduction target at the Be Lean Stage (for residential space), and the 35% reduction in overall on-Site carbon emissions.
- 11.19 Lastly, the Energy Statement concludes that the Proposed Development is targeting BREEAM NC Version 6 'Excellent' for the office, retail, and medical elements of the scheme.

11.20 Overall, the proposals therefore accord with policies SI2, SI3 and SI4 of the London Plan, policy CE1 of RBKC's Local Plan and Draft Policy GB4 of RBKC's Emerging Local Plan.

### **Sustainability - Assessment**

#### Sustainability

11.21 A Sustainability Statement has been prepared by HDR and is submitted as part of this application for the Council's consideration. The Sustainability Statement sets out how the Proposed Development would meet and exceed the sustainability targets set out in national, regional, and local policy, as well as sets out the overall sustainability metrics for the Proposed Development.

11.22 The report states that the Sustainability Strategy has been subject to several pre-application discussions with the GLA, TfL and RBKC as well as surrounding occupiers.

11.23 The Sustainability Statement concludes that the office, retail and medical elements of the Proposed Development will achieve a BREEAM 'Excellent' rating for new construction. The pre-assessment scores are set out below:

- Office – 78% 'Excellent' (>70%);
- Retail – 75.3% 'Excellent' (>70%); and
- Medical – 77.1% 'Excellent' (>70%).

11.24 In accordance with the sustainability policies set out in the London Plan and RBKC Local Plan, the Sustainability Statement concludes that the Proposed Development is deemed to be air quality neutral and will increase the level of biodiversity on the Site through preserving the existing trees on-site, introducing pollinator friendly plants, incorporating Bird/Bat boxes into the proposed façade and installing biodiverse green and blue roof areas. These details will be secured through planning condition on the landscaping plans.

#### Circular Economy

- 11.25 A Circular Economy Statement has been prepared by HDR and is submitted as part of this application for the Council's consideration. The Circular Economy Statement has been prepared in accordance with the GLA's Circular Economy Guidance, and sets out how the Proposed Development incorporates the six Circular Economy principles.
- 11.26 The Circular Economy Statements states that the Proposed Development seeks to ensure that material and resource use is minimised as much as possible in accordance with the first principle of Circular Economy Guidance: Building in layers, conserving resources, and sourcing ethically. In addition, the Proposed Development seeks to address the second to fifth core Circular Economy principles by ensuring that the design is flexible and adaptable thereby increasing the building's overall lifespan, reducing the need for maintenance, and aiming to reduce construction, demolition and excavation waste as much as possible.
- 11.27 Moreover, the Circular Economy Statement sets out that the Proposed Development seeks to implement the sixth core of the Circular Economy principles by carefully managing demolition, construction and municipal waste to maximise recycling/reuse, and minimise waste sent to landfill. The Circular Economy Statement concludes that the Proposed Development has a Building Circularity score of 38%. This represents the total material circularity in terms of material use and end of life handling.

#### Whole Life-Cycle Carbon

- 11.28 A Whole Life Carbon Assessment has been prepared by HDR and is submitted as part of this application for the Council's consideration. The Whole Life Carbon Assessment has been prepared in line with GLA requirements.
- 11.29 The Whole Life Carbon Assessment has assessed the following modules for the Proposed Development:
- Module A1 – A5 – Product sourcing and construction stage;
  - Module B1 – B7 – Use stage;
  - Module C1 – C4 – End of life stage; and
  - Module D – Benefits and loads beyond the system boundary.

- 11.30 The Whole Life Carbon Assessment concludes that the embodied material carbon has been calculated as 595 kg / CO<sub>2</sub> using the 'One Click' carbon hero's benchmark.
- 11.31 Overall, the proposals therefore accord with policies LP SI2 and SI7 and policy CE1 of RBKC's Local Plan.

## **12 Planning Consideration – New Affordable Housing**

- 12.1 This section of the Town Planning Statement sets out the affordable housing proposals in further detail, and assesses the proposals against the relevant national, regional and local policies.

### **New Affordable Housing – Policy Context**

#### Housing

- 12.2 Paragraph 62 of the NPPF states that within the context of delivering a sufficient supply of homes, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 12.3 LP Policy H10 ‘Housing Mix’ states that schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to robust local evidence of need, the requirement to deliver mixed and inclusive neighbourhoods, the mix of uses in the scheme and the range of tenures in the scheme.
- 12.4 LP Policy D6 ‘Housing Quality and Standards’ states that housing quality should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoner’s without differentiating between tenures. In addition, the policy states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 12.5 LP Policy D7 ‘Accessible Housing’ states that to provide suitable housing and genuine choice for London’s diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 percent of all dwellings meet Building Regulation requirement M4(3) ‘wheelchair user dwelling’ and all other dwellings meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.





- 12.6 Policy CO6 'Diversity of Housing' of RBKC's Local Plan sets out the strategic objective to boost the supply of housing to further the aim of sustainable development including a diversity of housing that at a local level, will cater for a variety of housing needs, and is built for adaptability and to a high quality. This policy has been deleted in RBKC's Emerging Local Plan.
- 12.7 Policy CH1 'Increasing Housing Supply' of RBKC's Local Plan states that the Council will seek to boost the supply of homes in the borough, through seeking to meet and exceed the London Plan target for new homes in borough which is currently a minimum of 733 net additional dwellings a year. In addition, the policy states that the Council will seek to protect residential uses and resist the net loss of affordable housing floorspace and units in the borough.
- 12.8 Policy CH3 'Housing Size Mix and Standards' of RBKC's Local Plan states that the Council will ensure new housing development is provided to further refine the grain of the housing mix across the borough and improving housing standards. To deliver this, the Council will require that new residential developments include a mix of types and sizes of homes to reflect the varying needs of the borough, taking into account the characteristics of the site, and current evidence in relation to housing need.
- 12.9 Draft Policy HO1 'Delivery and Protection of Homes' of RBKC's Emerging Local Plan states that the delivery and protection homes should meet and exceed the London Plan target which is currently 4,480 new homes over 10 years in the borough by optimising the homes delivered on all sites using a design led approach and protecting existing residential accommodation.
- 12.10 Draft Policy HO3 'Community Housing' of RBKC's Emerging Local Plan states that the Council will seek to maximise the provision of community housing in the Borough and require community housing from development creating new residential floorspace of 650 sqm (GIA) or more. The draft policy states that developments should provide at least 35 percent community housing floorspace on site. In addition, the draft policy states that community housing must be provided as 70 percent social rent (preferred) or London Affordable Rent in some limited circumstances. The remaining 30 percent community housing must be provided as intermediate.
- 12.11 Draft Policy HO4 'Housing Size and Standards' of RBKC's emerging local plan states that all new homes must be designed to be accessible. To ensure this, the draft policy states that 90 percent of new homes must meet the Building Regulations requirement to be M4 (2)

‘accessible and adaptable dwellings.’ In addition, the draft policy states that a minimum of 10 percent of new homes must meet building regulations requirement M4(3) ‘wheelchair user dwellings’. Lastly, the draft policy requires that all new homes must meet the minimum space standards as set out in the National Described Space Standards.

**Housing – Assessment**

12.12 The proposals seek to deliver 8 new affordable residential units within the community use building at levels 4 – 8 which equates to 1,320 m2 GIA. The quantum of affordable housing proposed has been assessed in Section X, therefore, this section of the Town Planning Statement focuses on housing mix, tenure and quality.

12.13 **Housing Mix** – the Council’s most recent evidence of housing need, the Local Housing Needs Assessment (LHNA) dated January 2022, was published with the New Local Plan Review (NLPR) Regulation 19 Policies and identifies the following need for housing sizes in the Borough.

Housing Unit Mix	LHNA 2022
1 bed	16%
2 bed	44%
3 bed	28%
4 bed	12%

12.14 Furthermore, the draft Local Plan under paragraph 5.39 also states that “the need based on the Council’s housing register and waiting list is for two-bedroom homes to be for four persons so they can cater to families”.



12.15 The proposed housing mix and size of units is detailed within the table below.

<b>Unit Mix</b>	<b>Number of Units</b>	<b>Habitable Rooms</b>	<b>Size of Units</b>	<b>Nationally described Space Standards (NDSS)</b>
<b>2B4P</b>	4	12	86 m2	70m2
<b>3B5P</b>	4	16	97 m2	86m2

12.16 A total of 8 new affordable residential will be delivered as part of the Proposed Development. These are split between 2 and 3 bed units, which directly responds to the Boroughs greatest housing need. The larger unit sizes mean that an overall lower quantum of units will be delivered. However, the unit sizes are suitable for families. This further directly responds to the Borough’s identified need on the housing register and waiting list. It should also be noted, as set out in Section 5, that the Proposed Development results in a higher quantum of floorspace, representing an increase in floorspace of 38% and number of habitable rooms (20 vs 28). In terms of housing mix, it is considered that the Proposed Development directly responds to the Borough’s housing need and specifically the housing register and waiting list in accordance with Local Plan Policy CH3. Furthermore, 8 new affordable residential units will be delivered to support the Council’s Housing Supply, in accordance with LP Policy H10 and Local Plan Policy CH1 and CH3.

12.17 **Tenure** – The Proposed Development will provide the affordable units as social rent housing, and this will be secured by the Section 106 Agreement. Under both adopted and emerging Local Plan Policy, social rent is the preferred affordable housing tenure therefore this is considered wholly acceptable in terms of tenure (Draft Local Plan Policy HO3).

12.18 **Residential quality** – the proposed plans set out indicative internal layouts for the affordable units on levels 4 – 8 of the community use building. The quality of these units is set and assessed as follows:

1. **Comply with the NDSS** – each of the units meet the minimum requirements as set out in the NDSS;

2. **Accessibility standards** – Squire & Partners Design and Access Statement further details the accessibility standards and how the units comply with these. As the units would have Council nominations, 10% of the homes meet Building Regulations requirement M4 (3) ‘wheelchair uses dwellings’, specifically M4 (3) (2) (b) ‘wheelchair accessible’. These are identified on the proposed plans and comments received from the Council’s occupational Therapist have been taken onboard, including the removal of open plan kitchens (3B5P). the remaining 90% of homes meet the Building Regulations M4 (2) ‘accessible and adaptable dwellings’.
  
3. **Outdoor amenity space** – whilst the units do not provide private external amenity space, it is considered that this has been internalised through the generous flat sizes, which exceed the NDSS standards. The flats are also dual aspect and of a high quality, including Juliette windows. The inclusion of bolt on balconies has been explored by Squire and Partners, however, have not been included in the design for the reasons as set out above. In addition, the wider Proposed Development includes a public open square which can be utilised by the future residents and some of the largest open areas of green space in London, are located in close proximity to the site i.e. Hyde Park (circa 480 m).
  
4. **Functional layout and floor to ceiling height and be dual aspect** – the detailed layouts of the units are illustrated on the proposed plans prepared by Squire & Partners. It is clear that they are functional and appropriate ceiling heights are provided. In addition, all units are dual aspect.
  
5. **Convenient and secure cycle facilities** – all of the units have access to a residential cycle store, these are located at ground and basement level. Cycle guide rails will be provided for future residents to manoeuvre their bikes from ground to basement level.
  
6. **Convenient refuse and recycling facilities** - all of the units have access to a the residential refuse store at ground floor level.

12.19 Overall is it considered that the quality of the new affordable residential units exceeds the requirements as set out in LP Policy D6, Local Plan Policy CL2, CH3 and draft Local Plan Policy CD2 and are therefore entirely acceptable.

**12.20 Affordable Workspace – Policy Context**

12.21 Policy E3(A) of the London Plan states that in defined circumstances, planning obligations may be used to secure affordable workspace at rents maintained below the market rates for that space for a specific social, cultural or economic development purpose. Part B of the policy states that consideration should be given to the need for affordable workspace in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.

12.22 RBKC do not currently have a policy requiring affordable workspace. However, the Council's emerging planning plan does propose a policy on this matter.

12.23 Draft Policy BC3 of RBKC's Emerging Local Plan states that new developments that provide an uplift of more than 5,000 sqm (GIA) of Class E(g) business floorspace must provide affordable workspace, equating to a minimum of 10 per cent of the additional employment floorspace (GIA). The draft policy also states that for this particular location affordable workspace must be provided at a capped rate of at least 50 per cent less than the prevailing market rate for comparable premises in perpetuity. Part C of the draft policy states that new affordable workspace must be provided on site.

**Affordable Workspace - Assessment**

12.24 As noted in Section 5 of this Planning Statement, the proposed development seeks to deliver the quantum and quality of floorspace to attract 'best-in-class' tenants to the locality. RX London, who are a Central London property advisory business, have provided their London Office Market Report to support the proposals, have considered the potential leasing implications if affordable workspace was delivered within the Proposed Development. This is detailed within their report and set out as follows.

- Notting Hill Gate has the potential to attract major investment and high profile office tenants to the area, due to its Central London location, its excellent public transport links and the vibrancy of the immediate area.

12.25 However, it is not a typical or established location for Grade A office space, and it does face competition from other locations in the West London area. For the reasons above it is critical that the scheme does not have limitations that would make it less attractive to the targeted potential tenants.

12.26 A requirement to provide affordable workspace would raise a number of significant issues, which would collectively undermine the commercial viability of the scheme. From a marketing point of view, a requirement to provide an element of affordable workspace would:

1. Immediately sterilise the potential to secure a single tenant which,
2. Limits the potential to secure a major HQ tenant.

12.27 The functional and practical implications are also relevant to the attractiveness of the scheme to potential tenants. Specifically:

1. It would be necessary to incorporate an additional reception area which would reduce, which is already a relatively modest reception area, for the grade A office space. This would discourage many potential tenants; and

12.28 The target tenant would require high quality amenities such as concierge, communal terraces, toilets and shower facilities etc.. All of these would need to be provided on the basis of a service charge. This would be expensive for affordable workspace tenants and would likely not be required by those tenants.

12.29 For these reasons, not only would many targeted tenants be put off by these compromises, but it is highly likely that potential affordable workspace tenants would also find the space unattractive due to the high servicing costs, even if the rent itself was subsidised.

12.30 In summary, The Council do not have an adopted affordable workspace policy as yet. However, even in the event that the emerging planning policy begins to carry weight at the point of the planning application determination, the scheme has been developed with a focus

to attract the highest quality tenant profile, in order to maximise the sites potential location as a flagship location within Notting Hill Gate. The delivery of affordable workspace at this site or as part of this scheme would fundamentally undermine this strategy, risking the potential to maximise investment potential of the scheme as a whole to Notting Hill Gate.

12.31 In this circumstance, we consider that it would not be appropriate for there to be a requirement for the Council to seek a requirement for affordable workspace at this site.

## **13 Planning Consideration - Amenity of surrounding occupiers**

13.1 This section of the Town Planning Statement considers the impact of the Proposed Development against the relevant policy regarding affordable housing, energy and sustainability, daylight and sunlight, visual appearance and overlooking, noise and management of external areas.

### **Daylight and Sunlight – Policy Context**

13.2 Paragraph 130(f) of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

13.3 LP Policy D6 ‘Housing and Quality Standards’ states that the development should be designed to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

13.4 LP Policy D9 ‘Tall Buildings’ of the London Plan is clear that development proposals for tall buildings in London should address any impacts relating to daylight and sunlight around the building and states that the neighbourhood must be carefully considered.

13.5 Policy CL5 ‘Living Conditions’ of RBKC’s Local Plan states that the Council will require that all development ensures good living conditions for occupants of new, existing and neighbouring buildings. To deliver this, the Council will ensure that good standards of daylight and sunlight are achieved in new development and in existing properties, and where they are already substandard, there should be no material worsening of the conditions. This policy is saved as Draft Policy CD8 ‘Living Conditions’ in RBKC’s Emerging Local Plan.

### **Daylight and Sunlight – Assessment**

13.6 The evolution of the massing of the proposed buildings has been informed by Point 2 Surveyors, to ensure that the Proposed Development sensitively respects the daylight, sunlight and overshadowing amenity to all neighbouring assumed and or identified residential accommodation within the context of the BRE Guidelines.





- 13.7 Point 2 have considered the daylight and sunlight effects on the neighbouring occupiers of the residential accommodation and the catchment and approach has been agreed with officers at the Council through pre-application discussions. Their full assessment is included within their Daylight and Sunlight and Overshadowing Report (May 2023), which is submitted as part of this application. Point 2 have concluded that generally, to the north and south of the site, reductions in daylight amenity will be minor and in accordance with the default numerical guidance provided by the BRE. They have set out that in areas where there are localised impacts, that either reductions are not significantly in excess of the BRE Guideline recommendations or retained levels of daylight remain commensurate with those considered appropriate for the central urban location. Point 2 have provided a further Contextual Daylight and Sunlight Study to support the analysis of this central urban location. The localised impacts identified in Point 2's assessment is primarily due to the under developed nature of the central portion of the existing Site and the respective buildings form and architecture of each property. The detailed analysis is set out in their detailed assessment.
- 13.8 In terms of sunlight amenity just 3 assumed rooms (main living areas), across 27 properties will experience isolated incidence of derogation from the BRE Guidelines, overall, the sunlight amenity after the construction of the Proposed Development is considered acceptable by Point 2.
- 13.9 On balance, Point 2 have concluded that the effects of the Proposed Development in relation to daylight, sunlight and overshadowing should be considered acceptable for this central urban location. Therefore, the design of the Proposed Development provides sufficient daylight and sunlight to surrounding housing in accordance with LP Policy D6 and D9. Furthermore, whilst there are some derogations, it is considered these are resultant of central portion of the Site being cleared and respective building form and architecture of various properties. It should be noted that this relationship is not uncharacteristic of other areas in RBKC and these already exist, as set out in Point 2's Contextual Analysis. Therefore, it is considered that the Proposed Development is acceptable alongside adopted Local Plan Policy CL5.

### **Visual Appearance, overlooking and management**

- 13.10 Paragraph 130(f) of the NPPF states that planning policies and development should ensure that developments create places that are safe, inclusive, and accessible and which promote

health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 13.11 LP Policy SD7 states that development proposals should aim to minimise the negative impacts on the environment, public realm, safety of road users and the amenity of neighbouring residents.
- 13.12 Paragraph 3.6.9 of the London Plan states that private outside space should be practical in terms of its shape and utility, and care should be taken to ensure the space offers good amenity.
- 13.13 Policy D4 of the London Plan states that where appropriate, visual, environmental and movement modelling/assessment should be undertaken to analyse potential design options for an area, site or development proposal. In addition, the policy states that Design and Access Statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan. Moreover, the policy states that the design quality of development should be retained through to completion by ensuring that maximum detail appropriate for the design stage is provided to avoid the need for later design amendments.
- 13.14 Policy D8 of the London Plan states that development proposals should ensure that there is a mutually supportive relationship between the space, surrounding buildings and their uses, so that the public realm enhances the amenity and function of the buildings and contributes to a vibrant public realm.
- 13.15 Policy D9 of the London Plan states that where the edges of the site are adjacent to buildings of significantly lower heights or other open spaces, there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity of privacy.
- 13.16 Policy CL5 of RBKC's Local Plan states that the Council will require all development ensures good living conditions for occupants of new, existing and neighbouring buildings. To deliver this, the Council will require that there is reasonable visual privacy for occupants of new development and for occupants of existing properties affected by new development.

### **Design, overlooking and management – Assessment**

- 13.17 As set out in the Design and Access Statement prepared by Squire and Partners, the massing of the Kensington Church Street building steps away from Hillgate Village from third floor level to reduce overlooking and the appearance of massing from the neighbouring Conservation Area. There is a 20m distance between residential dwellings in Jameson Street to the third floor of the Kensington Church Street building, 25m distance from the fourth floor and 27m distance from the fifth floor. An extensive and integrated landscaping design to minimise any perceived overlooking to Jameson Street whilst also improving the visual amenity.
- 13.18 The western façade of the part 14 and part 15 storey office tower will be clad with GRC infills behind profiled cassettes to reduce overlooking onto the neighbouring Hillgate Village, whilst providing a contemporary reference to the solid ends of the existing tower.
- 13.19 The Proposed Development will be managed in the following ways, overall there will be a managing agent that will have 24 hour presence on site:
- 13.20 Private terraces for the commercial floorspace - these will only be accessible by the commercial tenants who occupy the building and within the office operational hours. As set out under the landscaping section, the terraces have been designed specifically to ensure there is a mutually beneficial relationship with the surrounding residential occupants through the provision of planting which will screen and minimise overlooking and noise;
- 13.21 Public realm at Uxbridge Street and Newcombe Street – these will be managed by the managing agent, again it is in their interest that these routes are utilised by pedestrians (Uxbridge Street) and managed for servicing to the development (Newcombe Street);
- 13.22 The wider public realm along Kensington Church Street and Notting Hill Gate are partly within the Applicant’s ownership and partly within the Council’s Highways Department ownership. The indicative proposals have been developed, to ensure there is a mutually beneficial relationship between the public and the commercial tenants who will utilise these for varying functions. It is within the applicant’s interest, to ensure that these areas are well maintained

to ensure they complement and create a vibrant environment for the development and wider public.

- 13.23 It is considered that the proposals accord with LP Policy SD7 and D8 and have been designed so that there are mutually supportive relationships between space, surrounding buildings and their uses so that the areas of open space and public realm enhances amenity and function of the wider area.

### **Noise – Policy Context**

- 13.24 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of development. The paragraph states that in doing so, planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.
- 13.25 LP Policy D3 promotes a design-led approach for development proposals and sets out that proposals should help prevent or mitigate the impacts of noise. LP Policy D14 seeks to reduce, manage, and mitigate noise to improve health and quality of life and sets out how development proposals should manage noise through promoting good acoustic design.
- 13.26 Policy CE6 of RBKC's Local Plan states that the Council will carefully monitor the impact of noise and vibration generating sources which affect amenity both during the construction and operational phases of development. The policy also states that the Council will require new noise and vibration sensitive developments to mitigate and protect occupiers against existing sources of noise and vibration. To deliver this, the policy states that the Council will require that development is located in the most appropriate location and is protected against existing sources of noise and vibration through careful design, layout and use of materials.
- 13.27 Draft Policy GB8 of RBKC's Emerging Local Plan states that noise and vibration impact must be minimised in developments and states that the Council will require a Noise and Vibration Impact Assessment to assess the impact of noise and vibration generating sources which effect amenity during the construction and operational phases of development. The draft policy also states that new noise and vibration sensitive developments are required to

mitigate and protect occupiers against existing sources of noise and vibration in accordance with the Agent of Change principle.

### **Noise - Assessment**

13.28 Potential noise impact from the Proposed Development on the occupiers of the surrounding occupiers is likely to be from the demolition and construction of the Proposed Development, the servicing activities, plant equipment to service the Proposed Development and use of terraces by the future office occupiers. It should be noted that the predominant background noise is from the underground station and traffic from the surrounding streets.

13.29 A Noise and Vibration Report has been prepared by RBA Acoustics and is submitted as part of this application for the Council's consideration. The purpose of the report is to provide a summary of the noise and vibration requirements for the scheme, a summary of acoustic design measures as well as set out the overall acoustic strategy. It assesses impacts on surrounding occupiers and future occupants. The potential noise impacts in relation to the construction method of the basement extension are set out under Section 15 of this statement. The Noise and Vibration Report concludes the following:

1. Noise during demolition and construction will be managed and minimised through both a demolition management plan and construction management plan, which will be secured by planning condition;
2. The proposed plant equipment has been assessed against the background noise levels and assessed within these parameters. All plant equipment is located within purpose built enclosures and are located some distance from key receptors, therefore it is considered that there will be no noise issues regarding proposed plant equipment;
3. The proposed servicing strategy follows the current permitted use of the Site. The Proposed Development will reduce noise breakout from the service area within the site, as this area will be covered which will provide screening to existing residences and provide betterment to that of the existing open private car park. Operational management measures will be put in place to minimise disturbance and could incorporate appropriate signage to the servicing yard to encourage simple noise control practices such as turning engines off etc. Overall, it is considered that the

Proposed Development will provide betterment in terms of any potential noise from servicing activities;

4. The terraces of the Kensington Church Street are located approximately 20 metres from the properties of Jameson Street. The terraces have been designed with seating and landscaping, which will reduce noise breakout. It is considered that in any event the London Underground Tube Line is between these properties and the Proposed Development, which is the predominant noise to noise sensitive receptors.

13.30 Overall, the proposals in terms of noise impact accord with policies relating to noise impact D3 and D14 of the London Plan, policy CE6 of RBKC's Local Plan and Draft Policy GB8 of RBKC's Emerging Local Plan.

## **14 Planning Consideration - Amenity of occupiers of the development**

14.1 This section of the Town Planning Statement considers the impact of the Proposed Development on the amenity of occupiers of the new affordable housing and commercial floorspace, against the relevant policy regarding daylight and sunlight, air quality and noise.

### **Daylight and Sunlight – Policy Context**

14.2 Paragraph 130(f) of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

14.3 Policy D6 of the London Plan states that the development should be designed to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

14.4 Policy D9 of the London Plan is clear that development proposals for tall buildings in London should address any impacts relating to daylight and sunlight around the building and states that the neighbourhood must be carefully considered.

14.5 Policy CL5 of RBKC's Local Plan states that the Council will require that all development ensures good living conditions for occupants of new, existing and neighbouring buildings. To deliver this, the Council will ensure that good standards of daylight and sunlight are achieved in new development and in existing properties affected by new development, and where they are already substandard, there should be no material worsening of the conditions. This policy is saved as Draft Policy CD8 in RBKC's Emerging Local Plan.

### **Daylight and Sunlight - Assessment**

14.6 Point 2 have prepared an Internal Daylight and Sunlight Report for the residential accommodation in the community building located on the corner of Kensington Church Street and Kensington Place, which has been submitted as part of this application for the Council's consideration. A total of 32 rooms (representing all habitable accommodation across 4 storey's) have been analysed to establish their respective daylight illuminance (lux level)

levels. The results show that all 32 rooms (100%) will achieve their respective target illuminance values appropriate for the principal usage of 50% of the room area.

- 14.7 Therefore, the assessment demonstrates that the residential accommodation will have an 'excellent' level of compliance with BRE guidance (and will exceed the guidance) in terms of internal daylight amenity, as well as guidance set out in Policy D6 of the London Plan and Policy CL5 of RBKC's Local Plan.
- 14.8 Regarding internal sunlight amenity, the assessment concludes that all 8 dwellings proposed across the fourth to seventh floor (100%) will comfortably meet and exceed the suggested target minimum level of sunlight within each main living area and associated bedrooms. Moreover, the report concludes that each unit will benefit from 'excellent' levels of direct sunlight exposure and the overall sunlight amenity of the proposed residential accommodation will not only meet but exceed BRE guidance.
- 14.9 This accords with the guidance set out in Policy D6 of the London Plan which states that developments should be designed to provide sufficient daylight and sunlight to new housing, as well as the guidance set out in Policy CL5 of RBKC's Local Plan which states that the Council will ensure that good standards of daylight and sunlight are achieved in new development.
- 14.10 Overall, the proposals therefore accord with BRE Guidance, Policy D6 of the London Plan and Policy CL5 of RBKC's Local Plan.

#### **Noise – Policy Context**

- 14.11 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of development. The paragraph states that in doing so, planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life. Policy D3 of the London Plan promotes a design-led approach for development proposals and sets out that proposals should help prevent or mitigate the impacts of noise.



- 14.12 Policy D14 of the London Plan seeks to reduce, manage, and mitigate noise to improve health and quality of life and sets out how development proposals should manage noise through promoting good acoustic design.
- 14.13 Policy CE6 of RBKC's Local Plan states that the Council will carefully monitor the impact of noise and vibration generating sources which affect amenity both during the construction and operational phases of development. The policy also states that the Council will require new noise and vibration sensitive developments to mitigate and protect occupiers against existing sources of noise and vibration.
- 14.14 To deliver this, the policy states that the Council will require that development is located in the most appropriate location and is protected against existing sources of noise and vibration through careful design, layout and use of materials.
- 14.15 Draft Policy GB8 of RBKC's Emerging Local Plan states that noise and vibration impact must be minimised in developments and states that the Council will require a Noise and Vibration Impact Assessment to assess the impact of noise and vibration generating sources which effect amenity during the construction and operational phases of development. The draft policy also states that new noise and vibration sensitive developments are required to mitigate and protect occupiers against existing sources of noise and vibration in accordance with the Agent of Change principle.

#### **Noise - Assessment**

- 14.16 A Noise and Vibration Report has been prepared by RBA Acoustics and is submitted as part of this application for the Council's consideration. The purpose of the report is to provide a summary of the noise and vibration requirements, set out the acoustic strategy and provide a summary of the acoustic design measures proposed to mitigate any potential impact on future occupiers.
- 14.17 In relation to the noise impact for the occupiers of the affordable housing building, the Noise and Vibration report concludes that to reduce the impact of noise from external traffic and pedestrians, the affordable housing building will have glazed window units which are defined as glazing zones G1 and G2. In addition, the report concludes that to reduce the impact of

noise from the proposed plant at roof level, the service area will be covered with a screen. In accordance with Policy CE6 of RBKC's Local Plan, the report concludes that the provision of screening will help to reduce and mitigate any potential impact of noise breakout on future residents.

- 14.18 The Noise and Vibration Report sets out that to mitigate the effects of external noise and overheating for the office units, the Proposed Development will incorporate fixed cooling modules and openable windows (although this is not required). The openable windows will be controlled by the occupiers of the development. From a noise perspective, the report considers that the openable windows will be closed during the night and where internal noise levels are predicted to exceed the recommended limits during the day, the windows will be closed to mitigate this.
- 14.19 As the plant service area will be covered with a screen, this will help to reduce the impact of potential noise breakout from the plant when the windows of the office units are open.
- 14.20 In accordance with London Plan policies, the report concludes that with the appropriate mitigation measures in place, suitable internal noise levels can be achieved for all four land uses proposed (office, retail, residential and medical uses).
- 14.21 Overall, the proposals therefore accord with policies D3 and D14 of the London Plan, policy CE6 of RBKC's Local Plan and Draft Policy GB8 of RBKC's Emerging Local Plan.

## **15 Planning Consideration - Transport**

- 15.1 This section of the Town Planning Statement considers the Proposed Development against relevant planning policy regarding transport including cycle parking and car parking. This section should be read alongside the Transport Statement and Travel Plan.

### **Transport – Policy Context**

- 15.2 Chapter 9 of the NPPF outlines the aims for a transport system that is in favour of sustainable transport modes, to give people a real choice about how they travel and encourages solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 15.3 Paragraph 111 of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 15.4 Paragraph 112 of the NPPF requires development to give priority to pedestrians and cycle movements, address the needs of people with disabilities, create places that are safe, secure and attractive and allow for the efficient delivery of goods and access by service and emergency vehicles.
- 15.5 Policy T1 of the London Plan states all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes. The policy further states that development should ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. This policy also states that developments should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.
- 15.6 Policy T2 of the London Plan advises that development proposals should promote and demonstrate the application of the Mayor's Healthy Streets approach to improve health and reduce health inequalities; reduce car dominance, ownership and use, road danger, severance, vehicle emissions and noise; increase walking, cycling and public transport use;

improve street safety, comfort, convenience and amenity; and support these outcomes through sensitively designed freight facilities.

- 15.7 Policy T4 of the London Plan states that in accordance with national or local guidance, transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed.
- 15.8 Policy T5 of the London Plan outlines that development proposals should secure the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located, and in line with the minimum standards.
- 15.9 Policy T6 of the London Plan highlights that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport.
- 15.10 The Sustainable Transport, Walking and Cycling LPG (2022) states that development proposals should aim to deliver safe, inclusive, comfortable, and attractive environments for walking during the day and evening. In addition, the LPG states that development plans should identify and make provision for current and future needs for cycling through protecting and improving existing cycle routes, and creating new strategic routes and local links.
- 15.11 Policy CT1 of RBKC's Local Plan states that the Council will ensure that there are better alternatives to car use by making it easier and more attractive to walk, cycle and use public transport and by managing traffic congestion and the supply of car parking. The policy states that to deliver this, the Council will require Transport Assessments and Travel Plans for larger scale development.
- 15.12 Draft Policy T5 of RBKC's Emerging Local Plan requires development to be located in suitable areas where the transport requirements can be met in a sustainable manner and which actively encourages travel by sustainable modes. The draft policy also states that large scale developments are required to submit Transport Assessment and Travel Plans.

15.13 Draft Policy T6 of RBKC's Emerging Local Plan states that all new development should aim to maximise trips made by sustainable transport modes by making it easier and more attractive to walk and cycle within the borough. The draft policy also states that development must provide accessible, secure cycle parking facilities and make provision for high quality ancillary facilities that promote cycle usage including changing rooms, showers and lockers in line with or above current minimum standards.

### **Transport - Assessment**

15.14 A Transport Assessment has been prepared by Caneparo Associates and is submitted as part of this application for the Council's consideration. The Transport Assessment has been prepared in accordance with the feedback received from TFL, GLA and RBKC during pre-application discussions, as well as the guidance set out in the Sustainable Transport, Walking and Cycling LPG (2022).

15.15 The Transport Assessment has been prepared to assess the likely impacts of the Proposed Development on the transport network. In addition, Travel Plans have been prepared to set out the principles and measures required to ensure site-wide sustainable transport and is one of the primary tools for mitigating the transport impacts of the proposed development.

15.16 The Site benefits from a public transport accessibility level ('PTAL') of 6b which indicates the highest achievable level of accessibility. The PTAL score demonstrates that the Site has excellent access to public transport facilities. Occupants and residents of the Proposed Development will utilise the transport network to travel to the Site and around to other amenities, given how well it is connected.

15.17 With regards to transport impacts, a trip generation assessment has been undertaken to assess the likely increase in trips associated with the proposed land uses. This has been forecasted using the TRICS database. The assessment found that the Proposed Development is expected to generate 803 (two way) net visitor trips in the AM peak hour and 747 in the PM peak hour. Moreover, the assessment found that the Proposed Development is expected to generate 6,005 daily trips in total (two way). A public transport impact assessment has

been undertaken to determine how the trips impact upon the networks, this concludes that the impact on the London Underground, Bus and Rail networks will be 'negligible'.

- 15.18 A Pedestrian Comfort Level ('PCL') assessment was requested by TfL during the pre-application process to address concerns regarding the relationship between the proposed building line and the width of the footway on the western side of Kensington Church Street, and the potential increase in footfall associated with the Proposed Development. However, a PCL assessment was not undertaken as the layout introduces a colonnade to widen the overall width of the footway along the building line and kerb on Kensington Church Street. This is considered to be a significant benefit of the scheme and will actively improve the pedestrian experience along Kensington Church Street and will not require alterations to the carriageway, bus stop or stand locations to be delivered.
- 15.19 The Proposed Development will remove all existing private car parking within the Site's boundary to deliver a car-free scheme in accordance with Policy T6 of the London Plan. Given the car-free nature of the Proposed Development, residents, occupants, and visitors are more likely to use sustainable modes of transport such as the wide range of public transport services located in close proximity to the Site, as well as walking and cycling, in line with the London Plan, Mayor of London Transport Strategy and Healthy Streets agenda. Moreover, the Applicant intends to enter into a permit free agreement in order to limit residents and occupants of the Proposed Development from obtaining a permit to park on-street within the local CPZ.
- 15.20 Whilst the development is considered to be car-free, the Proposed Development seeks to convert the parking bays on Newcombe Street to disabled parking as well as undertake landscaping improvements, resulting in the provision of 2 disabled car parking bays. The proximity of these disabled bays means that they will serve the community floorspace, but will also be publicly accessible for the commercial use.
- 15.21 Furthermore, in accordance with policies T5 and T6 of the London Plan, the Proposed Development will provide a total of 373 long-stay cycle parking spaces and 57 visitor Sheffield stand spaces. In accordance with London Plan requirements and Draft Policy T6 of RBKC's Emerging Local Plan, showers, lockers and changing facilities will be provided to encourage more active and sustainable modes of transport. Whilst the visitor cycle parking does not

meet the requirements, this has been discussed with TFL and RBKC and the Applicant considers that the public realm improvements being proposed outweigh this policy departure.

15.22 Overall, the proposals therefore accord with policies, (with the exception off the visitor cycle parking) T1, T2, T4, T5 and T6 of the London Plan, Policy CT1 of RBKC's Local Plan and Draft Policies T5 and T6 of RBKC's Emerging Local Plan.

## **16 Planning Consideration - Environmental Quality**

- 16.1 This section of the Town Planning Statement considers the Proposed Development against relevant planning policy regarding wind and microclimate, basement construction and land contamination. This section should be read alongside the Wind Microclimate Assessment and Construction Method Statement, prepared by AKT II, and the Land Contamination Preliminary Risk Assessment, prepared by Eight Versa, and submitted as part of this application.

### **Wind Microclimate – Policy Context**

- 16.2 Policy D8(J) of the London Plan states that development proposals should ensure that appropriate shade, shelter, seating and, where possible, areas of direct sunlight are provided, with other microclimatic considerations, including temperature and wind, taken into account in order to encourage people to spend time in a place.
- 16.3 Policy D9 of the London Plan states that the environmental impact of tall buildings should be considered, including wind, and it should not compromise the comfort and enjoyment of open spaces, including water spaces, around the building.
- 16.4 Policy CL5 of RBKC's Local Plan states that the Council will require all development ensures good living conditions for occupants of new, existing and neighbouring buildings. The policy states that to deliver this, the Council will require that the reasonable enjoyment of the use of buildings, gardens and other spaces is not harmed due to local microclimatic effects. This adopted policy has been saved in the Emerging Local Plan, under policy CD8.

### **Wind Microclimate – Assessment**

- 16.5 A Wind Microclimate Assessment has been prepared by AKT II, this assessment has been undertaken to assess whether the resulting changes in wind speeds (of the new development), would be suitable with regards to comfort and safety, in relation to surrounding pedestrian access routes, building drop-off and entrances, seating, amenity spaces, terraces and balconies.



16.6 The Wind Microclimate Assessment assesses the following scenarios, which have been agreed with the Council through pre-application discussions:

- Baseline (existing Site with existing surroundings);
- Proposed scheme with existing surroundings;
- Proposed scheme and mitigation measures with existing surroundings;
- Proposed scheme with cumulative surroundings; and
- Proposed scheme and mitigation measures with cumulative surroundings.

16.7 The Wind Microclimate Assessment concludes that the proposed scheme has a ‘negligible’ impact on the wind microclimate of the surrounding context, with a minor beneficial impact on Kensington Church Street. It further concludes that the wind conditions for the proposed scheme are acceptable. Moreover, in relation to the proposed entrances, roof terraces and balconies, the assessment states that no regions of unacceptable wind distress are observed and therefore the significance of the wind conditions are deemed as ‘negligible’. Overall, the proposals therefore accord with policies D8 and D9 of the London Plan, and policy CL5 of RBKC’s Local Plan.

#### **Basement extension – Policy Context**

16.8 Policy D10 of the London Plan states that boroughs should establish policies in their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.

16.9 Policy CL7 of RBKC’s Local Plan states that the Council will require all basement development to comply with the tests in national policy as they relate to the significance of heritage assets. The policy also states that the Council will require basement development to maintain and take opportunities to improve the character or appearance of the building. This policy is saved as Draft Policy CD10 in RBKC’s Emerging Local Plan.

16.10 RBKC’s Basement SPD states that to demonstrate compliance with Policy CL7 of RBKC’s Local Plan, the Applicant will need to submit a Construction Method Statement which has been signed off by a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct. E). In addition, the Basement SPD states that a full proposal regarding mitigating construction

impacts is required to be submitted with the planning application so they can be considered properly at the outset.

### **Basement Construction - Assessment**

- 16.11 A Construction Method Statement has been prepared by AKT II and is submitted as part of this application for the Council's consideration. The statement details the proposed basement extension, which comprises a new level of basement in the south area of the Site plus a small second level of basement under the central part of the site. The report provides a desk study of the Site, details of the Site specific investigation including groundwater and monitoring results, details of the structure and foundations of the existing building, an assessment of the impact of the basement including cumulative effects, details of surface water and SuDS proposals etc in accordance with the Council's guidance.
- 16.12 The development proposes to extend and construct a new two storey basement below the Kensington Church Street building and will cover the whole building footprint (Basement Level B1). Whilst this covers the majority of the site, it is considered an exception to the policy due to its pivotal location within the District Centre and requirement to deliver the quantum and quality of commercial development. It is intended that the B1 level basement will provide plant rooms and cycle storage. The proposed basement level B2 will extend over the central part of the building and is intended to provide storage for attenuation and sprinkler tanks. There is no new basement proposed at Newcombe House tower. As the proposals are commercial-led, on a large Site and in a central area, this scheme would be deemed as an exception as set out in Policy CL7(B) of RBKC's Local Plan.
- 16.13 The report states concludes that from undertaking a preliminary assessment of ground movements and potential damage induced by the proposed foundation and basement construction, it was found that damage is limited to 'category 2'. This is referred to as an aesthetic damage which can easily be repaired. The report concludes that the proposed basement development is believed to have 'no significant impact' on the groundwater below and surrounding the site. Furthermore, the report concludes that the current proposal for a basement development can be accommodated on Site without adverse impacts on neighbouring properties.

- 16.14 A Noise, Dust and Vibration Statement has been prepared by Midgard and is submitted as part of this application for the Council’s consideration. The purpose of the report is to provide a summary of the sensitive receptors likely to be affected by demolition including local residents, businesses, hotels, ecosystems and surrounding areas this is with regard to construction, specifically the basement extension of which a Construction and Method Statement has been prepared. As noted under Section 11, a Noise Assessment has been prepared by RBA to assess the noise environments for future occupants of the development and the existing surrounding occupiers.
- 16.15 In accordance with London Plan policies, the report concludes that the construction (including demolition) phase is likely to have a short term, minor negative impact on medium sensitive receptors. The report states that this is likely to result in slight adverse or neutral significance on health and social facilities during the construction (including demolition) in the area due to the increase noise, dust and traffic emissions. The report states that with appropriate preventative measures, the potential for dust generation can be significantly reduced.
- 16.16 Moreover, the report states that a Dust Assessment and Control Method Statement will be undertaken as part of this. In addition, to reduce the amount of noise and traffic, the report concludes that where possible, the number of deliveries will be maintained on site. Both the Demolition and Construction Method Transport Plan prepared by Caneparo Associates further details the transport measures around the demolition and construction of the buildings and is detailed at Section 14. Furthermore, to reduce the amount of noise arising from construction (including demolition), operatives will be trained and supervised to ensure that appropriate techniques are adopted to ensure best working practice and minimal noise. Special attention will also be given to the use of maintenance of sound reduction equipment fitted to power tools and machines.
- 16.17 Overall, the proposals therefore accord with policies D3 and D14 of the London Plan, policy CE6 of RBKC’s Local Plan and Draft Policy GB8 of RBKC’s Emerging Local Plan.

#### **Air Quality – Planning Policy Context**

- 16.18 Paragraph 4.2.1 of the Air Quality Positive LPG (2023) states that an Air Quality Assessment will be deemed compliant with Policy SI1 of the London Plan if it demonstrates how the proposal will maximise benefits to air quality and mitigate exposure to air pollution.
- 16.19 Paragraph 2.2.1 of the Air Quality Neutral LPG (2023) states that developments (including major developments) that do not include additional emission sources are assumed to be Air Quality Neutral and to meet the Air Quality Neutral benchmarks.
- 16.20 Policy CE5 of RBKC's Local Plan states that the Council will carefully control the impact of development on air quality, including the consideration of pollution from vehicles, construction and the heating and cooling of buildings. The Council will support measures to improve air quality and will require development to be carried out in a way that minimises the impact on air quality and mitigates exceedances of air pollutants. The policy states that to deliver this, the Council will require an Air Quality Assessment for all major developments
- 16.21 Draft Policy GB6 of RBKC's Emerging Local Plan states that all development is required to meet the air quality neutral benchmarks in accordance with the London Plan and associated guidance. The draft policy also states that all major developments are required to undertaken and submit an Air Quality Assessment.

#### **Air Quality Assessment - Assessment**

- 16.22 An Air Quality Assessment has been prepared by Alkali Environmental and is submitted as part of this application for the Council's consideration. This assessment has been undertaken to assess and quantify the potential impacts of local air quality associated with both the construction and operation of the proposed development. This assessment has been prepared in accordance with the Air Quality Positive LPG (2023).
- 16.23 The Air Quality Assessment confirms that the Proposed Development is partially located within the Notting Hill Gate Focus Area and the RBKC Air Quality Management Area.
- 16.24 In accordance with London Plan policies, the Air Quality Assessment concludes that during the construction phase of the Proposed Development, there is potential for air quality impacts as a result of fugitive dust emission from the Site. The assessment states that

assuming good practice dust control measures are implemented, the residual potential air quality impacts from dust generated by construction, earth works and track out activities is deemed as 'not significant'.

- 16.25 Furthermore, the Air Quality Assessment concludes that the annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations across the Site are below the relevant AQOs at the proposed sensitive use, the Site is therefore considered suitable for the proposed end uses without the implementation of protective mitigation techniques. In addition, the anticipated development traffic flows are considered to be below the relevant EPUK and IAQM assessment thresholds and operational impacts are therefore deemed as 'not significant'. Lastly, the assessment concluded that the transport emissions generated by the Proposed Development are below specific benchmarks and therefore considered to be Air Quality Neutral.
- 16.26 Overall, the proposals therefore accord with policy SI1 of the London Plan, policy CE5 of RBKC's Local Plan and Draft Policy GB6 of RBKC's Emerging Local Plan.

#### **Land Contamination – Policy Context**

- 16.27 Paragraph 174(f) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 16.28 Paragraph 183 of the NPPF states that planning policies and decisions should ensure that a Site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 16.29 Policy SD1 of the London Plan is clear that new development should take appropriate measures to deal with contamination that may exist.
- 16.30 Policy CE7 of RBKC's Local Plan states that the Council will consider the potential risks of contaminated land and will ensure that it is adequately mitigated before development proceeds. The policy states that to deliver this, the Council will require a desk top study and preliminary risk assessment in line with current best practice guidance.

16.31 Draft Policy GB20 of RBKC's Emerging Local Plan states that a preliminary risk assessment of contaminated land is required at the planning application stage for all major development.

**Land Contamination – Assessment**

16.32 A Land Contamination Preliminary Risk Assessment has been prepared by Eight Versa and is submitted as part of this application for the Council's consideration.

16.33 The assessment sets out the potential risk of contamination from the current and former use of the Site.

16.34 The assessment concludes that given the nature of the historical land use and potential for contamination, it is recommended that a proportionate programme of Site investigation and monitoring works is undertaken to establish the presence of absence of contamination to enable a quantitative assessment of the associated environmental risks.

16.35 In the absence of any intrusive investigation of the Site, the report concludes that the risks posed by potential ground contamination would be 'moderate' to 'moderate low'.

16.36 Overall, the proposals therefore accord with policy SD1 of the London Plan, policy CE7 of RBKC's Local Plan and Draft policy GB20 of RBKC's Emerging Local Plan.



## **17 Planning Consideration – Deliveries, Servicing and Waste Collection**

17.1 This section of the Town Planning Statement considers the Proposed Development against relevant planning policy regarding delivery, servicing and waste collection. This section should be read alongside the Delivery and Servicing Management Plan, prepared by Caneparo Associates, and submitted as part of this application.

### **Deliveries, Servicing and Waste Collection – Policy Context**

17.2 Paragraph 20 of the NPPF states that strategic policies should set out the overall strategy for the pattern, scale and design quality of places and make sufficient provision for waste management.

17.3 Paragraph 112 of the NPPF requires development to give priority to pedestrians and cycle movements, address the needs of people with disabilities, create places that are safe, secure and attractive and allow for the efficient delivery of goods and access by service and emergency vehicles.

17.4 Policy T7(G) of the London Plan states that development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible.

17.5 Policy SI7 of the London Plan states that waste planning authorities and industry should work in collaboration to deliver developments with adequate, flexible and easily accessible storage space and collections systems that support, as a minimum, the separate collection of dry recyclables and food.

17.6 Policy CE3 of RBKC's Local Plan states that the Council will ensure that waste is managed in accordance with the waste hierarchy. The policy also requires all new developments provide innovative, well designed, functional and accessible refuse and recycling storage space which allows for ease of collection in all developments.

17.7 Policy CR7 of RBKC's Local Plan States that the Council will require servicing facilities and coach parking to be well designed, built to accommodate the demands of new development

and sensitively integrated into the development and the surrounding townscape. The policy states that to deliver this, the Council will require a Servicing Management Plan for all Site with on-Site servicing space that will control the hours of servicing, including detail on how vehicles will be managed, and controls on the types and sizes of vehicles to ensure they are appropriate to the local area and are environmentally acceptable.

- 17.8 Draft Policy T9 of RBKC’s Emerging Local Plan states that development must provide sufficient on-Site servicing space where feasible, delivery consolidation floorspace, and coach parking to accommodate the number and type of vehicles likely to be generated and to ensure that this can take place without manoeuvring on the highway. The policy also states that a Servicing Management Plan will be required for all sites with on-Site servicing space that will control the hours of servicing, including details on how vehicles will be managed, and controls on the types and sizes of vehicles to ensure they are appropriate to the local area and are environmentally sustainable.
- 17.9 Draft Policy T9 of RBKC’s Emerging Local Plan also states that proposals for larger developments must be supported by a Delivery Management Plan to explain how deliveries would be consolidated (through use of a concierge or mail office) to limit van traffic generation.
- 17.10 Draft Policy GB19 of RBKC’s Emerging Local Plan requires all new development to provide innovative internal and external well designed, functional and accessible waste and recycling (including food) storage space which allows for ease of collection in all developments.

#### **Deliveries, Servicing and Waste Collection – Assessment**

- 17.11 A Draft Delivery and Servicing Management Plan (‘DSMP’) has been prepared by Caneparo Associates and is submitted as part of this application for the Council’s consideration. The DSMP sets out how the Proposed Development will manage deliveries and servicing (Including waste collection) in order to ensure that the servicing activity
- 17.12 The delivery and servicing strategy for the Proposed Development will take place using the 3 shared use parking bays on Notting Hill Gate, 1 loading bay on Kensington Church Street and



an on-Site servicing yard accessed from Newcombe Street which will provide two spaces to serve the retail and office floorspace.

- 17.13 The DSMP sets out that loading will only be permitted for the three shared use parking bays on Notting Hill Gate between Monday to Friday before 8:00 am, 10:00 am to 4:00 pm and after 6:30 pm. The DSMP also states that loading will only be permitted for the single loading bay on Kensington Church Street for up to 40 minutes with no return within 2 hours. It is predicted that the ground floor retail, residential, medical and office land uses will make use of this location, as per the existing situation.
- 17.14 A total of 30 delivery and servicing vehicles are forecasted at AM peak hours, with an additional 30 forecasted during PM peak hours.
- 17.15 The Proposed Development also introduces a consolidation strategy to reduce the number of daily deliveries on site. This includes encouraging tenants to advise staff to make use of facilities such as Amazon lockers to reduce the number of staff personal deliveries to the Site, investigate the potential use of last mile delivery solutions, review the number of deliveries for each tenant and suggest further measures and explore the possibility of smart / joint procurement with adjacent properties.
- 17.16 In terms of waste, the development proposes to store waste on the ground floor for the residential units. The residents will transport waste from their properties into the waste store. For the retail and office land uses, waste will be stored in individual waste stores at basement level 1 and managed by the Site Management Team ('SMT'). The waste stores have been designed for ease of access for both occupiers and waste collection operatives. With suitable access to the servicing yard via servicing lifts.
- 17.17 The medical waste collection will be organised separately by the NHS to meet the requirements of the final occupier.
- 17.18 Overall, the proposals therefore accord with policies SI7 and T7 of the London Plan, policies CE3 and CR7 of RBKC's Local Plan and Draft policies T9 and GB7 of RBKC's Emerging Local Plan.

## **18 Planning Consideration - Fire Safety**

- 18.1 This section of the Town Planning Statement considers the Proposed Development against the relevant planning policy regarding fire safety. This section of the Town Planning Statement should be read alongside the Fire Statement, prepared by BB7, and submitted as part of this application.

### **Fire Safety – Policy Context**

- 18.2 Policy D5 of the London Plan states that buildings should be designed to incorporate safe and dignified emergency evacuation for all buildings users. The policy states that in all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 18.3 Policy D12 of the London Plan promotes the highest standards of fire safety for all developments. The policy requires developments to be designed to incorporate appropriate features which reduce risks from fire, constructed in a way to minimise the spread of fire and provide suitable means for escape. The policy also requires that all major development proposals should submit a Fire Statement produced by a third party suitably qualified assessor.
- 18.4 Paragraph 5.3.1 of the Draft Fire Statement LPG (2022) states that Fire Statements should set out how the proposed fire safety measures meet the requirements of Policy D12(B) of the London Plan, how evacuation lifts have been incorporated into the development, how the development meets the minimum fire safety regulations and standards and what additional measures are to be included beyond minimum requirements.
- 18.5 Draft Policy CD15 of RBKC's Emerging Local Plan states that all development must achieve the highest standards of fire safety. The draft policy also states that major development and all relevant buildings under Planning Gateway One must submit a Fire Statement.

### **Fire Safety - Assessment**

- 18.6 A Fire Statement has been prepared by BB7 and is submitted as part of this application for the Council's consideration. In accordance with London and Local Plan policies, the Fire Statement sets out a number of fire safety solutions and systems that have been incorporate within the design of the proposed development. This is to ensure that the proposed design minimises the spread of fire through an escape evacuation strategy, fire safety systems and fire service access in the event of a fire.
- 18.7 The Fire Statement has also been prepared in accordance with the guidance set out in the Draft Fire Safety LPG (2022).
- 18.8 In accordance with Policy D5 and D12 of the London Plan, and guidance from the Draft Fire Safety LPG (2022), the Fire Statement concludes that the Proposed Development accords with the functional requirements of the Building Regulations and the relevant legislation.

## **19 Planning Consideration - Flooding and Drainage**

19.1 This section of the Town Planning Statement considers the Proposed Development against the relevant planning policy regarding flooding and drainage. This section of the Town Planning Statement should be read alongside the Flood Risk Assessment, prepared by AKT II, and submitted as part of this application.

### **Flooding and Drainage - Policy Context**

19.2 Chapter 14 of the NPPF sets out the sequential approach to planning new development and flood risk. The NPPF seeks to guide development to areas of low flood risk, ideally to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, then sites in Flood Zones 2 and 3 would be considered.

19.3 Policy SI12(C) of the London Plan is clear that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Part B of the policy states that development plans should use the Mayor's regional flood risk appraisal and their strategic flood risk assessment as well as local flood risk management strategies where necessary.

19.4 Policy SI13(B) of the London Plan states that development proposals should utilise sustainable urban drainage systems (SuDS) and aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to the source as possible, in line with a defined hierarchy.

19.5 Policy G5(A) of the London Plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of Site and building design, and by incorporating measures such as nature-based sustainable drainage.

19.6 Policy CE2(B) of RBKC's Local Plan states that the Council will require development to address and reduce flood risk and its impacts. The policy states that to deliver this, the Council will require a site-specific Flood Risk Assessment.

- 19.7 Policy CE2(G) of RBKC's Local Plan requires major developments to achieve greenfield run-off rates and minor development to achieve a reduction of 50% of existing rates, ensuring that surface water run-off is managed as close to its source as possible.
- 19.8 Policy CL7(i) of RBKC's Local Plan states that the Council will require all development to include a sustainable drainage system (SuDS) to be retained thereafter. This is saved as Draft Policy CD10 in RBKC's Emerging Local Plan.
- 19.9 Draft Policy GB11 of RBKC's Emerging Local Plan states that developments must address and reduce flood risk and its impacts. The draft policy states that to deliver this, the Council will require a site-specific Flood Risk Assessment for all development in flood zone 2 and 3, all development sites greater than one hectare, all basement development and development in critical drainage areas.
- 19.10 Draft Policy GB12 of RBKC's Emerging Local Plan states that SuDS proposals should meet national and local guidance to ensure SuDS are adequately designed, built and maintained for the lifetime of development.

#### **Flooding and Drainage - Assessment**

- 19.11 A Flood Risk Assessment has been prepared by AKT II and is submitted as part of this application for the Council's consideration. In line with London Plan and Local Plan policies. The Flood Risk Assessment concludes that the Site is considered to have a very low probability of flooding from fluvial or tidal sources provided that the tidal defences are adequately maintained. It is also considered that the Site has a low probability of flooding from groundwater, artificial sources, the local drainage network and surface water flooding.
- 19.12 Moreover, the Flood Risk Assessment concludes that as the Site does not currently cause any flooding to adjacent sites, the risk to adjacent properties will be limited, also considering the proposed SuDS measures. To reduce the risk of flooding from the sewer to the site, the assessment recommends that the existing surface water discharge should be reduced as much as possible.

- 19.13 In terms of SuDS, a Drainage Strategy Report (including SuDS) has been prepared by AKT II and is submitted as part of this application for the Council's consideration. The measures proposed have been incorporated into the Landscaping Strategy, as set out at Section 9.
- 19.14 A maximum surface water flow rate of 121.8 l/s is being proposed for the whole development under 1 in 100 year storm discharge and 40% climate change rainfall events. In accordance with Policy SI13 of the London Plan, the flow rate has been set as close as possible to greenfield runoff rates.
- 19.15 Overall, the proposals therefore accord with policies SI12 and SI13 of the London Plan, Policy CE2 of RBKC's Local Plan, and draft policies GB11 and GB12 of RBKC's Emerging Local Plan.



## **20 Planning Consideration - Infrastructure and Planning Contributions**

- 20.1 This section of the Town Planning Statement considers the planning contributions (Section 106 and Community Infrastructure Levy 'CIL') for the Proposed Development including the step-free access position.
- 20.2 Under Section 106 of the Town and Country Planning Act 1990 (as amended), local planning authorities have the power to enter into planning obligations with any person interested in land in their area, for the purpose of restricting or regulating the development or use of the land.
- 20.3 On 6th April 2010, the Community Infrastructure Levy Regulations 2010 (as amended) came in to force to fund the provision, improvement, replacement or maintenance of infrastructure required to support development, as set out within each Local Authority's Regulation 123 list (a 'living' document which provides a summary of the infrastructure which CIL receipts should fund).
- 20.4 On 1 September 2019, the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 came into force. One of the key changes that was brought in by the 2019 Regulations was the removal of the Regulation 123 list. Regulation 123 lists have now been replaced by an infrastructure funding statement (under Regulation 121A), which identifies the infrastructure required to support development in an area and how it will be funded, using CIL, or s106 obligations, or a combination of both. Local Authorities were obliged to publish their first statements by 31 December 2020.
- 20.5 In accordance with Regulation 122(2) of the CIL Regulations (as amended), and Paragraph 57 of the NPPF, planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the Proposed Development acceptable in planning terms;
  - Directly related to the Proposed Development; and
  - Fairly and reasonably related in scale and kind to the Proposed Development.

- 20.6 Paragraph 55 of the NPPF supports that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 20.7 Paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted.
- 20.8 Policy T9 of the London Plan states that planning obligations (Section 106 agreement), including financial contributions, will be sought to mitigate impacts from development, which may be cumulative.
- 20.9 Policy C1 of RBKC's Local Plan states that in determining what planning obligations would make development acceptable in planning terms, the Council will consider the proposed development, individual characteristics of the site, the infrastructure needs of the Site and surrounding area, and the London Plan. This is reinforced in Draft Policy IP1 of RBKC's Emerging Local Plan, which states that the Council will work with infrastructure providers and stakeholders to identify requirements and will ensure that sufficient supporting infrastructure is delivered to support good growth.

### **Community Infrastructure Levy**

- 20.10 Since 1 April 2012, all developments in London which result in the addition of over 100 sqm GIA floorspace (with some exceptions including affordable housing) have been eligible to pay Mayoral CIL ('MCIL'). The purpose of MCIL is to pay for strategic transport infrastructure, nominally Crossrail and Crossrail 2.
- 20.11 In February 2019, the Mayor adopted a new charging schedule ('MCIL2') which applies to any development granted planning permission after 1 April 2019 and sought to consolidate MCIL and Crossrail SPG payments into one payment. Local planning authorities in London are responsible for collecting MCIL2 payments on behalf of the Mayor of London.
- 20.12 The MCIL2 rate for development in the Royal Borough of Kensington and Chelsea is £80 per sqm.



20.13 The Royal Borough of Kensington and Chelsea's CIL charging schedule came into effect in April 2015. In Zones B and C, the chargeable rate for office, retail and medical uses is nil. The chargeable rate for residential use is £430.

20.14 The CIL additional information form has been completed and is submitted as part of this application for the Council's consideration.

**Royal Borough of Kensington and Chelsea Planning Contributions SPD (2019)**

20.15 On 18 September 2019, the Planning Contributions Supplementary Planning Document ('SPD') was adopted. The RBKC Planning Contributions SPD provides guidance regarding the circumstances on which proposed developments will give rise to the need for RBKC to seek contributions to infrastructure and how the various mechanisms, such as CIL, separate Section 106 contributions, and Section 278 agreements, will interplay in practice.

20.16 The Applicant will enter into a legal agreement with RBKC to secure the reasonable and necessary planning obligations associated with the development in accordance with Regulation 122 of the CIL Regulations and RBKC's Planning Contributions SPD.

## 21 Material Considerations

- 21.1 This section of the Town Planning Statement sets out the overall planning benefits of the Proposed Development.
- 21.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the statutory Development Plan unless other material considerations indicate otherwise.
- 21.3 Section 72(I) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to respect the setting of conservation areas. It states that:
- “With respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”
- 21.4 Chapter 16 of the NPPF relates to conservation and enhancement of the historic environment. It requires “an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance” (para. 194).
- 21.5 Paragraph 203 of the NPPF states that “in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 21.6 In the context of the statutory development plan, for the reasons set out in detail in this Planning Statement, it is considered the Proposal accords and supports the objectives of the Development Plan when read as a whole.
- 21.7 With regard to matters concerning heritage, it is considered that the proposals would result in ‘less than substantial’ harm to the setting of heritage assets and conservation area. Mola have noted that this would be at the lower end of the spectrum of ‘less than substantial harm’.

21.8 In the event there is perceived harm, it is considered that this would be ‘less than substantial harm’, the public benefits arising from the proposed development would outweigh this. The public benefits are as follows:

1. Delivery of new social rent accommodation which directly respond to the Council’s housing need for family sized units;
2. Delivery of a new public square of which the details are being developed, but it is envisaged that areas of this will be used for flexible community use;
3. Delivery of floorspace which can be operated by the NHS for a local GP surgery;
4. Financial contributions via Section 106 and CIL which will used for the locality;  
and
5. Significant wider public realm improvements around the site and introduction of management of the site, which will create a presence and seek to ensure a safe environment for surrounding occupiers and pedestrians.

21.9 These benefits should be accorded significant weight and are considered to outweigh any perceived “less than substantial harm”. On balance, the proposed development complies with the Development Plan which accords with Section 38(6) of the 2004 Act.

## 22 Summary and Conclusions

- 22.1 Section 38(6) of the Town and Country Planning Act 1990 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 22.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. This Town Planning Statement has assessed the Proposed Development against the development plan and other relevant planning policy and guidance at national, regional and local policy level.
- 22.3 The Proposed Development has taken an entirely different approach to developing the site, through the retention and extension of Newcombe Tower and the redevelopment of the remainder of the Site. The Applicant has a commitment to delivering schemes of exceptional design quality (both internally and externally), with an occupier focus on well being and sustainability, which will ultimately make a positive contribution to the vitality and vibrancy of Notting Hill Gate.
- 22.4 It is clear that the site is in a poor state of disrepair and is largely vacant. It is in need of significant regeneration to deliver against the Council's objectives and priorities for the site, which are identified in the Notting Hill Gate SPD and the emerging Site Allocation SA10. The site also presents an excellent opportunity for future development to be intensified, to support the vitality and vibrancy of Notting Hill Gate, given its location next to Notting Hill Gate Underground Station, other transport nodes and key amenities.
- 22.5 The Applicant began pre-application discussions with stakeholders on the Site, in March 2022 and have gone through an extensive engagement process with the local community groups. Stakeholder engagement has been led both by the Applicant and the Council through various events, which have taken place throughout the year. All stakeholders have influenced the evolution of the scheme and a key step change in the layout and design of the proposals took place in November 2022. The Applicant has worked proactively with the stakeholders, to respond to feedback to create a development, which responds to the context of Notting Hill Gate, delivers public benefit, and will support the localised economy through the provision of

quality of floorspace, that will attract best in class floorspace. Other consultees have been engaged throughout the pre-application engagement, including the Quality Review Panel, TFL and Historic England.

22.6 The Proposed Development has demonstrated that it responds to the Council's priorities and objectives for the site, as set out in the Notting Hill Gate SPD and draft Site Allocation SA10:

1. Delivery of a high-quality office led mixed use development;
2. Provide new social rent homes;
3. High quality office employment space, including large flexible office floorplates that will meet a diverse local occupier requirement;
4. Floorspace for a new GP surgery;
5. A new accessible, permeable and inclusive public square with level access through;  
and
6. A new high quality vibrant public realm.

22.7 In terms of design and heritage, the proposals have evolved significantly throughout the pre-application engagement and a step change took place in November 2022. The site is identified for a tall building by the Council, provided it does not exceed 72m from ground level. The site presents an excellent opportunity to intensify development given its location within the District Centre, proximity to transport nodes and local amenities. The proposals have developed and evolved to respond to feedback received and now present and demonstrate a contextual response to Notting Hill Gate and the various identities that the site presents from the surroundings, including; the Notting Hill Gate Frontage, Kensington Church Street Frontage, Kensington Place and Hill Gate Village.

22.8 It is considered that the design is of an exceptional standard and will transform the site and support the regeneration initiatives for the site and wider area. The landscaping proposals are indicative, but present the Applicant's aspiration for the landscaping schemes which incorporate areas for local art installations and pop-ups, alongside hard and soft landscaping. The provision of a new public square, substantial upgrade to Uxbridge Street and widening of the pavement of Kensington Church Street (and introduction of colonnade), present significant improvements to the public realm around the site. This will also be accessible to all, in accordance with relevant policies.

22.9 The proposals have been assessed in the terms of the heritage and townscape, impact on both the London Underground Listed Building (Grade II Listed) and the surrounding

Conservation Areas. It is considered the Proposed Development will not impact on the setting of the Listed building, nor the setting of the surrounding Conservation Areas. Mola have confirmed in their assessment, that any perceived resultant harm will not amount to more than 'less than substantial harm' from the specified current views. The verified views are included within the TVIA prepared by Tavernor Consultancy and demonstrate this position.

- 22.10 The Proposed Development by virtue of the retention and extension of Newcombe Tower, seeks to reduce embodied carbon emissions. Furthermore, it has been demonstrated that the energy and sustainability credentials of the proposed development, both meet and exceed the GLA's requirements.
- 22.11 The new affordable housing which forms part of the Proposed Development will provide social rent accommodation which responds to the Council's housing needs list and register, which will deliver family sized homes. It has been demonstrated that this accommodation exceeds the NDSS standards, are dual aspect and will provide occupants with a high standard of living.
- 22.12 It has been demonstrated that the Proposed Development will have acceptable effects on both the occupiers of surrounding premises and occupiers of the proposed development. This has been a key consideration throughout the evolution of the proposed development and the design of the this. Further technical analysis has been prepared which supports the Proposed Development, this includes daylight and sunlight analysis and noise survey and assessments. Furthermore, the Applicant is dedicated to having a management plan in place for the proposed development (internal and external areas).
- 22.13 A Transport Assessment supports the Proposed Development which demonstrates that there will be negligible impact of the scheme on the transport network. Cycle parking has been provided in accordance with the GLA's requirements, whilst taking a pragmatic approach to ensure that this does not impact on the quality and usability of the public realm. Two accessible parking bays are proposed along Newcombe Street which can be utilised by the development. In terms of servicing and deliveries, the existing strategies for the site have been utilised and improved upon, through provision of both on-site and off-site strategies.

The suite of transport documentation demonstrates that the proposed development accords with the GLA's and Council's planning policies.

- 22.14 A suite of technical assessments have been prepared to support the Proposed Development, which cover wind microclimate, structural method to support the basement extension and construction, air quality, land contamination, fire safety and flood and drainage. These technical assessments demonstrate compliance with relevant national, regional and local planning policies.
- 22.15 This application represents an important opportunity to complete the final major identified development opportunity in Notting Hill Gate Master Plan SPD. The scheme will transform Notting Hill Gate both physically, creating a high-quality piece of townscape at the heart of the centre, but also functionally increasing jobs, investments and spend for the area. The scheme is deliverable, and the Applicant has secured funding to ensure deliverability, following the grant of planning permission.
- 22.16 In summary, this Statement comprehensively demonstrates the need for renewal and redevelopment of the Site in accordance with the objectives of the London Plan, RBKC Local Plan and the SPG's. For the reasons set out above, the proposed scheme delivers significant benefits and is in full accordance with the development plan, therefore in our view, planning permission should be granted subject to appropriate conditions and a Section 106 agreement.

## Appendices

### Appendix A – Full documents list

Planning Covering Letter, prepared by Gerald Eve LLP;
Planning Statement (Including Affordable Workspace and Housing Statement), prepared by Gerald Eve LLP;
Community Infrastructure Levy Additional Information Form, prepared by Gerald Eve LLP;
Site Location Plan, prepared by Squire & Partners;
Block Plan, prepared by Squire & Partners;
Existing and Proposed Site Plans, Elevations, Floor Plans and Sections, prepared by Squire & Partners.
Floorspace / Accommodation Schedule, prepared by Squire & Partners;
Tall Building Impact Assessment, prepared by Gerald Eve LLP (With input from other consultants);
Statement of Community Involvement, prepared by Polity;
Fire Statement, prepared by BB7;
Construction Method Statement (for basement), prepared by AKT II;
Economic Benefits Statement, prepared by Hatch;
3D model, prepared by Squire & Partners;





Design and Access Statement, prepared by Squire & Partners;
Townscape and Visual Impact Assessment, prepared by Tavernor Consultancy (With input from Miller Hare);
Heritage Statement, prepared by Mola;
Archaeology Desk Based Assessment, prepared by Mola;
Daylight, Sunlight and Overshadowing Assessment, prepared by Point 2;
Microclimate and Wind Assessment, prepared by AKT II;
Noise and Vibration Report, prepared by RBA;
Noise, Dust and Vibration Statement, prepared by Midgard;
Air Quality Assessment, prepared by Alkali Environmental;
Flood Risk Assessment, prepared by AKT II;
Drainage Strategy (Including SuDS), prepared by AKT II;
Tree Survey, prepared by Writtle Forest;
Tree Constraints Plan, prepared by Writtle Forest;
Tree Protection Plan, prepared by Writtle Forest;
Arboricultural Method Statement, prepared by Writtle Forest;
Arboricultural Impact Statement, prepared by Writtle Forest;



Planting and Landscape Design Report (Including plans and UGF), prepared by Andy Sturgeon;
Land Contamination Preliminary Risk Assessment, prepared by Eight Versa;
Ecological Impact Assessment, prepared by Eight Versa;
Biodiversity Net Gain Assessment, prepared by Eight Versa;
Construction Environmental Management Plan, prepared by Eight Versa;
Landscape and Ecological Management Plan, prepared by Eight Versa;
BREEAM Ecology, prepared by Eight Versa;
Transport Assessment, prepared by Caneparo Associates;
Travel Plan, prepared by Caneparo Associates;
Draft Demolition Traffic Management Plan, prepared by Caneparo Associates;
Draft Construction Traffic Management Plan, prepared by Caneparo Associates;
Delivery and Servicing Management Plan, prepared by Caneparo Associates;
Outline Site Waste Management Plan, prepared by KaNect;
Operational Waste Management Plan, prepared by Caneparo Associates;
Energy Strategy, prepared by HDR;
Sustainability Statement, prepared by HDR;
Whole Life-Cycle Carbon Assessment, prepared by HDR;



Circular Economy Statement, prepared by HDR;
Overheating Assessment, prepared by HDR;
Ventilation Strategy, prepared by HDR; and
Office Demand Study, prepared by RX London.

Appendix B – Planning History

**PLANNING HISTORY**  
Newcombe House – 400m radius adjacent planning applications

Address	Reference No.	Description of Development	Borough	Approved, refused or pending	Relevant date	Notes
154 Bayswater Road and 6 Palace Court London W2 4HP	14/03749/FULL	Complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels.	WCC	Approved	24 December 2014	<p>This permission has been implemented.</p> <p><b>15/06928/FULL</b> - Variation to Condition 1 of planning permission dated 19 December 2014 (RN: 14/03749/FULL) for the following development: Complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. Namely: Alterations to layouts, front boundary wall, landscaping, refuse store, front entrance design, lightwells, roof, basement size and layout. Submitted 30 July 2015 and approved 6 April 2016.</p> <p><b>17/01090/FULL</b> - Variation of condition 1 of planning permission dated 06 April 2015 (RN: 15/06928/FULL) which also varied condition 1 of planning permission (RN: 14/03749/FULL) for the complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. NAMELY, to vary the approved drawing numbers to allow relocation of refuse store to lower ground level and the addition of a bin scissor lift from ground to lower ground level, relocation of the dry riser in the communal staircase (first to sixth floor), amendments to smoke hatch over the communal staircase, top detail of the ground floor windows on the front elevation, relationship between the brickwork up stand and the metal railing at fifth floor level on the front elevation, alterations to the entrance porch and front door, railing details at fourth floor level, rear elevation, and details of the railing and metal panels in between the glass sliding doors at the far left bay on the rear elevation. Submitted 10 February 2017 and approved 67 December 2017.</p> <p><b>17/08058/NMA</b> - Amendments to planning permission dated 6 April 2016 (RN: 15/06928) for: Variation to Condition 1 of planning permission dated 19 December 2014 (RN: 14/03749/FULL) for the following development: Complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. Namely: alterations to layouts, front boundary wall, landscaping, refuse store, front entrance design, lightwells, roof, basement size and layout. NAMELY, to amend the wording of Conditions 8, 18, 21, 22, 28 and 31 to allow approval of alternative details to that previously approved pursuant to these conditions. Submitted 7 September 2017</p>

					<p>and permitted 5 October 2017.</p> <p><b>17/11334/CLEUD</b> - Confirmation that the planning permission dated 6 April 2016 (RN: 15/06928/FULL) for 'Variation to Condition 1 of planning permission dated 19 December 2014 (RN: 14/03749/FULL) for the following development: Complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. Namely: Alterations to layouts, front boundary wall, landscaping, refuse store, front entrance design, lightwells, roof, basement size and layout' has been implemented by the carrying out of material operations prior to the expiry of the permission on 24 December 2017. Submitted 21 December 2017 and approved 9 March 2018.</p> <p><b>18/08515/NMA</b> - Amendments to planning permission dated 6 December 2017 (RN: 17/01090) for: Variation of condition 1 of planning permission dated 06 April 2015 (RN: 15/06928/FULL) which also varied condition 1 of planning permission (RN: 14/03749/FULL) for the complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. Namely, to vary the approved drawing numbers to allow relocation of refuse store to lower ground level and the addition of a bin scissor lift from ground to lower ground level, relocation of the dry riser in the communal staircase (first to sixth floor), amendments to smoke hatch over the communal staircase, top detail of the ground floor windows on the front elevation, relationship between the brickwork up stand and the metal railing at fifth floor level on the front elevation, alterations to the entrance porch and front door, railing details at fourth floor level, rear elevation, and details of the railing and metal panels in between the glass sliding doors at the far left bay on the rear elevation. NAMELY, amendment to condition 1 to amend drawings to remove future lift provision within five duplex flats. Submitted 3 October 2018 and approved 18 October 2018.</p>
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					<p><b>19/05425/NMA</b> - Amendments to planning permission dated 6 December 2016 (RN: 17/01090) for: Variation of condition 1 of planning permission dated 06 April 2015 (RN: 15/06928/FULL) which also varied condition 1 of planning permission (RN: 14/03749/FULL) for the complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. Namely, to vary the approved drawing numbers to allow relocation of refuse store to lower ground level and the addition of a bin scissor lift from ground to lower ground level, relocation of the dry riser in the communal staircase (first to sixth floor), amendments to smoke hatch over the communal staircase, top detail of the ground floor windows on the front elevation, relationship between the brickwork up stand and the metal railing at fifth floor level on the front elevation, alterations to the entrance porch and front door, railing details at fourth floor level, rear elevation, and details of the railing and metal panels in between the glass sliding doors at the far left bay on the rear elevation. NAMELY, amendment to condition 23 to remove requirement to connect to future district energy network and gas absorption heat pump. Submitted 10 July 2019 and approved 7 August 2019.</p> <p><b>21/07232/NMA</b> - Amendments to planning permission dated 6th December 2017 (RN 17/01090/FULL) for the variation of condition 1 of planning permission dated 06 April 2015 (RN: 15/06928/FULL) which also varied condition 1 of planning permission (RN: 14/03749/FULL) for the complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. NAMELY, to amend landscaping details, portico column design and balustrade design. Submitted 21 October 2021 and approved 16 November 2021.</p> <p><b>21/07383/NMA</b> - Amendments to planning permission dated 6 December 2017 (RN: 17/01090/FULL) for the: Variation of condition 1 of planning permission dated 06 April 2015 (RN: 15/06928/FULL) which also varied condition 1 of planning permission (RN: 14/03749/FULL) for the complete demolition of 154 Bayswater Road and demolition of 6 Palace Court behind retained front facade. Redevelopment of Site to provide 15 residential units (Class C3) (1 x 1 bed, 9 x 2 bed, 5 x 3 bed) in building comprising of lower ground, ground and five/six upper floors with associated works including landscaping, mechanical plant, terraces, lightwells and pv panels. NAMELY, amend the wording of condition 19 to allow the reduction of soil depth of the front garden from 1m to 0.6m. Submitted 27 October 2021.</p> <p><b>Application refused 16 November 2021.</b></p>
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<p>5 Palace Court, London W2 4LP</p>	<p>14/10267/FULL</p>	<p>Demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension.          Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals.</p>	<p>WCC</p>	<p>Approved</p>	<p>17 February 2015</p>	<p>This permission has been implemented.</p> <p><b>16/03141/FULL</b> – Variation of Condition 14 of planning permission dated 17 February 2015 (RN: 14/10267/FULL) for the demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension. Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals.' Namely to vary the environmental sustainability features to allow inclusion of individual high efficiency boilers instead of a communal system. Submitted 7 April 2016 and granted on 2 June 2017.</p> <p><b>17/07783/NMA</b> - Amendments to planning permission dated 2 June 2017 (RN: 16/03141) for: Variation of Condition 14 of planning permission dated 17 February 2015 (RN: 14/10267/FULL) for the demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension. Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals.' Namely to vary the environmental sustainability features to allow inclusion of individual high efficiency boilers instead of a communal system. Namely, rearranged circulation, family room, utility and plant at basement level. Minor internal modifications to improve the efficiencies/amenities of the Unit. Submitted 25 August 2017 and approved on 20 September 2017.</p> <p><b>17/07784/NMA</b> - Amendment to planning permission dated 2 June 2017 (RN: 16/03141) for: Variation of Condition 14 of planning permission dated 17 February 2015 (RN: 14/10267/FULL) for the demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension. Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals.' Namely to vary the environmental sustainability features to allow inclusion of individual high efficiency boilers is instead of a communal system. Namely, modified entrance and hallways off the central circulation. Rearranged bedroom and bathroom layouts. Submitted 25 Aug 2017 and permitted 21 September 2017.</p>
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					<p><b>17/07683/FULL</b> - Variation of condition 1 of planning permission dated 02 June 2017 (RN 16/03141/FULL) for the Variation of Condition 14 of planning permission dated 17 February 2015 (RN: 14/10267/FULL) for the demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension. Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals. ' NAMELY, to vary drawings and other documents listed on this decision letter to provide an additional velux window and vent. Submitted 25 August 2017 and <b>withdrawn 26 September 2017.</b></p> <p><b>17/08834/NMA</b> - Amendments to planning permission dated 2 June 2017 (RN: 16/03141) for: Variation of Condition 14 of planning permission dated 17 February 2015 (RN: 14/10267/FULL) for the demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension. Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals.' Namely to vary the environmental sustainability features to allow inclusion of individual high efficiency boilers instead of a communal system. Namely, introduction of a new roof conservation velux with flat mounted kit to the rear of the building and for the installation of a metal louvered smoke extraction system to the top of the communal staircase. Submitted 4 October 2017 and approved 9 October 2017.</p> <p><b>17/09274/FULL</b> - Variation of condition 1 of planning permission dated 02 June 2017 ( RN 16/03141/FULL) for the variation of Condition 14 of planning permission dated 17 February 2015 (RN: 14/10267/FULL) for the demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension. Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals. NAMELY, to vary drawings showing basement extension and external and internal alterations. Submitted 19 October 2017 and approved 13 December 2017.</p>
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					<p><b>20/04534/FULL</b> - Removal of condition 29 of planning permission dated 17 February 2015 (RN: 14/10267/FULL) for the: Demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension.</p> <p>Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals. NAMELY, to omit the Code for Sustainable Homes requirement as the Government withdrew Code for Sustainable Homes. Submitted 17 July 2020. <b>Application Refused 16 September 2020.</b></p> <p><b>20/08028/FULL</b> - Removal of condition 29 of planning permission dated 17 February 2015 (RN 14/10267/FULL) for the demolition of the mews building on Ossington Street and erection of a replacement mews building arranged over five floors (basement, lower ground, ground, first and second floors) to create a four bedroom dwellinghouse (Class C3), including part basement extension.</p> <p>Refurbishment, adaption, and extension of 5 Palace Court to create six dwelling flats (Class C3); demolition of existing roof enclosure and erection of a mansard roof extension with front gable; external elevation changes including rear infill extensions and enlarged and new window openings (Ossington Street); and other works incidental to the proposals from RN 14/10267/FULL, NAMELY, remove condition 29 as the Code for Sustainable Homes was withdrawn prior to works commencing. Submitted 16 December 2020 and permitted 2 February 2021.</p>
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47-69 Notting Hill Gate, LONDON, W11 3JS	PP/16/05236	Re-cladding of existing building at first to third floor levels, change of use of part ground, first, second and third floors to office (use class B1) floor space, provision of one additional storey of office floor space at fourth floor level to provide a total of 2,555 sq. (GEA) of office (use class B1) floor space and installation of plant and associated alterations (MAJOR DEVELOPMENT)	RBKC	Approved	25 November 2016	This permission has been implemented.  <b>NMA/19/06331</b> - Non-material amendment to planning permission PP/16/05212 (Re-cladding, installation of an additional storey to provide an uplift of 1,251 sq. (GEA) of class B1 office floor space; provision of a new bin and cycle store; installation of plant; and associated alterations) to change the wording of conditions 6 and 7 from pre-commencement to submission and approval of details only if NRMM is required (condition 6), and prior to the relevant part (condition 7), in order to enable implementation of the planning permission prior to its expiry on 22 December 2019 (amended description). Approved 14 October 2019.
Astley House, 15-35 Notting Hill Gate, London, W11 3JQ	PP/16/05212	Re-cladding of existing building at first to third floor levels; installation of an additional of Use Class B1 (office) floor space at fourth floor level to provide an uplift of 1,251 sq. (GEA) of class B1 office floor space; provision of a new bin and cycle store; installation of plant; and associated alterations (Major Development).	RBKC	Approved	23 December 2016	This permission has been implemented.  <b>NMA/19/06331</b> - Non-material amendment to planning permission PP/16/05212 (Re-cladding, installation of an additional storey to provide an uplift of 1,251 sq. (GEA) of class B1 office floorspace; provision of a new bin and cycle store; installation of plant; and associated alterations) to change the wording of conditions 6 and 7 from pre-commencement to submission and approval of details only if NRMM is required (condition 6), and prior to the relevant part (condition 7), in order to enable implementation of the planning permission prior to its expiry on 22 December 2019 (amended description). Submitted on 16th September 2019 and granted on 14th October 2019.  <b>CL/21/04285</b> – Confirmation that planning permission PP/16/05212 has been implemented following the completion of work comprising the excavation and construction of a 600 wide 2m deep strip foundation for the perimeter wall of the approved bin and cycle store at the property (Certificate of lawful existing use). Submitted on 30th June 2021 and granted on 6th September 2021.
66-74 Notting Hill Gate, London, W11 3HT	PP/15/05730	Partial demolition, extension and re-facing of buildings at 66-74 Notting Hill Gate to create 19 residential apartments and amalgamation of ground floor units of 70-74 Notting Hill Gate, together with plant, cycle and refuse storage (MAJOR APPLICATION).	RBKC	Approved	15 January 2016	This permission has been implemented.  <b>NMA/17/05231</b> – Non-material amendment to planning permission 15/05730 (Partial demolition, extension and re-facing of buildings at 66-74 Notting Hill Gate to create 19 residential apartments and amalgamation of ground floor units at 70-74 Notting Hill Gate, together with plant, cycle and refused storage – MAJOR APPLICATION) for removal of existing dividing walls between retail units at ground floor level and creation of openings at lower ground floor level during construction and introduction of lightweight study partition dividing the various units. Submitted on 11th August 2017 and granted on 21st August 2017.  <b>NMA/19/02364</b> – Non-material amendment of planning permission 15/05370 (Partial demolition, extension and re-facing of buildings at 66-74 Notting Hill Gate to create 19 residential apartments and amalgamation of ground floor units at 70-74 Notting Hill Gate, together with plant, cycle and refuse storage (MAJOR APPLICATION)) to variation to wording of contaminated land conditions 22, 23 and 24 to allow works to commercial in areas above basement and ground floor levels. Submitted 3rd April 2019 and granted on 7th May 2019.

						<p><b>NMA/19/03748</b> - Non-material amendment to planning permission 15/05370 Partial demolition, extension and re-facing of buildings at 66-74 Notting Hill Gate to create 19 residential apartments and amalgamation of ground floor units at 70-74 Notting Hill Gate, together with plant, cycle and refuse storage (MAJOR APPLICATION) to amend approved demolition drawings with respect to existing building 72-74 Notting Hill Gate. Additional demolition is required in order to assist with the delivery of the scheme and to ensure a higher quality development, Submitted on 24th May 2019 and granted on 11th June 2019.</p> <p><b>NMA/20/01323</b> – Non-material amendment to planning permission 15/05730 (Partial demolition, extension and re-facing of buildings at 66-74 Notting Hill Gate to create 19 residential apartments and amalgamation of ground floor units of 70-74 Notting Hill Gate, together with plant, cycle and refuse storage (MAJOR APPLICATION) to vary the wording of condition 24. Submitted on 26th February 2020 and granted on 18th March 2020.</p> <p><b>NMA/21/00871</b> – Non-material amendment to planning permission 15/05730 to replace a small recess with a straight wall at rear elevation. Submitted on 10th February 2021 and granted on 9th March 2021.</p> <p><b>PP/22/03506</b> – Installation of external plant/equipment to rear of 66-68 Notting Hill Gate and to roof of 72-74 Notting Hill Gate. Submitted 7th June 2022 and granted on 12th August 2022.</p>
146-164 Notting Hill Gate, LONDON, W11 3QG	PP/19/04764	Demolition of existing building and erection of ground plus five storey building with a set back pavilion level including plant and basement extension to provide a new hotel (Class C1) use. Provision of Class A1 (retail) unit at part ground and part basement level; provision of flexible Class A1 / A3 (retail / restaurant) unit at part ground and part basement level. Reconfiguration of rear car park and service road; erection of new substation; provision of cycle parking spaces and facilities and associated works	RBKC	Approved	20 December 2019	<p>This permission has been implemented.</p> <p><b>NMA/20/01475</b> - Non-material amendment to planning permission 19/04764(Demolition of existing building and erection of ground plus five storey building with a set back pavilion level including plant and basement extension to provide a new hotel (Class C1) use. Provision of Class A1 (retail) unit at part ground and part basement level; provision of flexible Class A1 / A3 (retail / restaurant) unit at part ground and part basement level. Reconfiguration of rear car park and service road; erection of new substation; provision of cycle parking spaces and facilities and associated works) to amend wording of conditions 9, 14, and 17 to allow for specified enabling works to occur prior to approval, in addition to demolition. Approved 01 April 2020.</p> <p><b>NMA/20/04986</b> - Non-material amendment to planning permission 19/04764 to amend the wording of condition 9 to: No development shall commence (save for demolition) until: a. A Supplementary Site Investigation Scheme has been prepared in accordance with CLR 11: Model Procedures for the Management of</p>

					<p>Land Contamination (Defra 2004) or the current UK requirements for sampling and testing; and b. An updated Quantitative Risk Assessment Report has been submitted to, and approved in writing by, the local planning authority. Approved 14 October 2020.</p> <p><b>NMA/20/07274</b> - Non-material amendment to planning permission 19/04764 to allow amendments to internal layout of the ground floor; change the use of part of retail (Use Class A1) floorspace to hotel (Use Class C1) floorspace; and minor external changes to the South elevation external doors at ground floor level. Approved 22 January 2021.</p> <p><b>NMA/21/05735</b> - Non-material amendment to planning permission 19/04764 (Demolition of existing building and erection of ground plus five storey building with a set back pavilion level including plant and basement extension to provide a new hotel (Class C1) use. Provision of Class A1 (retail) unit at part ground and part basement level; provision of flexible Class A1 / A3 (retail / restaurant) unit at part ground and part basement level. Reconfiguration of rear car park and service road; erection of new substation; provision of cycle parking spaces and facilities and associated works) to new description to amend the external wall of the core in line with the plant room to remove the articulation and to straighten the wall. Approved 30 September 2021.</p> <p><b>NMA/22/03529</b> - Non-material amendment to planning permission 19/04764 (Demolition of existing building and erection of ground plus five storey building with a set back pavilion level including plant and basement extension to provide a new hotel (Class C1) use. Provision of Class A1 (retail) unit at part ground and part basement level; provision of flexible Class A1 / A3 (retail / restaurant) unit at part ground and part basement level. Reconfiguration of rear car park and service road; erection of new substation; provision of cycle parking spaces and facilities and associated works.) to allow amendments to the design of the staircase that joins Gate Hill Court to Bulmer Road; providing a lighter, shorter steel landing and staircase to that which was approved. Approved 14 June 2022.</p> <p><b>NMA/22/04551</b> - Non-material amendment to planning permission PP/19/04764 (Demolition of existing building and erection of ground plus five storey building with a set back pavilion level including plant and basement extension to provide a new hotel (Class C1) use. Provision of Class A1 (retail) unit at part ground and part basement level; provision of flexible Class A1 / A3 (retail / restaurant) unit at part ground and part basement level. Reconfiguration of rear car park and service road; erection of new substation; provision of cycle parking spaces and facilities and associated works) to amend the wording of Condition 11 so that phase one of the development can be discharged before phase 2, rather than at the same time. Approved 2 September 2022.</p>
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<p>92-120 Notting Hill Gate</p>	<p>PP/16/05229</p>	<p>Recladding of United House at first to third floor levels; installation of two additional storeys at fourth and fifth floor levels to provide office (use class B1) floor space; change of use of part ground, first, second and third floor to office (use class B1) floor space; installation of two extensions adjacent to Campden Hill Tower and change of use of second floor of Campden Hill Tower to office (use class B1) floor space; resulting in total uplift of 4,155 sq. (GEA) of office (use class B1) floor space; works to rear service road; installation of plant and associated alterations.(MAJOR DEVELOPMENT)</p>		<p>Approved.</p>	<p>23 December 2016</p>	<p><b>NMA Ref. 17/04513</b> - to planning permission 16/05299 [Recladding of United House at first to third floor levels; installation of two additional storeys at fourth and fifth floor levels to provide office (use class B1) floor space; change of use of part ground, first, second and third floor to office (use class B1) floor space; installation of two extensions adjacent to Campden Hill Tower at second floor level to provide additional office (use class B1) floor space at second floor level; change of use of second floor of Campden Hill Tower to office (use class B1) floor space; resulting in total uplift of 4,155 sq. (GEA) of office (use class B1) floor space; works to rear service road; installation of plant and associated alterations.(MAJOR DEVELOPMENT)] as no NRMM (Non-Road Mobile Machinery) is required and therefore condition 6 should be updated accordingly. Approved 24 July 2017.</p> <p><b>NMA Ref. NMA/17/05541</b> -to planning permission 16/05299 (Recladding of United House at first to third floor levels; installation of two additional storeys at fourth and fifth floor levels to provide office (use class B1) floor space; change of use of part ground, first, second and third floor to office (use class B1) floor space; installation of two extensions adjacent to Campden Hill Tower at second floor level to provide additional office (use class B1) floor space at second floor level; change of use of second floor of Campden Hill Tower to office (use class B1) floor space; resulting in total uplift of 4,155 sq. (GEA) of office (use class B1) floor space; works to rear service road; installation of plant and associated alterations.(MAJOR DEVELOPMENT) Amendments to office entrance door, fire escape door, office entrance and lift core layout. Approved 1 September 2017.</p> <p><b>NMA Ref. NMA/18/00615</b> - to planning permission 16/05299(Recladding of United House at first to third floor levels; installation of two additional storeys at fourth and fifth floor levels to provide office (use class B1) floor space; change of use of part ground, first, second and third floor to office (use class B1) floor space; installation of two extensions adjacent to Campden Hill Tower at second floor level to provide additional office (use class B1) floor space at second floor level; change of use of second floor of Campden Hill Tower to office (use class B1) floor space; resulting in total uplift of 4,155 sq. (GEA) of office (use class B1) floor space; works to rear service road; installation of plant and associated alterations.(MAJOR DEVELOPMENT) to allow rewording for condition 7 and removing of two roof lights in central part of roof. Approved 6 Feb 2018.</p> <p><b>NMA Ref. NMA/18/06909</b> to planning permission 16/05299 [Recladding of United House at first to third floor levels; installation of two additional storeys at fourth and fifth floor levels to provide office (use class B1) floor space; change of use of part ground, first, second and third floor to office (use class B1) floor space; installation of two extensions adjacent to Campden Hill Tower at second floor level to provide additional office (use class B1) floor space at second floor level; change of use of second floor of Campden Hill Tower to office (use class B1) floor space; resulting in total uplift of 4,155 sq. (GEA) of office (use class B1) floor space; works to rear service road; installation of plant and associated alterations - MAJOR DEVELOPMENT] for amendments including alterations to ground floor retail unit involving introduction of additional glazing (thus reducing the extent of the profiled granite on the corner).</p>
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						<p>Approved November 2018.</p> <p><b>NMA to planning permission PP/16/05299</b> (Recladding of United House at first to third floor levels; installation of two additional storeys at fourth and fifth floor levels to provide office (use class B1) floor space; change of use of part ground, first, second and third floor to office (use class B1) floor space; installation of two extensions adjacent to Campden Hill Tower at second floor level to provide additional office (use class B1) floor space at second floor level; change of use of second floor of Campden Hill Tower to office (use class B1) floor space; resulting in total uplift of 4,155 sq. (GEA) of office (use class B1) floor space; works to rear service road; installation of plant and associated alterations.(MAJOR DEVELOPMENT)) for alterations to shopfront and rear facade, including additional set of retail doors to front of unit and spacing of re tail doors to continue symmetry across ground floor facades; enlarging louvre opening at high level on ground floor and additional louvre at first floor level along Bulmer Place. Approved 10 June 2019.</p>
7-69 Notting Hill Gate	PP/17/07174	Re-cladding of existing building at first to third floor levels, change of use of part ground, first, second and third floors to office (use class B1) floor space, provision of one additional storey of office floor space at fourth floor level to provide a total of 2,555 sq. (GEA) of office (use class B1) floor space and installation of plant and associated alterations (MAJOR DEVELOPMENT)	RBKC	Approved	6 January 2017	<p><b>Variation of condition 2 Ref. PP/17/07174 (approved drawings)</b> of planning permission 16/05236 for amendments to shape of mansard and roof, with provision of additional windows to rear of the mansard. Approved 27 March 2018.</p>

## OFFICES

London (West End)  
One Fitzroy  
6 Mortimer Street  
London, W1T 3JJ  
Tel. +44 (0)20 7493 3338

London (City)  
Bow Bells House  
1 Bread Street  
London EC4M 9BE  
Tel. +44 (0)20 7489 8900

Birmingham  
45 Church Street  
Birmingham B3 2RT  
Tel. +44 (0)121 616 4800

Cardiff  
32 Windsor Place  
Cardiff CF10 3BZ  
Tel. +44 (0)29 2038 8044

Glasgow  
6th Floor, 145 St Vincent St,  
Glasgow G2 5JF  
Tel. +44 (0)141 221 6397

Leeds  
1 York Place  
Leeds LS1 2DR  
Tel. +44 (0)113 204 8419

Manchester  
No1 Marsden Street  
Manchester M2 1HW  
Tel. +44 (0)161 259 0450

Milton Keynes  
Avebury House  
201-249 Avebury Boulevard  
Milton Keynes MK9 1AU  
Tel. +44 (0)1908 685950

West Malling  
35 Kings Hill Avenue  
West Malling  
Kent ME19 4DN  
Tel. +44 (0)1732 229420