

22 October 2020

Holiday Inn, Kensington Forum Hotel 97-109 Cromwell Road, Kensington

**in the Royal Borough of Kensington and Chelsea
planning application no. PP/18/03461**

This addendum sets out various factual updates, clarifications and corrections which need to be considered in conjunction with the Representation Hearing Report originally published on 14 October 2020 (GLA ref: GLA/4266/03).

Recommendation summary

The recommendation should read: The Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority as Local Planning Authority for the purpose of determining this application,

Officer recommendation- reasons for approval

Paragraph III should read: The design and layout principles are well-considered. The massing and layout respond to the site's constraints and sensitivities including the character of the wider conservation areas, registered parks and gardens and listed buildings in proximity. The proposed tall building replaces the existing tall building and would provide a distinctive and high-quality Metropolitan-scale landmark. The scheme provides for well-defined public and private spaces, amenity and play spaces, and landscaping elements that respond to the proposed character areas of the site. The proposals adhere to the principles of designing out crime. As such the proposal complies with Policies 3.5, 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.13 of the London Plan; Intend to Publish London Plan Policies GG6, D1, D4, D6, D8, D9 (design criteria), D10, D11, D12, D14, HC1 and G5; and, RBKC Local Plan Policies CL1, CL2 and CL11. The proposal would not comply with Policy 7.8 of the London Plan, Policy D9 (heritage) and HC1 of the Intend to Publish London Plan and Policies CL3 and CL4 of the RBKC Local Plan as the proposal does cause less than substantial harm, at the lower end of the scale, to the significance of the setting of nearby designated heritage assets. However, the proposal is not contrary to the development plan when considered as a whole as the identified harm would be outweighed by the public benefits of the scheme, namely the economic benefits to be derived from the modern visitor accommodation proposed, the 62 London Affordable Rent housing units and the re-established publicly accessible green space.

Section 106 Legal agreement and conditions

Since the publication of the report, the monitoring contribution payable to the Council has been increased and the carbon off-set contributions have been revised.

Paragraph 7 should read: "Other obligations would be secured as follows:

- compliance with Local Procurement Code, including submission of a Local Procurement Strategy and the provision of opportunities for local businesses to bid/tender for the provision of goods and services required during and after construction;
- local procurement financial contribution of £12,800.00 (index-linked) to be paid to the Council;
- completion of Ashburn Garden Square, and submission of final Ashburn Garden Square management plan;
- a financial contribution of £2,450,000.00 (index-linked) to be paid to the Council towards public realm improvements;

- compensation for loss of amenity to tree contribution of £77,000.00 (index-linked) to be paid to the Council;
- public art strategy and provision of public art to the value of £387,600;
- carbon off-set contribution of £70,200.00; would be secured and provided prior to commencement of development to meet the London Plan's requirements for major residential development to achieve zero carbon emissions. Should the Intend to Publish London Plan be adopted prior to a decision on this application, the applicant would be required to pay a further £7,917,300.00 in order to meet the zero-carbon target for the commercial element of the scheme. In addition, there would be an increase in the residential element to £111,150.00. As such, should the Intend to Publish London Plan be adopted prior to a decision into this application the total carbon offset payment to be secured would rise to £8,028,450.00. Should the Intend to Publish London Plan be adopted prior to the decision, the s106 agreement shall include clauses which secure the circa £8 million whilst also allowing the applicant to reduce this contribution through the submission of an alternative Energy Strategy which could provide further reductions towards on site carbon reductions in line with the energy hierarchy of the Intend to Publish London Plan. The submission of any revised Energy Strategy shall be agreed by the Local Planning Authority prior to commencement of development; and
- financial contribution of £92,785.50 (index-linked) to be paid to the Council towards the costs of the Council for monitoring.”

Paragraph 420 should read: “Other obligations would be secured as follows:

- compliance with Local Procurement Code, including submission of a Local Procurement Schedule and the provision of opportunities for local businesses to bid/tender for the provision of goods and services required during and after construction in compliance with the requirements of RBKC Planning Obligations SPD;
- local procurement financial contribution of £12,935.20 (index-linked) to be paid to the Council to comply with the requirements of RBKC Planning Contributions SPD;
- completion of Ashburn Garden Square, and submission of a final Ashburn Garden Square management plan, to ensure that the Square is delivered and made accessible to the public as a benefit of the scheme;
- a financial contribution of £2,450,000.00 (index-linked) to be paid to the Council towards public realm improvements to enhance the appearance of the development and the pedestrian experience in accordance with RBKC Planning Contributions SPD;
- protected tree contribution of £77,000.00 (index-linked) to be paid to the Council to mitigate against the loss of amenity from tree pruning;
- public art strategy and provision of public art to the value of £387,600 in accordance with RBKC Planning Contributions SPD;
- off-set contribution of £70,200.00; would be secured and provided prior to commencement of development to meet the London Plan's requirements for major development to achieve zero carbon emissions. Should the Intend to Publish London Plan be adopted prior to a decision on this application, the applicant would be required to pay a further £7,917,300.00 in order to meet the zero-carbon target for the commercial element of the scheme. In addition, there would be an increase in the residential element to £111,150.00. As such, should the Intend to Publish London Plan be adopted prior to a decision into this application the total carbon offset payment to be secured would rise to £8,028,450.00. Should the Intend to Publish London Plan be adopted prior to the decision, the s106 agreement shall include clauses which secure the circa £8 million whilst also allowing the applicant to reduce this contribution through the submission of an alternative Energy Strategy which could provide further reductions towards on site carbon reductions in line with the energy hierarchy of the Intend to Publish London Plan. The submission of any revised Energy Strategy shall be agreed by the Local Planning Authority prior to commencement of development; and
- a payment of £92,785.50 (index-linked) to the Council towards the costs of monitoring.”

Current application

Paragraph 29 and 30 should read: On 14 December 2018 RBKC filed a Judicial Review (JR) claim form with the High Court, challenging the Mayor's decision to direct that he is to act as the Local Planning Authority for the purpose of determining the application. On 19 March 2019, the Mayor filed a Consent Order with the High Court agreeing that the decision of 5 November 2018 ought to be quashed. The Consent Order was approved by the Court on 16 April 2019. Under the terms of quashing the order the Mayor was granted another 14 days to decide whether to take the case over for his own determination again, or allow the Council to determine the application itself. On 23 April 2019, the Deputy Mayor considered a GLA planning report reference GLA/4266/03, which similarly recommended that the Mayor intervene in this case and issue a direction under Article 7 of the Order that he would act as the Local Planning Authority. The Deputy Mayor agreed to this recommendation and issued a direction on 23 April 2019.

Since the Deputy Mayor issued this direction, GLA officers worked with the applicant to secure a revised affordable housing offer to provide 62 LAR units (100% of the housing units proposed). Revised plans were submitted by the applicant on 24 April 2019 and are discussed below.

Conclusion on heritage assets

Paragraph 302 should read: In summary, GLA officers consider that in instances where harm to significance would be caused, it would be less than substantial at the lower end of the scale. This harm must be given considerable importance and weight in the decision and any harm requires clear and convincing justification. As harm has been identified, the proposal would conflict with Policy 7.8 of the London Plan, Policies D9 and HC1 of the Intend to Publish London Plan and Policies CL3 and CL4 of the RBKC LP. However, as is explained below, the harm is outweighed by the public benefits the scheme would deliver, namely improved and modern visitor accommodation that would deliver London-wide economic benefits, 62 genuinely affordable rented housing units and a public garden square. In addition, the scheme will replace a building considered an 'eyesore' in the Council's BHSPD with a building of high quality architecture which has a beneficial impact to some views.

Energy strategy

To align with the revised carbon off-set figures, paragraph 347 and the following paragraph should read: Overall savings: Based on the energy assessment submitted, an on-site reduction of 33 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic buildings, equivalent to an overall saving of 46%. For the non-domestic element, an on-site reduction of 1,658 tonnes, equivalent to an overall saving of 37% is expected. The carbon dioxide savings exceed the 35% target for non-domestic buildings but do not meet the zero-carbon target for domestic buildings. As such, a contribution is required to make up for this shortfall, which has been estimated at £70,200.00 and will be paid into RBKC carbon offset fund. This would be secured in the S106 agreement.

The Intend to Publish London Plan introduces a zero-carbon target for non residential buildings. Policy SI2 states that where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund. The Intend to Publish London Plan paragraph 9.2.4 makes it clear that the zero carbon target will apply for non-residential developments on final publication of the Intend to Publish London Plan. In order to meet the zero-carbon target for the commercial element of the scheme, a contribution £7,917,300.00 would be required. In addition, there would be an increase for the residential off-set contribution to £111,150.00. As such, should the Intend to Publish London Plan be adopted prior to a decision into this application the total carbon offset payment to be secured would rise to £8,028,450.00. Should the Intend to Publish London Plan be adopted prior to the decision, the s106 agreement shall include clauses which secure the circa £8 million whilst also allowing the applicant to reduce this contribution through the submission of an alternative Energy Strategy which could provide further reductions towards on site carbon reductions in line with the energy hierarchy of

the Intend to Publish London Plan. The submission of any revised Energy Strategy is to be agreed by the Local Planning Authority prior to commencement of development.

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

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