

11 November 2014

Former TA Centre, 245 Warwick Road

in the London Borough of Kensington & Chelsea

planning application no. PP/14/06678

Strategic planning application stage 1 referral

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

The proposal

Section 73 Minor Material Amendment for the variation of of Condition 2 (approved drawings) of planning permission PP/14/01234 for new facade details to the Warwick Road Building (Block 1); new facade details to the Courtyard Building (Block 2); new facade details to the Railway Building (Block 3); a change to the mix, habitable rooms and layout of the affordable housing (Block 3); and a change in the mix and habitable rooms of the market accommodation within the Courtyard building (Block 2).

The applicant

The applicant is **Embassy Development Ltd**, the architect is **Swanke Hayden Connell International**, and the agent is **Gerald Eve**.

Strategic issues

Energy is the most relevant strategic issue for this proposal.

Recommendation

That Kensington & Chelsea Council be advised that the application complies with the London Plan for the reasons set out in paragraph 27 of this report and does not need to be referred back to the Mayor.

Context

1 On 1 October 2014, the Mayor of London received documents from Kensington & Chelsea Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor has until 11 November 2014 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Categories 1A and 1B of the Schedule of the Order 2008:

- 1A "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."

- 1B “Development (other than development which only comprises the provision of houses, flats, or housing and flats) which comprises or includes the erection of a building or buildings (b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres.”

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

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

Site description

5 The application site is 245 Warwick Road, also known as the former TA site, and is approximately 0.8 hectares in size. The site has historically been used as a car park, but is currently used to store materials and site accommodation for the neighbouring sites under development

6 It is located on the west side of Warwick Road, approximately 100 metres from the junction with Kensington High Street. North of the site is Radnor Terrace, beyond which is the Charles House site, 375 Kensington High Street, being built out with a residential scheme incorporating a school. To the east is Warwick Road, on the opposite side of which is the residential building of Durrels House. To the south is the Telereal site, 213-215 Warwick Road, being built out with a residential scheme. To the west is the West London railway line.

7 The site is located on the A3220 Warwick Road, which is part of the Transport for London Road Network. Warwick Road connects with High Street Kensington, which is part of the Strategic Road Network. The site has a public transport accessibility level of 4 to 5, on a scale where 1 is poor and 6 is excellent. Kensington Olympia station (District Line and West London Line) is approximately 600 metres away. Earls Court station (District and Piccadilly Lines) is approximately 1,000 metres, West Kensington station (District Line) is approximately 1,100 metres and High Street Kensington station (District and Circle Lines) is approximately 1,200 metres. Eight bus routes serve the site, with the nearest stop (within 200 metres of the site) serving routes 9, 10, 27, 28 and 49. A further bus stop is located approximately 400 metres from the site with access to routes 328, C1 and C3. Route 74 can be accessed approximately 600 metres away from the site.

Details of the proposal

8 The proposal is a Section 73 application for minor material amendments to the approved scheme including changes to the building facade details, slight changes to the mix, number of habitable rooms, and layout of the residential accommodation. The facade changes have necessitated a revised Energy Strategy.

Case history

9 On 8 February 2008, the Mayor of London received documents from Kensington & Chelsea Council notifying him of an application for “*planning permission for 255 flats, 481 sq.m. A1 (shop), A2 (financial), A3 (restaurant) or D1 (non-residential institutions) use, 227 car parking spaces at basement level and new open space.*”

10 On 2 June 2008, the Mayor advised Kensington & Chelsea Council that he was content for it to determine the case itself, subject to any action that the Secretary of State may take, and did not therefore wish to direct refusal or direct that he was to be the local planning authority.

11 On 4 March 2014, the Mayor of London received documents from Kensington & Chelsea Council notifying him of an application for a Section 73 application for minor material amendments for “*variation of condition 2 (approved drawings) of planning permission PP/08/00218 (Redevelopment to provide 174 market residential units and 81 affordable residential units, 481 sq.m. of Class A1 (shop), Class A2 (Financial and Professional Services), Class A3 (Restaurant and Cafes) or Class D1 (Non-Residential Institutional) use, together with open space and associated access, parking and landscaping) for amendments to floor to floor heights, unit size, mix of market residential units, block size and alterations to basement.*”

12 On 28 March 2014, the Assistant Director of Planning advised Kensington & Chelsea Council that the application did not raise any new strategic planning issues, and the Mayor of London did not need to be consulted further.

Strategic planning issues and relevant policies and guidance

13 The most relevant issues and corresponding policies are as follows:

- Climate change *London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2010 Kensington & Chelsea Core Strategy, the Unitary Development Plan Extant Policies and the 2011 London Plan (with 2013 Alterations).

15 The following are also relevant material considerations:

- The National Planning Policy Framework and accompanying Planning Practice Guidance.
- The draft Further Alterations to the London Plan (January 2014).

Climate change - energy

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

17 The space cooling demands of the dwellings have been provided and the applicant has confirmed that an overheating risk analysis has been carried out, finding that the overheating risk is assessed as slight or not significant. While no dynamic simulation modelling has been provided to further assess the risk of overheating, this is accepted in this instance given the small risk.

18 The development is estimated to achieve a reduction of 20 tonnes per annum (5%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant development through the first stage of the energy hierarchy (‘Be Lean’). Sample DER and TER sheets including efficiency measures alone have been provided to support the savings claimed.

19 The applicant has carried out an investigation and there are no existing or firmly planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

20 The applicant is proposing to install a site heat network supplied from a single energy centre. A drawing showing the route of the heat network linking all buildings on the site has been provided.

21 The applicant is proposing to install a 150kWth gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating (70% of the load in total). Monthly load profiles for the development and contribution from CHP throughout the year have been provided to support the CHP sizing. Information has been provided on the management arrangements and electricity sale strategy for the system, confirming that it will be designed to allow for the use of the electricity on site and/or for export to the grid. The decision on which approach to take will depend on commercial factors at the time and will be decided by the management company, which is an acceptable approach. A reduction in regulated CO2 emissions of 137 tonnes per annum (35%) will be achieved through this second part of the energy hierarchy ('Be Clean').

22 The applicant has investigated the feasibility of a range of renewable energy technologies and has found PV to be feasible but is not proposing installation as the target is being met without the need for it. The installation of solar PV, while not required, would be supported.

23 Based on the energy assessment submitted, a reduction of 157 tonnes of CO2 per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 38%. The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan.

Local planning authority's position

24 The proposal is likely to be considered under delegated powers in November 2014.

Legal considerations

25 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

26 There are no financial considerations at this stage.

Conclusion

27 London Plan policies on energy are the most relevant to this application. The application complies with these policies, for the following reasons:

- **Climate change - energy:** The required information on the energy strategy has been provided and the carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan.

28 The Mayor does not need to be consulted again on this application.

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

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