



# THE KENSINGTON SOCIETY

WINTER NEWSLETTER 2019

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# The Chairman's Report

WE MUST APOLOGISE for the late production of the newsletter. Our trustees continue with an increasing workload applied to us from government and the council. However, we have had a few setbacks from either our own health or that of our spouses. All is well now. Thomas Blomberg, our wonderful newsletter editor, will return next year, and he will continue with the blog and the website both of which we highly recommend.

I am writing this obviously later in the year than expected. I had not thought, back in October when I started writing, that there would be an election and everything could change. With the new government we have an opportunity to drive for changes in many areas. Housing will be at the forefront with emphasis on protecting housing that is truly affordable. The fact that RBKC has not produced the Mayor's required number of houses means that we shall see sites, which no one thought could be redeveloped, deemed suitable. This will obviously mean a drive for increase in density and height. We must also push for changes in the definition and the implementation of true "care" home policies. We have had promises for more police but we have seen all our stations closed but one. Perhaps that direction will change too. We see the Notting Hill police station site as an opportunity for a large NHS centre of excellence, perhaps a centre for care of the elderly especially, a dementia facility and, of course, the return of a police presence. Other local needs to be addressed with better controls over the loss of low-cost rental housing to the likes of Airbnb and expensive studio flats. Retaining our community assets remain a challenge but the council is on our side. Public engagement has dramatically increased though we still see Key Decisions proposed with limited consultation.

The articles within this newsletter outline and update you on what has happened since the AGM; so much has happened and there is so much more to do next year.

We wish you a happy new year and we all look forward with 20:20 vision.

AMANDA FRAME, CHAIRMAN

Photograph: photoBECKET



# Segregated Cycle Lane

The Kensington Society hosted a public meeting on 13 May where TfL was invited to present their recent proposal for dedicated cycle lanes connecting Holland Park Avenue through the borough from Princes Gate to Shepherd's Bush. Over 350 members of the public attended.

RBKC's position has been *"Encouraging cycling is one of the council's borough transport objectives. We want to make sure cycling is safe, easy, attractive and inclusive for all. We are also concerned about the impacts of poor air quality on our residents and believe making cycle trips safer is part of the solution to providing alternatives to motor vehicle trips."*

However after having reviewed the proposal and heard the extent of the opposition from the residents and businesses opposing the proposal the council issued this statement: *"Whilst the council supports cleaner and more active modes of transport in our borough and across London – indeed, whilst the Council wants to promote healthier city living and to reduce air pollution – we cannot support TfL's proposals for Holland Park Avenue, Notting Hill Gate and surrounding streets".*

THE TRANSPORT FOR London proposal for a segregated cycle lane along Notting Hill Gate and Holland Park Avenue has taken up a lot of our time over the last eight months.

In May, out of the blue, TfL announced plans for a two-way segregated cycle lane between Palace Gate and Shepherd's Bush. This was part of their wider plans for a network of cycle "super highways" allowing cyclists to travel safely and quickly between outer and central London. The network is already partially built and when finished will have 12 highways converging on central London like the spokes of a wheel.

The Notting Hill Gate/Holland Park Avenue section would be part of route number 9, running between central London and Acton. The segregated cycle lane at Lancaster Gate is part of it and TfL have put plans to Westminster Council for the section between Lancaster Gate and Notting Hill Gate and is discussing plans for the section beyond Shepherd's Bush with Hammersmith and Fulham Council.

This is an ambitious plan first started by Boris Johnson when he was Mayor of London and one that has much to be said for it. There is no denying that the more that people can be persuaded to walk or cycle, for both work and leisure journeys, the better for the environment and cycling also brings health benefits.

As we know from the frequent reports of tragic accidents in the press, cyclists are extremely vulnerable to collisions with motor vehicles which often leave the cyclist dead or with serious injury (collisions between cyclists and pedestrians can also sometimes be pretty nasty, especially for the pedestrian). Segregated lanes are clearly the optimal solution for cyclist safety (although there are some doubts about two-way cycle lanes). There was, however, immediate and vociferous opposition to the TfL plans from people living on or around the chosen route – although also an equally

# in Holland Park Avenue

vociferous minority among our members were in favour of the proposals and critical of what they saw as nimbyism.

The Kensington Society supports cycling and approached this consultation with an open mind. However, it soon became clear that the scheme put forward by TfL would cause a number of problems for walkers and users of public transport and was also likely to have perverse environmental effects. It would have meant removing a bus stop in Holland Park Avenue and putting other bus stops on “islands” between the pavement and the cycle lane. Pedestrians crossing the road would have to negotiate both the cycle lane and the road. This terrified many people, especially the elderly, because of the speed cyclists can go down Holland Park Avenue and the propensity of rogue cyclists to shoot across red lights (and many of us know somebody who has an unfortunate entanglement with a cyclist while on foot).

On the environmental front the concerns were twofold. First, the scheme would mean effectively reducing the lanes available to motor vehicles to one on each side for much of the length of the route. This would inevitably cause congestion and increased pollution during busy times, as well as rat-running by motorists in residential streets. The congestion would also mean slower buses, as we have seen in Lancaster Gate, discouraging people from relying on the bus. The other big issue was the need to remove some 27 trees to accommodate the cycle lane – two big planes near the bottom of Campden Hill Square and all the trees that were planted along Notting Hill Gate some 25 years ago. The latter were paid for by public subscription and have had a real dampening effect on the gale-force winds that used to blow through Notting Hill Gate.

Following consultation with our members and local residents’ associations, we finally decided to object to the scheme as it currently stands. What really shocked us most, however, was the appalling way that TfL went about consulting residents on their plans. The first we knew of it was when the scheme emerged with almost every detail in place – like Pallas Athene springing fully grown and armed from Zeus’s head – with invitations to come and view (pretty confusing) plans in Kensington Town Hall and with a very short deadline for comments. The scheme must have taken many months or years to develop, yet no input was sought from residents and local businesses. This angered many people, who saw it as an attempt by TfL to railroad through their own pet project. In fact, TfL made clear that they were prepared to consider possibly quite substantial changes in response to residents, but by this time few believed them. The situation was compounded by TfL’s extreme secretiveness and reluctance to make documents and statistics available, or even to say whether certain statistics existed. Moreover, the online questionnaire that people were invited to complete consisted mainly of leading questions likely to elicit replies that could be interpreted as support for the scheme. Nowhere was there a question asking people whether they opposed or supported the scheme.

It was clear that people had a lot of questions which they felt were not being answered. The Kensington Society trustees decided that the Society should take the initiative and arrange a public meeting at which residents could question TfL. We received full cooperation from the council.

TfL were initially reluctant, insisting that they would only come if written questions were submitted in advance. In the end, however, they agreed to take all questions from the floor.

The large attendance included many from the cycling lobby. After the initial presentations by TfL, before questions could even start, the new RBKC lead member for Transport, Councillor Johnny Thalassitis, came up to the platform and made the surprise announcement that council had decided, because of the strong views of residents and businesses, that they would not support the scheme. This was met with uproarious applause from the audience, but the visible fury of the TfL speakers, who appear to have had no warning. One can have some sympathy with them, as the end of the consultation period was not until a few days after the meeting, and we know that many feel that the council ought to have waited before making their announcement. As it is, it changed the whole tone of the meeting, but did not prevent many pertinent questions to TfL. Unfortunately, the meeting was badly chaired (by an independent professional nominated by TfL) and ended in some disorder. But we feel that we did the right thing in facilitating this event.

RBKC is the highway authority for the roads in question, so TfL needs their agreement. The purported cost of the scheme between Notting Hill Gate and Wood Lane is £42m. The Mayor does have reserve powers to take over as highway authority, but these have never been used and use of them now would be very controversial.

Having promised to publish the results of the consultation in September, on 7 November TfL did publish their consultation report. It can be found on [tfl.gov.uk/wood-notting](http://tfl.gov.uk/wood-notting). Little changed and in the meantime, we are collaborating with local residents on devising alternative options. It is not easy, as almost any route presents some difficulty. Nevertheless, we hope to discuss possible ideas with TfL. We have resisted the offer of individual meetings with TfL as we all agree one united force is way best to convey our unified opposition. One date has been offered for a joint meeting, no alternative dates proposed. It is set for 21 January and will be with Dr Will Norman, the noted TfL cycle czar.



*Holland Park Avenue*



# Newcombe House

## The third public hearing for this important site

AS WE REPORTED in last Autumn's Newsletter, the Mayor of London, Sadiq Khan, reached a decision at the end of the second public inquiry in September 2018, that the Newcombe House project for Notting Hill Gate should proceed.

In negotiations with the GLA, the developers had revised their plans for the housing element by increasing the affordable housing provided on the site and had made other alterations – for instance, providing a second dedicated lift serving the new GP's surgery and a small increase in the surgery's floor area. For further details of the GLA approved scheme, please refer to our website for the October 2018 Update.

In that update, we stated that only a judicial review could overturn the decision – a decision taken after over three years in the planning application process; but we had not countenanced what followed, when James Brokenshire, then the Secretary of State for Housing, Communities and Local Government, called in the Mayor's decision and, after many months' delay, took a decision to submit the development to a new planning inquiry.

This third planning inquiry took place during the first and second weeks of November in the Grand Plaza Kensington Hotel, and to all intents and purposes its remit was to re-examine exactly the same scheme that was submitted to the GLA Inquiry back in September 2018. Each of the three participants – the developer, the GLA and the council was represented by a QC and back-up legal teams, leaving little room for the public in the hotel's bleak conservatory room. On the first two days of the Inquiry, it was standing room only.

The first day was taken up with a large number of individuals, political representatives, representatives of local

amenity societies and residents' associations who spoke – some at significant length and force – against the proposals.

The Kensington Society, which has taken a very close interest in the development of the proposals over many years, has remained consistent in its support of the proposals because of the much-needed public benefits that we fought for and which will stimulate a much-needed, and long-awaited regeneration of this important local centre, namely:

- an attractive public square, including provision for the return of the farmers' market;
- a major GP group practice surgery;
- the provision for step-free access to the District and Circle line southbound platform; access to the northbound platform is not possible from this site – it would need to be achieved as part of a separate development;
- the replacement and upgrading of the offices and shop;
- the provision of 55 housing units, including 23 units of affordable housing at social rents, with a proposed legal agreement with Notting Hill Genesis to provide a further 10 affordable socially-rented homes off-site with nomination rights to the Royal Borough of Kensington & Chelsea.

One of our trustees, Peter Mishcon, gave evidence on behalf of the Kensington Society and the Ladbroke Association. At the time of going to press, the planning inspectorate has not given a target date for publication of the inspector's decision, but we anticipate the decision will be published in April/May of 2020.

PETER MISHCON



*Newcombe House seen from corner of Kensington Church Street and Kensington Mall.*



# The Academy

**T**HE ACADEMY PUBLIC house which is situated on Princedale Road has been closed since August 2016.

Earlier this year refurbishment of the upper floors was carried out and everything pointed to the occupation of those floors as a separate residence.

To The Academy is listed as an Asset of a Community Value (ACV) and crucially the listing, upheld by a First Tier Tribunal in November 2015 following an appeal by the then owners, Wellington Pub Co, applies to the entire building.

Additionally, the permitted planning use of the upper floors is as accommodation ancillary to the pub, and not as a separate residence.

The matter was reported to the council who have now issued an Enforcement Notice alleging: “without planning permission, the material change of use of the property from a public house (Use Class A4) with ancillary residential accommodation to a solely residential use (Use Class C3)”.

The Notice requires the cessation of the unauthorised use and certain reinstatement relating to the physical separation.

The current ACV listing expires on the 30 December 2019, the Norland Conservation Society have applied for its renewal and we are hopeful with the continued support of the locals it will be successful.

We will keep you updated.

MARY SHEEHAN



*The Academy as it looks today.*

## Notting Hill Police Station

**I**N NOVEMBER 2017 the Mayor's Office for Policing and Crime (MOPAC) announced that as part of its plans to save £400 million, Notting Hill Police Station was one of 41 stations in London to close.

To save the building from property development and, to retain it for community use, the Kensington Society successfully nominated the property as an Asset of Community Value. This listing lasts for 5 years to November 2022 and should MOPAC decide to sell, community interest groups have an opportunity to bid, during which any sale by MOPAC is put on hold. The future use of the building and site is restricted by Policy CK1 in the Local Plan which resists change from social and community uses.

We regret that at present we have nothing further to report but continue to meet with the council and councillors in the hope that in any re-development we can facilitate a continued community use. We have discussed with NHS London the possible relocation of several GP surgeries together with other related services including a dental surgery and a care centre for senior citizens.

Though the station is now closed to the public we still hope that a police presence can be included in any future use.

This is not proving an easy challenge, but we remain positive that we can help find a satisfactory solution for the community.

MARY SHEEHAN



## Luxury housing for the new 'extra care housing' market

**H**EYTHROP COLLEGE is the last surviving large educational site in the borough and is protected by the council's policy to retain such sites for social and community uses. The site is tucked away behind Kensington Square alongside the District and Circle lines. It is landlocked, with only one entrance through a narrow lane, South End. After fierce criticism from the council's planners, the first application was withdrawn in late April 2018, shortly before the local elections. This was the second application for this development.

The plan is for a development which would not just cover the existing site, but also deck over the underground tracks south of Kensington High Street tube station. On that deck there would be five new buildings, up to eight storeys high. Besides the luxury homes, the development would provide a yoga studio, cinema, wine tasting room, a hair and beauty salon, a dog grooming room, a spa with special hydro pools, a swimming pool and a gym, a pilates room, a restaurant, a library, a café and a 1.6-acre landscaped garden – just about everything a super-luxury housing scheme offers. Only the restaurant and garden would be open to the public. The flats would cost £3-6 million each to buy or would be let for between £83,000 and £156,000 per year (at the moment it is unclear whether the flats will be sold or let) plus large service charges, as well as any care charges above the 2 hour limit.

This proposal is completely at odds with the council's own local plan policy (CK1) which seeks to protect low-value social and community uses, including education, from being converted to high-value uses such as housing.

Westbourne Capital, the developer, applied to change the use from education to luxury 'extra-care' housing. 'Extra care' as defined by the government is a self-contained home with a separate front door, a legal right to occupy the property and a domiciliary care package of, at least, two hours per week.

### Claims to be a nursing home

Normally, the development of a large luxury residential site would require a substantial contribution of affordable housing. The former school area would not be available for housing, as the council's local plan and SPD (supplementary planning document) for the site, adopted in May 2016, state that it should be reserved for "social and community" uses.

However, by adding "flexible and adaptable" extra care to their plans, the developers claimed that the complex should be classified as use class C2 residential institutional (the same use class as care homes) and would thereby not only fulfil the SPD's requirement of "social and community" use, but would also negate the need to provide any affordable housing.

### Second application

This new application was much the same as the first, although the number of extra care flats is increased from 142 to 150, the underground resident parking, and the height of some of the new buildings have both been reduced. Three large houses in Kensington Square, which were part

of the purchase, were proposed to be converted into private single homes instead of being part of the "care home" development – which in turn required the creation of five intermediately affordable flats (80% market rate) by the South End entrance to the site. These changes were apparently sufficient for the planning department to recommend approval, and despite the society and the local residents' strong objections, the planning committee granted consent on 27 November 2018 with only one councillor objecting.

The planning consent was subject to the Mayor of London's agreement, who in April 2019 directed RBKC to refuse consent. The reason for refusal was the lack sufficient affordable housing.

In turn, Westbourne Capital appealed the Mayor's decision in May, initially suggesting that the appeal could be dealt with by written representations only. The planning inspectorate disagreed and promoted the appeal to a full hearing, subsequently further upgraded to a public inquiry which will start on 28 January 2020.

This is an unusual case, where, despite the scheme having been recommended by the planning officers and approved by the planning committee, the council will be supporting the applicant at the public inquiry, while the Society, the Victoria Road Area Residents' Association, Kensington Court Residents' Association and others support the Mayor's refusal. We will be fighting not only the appellant, but also the council's proposal to grant consent.

The developer had persuaded the council that this 'extra-care' housing scheme should be classified as a social and community use. The Mayor did not agree that this scheme should be regarded as if it were a 'care home' but as housing, which would require the applicant to provide and the council to seek a significant proportion of affordable housing. The scheme contains no affordable housing directly related to the 'extra-care' housing.

This case is a fundamental challenge as to how serious the council is in protecting our remaining social and community uses.

**MICHAEL BACH**





Many people have not heard of this clumsily named council scheme, even though it has now been going since 2011. In each ward, the councillors are given a sum of money – £20,000 in three-councillor wards and £14,000 in the smaller two-councillor wards – to spend on local projects in consultation with local people. The scheme is intended to “enable residents and community groups to work with ward councillors in bringing about practical, positive changes in their neighbourhoods”. Councillors have a pretty free hand to choose the projects, but all the councillors in that ward must agree. Projects range from activities for older people or the young such as homework clubs; or arts and craft festivals; or contributions towards the repair of a local church, to name just a few.

As part of the Governance Review following the Grenfell Tragedy, the council decided to review the scheme. In particular, they have decided to increase the funding. From the next financial year, the three-councillor wards can spend up to £30,000 and two-councillor wards £21,000 per year. Provision will be made for carry-over. There will also be additional finance for staff to help run the scheme.

All this is welcome. We were concerned, however, at the almost total absence of consultation with residents before the new arrangements were announced. There was a brief and rather muddled discussion of the scheme during one of the series of public meetings organised last year by the council to discuss the whole range of governance issues. These meetings were not well attended and there was no direct consultation of residents’ associations.

Points made at the governance meetings included suggestions that there was a case for a partially area-based rather than purely ward-based scheme; and that the more affluent wards should not necessarily receive as much funding as the less well off ones. We are not necessarily in agreement with these suggestions, but we feel that they should at least have been considered in the paper on the scheme that was submitted to the full council for approval in May. We are happy to say, however, that the council has assured us that, as the details of the new scheme are worked out, residents’ associations will be properly consulted.

The scheme is not without problems. Quite a few wards have struggled to find enough worthwhile projects to use their funds. For example, out of the £20,000 available to them each year, Abingdon’s average annual spend over the past five years was £3,900; Holland’s was £5,194; and Courtfield’s was £7,625. These are of course all less needy wards, and spend in the less well-off wards of North Kensington has been much higher – for example £18,611 annual average in Notting Dale and £14,951 in Colville.

To some extent this disparity may be due to councillors in some wards being less active than others, but it seems likely that the main effect is from the greater social need in some wards. The council have set their face against “means-testing” wards so that the needier

wards can receive more. We do think, however, that there is a case for all wards to be asked to say, three months towards the end of the year to confirm whether they have more projects than can be funded, or are unlikely to use their funds. In this way some judicious redistribution of funding might be possible – something which we think most residents of the less needy underspending wards would be happy to see.

Another problem area is the treatment of projects that straddle several wards. This applies in particular to projects to help make high street shopping centres more attractive, for instance by installing Christmas lights. In Kensington High Street, local traders need to make applications to four separate sets of councillors, in Holland, Campden, Abingdon and Queensgate. Not only does this mean an awful lot of democracy, but if one councillor disagrees, the other wards have to bear a disproportionate cost. The council argue that the current system should encourage councillors to work together, but this is not our experience. The council also argue strongly that the scheme is a way of encouraging councillors to be more active within their wards, and that this argues for a strictly ward-based scheme.

Then there are practical problems. Payments have to be made to a local group or organisation, such as a charity or residents’ association, and they are made in advance, rather than against individual invoices submitted to the council. Many smaller bodies, however, do not have separate bank accounts. This means either the money has to be paid into the private bank account of an individual, or it has to be parked with an organisation like the Kensington Society until it can be spent – something that makes our treasurer uneasy as it is not Kensington Society money. We have suggested to the council that they should set up some sort of escrow account into which allocated funds can be paid, operated either by the council itself or by the councillors in each ward.

Despite these problems, however, this is a praiseworthy scheme and we hope our members will approach their councillors with ideas for making good use of the moneys available.

There is a much larger sum of money sitting in council coffers under the Community Infrastructure Levy (CIL) scheme, which the government introduced in 2010. The council has been levying money from developers under this scheme, which is aimed at providing funds for local infrastructure and the development of the area. They have now accumulated more than £6 million which must be used for “neighbourhood” schemes on which residents must be consulted. We are still awaiting a consultation paper from the council on how this money should be allocated, but it will add considerably to the amount that local areas will have to spend on infrastructure and other improvements. So put your thinking caps on!

# 100 West Cromwell Road



ON 5 FEBRUARY 2019 a planning application for yet another proposal to redevelop 100 West Cromwell Road was submitted. The proposal was for a larger, more complex development for the area, which is bounded by the railway, West Cromwell Road, Warwick Road and the large Tesco store.

The wall of buildings and the tall building on the corner were features of the previous proposals. There were approximately fifty objections, including the Kensington Society, Historic England, ESSA and the Earls Court Society. Most of these focused on the heights of the buildings, in particular, the corner building which would be substantially higher than the existing consented scheme.

Other concerns included how effective the social accommodation would be as it is scattered over the whole site. Historic England has expressed concerns over the impact of the tall buildings on listed buildings in the area and on the conservation areas which surround the site.

The buildings are mainly grouped around a high-level walkway. The officer's report concluded that, because of the excessive scale, the resulting public space would be of poor quality with a feeling of enclosure and recommended refusal.

On 30 May the planning committee agreed with the officer's report and unanimously refused the application. On 1 July the Mayor of London directed the council that he will act as the Local Planning Authority, removing the right of RBKC to determine the application.

The Mayor of London proposed new plans. At his direction, affordable housing is to increase but there is a conflict between the Mayor's numbers at 40% of habitable rooms and 35.5% based on RBKC calculation of actual unit sizes. Affordable housing is to be 42% social rented and 58% intermediate set at London living discounted to RBKC rates. There is to be no residential car parking except for blue badge parking, a public sports hall, a defined active play area on the podium and a community swimming pool and gym. Significantly, the tallest building is to increase from 22 to 29 storeys above podium.

## Local Plan adopted at last, now for the next one!

EVERY LOCAL AUTHORITY is required by law to produce a development plan for their area and to keep it under regular review, preferably every 5 years. RBKC's Local Plan was first adopted in 2010, a policy to protect pubs was adopted in 2012 and a new basement policy in 2014, and a consolidated document was produced in 2015.

In 2016 it was decided to undertake a partial review, covering the "place" chapters which describe the vision and proposals for specific areas, as well as chapters dealing with commercial developments, including retail units, offices, and housing. After consulting on these revised chapters, the changes went to an Examination in Public in autumn 2017.

The timing of this examination, coming soon after the Grenfell Tower fire, meant that the proposed housing chapter came under strong scrutiny, particularly the number of houses and flats to be built and any proposals for developments affecting council housing estates. Fortunately, the Greater London Authority propose to reduce the borough's housing target from a net additional 733 units per year to 488 units (now reduced to 448), reflecting both the need for rehousing people from Grenfell and the limited number of sites. A number of other changes were made to the housing chapter including the deletion of estate renewal schemes for Silchester, Barlby Treverton and other estates. There were also policies to control conversions and amalgamations (knocking houses or flats together). The size mix for new housing was changed from 80% of new units with 3 or more bedrooms to 50%, to ensure a better mix of new housing to meet local needs.

Other issues included a relaxation on shops turning to estate agents or restaurants in some town centres, especially in South Kensington.

The inspector's report on the examination and his proposals were sent to the secretary of state in early 2018. Because of the government's concerns about the housing policies post Grenfell, the secretary of state was unwilling to approve the revised plan as being "sound". This impasse continued until summer 2019, when the secretary of state was persuaded to agree the plan. The council resolved to adopt the revised Local Plan on 10 September, nearly two years after the conclusion of the examination.

Although many of the changes made in this partial review of the plan were essential, there are still many issues that need to be changed. The most sensitive will be how to identify more sites for housing, especially affordable housing; strengthening the vitality of our town centres, and, most importantly, how we address the climate emergency. The council is committed to completing the new Local Plan by the end of 2022.

Overall, there is a need for a new vision for Kensington and Chelsea for the next 20 years and a clearer idea of where new development will be encouraged. It will be a major test of the council's commitment to engage with residents and to act on their concerns. It will be a busy time ahead.

MICHAEL BACH



# The Odeon. What next?

**B**ETWEEN 1926 AND 1930 Leathart and Granger designed four cinemas, of which the Kensington which opened in 1926, was the first, and at the time of its closure it had become well known as the Odeon. Now the building, together with the adjoining redundant Post Office and sorting office, have been acquired by Lodha who have been specialising in high quality residential development around the world for nearly forty years. Their ownership began in October 2018 following three separate planning consents which had been previously obtained, all for a similar range of accommodation including 38 flats above the cinema, retail and leisure accommodation, flexible office space and a pool and gym for the use of residents.

As part of the proposed development of the site there have been a number of modifications. These are welcomed as improvements to the layout. For example one of the previous consents had nearly all of the cinema audience entering from lower down the Earls Court Road. Many local residents opposed the location of the entrance and considered that this would put undue pressure on the pavement space, particularly when children were using this access point. Lodha's proposal to return the cinema access to the large forecourt on Kensington High Street has been welcomed.

The planners have required more affordable housing and the design team are investigating how this may be achieved without harming the proposals. There appear to be opportunities for an additional floor on the blocks along the Earls Court Road and this may provide the opportunity for some additional decorative detail particularly where the newbuilding and the remaining corner building meet.

Parking will be provided using a car stacker along the western boundary of the site to Edwards Square. Large catering/leisure units will be offered within what was originally the cinema foyer. This is considered that this will help to enliven the high street frontage in this location.



The cinema entrance will be where the original Post Office counter was situated, looking out over the forecourt. This will provide space to have a coffee, meet friends and enjoy the surroundings and will lead to a generous sized staircase and lifts to the entrance levels for the auditoria, where there is to be further space for a restaurant and a bar

For the flats there are separate cores of lifts in each main building, and an internal pedestrian link across the site, with an entrance from Earls Court Road, uniting the main building and the Earls Court Road core. The upper levels provide space for flats some with small terraces and for the top two floors as duplex apartments in set from the edge of the fifth floor with a balcony running all the way round the building below.

As most of the existing buildings except the proscenium frontage have been demolished, there is hope that at last construction will start soon for this long-awaited development.

ANTHONY WALKER

## Earls Court Development – Or Not

**A**LL OF US have sat in wonder as Earls Court lay barren and the developers with such wild ideas, foundered. The residents of Hammersmith have always opposed the demolition of their homes along the North End Road and with that opposition and the return of a Labour council, the grand plans looked unachievable. Capital & Counties Properties (Capco) placed the site on the market some time ago and, at last, in November a sale was announced. Delancey, a real estate investment and advisory company based in London, and APG, a company whose website states it “was founded by successful investors....” bought the two sites for £425 million. Transport for London's (TfL) interests in the project remain the same as before which of course brings up questions about the possible decking over the tracks. Earls Court has truly gone global.

Though detailed planning consent was granted a number of years ago for the extensive Earls Court masterplan, it is now all change. As announced, the proposal is to divide the sites into two. The Conditional Land Sale Agreement with Capco included the London Borough of Hammersmith & Fulham's West Kensington and Gibbs Green housing estates. This agreement is to be “terminated” and the land returned to LBH&F. The estates will remain as the existing, social housing.

The other site, mainly comprising the Earls Court and, TfL sites, will be developed for housing. APG is primarily a

rental housing developer and the sites will be developed as rental properties with some owner-occupied houses and, depending upon funding, some offices. The announcements stated that there will be 2,000 homes. The London Plan requires 35% to be within the social housing sector.

It is envisioned that the planning process will take three years with construction period only two to three years. However this is Earls Court and we suggest, we wait and see...

AMANDA FRAME



# Kensington Forum Hotel – An Update

THE KENSINGTON FORUM Hotel (currently the Cromwell Road Holiday Inn) has had an extensive planning history since the initial permission was granted in 1970. A plan for a 24-hour casino to be constructed on the north side of the hotel was successfully fought off by local residents' associations. Most recently a new plan was submitted which involved the demolition of the existing tower and its replacement with two towers on top of a seven storey plinth. The proposal which effectively doubled the size of the development on this small site was refused by the RBKC planning committee on 27 September 2018.

However the Mayor of London disagreed with the refusal and decided to call-in the application and a public hearing at City Hall was to take place in April 2019.

His initial call-in of the application being successfully challenged by RBKC, the Mayor then changed his tactics and called-in on new grounds on 23 April. A further 200 letters of objection were submitted and added to the nearly 900 letters of objection that had been submitted previously to RBKC.

Meanwhile the Mayor negotiated solely with the developer an increase in housing units from 46 to 62 all of to be at London social rents. The plinth was increased from seven to nine storeys. Given that the majority of Victorian terraces in the vicinity are on average around five storeys, a plinth of nine storeys, built in a character and design entirely at odds with those terraces, would completely dwarf, oppress and enclose them. The two huge tower blocks, creating the tallest building in the borough, would be a monstrosity seen for miles around. The proposal would

replace one eyesore which should never have been built with another one even worse. It would not only do further damage to the conservation areas and heritage assets surrounding the site but also create a precedent for other developers to follow.

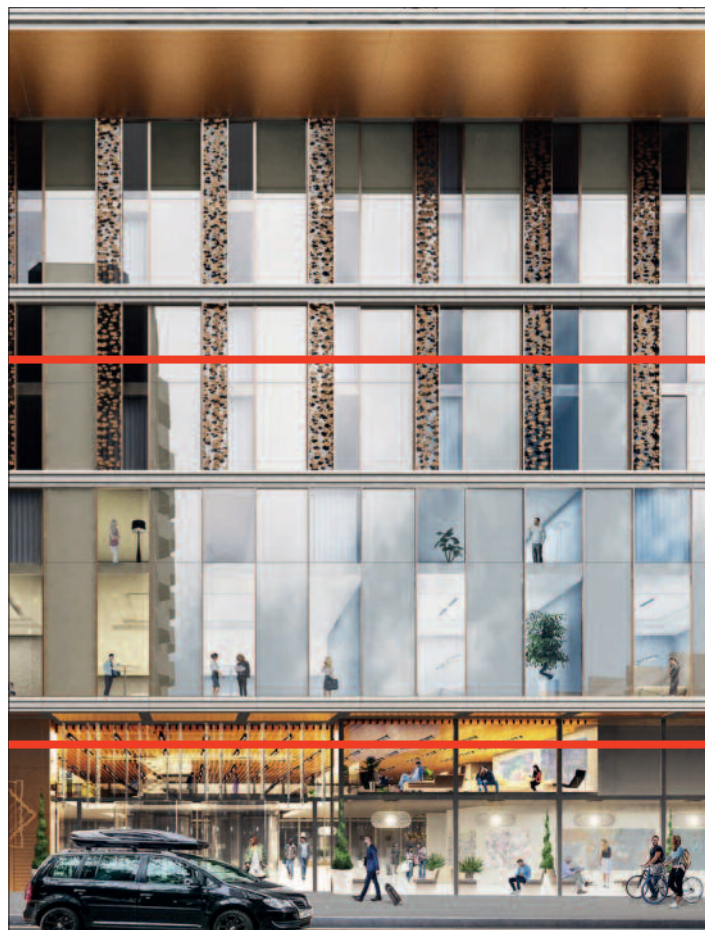
The public hearing took place before the Mayor on 21 June 2019 at which he approved the planning application, so overturning RBKC's decision to refuse it.

Normally there would be an opportunity for the Secretary of State for housing, Communities and Local Government to review and possibly call-in the application whilst it was still conditional and for it to be determined afresh by a planning inspector. However, the Mayor unexpectedly and surprisingly pre-empted this opportunity by declaring his decision unconditional within hours of the public hearing, purportedly on the basis that the conditions had been met.

As a result RBKC made a second judicial review application on 1 August 2019 alleging that the Mayor's decision to grant planning permission on 21 June 2019 was an abuse of power, procedurally improper and/or unfair. On 27 September 2019, a High Court judge allowed the application on the basis that one of the four grounds relied on was "plainly arguable". A public hearing was listed for 21 November 2019.

In the event the planning application completes all stages of the process and a valid permission is granted, the developer will still require the consent of RBKC under the London Squares Preservation Act 1931. The site on which the new buildings are proposed to be built comprises a legally protected garden. The present garden is 4,626m<sup>2</sup>. The proposal is for a reduction to 3,500m<sup>2</sup>. The developers have made much of their plans for landscaping improvements – however the provision and purpose of the garden, as it was broadly intended, is not a 'gift': it is a legal obligation.

The Kensington Society is working closely with the residents' associations involved as well as RBKC through a coordinating "top" team to help ensure that these development proposals never materialise.



*Proposed Ashburn Place façade – east side*



*Ashburn Gardens façade – existing west side*



# South Kensington Station redevelopment

**W**E CAN FINALLY report that the redevelopment of the area surrounding South Kensington Station was back in the news in the summer and it is not good news. Since then there has been no news. The long-awaited appointment of a development partner was made early 2019. TfL had finally agreed to have Native Land as their “partner”. Having known Native Land from the past, we raised our concerns over the commitment of TfL to retain the direction of the brief.

For many years, perhaps decades, the Kensington Society, along with many local residents’ associations, has been actively involved in the numerous plans for redevelopment of the station. In early 2015 TfL retained Deloitte Real Estate to assist in the production of a development brief for the Around Station Development (ASD). Following numerous consultations, meetings and discussions the brief was finally issued in October 2016. We generally approved the direction for development proposed. We had been optimistic that brief would direct the “partner” in the advancement within the terms of the brief.

Not to our surprise the first public consultation confirmed our fears. The brief was ignored. We had argued as a unified force for the redevelopment to be “conservation led”. What was proposed was clearly financially/commercially led with little regard for the conservation or historic architectural environment of the area. TfL sadly has hidden behind the skirts of the new architectural firm, Rogers Stirk Harbour + Partners (RSHP), not a firm known for its conservation awareness approach, as the reason so much has changed from the brief. However, it is obvious that the economic

climate has changed since 2016 as well as the Mayor of London’s controls over the spending and investment in TfL. The proposals increase the height, volume and density in every aspect of the development. The worst however is the architecture. It is urban at its most damaging with each site plastered with the same façade, scale ignored and the great architectural environment of South Kensington significantly harmed. It could be in Shanghai or Sydney – or any other modern city where RSHP have offices – but not South Kensington!

We along with the other RAs have expressed our horror. Following the first public consultation where we all stated our oppositions, nothing changed with the next public consultation. We understand that though only a few years separate us from when the brief was issued, times have changed. For us to continue to say “no” to every aspect of the direction TfL is going will be both counter-productive and dangerous. We now must accept that more development than we had hoped for will happen. What is proposed is totally objectionable. We have met with the RBKC planners and expressed our objections. We feel they are listening but TfL and Native Land are not. It is unfortunate for if what has been proposed in consultation is applied for, we will again be presented as the force of objection. Hopefully the planners will stand by us and the policies which ensure the conservation and refuse the application. We will then face another planning appeal. All so easily avoided.

AMANDA FRAME

## Post Office losses continue

**S**INCE 1938 THERE has been a post office at 41 Old Brompton Road. A “consultation” on 13 February, closed 27 March. The “consultation” was a tick box process. Almost immediately following the end of the “consultation” it was announced that this post office was to close on 31 July 2019.

The Kensington Society together with our own and local residents’ society members and supported financially by the Onslow Neighbourhood Association and the Knightsbridge Association, applied on 21 May to the council for the site to be designated an Asset of Community Value (ACV). The target decision date was 19 July. Not only had the site been in community use for over 80 years, it served a large and very densely populated community across four wards.

The Royal Post Office challenged our application. We retained Landmark Chambers for legal advice primarily challenging the PO’s position of Operational Land.

The post office closed on 31 July. Still no reply from our application for ACV designation. Then on 25 September, 9 weeks later, RBKC refused our application.

One reason given for the refusal was that the property was vacant so no longer had a community function. It seems that the council had waited just long enough to determine the application to allow the PO to vacate the site. Many ACVs have been accepted following closure so we disagree with this reason. If this is the council’s position,

we can now imagine pub owners gleefully using this to lock their doors and close-down whenever an ACV application is submitted.

The other reason given was the council’s disagreement with our legal opinion that the PO was protected under the Operational Land terms. We challenged this and asked through FoI for clarification of their legal position. We were denied the right to see the legal council’s position as “the legal advice given was to help the Council determine an issue, so legally privileged”.



We are of course disappointed. However, perhaps more disappointing is the way in which the council performed in its new “transparency”. The Local Plan states: “We put residents at the heart of everything we do. They have told us their priorities for their communities and we have listened”. Have they listened here?

AMANDA FRAME

# The kiosk saga continues

**H**OPEFULLY YOU ALL will know about the efforts made by this society and our affiliated societies to fight the onslaught by a variety of communication operators to use our pavements for advertisement kiosks. These have always been presented as telephones, with the advertisements conveniently attached. This battle has been going on for some time and even featured on the cover of our last newsletter. However, at last, sense has prevailed. Since October 2018 there have been over 58 appeals submitted against RBKC's planning department refusal. Of these appeals 51 were dismissed and only 7 allowed.

The breakthrough came when the City of Westminster took the matter to court arguing that the structures were primarily advertisements and not proportionately communication units. The judge agreed and this has enabled Westminster to refuse applications and to be successful on appeal. Since that court ruling RBKC has taken the same stance and as a result has saved our streets from the continuing abuse of our public realm.



## SAVE THE DATE!

**Monday 18th May 2020,  
6.30 for 7.00pm**

### The Kensington Society AGM



On 18 May 2020 you are all welcome to our annual general meeting. As usual it will be held in the Great Hall, at Kensington Town Hall, Hornton Street, and will be followed by a wine reception in the Mayor's Parlour.

Our guest speaker will be George Clarke, architect, television presenter, campaigner and educator. Best known for a series of television programmes, he believes strongly that architecture, art and design should be accessible to all and has the power to transform lives. In July 2019 he launched a campaign to encourage the building of more council houses, looking at some of the best and the worst housing on offer. In 2012 he won awards for his empty homes campaign The Great British Property Scandal.

More recently he finished another of his Old House New Home series on C4.

Alongside his own architectural practice, George Clarke + Partners, he is involved in a number of charities including the Prince's Foundation for the Built Environment and the Maggie Centres. He has recently been appointed a visiting professor of architecture and design at Birmingham University.



The  
Kensington  
Society

Formed in 1953, the Kensington Society strives to ensure that our part of London retains its magnificent heritage of buildings, parks and gardens alongside the best of contemporary architecture and design.

With our 700 members and 33 affiliated societies, we are very active in planning issues and able to exert a real influence on planning decisions in the Royal Borough of Kensington & Chelsea. We also have a programme of lectures and talks, which covers a wide range of subjects, both historical as well as informative. The events offer the chance to meet your Kensington neighbours.

Interested in joining? It only costs £15 per year.

Membership form and booking form for events can be found on the Kensington Society website.

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Kensington Society is a registered charity  
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*The views expressed in this newsletter are those of the individual contributors and not necessarily those of the Kensington Society*