

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 23/04/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/23/08242	Agenda Item:	S45	
Address:	237-239 King's Road, LONDON, SW3 5EJ			
Proposal:	Refurbishment of existing residential accommodation and replanning of layouts to deliver 4 residential units			
Applicant:	Sloane Stanley Estate Limited			
Agent:	Mr Mehdi Gerald Eve LLP			
Properties notified:	Objections:	Support:	Comments:	Petition:
13	1	0	0	0
Conservation area:	Cheyne			

1. Summary

- 1.1 The proposed development would result in the loss of two units of accommodation on this site. However, a Legal Agreement would ensure that this development is constructed in parallel with the development at 299-305 and 309 Fulham Road (ref. PP/23/08277), resulting overall in no loss of residential units. The proposal would be considered quality accommodation, and is therefore acceptable. Subject to conditions and a legal agreement, the proposals would comply with policies of the Development Plan as well as complying with the statutory requirements for development within a conservation area. There are no material considerations to suggest a decision other than in accordance with the Development Plan.
- 1.2 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 9. Where appropriate and necessary, conditions are recommended to address the concerns raised.

It is recommended the Planning Committee:

- 1. Agrees the reason for approval set out in this report; and**
- 2. Delegates authority to the Director of Planning and Place to grant planning permission on the satisfactory completion of an undertaking or agreement to secure the matters in Section 8 of this report and with the conditions listed in Section 10 of this report; or**
- 3. To refuse planning permission if an undertaking or agreement to secure the matters in Section 8 of this report has not been satisfactorily completed by 31st May 2024 for the reason that the proposed development would not be**

accompanied by associated necessary infrastructure improvements.

2. Reason for committee consideration

- The Director considers it appropriate that the Committee determines the application.

3. The site and its surroundings

3.1 237 and 239 King's Road are adjacent four storey terrace properties located at the junction of King's Road and Bramerton Street. Whilst the ground floor is in commercial use, this application specifically relates to the residential accommodation located across the first, second and third floor of both properties.

3.2 Currently the site provides six units of accommodation, spread over three floors. The applicant has provided the following breakdown of the current makeup of the site:

Unit number	Floor Level	Existing GIA SQM	London Plan Minimum Internal Space standards SQM	Occupancy bed/person
237 Flat 1	1st floor	65.9	39	1b1p
237 Flat 2	2nd floor	68.4	70	2b2p
237 Flat 3	3rd floor	78.4	50	1b2p
239 Flat 1	1st floor	54.4	50	1b2p
239 Flat 2	2nd floor	61.3	50	1b2p
369 Flat 3	3rd floor	78.5	50	1b2p

3.3 The buildings are located within the Cheyne Conservation Area and Kings Road West town centre.

4. The proposal and any relevant planning history

4.1 This application forms part of a larger proposal for a 'unit swap' across the application site and site address 299-305 & 309 Fulham Road (ref PP/23/08277); via a series of lateral and vertical conversions on these sites, there would be a total uplift of one unit across both sites. The proposed size and mix of units would be as described in the table below.

Unit	Build No	Proposed GIA SQM	London Plan Minimum Internal Space standards SQM	Occupancy bed/person
1	237	88.3	70	2b4p
2	239	54.8	50	1b2p
3	237-239	148.1	70	2b4p
4	237-239	148.1	70	2b4p

- 4.2 Planning applications have been submitted separately for each site, but if successful the two applications would be conjoined via a legal agreement to ensure that both developments are realised.
- 4.3 The existing 2 main entrances would be retained.
- Unit 1 would be accessed independently from the front elevation facing King's Road.
 - Units 2 to 4 would be accessible via a communal entrance at the side of the building facing Bramerton Street.
- 4.4 There are no proposed external alterations or increase in the massing of the building with the remaining as existing. The same access principles would be applied to this property as described above.
- 4.5 Officers visited the site on 22/02/2024.
- 4.6 The relevant planning history is set out below:

Reference	Description	Decision
PP/16/08456	Reconfiguration of residential accommodation to form 1 x 1 bed and 3 x 2 bed units and associated works	REFUSED
PP/23/08277	299-305 & 309 Fulham Road Refurbishment of existing residential accommodation and replanning of layouts to deliver 11 residential units, creation of roof terraces to the rear of the buildings, modification of the rear extension for a communal staircase and other associated works.	PENDING CONSIDERATION

5. Main policies and strategies relevant to the decision

The development plan

- 5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan 2019	London Plan 2021
Principle	CH1 Increasing housing supply	GG4 Delivering the homes Londoners need D1 London's form, character and capacity for growth H1 Increasing housing supply H2 Small Sites H8 Loss of existing

		housing
Conservation Area	CL3 Heritage Assets – Conservation Areas and Historic Spaces	
General townscape	CL1 Context and Character CL2 Design Quality	Policy D3 Optimising site capacity through the design-led Approach
Living conditions	CL5 Living Conditions CL6 Small-scale Alterations and Additions CL11 Views CE6 - Noise and Vibration CL7- Basements	D4 Delivering good design D5 Inclusive design D6 Housing Quality and standards D12 Fire Safety D13 Agent of Change D14 Noise

5.2 These policies can be read online at:

- Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>
- London Plan:
<http://www.london.gov.uk/priorities/planning/london-plan>

5.3 The Council started a New Local Plan Review (“NLPR”) and consultation on Publication Policies (Regulation 19) closed on 22 December 2022. The Council submitted the NLPR for examination (Regulation 22) on 8 February 2023. Examination hearings were held in June and July 2023. The Council has received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications. The Main Modifications identified by the Inspector to make the NLPR sound is currently being consulted on by the Council for 6 weeks (30 January 2024 to 12 March 2024).

5.4 The statutory starting point for determining this proposal remains the adopted policies in the development plan, including the RBKC Local Plan 2019, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 47 of the National Planning Policy Framework, and paragraph 001 of the National Planning Practice Guidance on Plan-making. Paragraph 48 of the NPPF outlines the weight local authorities may give to relevant policies in emerging plans. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change. The emerging policies in the NLPR will be a material consideration afforded moderate weight at this stage however, where specific emerging policies are of particular relevance to the assessment, individual weightings have been given and expressed.

Other local strategies or publications

5.5 The main relevant supplementary planning documents adopted by the Council are:

- Cheyne Conservation Area Appraisal
- Planning Contributions (S106)

- Noise
- Transport and Streets
- Greening

5.6 These documents can be read online at:

- Conservation Area Proposal Statements and Conservation Area Appraisals:
<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>
- Other documents:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

6. Evaluation

6.1 The proposal would not result in any external changes to the appearance of the building and, additionally, would not result in any material impacts on the living conditions of neighbouring occupiers when compared to the existing residential accommodation. Given lack of external works there would be no impact on trees, drainage or flooding.

6.2 The decisive issues are:

- i Whether the proposed use and 'unit swap' would be acceptable
- ii Whether the proposal would preserve or enhance the character or appearance of the conservation area
- iii Whether the proposed accommodation would be of high quality

Principle of proposed development

- 6.3 The proposal seeks permission for the reconfiguration of the application site to create four units of accommodation; this would be a reduction of two units on site.
- 6.4 Chapter 5 of the NPPF identifies the need for additional housing. Table 4.1 of the London Plan sets out a 10-year target of 4,480 net additional housing completions for RBKC, equating to an increase of 480 per annum.
- 6.5 Whilst the proposal would result in a decrease of two self-contained units of accommodation for this site, when taking into consideration the 'land swap' there would be no loss of units. Therefore, subject to a legal agreement the development would be acceptable.
- 6.6 London Plan Policy H8 states that 'A Loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace'.
- 6.7 London Plan Policy D3 recommends that '*higher density development should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport.*' The application site is well connected town centre location, with the majority if the site falling within a PTAL rating of 5 (good), and with many shops and amenities within a short walk.
- 6.8 This is echoed in the Local Plan, where development proposals should "optimise the number of residential units delivered in new developments" by resisting 'very large units' (Policy CH1).

- 6.9 The current configuration of units would meet and often well exceed the minimum space standards as prescribed in the London Plan, except for Flat 2 of No 237, which has a modest shortfall of 1.5sqm.
- 6.10 With regards to the proposed unit mix, the scheme seeks to provide 3 x 2b4p and 1 x 1b2p, which would be generally in line with the Council's unit mix target within the LHNA and would therefore be acceptable.
- 6.11 The principle to decrease the density of residential development would be acceptable, subject to a Legal Agreement ensuring that there would not be a shortfall over both sites.

Design considerations

- 6.12 The application site is in a town centre location, characterised with commercial on ground floor and residential above. The use of the upper floors would remain as residential and would continue to be access via existing entrances. The proposal would result in no character changes to the development.
- 6.13 London Plan Policy requires that all development should achieve the highest standards of accessible and inclusive design, ensuring that accommodation is of high quality, convenient and welcoming with no disabling barriers, can be entered and existed safely, and allow safe and dignified evacuation. The applicant has confirmed in their submission there are currently no provision for disabled access, and states that there are existing steps into the properties. Due to the constraints of the existing site, no retrofit provisions re possible, thus this proposal makes no change to the disabled access provisions into the buildings or any of the dwellings. Notwithstanding this, as this is a proposed reconfiguration of an existing residential development, the current situation on site would remain existing, and therefore raises no objections.

Quality of accommodation created

- 6.14 Policy D6 of the London Plan prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height as well as private amenity space.
- 6.15 Local Plan Policy CL5 requires all development ensures good living conditions for occupants of new, existing and neighbouring buildings.
- 6.16 The applicant has provided a breakdown of the existing and proposed unit sizes. As part of the reconfiguration, all units would now meet the minimum space standards as prescribed in the London Plan. When assessing the development with the linked site at Fulham Road (PP/23/08277), the overall unit mix would align with the Council's targets, providing seven much required two-bedroom units, as well as three x one bed, three x three bed, and one large family unit.
- 6.17 All units would be dual aspect, would have access to unobscured outlook and good levels of daylight.
- 6.18 Currently none of the units have access to private outdoor amenity space and this would not change as part of this application. Given that these properties are already in residential use, no objections have been raised regarding this.
- 6.19 No information has been provided on refuse and cycle storage. The applicant has confirmed that the current situation of storing refuse and bicycles within the property would remain. Given that this application reduces the number of units within the site, this is considered acceptable.

Issues and balancing

- 6.20 The proposed development would result in the loss of two units of accommodation. However, a Legal Agreement would ensure that this development is constructed in parallel with the development at Fulham Road, resulting in no loss of residential units. The proposal would be considered quality accommodation and is therefore considered acceptable.

7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would require a payment towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

8. Legal Agreement

8. If permitted and built, the proposal would require a legal agreement with the following heads of terms:

1	The development shall be linked to the Fulham Road scheme (ref. PP/23/08277) ensuring that both sites are brought to fruition.
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9. Consultations carried out

Comments from interested parties

- 9.1 14 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 1/3/24
A statutory notice advertising the application was posted near the site on 1/3/24
- 9.2 1 letter was received objecting to the application, summarised as:

Comment	Response
The proposal is against planning policy.	If permission is approved, a legal agreement would link this site with the Fulham Road development as part of a land swap, ensuring that the two scheme would not result in a loss of residential accommodation.
Current residents will be disbanded.	The intentions of the owner regarding future occupants are not planning considerations.

- 9.3 0 letters were received supporting the application.

Consultees

Consultee	Comment	Where in the report this is considered

Transport	Comments are made in relation to the additional flats created in the related scheme at Fulham Road. No comments regarding this proposal.	N/A
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10. Recommended conditions if the application is granted

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. Compliance with approved drawings

The development shall not be carried out except in complete accordance with the details shown on submitted plans 622_E_230_P3, 622_E_231_P3, 622_E_232_P3, 622_GA_140_P3, 622_GA_141_P3, 622_GA_142_P3, 622_GA_143_P3

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 3 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

The scheme was submitted in accordance with advice provided through pre-application discussions.

- 4 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/23/08242. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. C. Collins

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