

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE PLANNING COMMITTEE 15/11/2016

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT

Application:	/PP/15/04878	Agenda Item:	STR11	
Address:	William Sutton Estate, Cale Street, LONDON, SW3			
Proposal:	Demolition of existing estate buildings (Blocks A-K and N-O) and ancillary office and redevelopment to provide 343 residential units comprising 334 apartments and 9 mews houses within buildings of 4-6 storeys; provision of class D1 community floor space with associated cafe; class A1-A5 and B1 floor space. Creation of adopted public highway between Cale Street and Marlborough Street, vehicular access from Ixworth Place; creation of basement for car parking, cycle parking and storage and energy centre fuelled by CHP and works to adjacent pavement. (Major Application and EIA development))			
Applicant:	Affinity Sutton Homes			
Agent:	Mr B. Ford Quod			
Properties notified:	Objections:	Support:	Comments:	Petition:
2925	354	28	8	1

1. Summary

- 1.1 Planning permission is sought for the redevelopment of the existing William Sutton estate to provide 343 residential units of which 237 will be social rented and 106 for market sale. The proposals also include the provision of community floorspace, retail and Class B1 workspace units. The provision of these uses is supported by development plan policy. The case for redevelopment of the estate has been accepted in principle. However, the proposals are not acceptable as they would result in a net loss of affordable housing floorspace and it is not accepted that the maximum reasonable amount of affordable housing would be provided.
- 1.2 The proposed development would provide good quality residential accommodation across both tenures and provides access for all residents to new private and communal amenity space. The proposed layout would provide new public realm and permeability with the existing street network which is supported by policies in the Local Plan. The layout would also provide a coherent urban form with clear definition of streets, public and private realm.
- 1.3 The existing buildings are considered to be of architectural merit and form part of the setting to the adjoining Chelsea Conservation Area. The scale and massing of the proposed development would be compatible with the surrounding context and would preserve the setting of the surrounding conservation areas. However, as a whole, the buildings are not of a sufficient high design quality and would not positively contribute to the surrounding townscape

It is recommended the Committee refuses planning permission (subject to receiving any Direction to the contrary from the Mayor of London) for the following summarised reasons (the full reasons are identified in Section 11 of this report):

1.	The proposal fails to demonstrate that the maximum amount of affordable housing is being provided and the proposals would result in a net loss of social rented floorspace
2.	The proposals are of insufficient high design quality and would not positively contribute to the surrounding townscape
3.	There are no agreed s106 obligations to secure affordable housing and appropriate infrastructure required to make the development acceptable

2. Reason for committee consideration

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

3. The site and its surroundings

- 3.1 The William Sutton estate site is bounded by Marlborough Street to the north, Elystan Street to the east, Ixworth Place to the west and Cale Street to the south. The estate comprises fifteen, five storey buildings providing 462 residential units and the Estate was completed in 1913. For ease of reference, the blocks on the Estate are referred to as Blocks A-M. Blocks L and M which front Elystan Street and contain retail units at ground floor level are not included within the redevelopment proposals which are subject of this planning application.



The total site area is 1.50 hectares

3.2 At the time of submission of the planning application (July 2015), **the existing accommodation** for the Blocks A-O (excluding L and M) was :

Building	No of Units	No of Voids	No of ASG tenants (in units)	No of S M A R T tenants (in units)
Block A- Aldbury	50	26	0	24
Block B – Bedmond	49	23	0	26
Block C- Chipperfield	40	29	0	11
Block D- Delmerend	20	12	0	8
Block E- Elbourn	20	1	19	0
Block F- Flamstead	13	0	13	0
Block G – Gadebridge	20	1	19	0
Block H- Hammerfield	19	0	19	0
Block I – Icknield	19	0	19	0
Block J- Jenningsbury	26	6	20	0
Block K – Kingsmill	47	7	40	0
Block N- Nettleden	32	1	31	0
Block O- Oatwell	28	0	28	0
Totals	383	106	208	69

ASG (Affinity Sutton Group)

SMART tenants (RBKC Temporary Accommodation)

As the time of preparing of this report, RBKC Housing Needs team confirm that all of the SMART tenants have now been relocated and no longer occupy any units on the estate.

3.3 At the time of submission of the planning application, **the existing unit mix** was:

Building	studios	1 bed	2 bed	3 bed	4 bed	Total in block
Block A- Aldbury	10	31	9	0	0	50
Block B – Bedmond	9	29	10	1	0	49
Block C- Chipperfield	10	30	0	0	0	40
Block D- Delmerend	0	0	20	0	0	20
Block E- Elbourn	0	1	19	0	0	20
Block F- Flamstead	0	3	6	3	1	13
Block G – Gadebridge	0	5	15	0	0	20
Block H- Hammerfield	0	9	9	1	0	19
Block I – Icknield	0	9	9	1	0	19
Block J- Jenningsbury	0	17	8	1	0	26
Block K – Kingsmill	0	34	12	1	0	47
Block N- Nettleden	0	10	11	9	2	32
Block O- Oatwell	0	16	10	2	0	28
Totals	29	194	138	19	3	383

3.4 At the time of submission of the planning application, **the existing habitable rooms and floorspace** was as follows:

Building	Existing habitable rooms	Existing NIA (m2)	Void NIA (m2)
Block A- Aldbury	99	1930	1023
Block B – Bedmond	101	1921	866
Block C- Chipperfield	70	1258	894
Block D- Delmerend	60	878	539
Block E- Elbourn	59	1272	58
Block F- Flamstead	41	829	0
Block G – Gadebridge	55	1231	56
Block H- Hammerfield	49	994	0
Block I – Icknield	49	1019	0
Block J- Jenningsbury	62	1205	230
Block K – Kingsmill	108	2241	294
Block N- Nettleden	99	1986	45
Block O- Oatwell	70	1944	0
Totals	922	18708	4005

Table 3 – Existing floorspace and habitable rooms

NIA= net internal area

In summary, the existing residential provision is :

- Total existing residential (social rented) floorspace is **18,708 sqm NIA**
- Total existing residential (social rented) units are **383**

The existing baseline position relating to units and floorspace is one of the key issues in the consideration of the proposals and is assessed against relevant planning policy later in this report.

There is also an existing estate office with a floorspace of 182 sq m NIA

3.5 No part of the application site is within a designated conservation area. However, the Chelsea Conservation Area is situated immediately to the south of the site with the Thurloe, Smiths Charity, Chelsea Park and Carlyle and Royal Hospital Conservation Areas are situated within the vicinity of the site

3.6 St Lukes Church is a Grade 1 listed building with surrounding garden and sited on the opposite side of Cale Street at its junction with Sydney Street

4. The proposal and any relevant planning history

4.1 The application is for the following:

- demolition of the existing blocks A,B,C,D,E,F,G,H,I,J,K,N and O (comprising 383 residential units/18,708 sqm NIA of floorspace)
- demolition of existing estate office (182 sqm GIA)
- removal of existing 24 on site car parking spaces

to provide:

- 343 residential units comprising 334 apartments and nine mews houses in the following mix:

Tenure	Affordable				Private			Overall
	Phase 1	Phase 2	Phase 3	TOTAL	Phase 2	Phase 4	TOTAL	Totals
1-bedroom	71	47	26	144	11	3	14	158
2-bedroom	48	18	5	71	49	12	61	132
3-bedroom	15	5	0	20	12	7	19	39
4-bedroom	2	0	0	2	3	9	12	14
Totals	136	70	31	237	75	31	106	343
% of overall (by tenure)	57%	30%	13%	100%	71%	29%	100%	

Table 4- Proposed unit mix and tenure

The total proposed floorspace figures are :

- Affordable (social) rent- 16,142 sqm NIA (237 units)
- Market sale - 13,825 sqm NIA (106 units)
- 511 sqm (GEA- Gross external area) community floorspace (within Class D1)
- 683 sqm (GEA) of Class A1-A3 retail floorspace and Class B1 floorspace (with an estimated split of 510sqm Class A1-A3 and 173 sqm Class B1)
- Creation of new public highway through the site between Cale Street and Marlborough Street
- New vehicular access from Ixworth Place into the new basement level
- New basement to provide 24 replacement car parking spaces for affordable tenants and 56 car parking spaces for market sale residents
- Energy centre fuelled by CHP
- Works to pavement surrounding the site to Cale Street, Marlborough Street, Elystan Street and Ixworth Place
- The new residential units will be provided in three blocks (1, 2 and 3) which will comprise a phased development.

4.2 Phasing

One of the key objectives in the redevelopment of the estate is that all of the existing Affinity Sutton tenants are provided a replacement property on the site and that no tenant should be required to move off site during the construction work. The redevelopment proposes a phasing programme which ensures that all existing residents can move directly into their new property once it is complete which means they only have to move once during the course of the redevelopment.

4.3 The redevelopment comprises four phases which are as follows:

- Phase One- 136 affordable rent units
- Phase Two- 70 affordable rent units and 75 market sale units
- Phase Three – 31 affordable rent units
- Phase Four- 31 market sale units

4.4 Amenity Space

The development will provide three new areas of open space as follows:

- Block One (Phases One and Two) will contain external amenity space of 2050 sqm
- Block Two (Phase Three) will contain external amenity space of 545 sq m
- Block Three (Phase Four) will contain external amenity space of 590sqm

On completion of the development the external amenity space being provided will be 3185sqm

4.5 Environmental Statement

In accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015 an Environmental Statement (ES) accompanied the application when it was submitted to the Council in July 2015. The ES assesses beneficial and adverse, temporary and permanent, direct and indirect and cumulative environmental impacts of the proposals. The significance of the impacts remaining after mitigation (residual impacts) is also evaluated. The topic areas included in the ES are:

- Air quality
- Noise and vibration
- Water resources
- Ecology
- Socio-economics
- Geology and soils
- Built heritage
- Archaeology
- Townscape and visual
- Traffic, transport and access
- Waste
- Cumulative effects

4.6 The ES submitted with the application identifies the following committed developments to be included in the cumulative impacts assessments. These are:

- Royal Brompton Hospital, Sydney Street SW3
- Chelsea Barracks development SW1
- Earl's Court Opportunity Area (main site and Seagrave Road)
- Redevelopment of Clearings 1 and 2 Draycott Avenue SW3
- Marlborough School and enabling development Draycott Avenue
- Crossrail 2 (construction period 2020-2030)
- Chelsea Cinema site 196 King's Road SW3
- Chelsea Creek
- 92-116 Carnwath Road
- Hurlingham Retail Park

4.7 Mayor of London

The proposal has been referred to the Mayor of London under Category 1A 1 and 3A.1 (a) of the Town and Country (Mayor of London) Order 2008. This allows the Mayor the opportunity, within 14 days of being formally notified of the Council's decision to direct the Council to either refuse the application, to take the case over for his own determination or allow the Council to determine the case itself. The Mayor's Stage One report is attached in full as Appendix One of this report. A summary of officer comments in response to the issues identified in the report is contained in Section 9.1 below

4.8 There is no relevant planning history relating to this site

5. Main relevant 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:

	Consolidated Plan	Local Plan	London Plan	S a v e d UDP
Housing	CH1, CH2, CH4	CH3,	3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12, 3.14, 7.1, 7.2, 7.3	H8, H17
Social and Community Uses	CK1		3.16,	
Retail/office/workshop uses	CK2, CF1,	CF6, CF5,	4.7, 4.8,	
Transport	CT1		6.1, 6.3, 6.7, 6.9, 6.10, 6.13,	
Townscape	CR1, CR2, CR6, CL1, CL11, CL12	CR5, CL2,	7.2, 7.3, 7.4, 7.5, 7.6, 7.7,	
Heritage Assets	CL3, CL4		7.8, 7.9	
Living conditions	CL5, CE5, CE6		7.14, 7.15	
Basements	CL7			
Sustainability	CE1, CE2, CE3,		5.1, 5.2, 5.3, 5.5, 5.6, 5.9, 5.10, 5.11, 5.12, 5.13,	
Contaminated land	CE7		5.21	
Ecology	CE4		7.19	
Planning obligations	C1			

These documents can be read online at:

- Consolidated Local Plan and Saved UDP:
<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>
- www.rbkc.gov.uk/planningandconservation/neighbourhoodplanning/norlandneighbourhoodplan.aspx

Other local strategies or publications

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

- Access design guide 2010
- Planning obligations (S106) 2010
- Trees and development 2010
- Basements 2016
- Noise 2009
- Transport and Streets 2016
- Air Quality 2009

These documents can be read online at:

- Other documents:
<http://www.rbkc.gov.uk/planningandbuildingcontrol/planningpolicy/supplementaryplanning.aspx>

6. Evaluation

6.1 The issues for consideration are:

- i Whether the principle of the redevelopment of the estate is acceptable and whether the maximum reasonable amount of affordable housing is being provided in accordance with the requirements of CLP Policy CH4
 - ii The provision of the proposed residential units and commercial uses in light of policies in the development plan
 - iii The impact of the proposed layout, scale, massing and detailed design of the development on the surrounding townscape, conservation areas and designated heritage assets
 - iv Impact of the proposal on surrounding transport network and pedestrian environment
 - v Impact of the development on the living conditions of occupiers of surrounding properties
- V1 Scale of the basement development and its impact on neighbouring living conditions during demolition and construction
- V11 Environmental considerations including air quality, sustainability and contaminated land

6.3 A summary of the options appraisal was submitted with the planning application (Development Appraisal) where it details the existing condition of the estate including a list of when modernisation works were carried out to the estate on a block by block basis (the last being in 1996). The document also illustrates the extent and condition of the units that do not meet Decent Homes Standards (which are Blocks A-D) and the works that would be needed so that the estate provides accommodation which meets current day requirements in terms of room sizes, thermal efficiency and access to private amenity space. The Decent Homes Standard sets out a list of requirements that social rented accommodation should provide as an aspirational standard. Both the Director of Housing and the GLA have confirmed that this is not a legal requirement.

6.4 . The range of options that were identified were :

- Option 1 – Do nothing
- Option 2a – Refurbishment of Blocks A-D
- Option 2b- Remodelling of Blocks A-D (and refurbishment of all blocks except L and M)
- Option 2c- lateral extension (and refurbishment of all blocks except L and M)
- Option 2d- vertical extension (and refurbishment of all blocks except L and M)
- Option 2e- new development on site of Blocks A-D (and refurbishment of all blocks except L and M)
- Option 2f- new market units on area of sunken garden (and refurbishment of all blocks except L and M)
- Option 3- redevelopment of the estate with the exception of Blocks L and M
- Option 4 – full redevelopment of the estate including Blocks L and M

All of the options considered were on the base assumption of no grant funding being available.

6.5 The options were considered in detail with the various benefits and disbenefits of each one including the level of cross subsidy that would be necessary for each option. The appraisal concluded that Option 3 would be the most suitable option to take forward. The conclusion of the Options Appraisal is considered acceptable and forms the basis of the planning

application. The principle of regeneration is compliant with Local Plan policy CH4.

6.6 Level of existing social rented housing provision

With proposals for estate regeneration, one of the central tenets of planning policy is that there should be no loss of affordable housing provision; this is included in London Plan policy 3.14 and Local Plan policy CH4. One of the key components of the case for regeneration is the housing needs of existing estate residents in terms of unit size. The existing unit numbers of an estate may be different from their actual needs for reasons of overcrowding or under occupation. Therefore it is widely accepted that existing floorspace is the relevant measure for establishing the baseline for existing affordable housing provision and this is stated in London Plan policy 3.14. The existing floorspace on an estate also includes any unit which may be vacant at the time of submission of an application for redevelopment.

6.7 The existing affordable housing floorspace on the estate in the blocks that are subject of this application is 18,708 sqm (NIA). However, the applicants state that as the floorspace in Blocks A-D (5987 sqm NIA) does not meet Decent Homes Standards and cannot be legally used as affordable housing, they are only required to reprovide 12,721 sqm NIA of affordable housing floorspace as part of their proposal.

6.8 The applicant's position on this issue is not accepted as the Decent Homes Standard is not a legal requirement and does not preclude this accommodation being occupied as affordable housing. Indeed until recently RBKC SMART tenants occupied some of this accommodation. The applicants state in their submitted documentation that some of this accommodation has been declared 'unfit' but there is no record of this. Notwithstanding this, the failure to meet Decent Homes Standards is not considered to preclude the units being considered as affordable housing and therefore contributing to the total amount of affordable floorspace existing on the site. Furthermore, one of the main reasons for estate regeneration is to improve the quality of the internal and external environment of affordable housing units and estates which often do not meet modern day standards including Decent Homes. The premise that the failure of the existing accommodation to meet Decent Homes Standards excludes it from the affordable housing floorspace baseline, in the context of the key planning policy requirement to ensure there is no net loss of social rented provision, is not accepted. The affordable housing floorspace to be reprovided as part of this application should be no less than 18,708 sqm NIA. The proposals will provide 16,142 sqm of affordable housing floorspace which represents a loss of 2566 sqm NIA. Therefore, this element of the proposal is contrary to London Plan policy 3.14 and Local Plan policy CH4.

6.9 Local Plan policy CH4 also requires that existing tenants have an opportunity of a home that meets their needs and that the mix of house sizes for the reprovided social rented housing will be determined by the housing needs of the tenants on the estate and by the housing needs of the Borough at the time an application is submitted. The information submitted with the application states that all existing Affinity Sutton tenants will be able to:

- Retain their existing security of tenure
- Will be rehoused in the new development unless requested otherwise by the tenant
- Will be rehoused in a single move with no double decant or off site decant unless requested by the tenant
-

On this basis the proposal would comply with the relevant requirements of Local Plan policy CH4.

6.10 Maximum reasonable amount of affordable housing

London Plan policy 3.12 and Local Plan policies CH2 require the maximum reasonable amount of affordable housing in proposals for residential development. With regard to proposals for estate regeneration, Local Plan policy CH4 *requires the maximum reasonable amount of affordable with the minimum being no net loss of existing social rented provision*

The proposal would provide 16,142 sqm NIA of social rented floorspace which is 2566 sqm less than what officers consider to be the appropriate baseline.

6.11 As the proposal involves estate renewal being funded through the provision of private housing, Local Plan policy CH4 requires that these schemes must be supported by a financial appraisal. This was submitted and the Financial Appraisal Supporting Statement July 2015 forms part of the suite of documents supporting the planning application which are publically available. The appraisal details a range of inputs of revenue and costs including sensitivity testing scenarios of:

- 5% increase in sales values
- 5% decrease in sales values
- 5% increase in build costs
- 5% decrease in build costs
- Growth scenario of inflated cost and value over the length of the development

The conclusions of the appraisal are that the Residual Land Value (RLV) would be:

- £42,464,03 (current costs and values)
- £64,962,145 (inflated costs and values)

6.12 In order to assess the Benchmark Land Value (BLV), the following scenarios were used by the applicant (all at current costs and value):

- Market value of estate if floorspace is bought by developer and sold as 100% private residential sale BLV= £149,980,000 (£149,980,000 growth scenario)
- Market value of submitted redevelopment using current planning policy compliant mix of floorspace BLV = £75,075,000 (£100,500,000 growth scenario)
- Alternative use value- reprovion of existing floorspace based on planning policy compliant mix and 11,260 sqm hotel use BLV= £73,000 (£84,400,000 growth scenario)

The RLV in each case is below the BLV, between £30,535,917 - £107,515,917 on current day costs and value, and between £19,437,855 - £85,017,855 in the growth scenario. The applicants conclude that as the scheme must show a competitive return for the developer (based on 15% Internal rate of return) the scheme is not viable. They also conclude that in order for a developer to pay a market value for the land and ensure a competitive return for the landowner they would seek an increase in the gross development value of the scheme and the most likely way to do this would be to reduce the level of affordable housing being provided in order to generate a greater income. On this basis, the applicants conclude that the scheme is not viable and that the maximum reasonable amount of affordable housing is being provided by the proposals.

6.13 In their submission, the applicants have stated throughout that there is no legal requirement to use the floorspace of the William Sutton estate as affordable housing and that it could be used as market units without the need for planning permission. They have approached their financial appraisal on this base assumption resulting in the very high benchmark land value which renders the proposals as technically unviable in their view. Officers do not accept this position. When assessing benchmark land value for the purposes of viability in planning the RICS guidance is that the value has regard to development plan policies. In this case, it is relevant that Local Plan policy CH3 resists the net loss of social rented housing and intermediate housing throughout the Borough. It is also relevant that the estate has been in use for social housing for over 100 years, which is a material planning consideration of significant weight. For these reasons that the benchmark land value should be based on the use of the existing floorspace for social rented housing and not market housing.

6.14 The applicants' financial appraisal was independently assessed on behalf of the local
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planning authority by Cushman Wakefield and the summary of their conclusions on the base inputs was as follows:

- Private revenue is understated
- Costs are overstated
- Cost and feasibility of vacant possession is understated
- Assumption that occupancy is unrestricted is incorrect
- Assumed difference between value of Blocks A-D and E-O is insufficient to reflect the difference in internal arrangements and common parts and lack of a lift
- Unless sale was to a registered provider the units in Blocks A-D would require improvement prior to sale or alternatively a purchaser would reflect costs of improvement in their bid
- Applicants assertion that 70% of the private units could be sold 'off plan' is optimistic in the current market and an assumption of 50% is more realistic
- Applicants submission of the units not meeting Decent Homes Standards should be disregarded for the calculation of the appropriate level of affordable housing

6.15 With regard to developer's profit/risk, planning policy in the NPPF and associated guidance is clear that there should be a competitive return to the landowner. The applicants have included 15% IRR in their appraisal. Cushman Wakefield consider that the use of IRR is more normally used for large schemes of over 1500 units and consider that an appropriate approach would be 20% on private revenue and 8% on affordable costs (20% on total revenue). This reflects the fact it is a complicated development as there are the costs for decant, demolition and the provision of 136 social rented units in the first phase with no market units.

6.16 As the use of the existing estate as private market units for the calculation of Benchmark Land Value is not accepted in principle, Cushman Wakefield has assessed the Benchmark Land Value on the basis of social rented floorspace with the value of Blocks E-O reflecting the existing tenancies which would be £24, 721,132 and on this basis the scheme would result in the surplus of the Residual Land Value being £43.7 million whereas using the applicant's base case indicates a deficit of £30 million. A number of alternative scenarios were also modelled based on the use of the existing floorspace as social rented housing which were as follows:

	Scenario	BLV surplus above EUV
a	The Value of Blocks A-D assuming the units can only be let and occupied as Affordable Housing for rent and cannot viably be brought up to Decent Homes Standards	Surplus £43, 678,868
b	The Value of Blocks A-D assuming the former 'SMART' units meet Decent Homes Standards and can be let as Affordable Housing for rent without expenditure. The Registered Provider does not seek any discount for bulk	Surplus £38, 499,887
c	All units in blocks A-D meet Decent Homes Standards and can be let as Affordable Housing for rent without expenditure	Surplus £32,004,197
d	The units in blocks A-D could be renovated/refurbished and rearranged to meet Decent Homes Standards at an average cost of £30,000 per unit and let as Affordable Housing for rent	Surplus £36,814,098
e	The value of A-D with unrestricted occupation. Pre-sale/letting costs of £30,000/unit. No lift can be provided	Surplus £8,400,000

6.17 The results of this range of scenarios clearly indicates that the Residual Land Value is /PP/15/04878: 11

higher than the Benchmark Land Value and that significantly more affordable housing could be provided within the existing proposal. As there are a wide range of variables in each case, there is no conclusion on the exact amount of affordable housing that could be provided. However, it is clear that if the use of the existing floorspace as social rented housing is used as the basis for the benchmark land value the proposals could provide additional affordable housing to that which is being proposed. For this reason it is considered that the applicants have failed to demonstrate that the proposal provides the maximum reasonable amount of affordable housing. Therefore, the proposal is contrary to London Plan policy 3.12 and local plan policy CH4.

6.18 The provision of the proposed residential units and commercial uses in light of policies in the development plan

6.19 Density

London Plan policy 3.4 states that 'taking into account local context and character development should optimise housing output for different types of location within the relevant density range shown in Table 3.2 (density matrix). The site is identified as being within Public Transport Accessibility Level (PTAL) 6 within a central location as defined by the London Plan notes to table 3.2. This indicates that a suitable density of development for the site is between 650-1100 habitable rooms per hectare. The proposed development would have a total of 956 habitable rooms which would be a density of 637 habitable rooms per hectare and would be marginally below the range in appropriate range. However, this proposed density of development is acceptable when taking account of the surrounding building context

Residential mix

The explanatory text for CLP policy CH4 states that estate renewal proposals differ from other types of application because often the sale of market housing is used to fund the reprovided social housing. For this reason the proportions of social rented and market housing may differ from conventional housing applications where cross subsidy is not being done on the same scale.

The proposal will provide 343 residential units (237 social rent and 106 market sale). The proposed market mix is as follows:

Proposed market sale unit mix

	No:	%
1 bed	14	13%
2 bed	61	57%
3 bed	19	18%
4 bed	12	12%
Total	106	100%

6.20 The latest evidence of housing need for the Borough is contained in the Strategic Housing Market Assessment (SHMA) December 2015. This demonstrates a need for future market housing to comprise roughly 50% one and two bedroom units and 50% three bed + units. The proposals would provide 70% 1 and 2 bedroom units (with the great majority being two bed units). Although this is a far larger provision of smaller units than identified by the SHMA, it is considered that given the proposed development is mixed tenure in a constrained site, the proposed unit mix in the market accommodation is considered acceptable. The applicant states that this represents the minimum amount of market housing for sale to fund a maximum provision of affordable housing. For the reasons detailed in paras 6.10 - 6.17 of this report, this aspect of the proposals has not been demonstrated in accordance with CLP policy CH4.

6.21 The proposed units incorporate a range of unit sizes for each type and all exceed the London Plan minimum floorspace requirement. None of the market units have been specifically designed to be wheelchair accessible but given their size they could achieve

the necessary adaptation required and this could be secured by appropriate condition. All of the units would have access to private outdoor amenity space in the form of a balcony or winter garden. The residents would also have access to the communal outdoor space being provided with each building.

6.22 The buildings are designed to incorporate several cores which would provide a high number of dual aspect units. Of the 106 market units being provided, 93 (88%) are dual aspect. The information included in the sunlight/daylight assessment indicates that the proposed market units would overall achieve good levels of lighting. The proposed layout would ensure that there is sufficient privacy between the units. Given the perimeter block layout, some of the corner units are in very close proximity to each other. However, most of these units would be dual aspect and the affected windows would not provide their sole outlook. Overall the mix and quality of the proposed market accommodation is considered acceptable and complies with CLP policies CH2 and CL5

6.23 Proposed Social Rented Mix

	No:	%
1 bed	144	61%
2 bed	71	30%
3 bed	20	8%
4 bed	2	1%
Total	237	100%

6.24 The proposed social rented housing mix has been determined by the housing needs of the existing tenants on the estate in accordance with CLP policy CH4. The proposed units would all meet the London Plan minimum floorspace requirements. 26 of the units would be designed to be wheelchair accessible and this has been determined by the needs of the existing tenants although further units could be capable of adaptation if required. All of the proposed units would have access to private outdoor amenity space in the form of a balcony or winter garden and would be able to access the communal outdoor amenity space to the new buildings

6.25 Given the high number of cores included in the proposed layout, there would be a high number of dual aspect units and of the 237 social rented units being provided, 169 (71%) would be dual aspect. The information included in the sunlight/daylight assessment indicates that the proposed units would, overall, receive good levels of lighting. With regard to privacy, similar to the proposed market units, the layout ensures that there would be sufficient distance between the units to ensure a good degree of privacy for the occupiers. However, given the perimeter block layout, some of the windows and balconies to the corner units would be in very close proximity to each other, although most of these units would be dual aspect and the affected windows do not afford the sole outlook to their dwelling. Overall the provision of the proposed social rented accommodation would be of good quality and complies with CLP policies CH2 and CL5.

6.26 The proposal would provide a mixed tenure development with the market and social rented units occupying the same block in Buildings 1 and 2 although they would have separate cores. The outdoor amenity space provided with these buildings has been designed to appear as one communal space. The information submitted with the application indicates that these outdoor amenity areas will experience adequate levels of direct sunlight during the summer months and would receive five hours of sunlight on 21 March (8:00 -10:00) and (13:00 – 16:00) which is significantly over the target of two hours in the BRE guide.

Playspace

Based on the proposed mix of units that would be provided and using the guidance in the Mayor’s Play and Informal Recreation SPG, the overall playspace requirement for the development would be 1,690sq m. The proposed development when completed would provide up to 1,725 sq m of playspace mainly in the form of passive play areas which would be suitable for 0-11 year olds. These would be located within the three outdoor courtyard areas to Buildings 1, 2 and 3. The level and location of the proposed playspace

would be acceptable.

- 6.27 In summary, the proposals would provide a tenure blind development with a mix and quality of accommodation of both tenures which is considered to comply with CLP policies CH2 and CL5

6.28 Community Use

This would be located in Building 3 and provide 511 sqm GEA of floorspace at basement and ground floor levels with direct access to the new public square to the front of the building and the shared amenity space at the rear. The community centre would be classified as an Affinity Sutton Group Community Asset and would be managed by a suitable community based organisation on a formal management agreement. The provision of the use is supported by CLP policy CK1 and the details of how this would be managed to ensure that it would provide a benefit to all residents in the development and wider community would need to be secured by s106 planning obligation.

6.29 Commercial uses

The proposal would provide retail floorspace Class A1-A3 and Class B1 workspace uses at ground floor level to Building 2. The retail use would front Cale Street with the Class B1 uses adjoining facing the new public square. The size and location of these uses are supported by CLP policies CK2, CF1, CF5 and CF6 and will provide local facilities and activate the new public square.

6.30 Summary

The proposed residential units are considered to provide a suitable mix and good quality accommodation across both tenures and, in these aspects, are considered to comply with CLP policies CH2 and CL5. The proposed community space and commercial uses are welcome and comply with CLP policies CK1, CK2, CF1, CF5 and CF6.

6.31 **The impact of the proposed layout, scale, massing and detailed design of the development on the surrounding townscape, conservation areas and designated heritage assets**

6.32 Demolition of existing buildings

- 6.33 The existing estate is comprised of fifteen, five storey blocks (four principal storeys with a top storey set in a mansard roof) and was completed in 1913. The layout is typical of the multi unit developments laid out in parallel blocks based on the Model Housing Estates of the late nineteenth Century. The blocks are constructed in red brick with stone dressings in a Queen Anne style which is typical of other buildings in the surrounding area. The buildings are also characterised by Georgian style windows, mansard roofs with gables facing the street with tall brick chimney stacks. Modifications have occurred to these buildings over time with some poor quality replacements being visible. Blocks L and M which front Elystan Street and Cale Street are being retained and are not included within the proposed redevelopment.

- 6.34 The site is not included within a conservation area but is bounded by the Chelsea Conservation Area to the south and west of the site with other conservation areas sited some distance away. The surrounding context varies in character with the fine grain three storey townhouses to the terraces of Chelsea Conservation Area immediately to the south of the site to the larger mansion block typologies which lie to the north of the site in Elystan Street and Lucan Place., The existing buildings are robust and attractive and as a group is a good example of early twentieth century public housing. Their character has been eroded by a series of low quality additions and lack of general maintenance. Nevertheless, they are considered to contribute to the character of the area and the setting of the

Chelsea Conservation Area and justification would be required for their removal.

- 6.35 The applicant has submitted a detailed options appraisal which includes the range of options for the estate which were considered including retention or remodelling of some of the blocks. These options were discounted either on the basis of housing quality and/or financial viability and the appraisal concluded that redevelopment was the only viable option available to be able to provide good quality residential accommodation on the estate. Although the low quality of the existing accommodation and the need to redevelop the estate is acceptable in principle, the quality of the replacement buildings also needs to be taken into account when considering whether the demolition of the existing estate is acceptable in terms of its impact on the surrounding townscape.

6.36 Layout, scale, massing and detailed design

The proposed layout would take the form of three perimeter blocks which follow continuous lines to the existing streets and front the new street which runs north south through the development. This perimeter block layout provides a coherent urban form in which the street edge is defined and the open space enclosed by the new buildings with the public realm being clearly defined. This is characteristic of many of the surrounding streets to the south of the site. The proposed layout introduces a new road through the site from Ixworth Place to Cale Street re establishing part of the historic street pattern and provides permeability and connectivity through the site which is welcome. A new public square would be formed near the centre of the junction of the north-south route and new mews street to the rear of the retained Block L. This public square would be activated by the ground floor uses of the community centre to Block 3 and the retail and Class B1 (workshop) uses to Block 2. The proposed layout of the development is supported and consistent with Local Plan policies CR1 and CR2.

- 6.37 The proposals incorporate both mansion block and townhouse typologies which are characteristic of the surrounding context and would also provide variety in terms of scale and massing in the new development.

6.38 Block One

This would be a perimeter block fronting Cale Street, Ixworth Place and the new north-south route (known as Marlborough Place). This building would be five principal storeys to shoulder height with a penthouse storey above which is a full storey height above the existing buildings. The building also incorporates a full basement storey with lightwells to the front and rear (courtyard) elevations which are the lower floor of the duplex units to this block. The massing of the building to the Cale Street elevation is relieved by the introduction of a break in the building directly above the main entrance where it provides a single storey element between the two street blocks. Similarly, to the Ixworth Place elevation the apparent massing of the street block is broken by the incorporation of a three storey element with a double height brick screen with punched hole openings rising to main parapet level.

- 6.39 This block would enclose a central courtyard space of 2050 sq m in area which can be accessed by all residents of the building and has been designed as a single communal space. However, for management reasons, there would be defined areas for each of the tenures. The block incorporates a number of separate entrances to each of the elevations to provide an active street frontage which is supported by CLP policy CL2. Access to the basement car park would be from Ixworth Place which also provides cycle storage, plant and refuse storage for the market units which would be built in the second phase. The refuse storage for the affordable units in the first phase of the development would be provided within integral bin stores at ground floor level to the development. This block would be built in two phases and incorporates both social rent and market sale units each having access from separate cores.

- 6.40 The main elevations of this block incorporate the building hierarchy of 'base', middle and top with small and frequent subdivision of plot width which is characteristic of the

surrounding townscape. The typical floor to floor heights of the building above ground floor are 3150mm. The height of the ground floor is more generously proportioned at 3925mm. Although the building incorporates a full height basement storey, the lightwells to the elevations are fairly shallow with sufficient solid elements between them so as to ensure that the building exhibits a robust appearance when viewed from the street and the basement storey would not be particularly evident even when lit from within.

- 6.41 The elevations would incorporate a pattern of openings expressed as two pairs of double height bays at first to fourth floor levels with a regular pattern of windows and recessed balconies to create a consistent vertical rhythm to the facade. The building will have a rusticated brick base at ground floor level with recessed brick panels to the double height openings. The balustrades to the balconies and winter gardens would be glazed or finished in anodised metal with a contrast aluminium panel to the window reveals. This form and detailing is replicated to the courtyard elevations in a more modest form reflecting the less formal, secondary elevation to the block. The architectural detailing and use of materials to this block would provide a good contextual response and sufficient articulation to the facades so as to reduce its scale and massing when viewed from the street
- 6.42 The penthouse storey at fifth floor level is designed to appear as a lightweight structure in contrast to the robust, red brick building and would be finished in differing tones of anodised bronze framing with large glazed panels. This top storey would appear as a consistent facade at main roof level to the Ixworth Place and Marlborough Place elevations with a series of irregular, angled setbacks to the Cale Street elevation. Although the top storey is set back from the facades, it would appear fairly dominant in the townscape in some views, particularly to the Cale Street elevation where it incorporates the irregular setbacks.
- 6.43 The scale of the proposed building would be one full storey higher than the existing buildings and the increase in scale and massing is more evident as the perimeter block layout is as a continuous street block unlike the existing buildings which are perpendicular to the street frontage. However, given the street widths surrounding the proposed block together with the scale and layout of the surrounding context, this part of the development would not appear to be overly dominant. However, the detailed design of the proposed top storey would need to be refined to ensure that the framing and extent of glazing were minimised so as to reduce the impact of the top storey from the surrounding area, particularly when viewed at night.

6.44 Block Two

This block would front the east side of Cale Street where it is a four storey building (plus basement) with a double height top storey where it adjoins the retained Block L fronting Chelsea Green. The building presents as a short street block fronting Cale Street where the shoulder height rises to five storeys with a single height top storey. The building then wraps around the rear courtyard area to retained Blocks L and M providing the new street elevation fronting the north south route and public square and drops again to provide a terrace of three storey plus basement townhouses which form the southern part of the new mews street. Which lies to the rear of retained Block M. The proposed layout of this building provides a perimeter block with the retained blocks fronting Elystan Place and Cale Street and encloses an outdoor amenity space of 545 sq m which will be used by residents of the new block which will be all market sale and residents of the existing blocks L and M.

- 6.45 Block two would be a predominantly residential building although it would incorporate retail use at ground floor and basement where it fronts Cale Street and the new link road together with Class B1 (workspace) units where it fronts the new public square. The entrance to residential and commercial units fronting Cale Street are located at the rear of the retail units with the workshop space and mews all accessed directly from the new street and public square. The main shoulder height of this building is set just below the knuckle of the mansard roof to Leverstock House which effectively means the parapet

height of the new building will be significantly above the stone parapet detail to the adjoining building. Given that there is a break in the street blocks at this point and that the double height top storey is set well back from the front elevation the scale of this part of the proposed building is acceptable. The proposed five storey element of the building would be of a scale to provide suitable enclosure for the new north south link and public square.

- 6.46 As with block one , the proposed block incorporates a traditional hierarchy of base, middle and top with narrow, regular plot widths which are characteristic of the surrounding context. The block will be constructed in red brick and incorporates a robust brick grid framing with deep recessed brickwork at the head of the bay elements. This detail does result in slightly 'horizontal' appearance to the four storey element of the building which is in contrast to the adjoining Block L which is characterised by smaller openings with vertical proportions. Further detailing could be introduced to this elevation to ensure that the pattern of openings is more vertical in proportion and provides a better relationship with the adjoining building. There should also be similar refinement to the rear (courtyard) elevation to achieve a high standard of detail
- 6.47 The double height top storey has been designed to be lightweight in appearance with precast concrete fins, pale bronze curtain walling , anodised aluminium panels and glazed sections. Given the building configuration at this point, the top storey would not be readily visible from Cale Street although it would be visible from longer views from the conservation area to the south particularly when lit from within. This element would need some refinements to reduce the apparent height and appearance when viewed from the adjoining conservation area.
- 6.48 The proposed mews houses provide a variety in scale of the development which is welcome. They are dual aspect with their entrances accessed directly from the new mews street and to the rear into the shared courtyard space in addition to their private amenity space in the form of a high level terrace. The reduced scale of the mews street affords increased sunlight and daylight to the two courtyard areas enclosed by blocks 2 and 3. The scale of the proposed mews houses would provide suitable enclosure to the street. The proposed houses have a fairly wide plot width which is emphasised by the pattern of wide garage doors with a recessed entrance. The houses would be finished in brick incorporating large glazed openings set in the recessed elements with a single opening to the first and second floors to the principal facade above vertical boarded timber garage doors. The proportion of the solid to void openings to the mews houses results in large expanses of brickwork and further refinement to the detailed design would be required to relieve the appearance of the mass of brick to the principal elevations to the houses. The rear courtyard elevations to the houses would also require further detailed design changes to relieve the expanse of brick to the rear extensions of these houses

6.49 Block Three

This would be located to the north of the site and constructed in three phases. and will be mixed tenure. The building layout would take the form of a perimeter block fronting Marlborough Street, the new public square and the northern section of the new mews street. The new block will enclose an outdoor courtyard area of 590 sqm which can be used by all residents of the new block together with existing residents of retained Block M (Maylands House). This block will also incorporate the community centre use at basement and ground floor levels fronting the new public square.

- 6.50 The block would comprise a six storey building fronting the new public square with the community centre at the base. This then falls in scale to incorporate the terrace of four mews houses providing the north section of the mews street. The building fronts Marlborough Street as a five storey building (plus basement) with a penthouse storey. The building then steps down to include a pair of four storey townhouses with steep gables to provide a transition to the adjoining building to the corner of Elystan Street. The building will be finished in brick and incorporates the traditional building hierarchy of base, middle and top with a regular pattern of punched openings to the elevations. The articulation and

architectural detailing varies in quality across this building and where it fronts the public square, the pattern and size of openings give this block a commercial appearance which is exacerbated by its scale at six full height storeys.

6.51 The adjoining building to Marlborough Street would be one storey lower with a top storey set back which helps alleviate the massing of the block at this point although with little articulation the facade appears a little monotonous and overbearing particularly given the length of the street block. The top storey would be set back although it could appear as a prominent feature and further refinement would be required to control the thickness of the framing to the proposed attic windows. The detail design of the attic storey at its junction with the pair of townhouses would need refinement to reduce its apparent scale which is highly visible from Elystan Place. The transitional pair of town houses are poorly detailed and they do not relate well to the adjoining building on the corner of Elystan Place.

6.52 Landscaping

The proposed layout provides a clear delineation between public and private realm both of which will have substantial high quality landscaping. The three private communal courtyards incorporate substantial landscaping including tree planting which has been designed so that each courtyard reads as a single communal space. This large private courtyard to Block One incorporates substantial hard and soft landscaping to delineate the different uses such as playspace for both tenures. The private courtyard to Block Two incorporates a raised terrace and sculpture space with the private courtyard to Block Three laid out as a communal garden.

6.53 With particular regard to trees. There are a large number of relatively low quality ornamental trees planted throughout the existing estate, the majority of these trees are relatively short lived ornamental type species. There are a few better quality small pollarded Planes in the centre of the estate but due to their central location it is understandable there is a wish to remove and replace the trees elsewhere to maximise the re-development. There is no objection in principle to the removal of the existing trees at the site, provided that there is no material loss in tree numbers and the overall quality of the tree stock is improved. Six Council street trees growing adjacent to the site along the frontage of the site on Ixworth Place will be removed as part of the scheme and replaced with seven trees more evenly spaced between the Cale Street and Marlborough Street junctions. It would cost around £2500 to have the trees removed. These costs will need to be met by the applicant as a s106 planning obligation.

6.54 The new link road between Marlborough and Cale St will have a total of 26 new fastigiate Oak trees planted in large subterranean planters – soil volume calculations show that there is enough available soil for these trees to establish.

6.55 There is concern about the tree numbers shown for the South East corner of the development where 18 Birch trees are shown as planted in an area only 30m in length, this is too many trees – as they mature the area will become dark and damp having less appeal to users. It would be better to plant far fewer trees and use multi-stemmed rather than single stemmed stock details of which could be secured by condition.

6.56 Effect on surrounding townscape including setting of conservation areas and listed buildings

A number of verified views are included as part of the ES of the proposal in context of the wider townscape and surrounding conservation areas and the nearby listed building of St Lukes Church and garden on the opposite side of Cale Street at its junction with Sydney Street. These views are shown in the winter condition where any tree cover would be minimal. In terms of the effect on the setting of the listed building, the modest increase in scale of the proposed building one is not readily visible given the extent of the existing trees to the gardens although the materials and detail to the top storey would need to ensure its impact was modest particularly the extent of glazing which could make this more visible when lit from within.

6.57 When viewed from the streets directly to the south of the site in the Chelsea Conservation Area, the increased scale of the buildings is more apparent, particularly when approached northwards in St Lukes Street, as the proposed buildings form a new street frontage as opposed to the existing buildings which lie perpendicular to the street. However, given the modest increase in scale of the proposed building together with the existing building configuration which terminates the view, the proposal would not harm this view out of the conservation area. Similarly, when viewed from Astell Street, the scale and massing of the proposed Blocks 1, 2 and 3 provide a modulated roofscape which would not result in harm to this view out of the conservation area. However, when the view continues north towards the end of Astell Street, the elevation of the main block and double height top storey appear dominant in the view together with the top storey to Block One and these elements would require some refinement and careful detailing so that the proposal did not harm the view out of the conservation area.

6.58 A long view west down Cale Street shows that Blocks 1 and 2 are overall of a compatible scale with the surrounding townscape and the articulation and detailing to the front elevation of Block 1 provides a good response to the surrounding context. Although details of the top storey would need some refinement to ensure that it remains modest feature in the townscape. This view indicates that the detailing to the front elevation and top storey to Block 2 would need some further refinement to ensure that there is an additional level of richness in the main brick elevation and that the double height top storey is not a dominant feature when viewed from surrounding streets in the adjoining conservation area. When viewed south west from the junction of Elystan Street and Marlborough Street, the modest increase in the scale and massing of Block 1 terminating this view is modest and would be compatible with the surrounding context. However, this view indicates that the detailed design of the main facades and top storey to Block 3 would need further refinement so that it forms a better relationship with the adjoining building at the corner of Elystan Street and the top storey is not a dominant feature. This requirement is also confirmed in the view from the opposite side of Elystan Street. When viewed from the Samuel Lewis Trust buildings directly opposite on Ixworth Place, the proposals form a new street frontage so the increase in scale and massing is apparent. However, the increase in overall height and proposed massing of the proposal would be compatible with the surrounding context.

6.59 Summary

The proposed site layout would provide a robust and coherent urban form with clearly defined streets, public and private realm which is welcome and supported by development plan policy. The existing buildings are prominent in the townscape due to their scale, although the proposal would result in an increase in scale, the proposed buildings would still remain of a scale compatible with the surrounding context. However, this would be reliant on the top storeys being carefully detailed so that they do not appear as a dominant feature in the townscape and unnecessarily emphasise the scale of the buildings. The proposed buildings vary in their architectural quality and given the scale of the proposed buildings and their high visibility both from both within and when viewed from outside the development, this should be of the highest quality. Whereas some of the detailing could be secured by condition, some elements require a further level of richness in detail to reflect the surrounding context which goes beyond the scope of the use of conditions.

6.60 In terms of the effect of the proposal on heritage assets, the proposal is not considered to result in harm to the setting of St Luke's Church and garden. With regard to its effect on surrounding conservation areas, overall there would be no harm to views into and out of these areas on the proviso that some of the elevations could incorporate further detailing and the top storeys be carefully controlled in the use of materials to ensure any impact on the surrounding conservation areas was minimised.

6.61 Overall, the scale and massing of the proposal is acceptable and compatible with the surrounding context. However, some of elements of the proposal would require further detailing to ensure that they would be of the highest design quality and provide a positive contribution to the surrounding townscape. Although some of the concerns could be

addressed by condition, some require further work outside the scope of a full planning application submission and on this basis this forms a reason for refusal of planning permission

6.62 Impact of the proposal on the transport network and surrounding pedestrian environments

6.63 Site Arrangement

The site benefits from excellent public transport accessibility (PTAL = 6) and in principle is suited to an intensification of the use of the site. Therefore, there is no conflict with CLP policy CT1 (a).

6.64 Car parking

Permit Free

Under Core Strategy Policy CT1 (c), all new additional units are required to be permit free with no entitlement to park on resident permit parking bays. The borough experiences very high levels of on-street parking demand such that the occupancy level of spaces is at saturation levels in most of the borough and at most times of the day and night. The whole borough is subject to one Controlled Parking Zone and therefore the parking demand generated by new residential developments will not necessarily be focused in the area surrounding the development. In order to ensure that new developments do not worsen this situation, the Transport SPD states that, "all new additional residential units will be required to be permit free".

6.65 The proposal would fundamentally change the nature of the residential accommodation on the site. The proposed units would be of much greater average size than the existing flats on the estate. The tenure mix would change with market housing being introduced to the site. These changes would increase the potential for residents of the site to demand on street car parking. At present the number of vacant units on the estate depresses the current level of parking demand. However, as at 21 January 2016, 71 residents' parking permits were on issue to estate residents.

6.66 The transport assessment submitted as part of the ES states that "private units are unlikely to be permitted to apply for on street parking permits" and on that basis the TA concludes that the development would not impact detrimentally on local parking conditions. In addition, it is proposed that the occupants of the affordable units would be eligible for residents' parking permits. This is reasonable as prospective occupants of the social rented units are likely to be existing estate residents already entitled to parking permits..

The surrounding streets are heavily parked. According to the most recent parking survey data (MHTC, 2011), 92% of residents' parking bays within 200m of the site are occupied on weekday evenings. An increase in on street parking demand would detrimentally impact on local parking conditions contrary to CT1 (b). There is no evidence that the development proposal would result in a fall in the demand for parking from Affinity Sutton's tenants. Whilst the number of social rent units would fall, the change in the number of occupied units would not be as great. Accordingly it is important that the market residential units being introduced to the site are permit free.

A permit free obligation is not included in the S106 heads of terms submitted with the application. In the absence of permit free obligation in respect of the market housing the proposal would materially impact on local parking demand contrary to CT1 (b) and is objectionable. Further parking permits may be sought to facilitate car travel within the

Borough increasing traffic levels contrary to CT1 (b).

6.67 Car Parking Provision

The London Plan 2015 sets maximum car parking standards for London. These define the range within which boroughs can tailor their own parking standards to respond to local conditions. The London Plan states that up to one space per unit can be permitted in respect of residential development in an urban context. It also states that all developments in areas of good public transport accessibility should aim for significantly less than one space per unit and that car free scheme should be promoted.

The car parking standard in the Transport and Streets SPD is 0.5 spaces per unit and that each tenure must independently accord with the maximum parking standard and that parking should be allocated equitably between market and affordable units. If the level of parking proposed for affordable units is less than that proposed for market units the Council expects the disparity to be fully justified.

- 6.68 The application proposal would provide 95 car parking spaces, 80 in the basement car park, nine in the mews houses' integral garages and six kerbside spaces on the new street. The basement car park would be divided into two sections, one providing 24 spaces for tenants of Affinity Sutton and the other providing 56 spaces for occupiers of the market units.

Potential designations for the on street spaces are not identified within the application submission. These would be designated by a traffic management order (made by the Council) on dedication of the new street (see below). It is likely that a mixture of spaces for resident permit holders, visitors and blue badge holders would be provided.

The proposed 24 basement car parking spaces to be provided for tenants of Affinity Sutton are intended to replace the existing car parking on the estate. A full description of the existing car parking on the estate has not been provided with the application. The application submission states that estate residents have access to 24 spaces. There are in fact many more spaces on the estate. On 27 January 2016 at 8.00am there were 25 vehicles parked on the estate and approximately 20 empty marked car parking spaces.

- 6.69 Under Council Policy CT1 (b) development proposals must demonstrate that they would not lead to a displacement of parking demand on street. Accordingly it is appropriate that existing car parking spaces on the estate that are in use should be replaced. In order to manage the supply of parking and encourage sustainable travel a surfeit of spaces should not be provided. Accordingly it would not be appropriate to replace spaces that are not in use. In this context the proposal to provide 24 car parking spaces for Affinity Sutton tenants is appropriate and consistent with CT1 (b). The ratio of parking spaces per affordable flat would be 0.1. This is well within the Council's maximum parking standards as set out in the Transport and Street SPD. No conflict with CT1 (d).

A total of 65 spaces would be provided in respect of the market units, a ratio of 0.61 spaces per unit. The proposed level of car parking provision is considered to be on the high side given the excellent PTAL of the site and exceeds the maximum permissible under the Transport and Streets SPD. The discrepancy in the level of provision between tenures has not been justified. However the circumstances are such that the car parking proposals would not be prejudicial to prospective occupiers of the social rented units as such residents would have an entitlement to park on street.

No car parking would be provided in respect of non residential uses. This satisfies CT1 (e) which seeks to limit non residential parking to essential need only. The development layout

incorporates space for a number of visitor parking bays to be provided on street.

6.70 Car Parking layout

The proposed layout of the new parking proposed at basement level is fit for purpose. A number of structural columns would rise within vehicular manoeuvring area. Whilst this is not ideal, motorists could avoid the columns without undue difficulty. Access between the two car parking areas (affordable rented and market sale) would be controlled by barrier. There is sufficient room for vehicles to wait on either side of the barriers.

Disabled parking would be provided to standard - in excess of 10% of the proposed spaces would be disabled parking bays. These would be situated close to the doorways from the car park to the accommodation above. Wheelchair users would have to use a wheelchair lift to negotiate the level difference between the car park and lower ground floor service corridors from where lifts rise to the upper floor accommodation. As well as being inconvenient access would be impacted if the lifts were to be out of service. This shortcoming is not considered to be so significant to warrant an objection but it should be addressed within any future alternative development proposal.

Electric charging points should be provided in line with London Plan standards (Policy 6.13 D). Details of proposals for the provision of electric charging points could be secured by planning condition. Motorcycle parking spaces would be provided in the basement. The retention of these spaces can be secured by planning condition

6.71 Car park access

The basement car park would be accessed by means of a two way ramp from Ixworth Place. The profile of the ramp is unusual in that it rises to a crest above street level which serves as a flood defence and falls to the back edge of the footway. The profile of the ramp is acceptable. Details of the threshold of the ramp could be secured by planning condition prior to implementation to ensure that the level of the ramp marries with that of the highways scheme.

The opening within the building through which the ramp passes is positioned at the back edge of the footway. The footway is 4m wide at this point. The pedestrian desire line passes on the outer half of the footway. There would be sufficient intervisibility between egressing vehicles and pedestrians on Ixworth Place. The relevant drawing submitted with the application indicates that there would be "a roller shutter feature" and an Automatic Number Plate Recognition System with Pedestrian Warning. It is unclear whether the "pedestrian warning" would be an audible sound that could be annoying to adjacent residents. Given that Ixworth Place is well used by vehicular traffic it would be unacceptable for incoming vehicles to have to wait for the roller shutter to rise. Further details of how the access would operate are required and could be secured by planning condition. A Stage 2 Road Safety Audit should be submitted for approval prior to implementation. The requisite footway crossover would be constructed by the Council to a safe design. Three on street parking spaces would be removed to accommodate the access. These would be reprovided elsewhere in the vicinity

6.72 Bicycle Parking

There is no bicycle parking within the existing estate. This development presents an opportunity to address this very significant shortcoming.

London Plan Policy 6.9, requires that one bicycle parking space must be provided for every one bedroom residential unit and 2 spaces for every larger (2+ bedroom) unit. The

equivalent standards within the Transport and Streets SPD reflect those of the London Plan. Accordingly the market housing and the social rented housing should be provided with 198 and 330 bicycle parking spaces respectively. Numerous bicycle parking rooms are proposed at lower ground floor level. These would be accessed using lifts (sufficiently large to accommodate bicycles) rising to the ground floor lobbies. The bicycle parking rooms would accommodate the requisite number of bicycle parking spaces, mostly on semi vertical racks with a small proportion on Sheffield stands. Semi vertical parking spaces are difficult to use and risk damaging bicycles. Their extensive use within the proposed layout is unacceptable. A better mix with a higher proportion of Sheffield stands could be achieved within the space available by rearranging the cycle parking provision throughout the site. A large bicycle storage room would be provided under the north south link as part of the subterranean element of the proposal. Details of the bicycle parking could be secured by condition in order to satisfy CT1 (f), London Plan 6.9.

The non-residential uses would be provided with cycle parking for staff. On street provision (nine Sheffield stands) are proposed for visitors. Such spaces could be worked satisfactorily into the street design and should be delivered as part of the S38 works (see below). The non-residential cycle parking facilities satisfy CT1 (f).

6.73 New Streets

The proposed new streets and the associated junctions are acceptable in principle. The new streets would increase permeability, connectivity and legibility in adherence to CT1 (g) and CR1 (a), (b). The proposed streets' dimensions are such that the new streets would function appropriately for conduit, servicing and access whilst being attractive spaces. Tracking diagrams have been submitted to indicate that the proposed north south street could be used by 10m long vehicles. The mews could also be used by large vehicles albeit with difficulty given the constricted width through the arch at the eastern end. The dimensions of the mews street are likely to discourage heavy vehicles from using it. An on-site test has demonstrated that refuse vehicles can pass through the arch. The public space where the two new streets would meet would be a positive addition to the local street network and would provide an opportunity to provide external seating (either public or privately managed under licence) for residents and visitors alike.

- 6.74 The north south street would take a traditional form and would comprise a pair of footways laid in Yorkstone and a carriageway laid in natural stone paving (most likely granite setts). The latter would accommodate two way traffic with and a number of parking bays (on the western side). Footways with a minimum width of 2m, as required under the Transport and Streets SPD, can be achieved (one proposed footway is slightly deficient but this could be rectified at detailed design stage). There is a turn in the alignment of the street at the proposed public space. The public space where the north south street meets the mews street would be a single surface space laid out in "natural stone paving suitable for vehicle overrun". The layout and alignment of the proposed streets should ensure that traffic speeds are low. The submitted landscape proposals (layout and materials) are acceptable in principle and form a good basis for details of landscaping which could be agreed pursuant to a planning condition and for construction details to be worked up under a S38/ S278 agreement
- 6.75 The proposed north south street would be lit by heritage lamp columns, the public space would be lit by geo disk columns and the mews street by wall mounted geo disk luminaries. No luminosity diagrams have been presented to demonstrate that the proposed lighting provision would provide satisfactory light levels throughout the public realm. Details of lighting could be agreed pursuant to a planning condition. Further the S38/ S278 agreement needs to confer easement rights on the Council to service the wall mounted units and associated transformers etc. Strip lighting is proposed within the ground plane under the arch at Elystan Street. The Council would not adopt this lighting. Any detailed

lighting scheme needs to demonstrate that adequate light levels would be provided with the arch

- 6.76 The proposed trees would be set within resin bound pits with geonets installed below the ground to control root spread. These details are acceptable in principle and will need to be covered by the S38/S278 agreement. Many of the tree pits on the landscape drawings are excessively large and fail to leave sufficient pavement width for pedestrian conduit. Whilst resin bound surfaces can be walked over, a minimum of 1.2m of clear pavement should nevertheless be provided to the inside of tree pits to ensure a continuous uninterrupted walking surface is provided
- 6.77 The mews street terminates under an existing arch set within a building fronting Elystan Street which is to be retained. The dimensions of the arch are constrained. Whilst a refuse vehicle can pass through the arch due care is required. Suez, the Council's waste contractor, has reviewed the proposals and would be happy for their vehicles to use the proposed mews street. There are no proposals to restrict traffic in the mews as it is unlikely to attract vehicular traffic beyond traffic accessing the nine proposed mews houses.
- 6.78 It is proposed that the mews street's paving would continue through the arch to meet the carriageway of Elystan Street. Whilst this is acceptable in principle there are a number of challenges in providing new paving within the arch. The arch is framed by a pair of pillars that oversail the proposed street at a level below the height of some high sided vehicles. It is essential that bell bollards are provided to ensure that vehicles maintain a central line away from the protrusions. Such bollards would also protect down pipes on the northern side of the enclosed access. The highway authority will not adopt the area directly below the oversailing capitals. At present this area is demarcated by kerb stones and these or similar would have to remain to demarcate an area which must not be overrun. These areas would have to remain the responsibility of the land owner. It is not clear that a satisfactory pavement build up can be achieved without increasing the height of the pavement level. Any increase in the pavement level risks exceeding the level of the damp proof coursing of the adjacent building. Any acceptable S38 agreement would have to ensure that this would not happen and further that the Council be indemnified from any future damage. There is a question mark over whether any part of area under the arch could be designed and built to adoptable standards. If that is the case it might be that this area is excluded from the scope of the agreement. The remainder of the mews street would be connected to the borough highway network so could be considered for adoption even if the area under the arch is not
- 6.79 The southern part of the north south street would be built upon subterranean accommodation that would provide a bicycle store, plant rooms, storage units for the private market flats and crucially a service corridor between Blocks 1 and 4. The latter would facilitate the managed transfer of waste from the market residential units within Block 4 to the central store and collection point within Block 1. The Transport and Streets SPD requires that basement structures be positioned a minimum of 1m below the street level to facilitate drainage and crucially to provide sufficient soil depth for trees. In this case, only 0.75m of clearance is proposed. The applicant states the reason for this is to provide acceptable gradients for transferring Eurobins below ground. It is unclear why the transfer of waste must occur below the street or indeed why any of the accommodation proposed for under the street needs to be there. There is scope for it to be provided elsewhere on the site.
- 6.80 Whilst it might be the case that 1m deep tree pits are to be provided with the 0.75m deep slab this would mean that the planting layout would be fixed. This is contrary to the Council's adoptable street standards (Policy CR4 (a)) which are intended to ensure that street layouts can adapt to changing circumstances over time.

The issues of the insufficient clearance above the subterranean structure and details under the arch would need to be resolved and construction details agreed before the Council would wish to adopt the newly created streets. The S106 agreement should include an undertaking from the developers to enter into a S38/ S278 agreement with the Council. Any such agreement might need to exclude the area under the arch. Under such an agreement all supervision, administrative, legal and other costs incurred by the Council must be borne by the developer.

6.81 Works on the existing highway

The proposed (priority) junctions of the north south street with Cale Street and Marlborough Street are acceptable in principle. There would be sufficient visibility to and from the junctions. Should the development be approved Stage 2 Road Safety Audits of the junctions must be submitted to the Council for approval before implementation. These works should be secured by s106 planning obligation . The applicants should be required to enter in to S278 agreement under which the works would be carried out by the Council at the expense of the applicant.

All footways abutting the estate would be renewed in Yorkstone in order to satisfy CT1 (g) CR4 (a). These works would serve to remove numerous redundant crossovers. The proposed building lines and boundary railings do not match those of the existing estate. In many areas there would be moderate widening. Any additional areas of footway should be adopted by the highway authority under the S278/S38 agreement.

- 6.82 The existing footway on Ixworth Place is of variable width and in places does not achieve the Council's 2m minimum width standard. Given the limited carriageway width on Ixworth Place there is no scope to extend the footway into the street. Accordingly the development boundary should have been set to achieve at least a 2m wide footway along the length of the frontage. The proposed footway would be on average wider than the existing footway however there would be greater variance in the footway width. The southern part of the footway would be just 1.8m wide which would make the provision of the proposed replacement street trees challenging (pedestrians would have to use the resin bound surface of the tree pit). At the northern end of the frontage the footway would be significantly reduced in width to just 1.2m wide. Whilst the shortfall in the width at the southern end of the frontage could be balanced against pedestrian improvements elsewhere the constriction that would be created at the northern end of the Ixworth Place frontage is unacceptable and contrary to CT1 (g), (p), CR4 (a). A stopping up order would be required which is unlikely to be authorised by the Director of Transport and Highways. To address this shortcoming the two northernmost lightwells on Ixworth Place should be removed from the proposals

6.83 Servicing and Refuse Collection

The intention is that servicing would occur from existing and proposed streets. This is acceptable. This residential led scheme would generate a limited number of servicing trips. There is sufficient street space for the proposed development's servicing requirement to occur on street. The Transport Assessment (TA) does not explain how the proposed retail unit would be serviced. To avoid impacting on resident permit parking bays on Cale Street the servicing of the retail units should occur on the proposed north south street adjacent to the retail unit. Any acceptable highway layout would need to provide sufficient carriageway width to allow kerbside servicing without unduly hindering vehicular movement. Details of the highway layout can be agreed pursuant to a planning condition and within the requisite S38/ S278 agreement. Servicing of the community use and the workspace units could occur from the single surface public space without unduly impacting on pedestrian or vehicular movement or highway safety.

- 6.84 Refuse would be collected by waste contractors using the new and existing streets. Refuse storage areas and designated collection points would have adequate capacity and would be positioned conveniently for collection. The refuse generated by the market units would be moved to the designated collection point by the building management firm. Whilst this is acceptable in principle the subterranean passage that would facilitate the moving of refuse between Block 1 and 4 would compromise the quality of the proposed north south street (see above). Dropped kerbs are proposed in five locations specifically to facilitate the wheeling of Eurobins onto the carriageway. Elsewhere a single surface treatment would obviate the need for dropped kerbs. The dropped kerbs would impact on the on street parking layout which would have to be adjusted accordingly.
- 6.85 The provision of refuse storage facilities at the eastern end of the mews street under the arch is not welcome. Whilst this site is suitable for waste contractors in operational terms it would have a significant detrimental impact on the appearance of the street. At present when a vehicle is passing through the main arch pedestrians can use the secondary arch to the north. Whilst pedestrians could still pass through the secondary arch, once through they would have to deflect sharply around the refuse storage area and onto the alignment of the primary arch. Vehicle movements through the arch would be very infrequent so safe pedestrian movement would not be compromised. However the proposed refuse storage facilities would greatly detract from the visual quality of the proposed street contrary to CR1 (d), (f), CR2 (a), would blur the distinction between public and private space contrary to CR2 (e) and would unduly narrow the street contrary to CR2 (a), (c). The refuse storage facilities are excluded from the proposed adoptable area and this is appropriate however it would be much better if the refuse storage would provided elsewhere and for the full width of the passage to function as a street.

6.86 Trip Generation

The Transport Assessment in assessing the impact of the scheme on transport networks includes an estimate of the number of trips that would be generated by the market units. As there would be no increase in the number of social rented units on the site it is assumed that the replacement of the social rented units would have a neutral impact on trip numbers. This is a reasonable assumption.

The vehicular trip estimates presented are based on the average of five TRAVL surveys of flatted developments in Central London. The trip rates for other modes and the number of person trips has been estimated by applying the modal share data derived from the 2011 census returns for the former Hans Town Ward (This is reasonable). The applicant estimates that the market residential units would generate 132 two way person trips in the am peak (08:00 – 09:00) and 107 two way person trips in the pm peak (18:00-19:00). These include 25 vehicular trips (car driver/ motorcycle/ taxi) in the am peak and 21 vehicular trips in the pm peak It is assumed that the non residential uses would serve a local function and would not generate unique trips. Whilst it is likely that those visiting the non residential accommodation would be in the area already, most of those employed on the site would be likely to travel to the area from elsewhere. This travel would account for a small number of trips that would not materially change the above figures.

6.87 Impact on Highway Operation/ Traffic

The applicant undertook traffic surveys of the surrounding roads in June 2013 during peak times (07:00 – 10:00 and 16:00 – 19:00). The survey data indicates that all junctions surrounding the site have significant excess capacity and that the traffic generated by the development would have no impact on local traffic conditions. We are aware that there is an increase in traffic on Ixworth Place at the end of the school day between 3pm and 4pm

when parents and guardians wait in cars to collect children opposite the Oratory School. During this period there would be c. six movements to and from the proposed car park. This would have no discernible impact on local traffic conditions.

The introduction of new links within the street network is unlikely to result in significant rerouting of vehicular traffic. The new links are less direct than existing alternatives and there is no basis to use the streets to avoid congestion.

There is plentiful kerbside for taxi drop off, servicing and other activities to occur. There would be no significant impact on highway operation or local traffic levels. No conflict with CT1 (b). The TA did not review the road safety record of surrounding streets to identify whether there is any pattern of accidents that could be addressed by the application proposals. Four accidents resulting in injury have been recorded by the Police on surrounding roads in the last three years. Road design was not identified as a factor in any case. The traffic generated by the development would have no impact on the safety of surrounding streets.

6.88 Impact on Parking

Subject to the market residential units being “permit free” there should be no material impact on on-street parking demand.

The proposal would involve significant changes to parking layouts on Cale Street, Elystan Street, Marlborough Street and Ixworth Place to reflect the proposed road junctions, the removal of the existing crossovers and the provision of dropped kerbs (for moving Eurobins onto the carriageway). The parking layouts can be achieved that would maintain the existing supply of on street parking spaces. The triggers for initiating the requisite TMO changes must be set out in the S278/ S38 agreement. The cost of the changes should be borne by the applicant.

The future parking layout, when the development is complete, is yet to be agreed. This can be detailed within a S38/S28 agreement. It is likely that changes to the parking layout would occur in incremental steps as the development proceeds (see below). All incremental changes to the parking layout must ensure that the supply of on street parking spaces is maintained

6.89 Impact on Public Transport

Given that there would be no increase in the number of residential units on the site there would be no material impact on the numerous public transport services in the vicinity.

6.90 Impact on Pedestrians and Footway

The proposal would not significantly change the levels of footfall on the local footway network. A Pedestrian Environment Review Study Audit was carried out of pedestrian routes to nearby public transport infrastructure. The audit did not identify any shortcomings on the local footway network requiring attention.

The existing footway on Ixworth Place is badly broken up by tree roots of the mature trees. It is proposed to remove the existing trees and replace them with ones more suited to a relatively narrow footway. This would improve the footway surface however the proposed narrowing of the footway on the north end of the Ixworth Place frontage would be contrary to CT1 (g), (p).

6.91 Impact on Cyclists and Cycle Facilities

The introduction of 552 bicycle parking spaces onto a site where at present there are few, if any, would greatly increase the number of cycle trips to and from the site. The TA highlights that the mode share for travel by bicycle within the former Hans Town Ward was recorded as 4% in 2011. This figure is undoubtedly influenced by the paucity of cycle parking available within the area's mansion blocks. Given the location of the site, and the facilities proposed, a mode share of 6% for bicycle would be reasonable. This would equate to c. 120 additional bicycle trips a day. C1 (g) requires that new development improve the cycling environment. There are emerging proposals to provide a "quietway" cycle route along Cale Street and Whitehead's Grove. Such facilities cost c. £100,000/km to implement. £25,000 would cover the cost of providing the portion of the route past the site and this would satisfy the policy requirement and satisfactorily mitigate the impact of the additional cycle traffic generated by the scheme.

6.92 Construction

The development would be built in four phases. The phasing strategy is largely determined by the need to decant existing estate residents within the site during the seven year building programme. Residents of each phase must be provided with adequate and safe access, sufficient bicycle parking etc. Phase 1 would provide social rented units. The section of the basement car park for the social rented flats (including the access to the car park) would be provided at this stage. Phase 2 would provide a tenure mix. The basement car park would be completed at that stage. Phase 3 provides more social rented units and the community use. Phase 4 completes the development. The new streets would be completed last.

6.93 Very limited details of the proposed construction programme have been provided with the application. The only relevant information is contained within the Draft Demolition and Waste Management Plan for Phase 1 which sets out how the first four blocks would be demolished. This document deals with demolition traffic management for Phase 1 and the information provided is indicative. This is acknowledged within the document which repeatedly highlights that all details will be clarified on appointment of a contractor. The information submitted indicates that the loading of demolition arisings would take place on site as we would expect.

6.94 The suggested route to the site from Fulham Road via the northern of Elystan Street would not be acceptable due to its narrow width and the impact this route would have on a cyclist using the contra flow cycle lane (Lucan Place is wider and would be more suited to such traffic). The submitted information does not satisfy the requirements of CL7 (k). The scale of the site is such that it should be possible to manage all construction vehicle loading and unloading within the site and this is not demonstrated by the information submitted with the application.

The proposed new streets which would be used to access and service many parts of the development would be provided last. Any acceptable CTMP must detail how properties on the site would be accessed and serviced during each phase of the development. The only information provided in this regard is confirmation of how refuse collection within the estate would occur during the Phase 1 works.

The Environmental Statement EIA identifies that construction traffic would have a minor adverse impact on transport networks due to road closures. Construction Traffic Management Plans and Demolition Traffic Management Plans for each phase should be appropriately secured to mitigate this development impact. An assessment fee of £2,800 per plan must also be secured.

6.95 Travel Plan

A residential travel plan has been submitted with the application in line with CT1 (i). This includes an action plan and some preliminary targets. It highlights a number of measures to promote active travel most notably organising Dr. Bike sessions and the marking of bikes by police. The travel plan indicates that a travel survey would be undertaken three months following first occupation. This may be too early given the phasing of the scheme. The appropriate monitoring and programme of actions need to be tailored for the phasing of the development. An updated travel plan more tailored to the development programme should be agreed pursuant to a suitable planning condition within one year of first implementation. A £1,000 travel plan assessment fee should also be secured through the S106.

6.96 S278 works

The document includes a figure of £213,000 for off-site highways works. This figure, estimated by the Director of Highways and Transportation, covers the cost of providing the proposed junctions, modifying parking layouts and renewing existing footway areas in Yorkstone. The figure does not cover the cost of paving additional footways areas that would be created by changes to the development's boundary lines on Ixworth Place and Cale Street. This is likely to increase the above figure moderately. Given the lengthy development programme many of the accommodating works on the highway will not be implemented for several years. It is essential that the highways agreement be worded in a way to ensure that the Council is not exposed to changing *relative* price levels. We will require that all cost incurred and reasonably justified are covered. The triggers for initiating the requisite TMO changes must be set out within the highways agreement

6.97 S38 works

Under the Council's policy framework (cf. CR1 and reasoned justification) we will adopt new streets so long as the standards of design and construction are of a high quality. Here, the new streets would be built by the developer to standards set out within a highways agreement. Under the terms of any acceptable agreement, all supervision, administrative, legal and other costs incurred by the Council must be borne by the developer. The agreement must result in the new streets to be dedicated as highway by the developer and should lead to the street being adopted by the Council. Adoption by the Council will occur on a certification that the new street have been built to adoptable standards. Any addition footway areas created should be captured by the S38 provisions.

6.98 A S278/S38 agreement should be completed before any superstructure works occur to ensure that sufficient time is available to programme the beginning of the highways works. This would include explicitly clauses related to the treatment of the area under the arch and wayleaves for the Council to maintain the lighting attached to the mews houses

6.99 Summary

The new street layout and improved connectivity is supported as is the new public space available for residents and visitors. The increased bicycle parking facilities are considered welcome and the car parking provision is broadly acceptable although there is no justification in the level of provision between affordable rented and market tenure. However, there are a number of issues which would require some detailed design changes which could be secured by condition. There are a number of other items, most notably the permit free obligation which would need to be secured by s106 planning obligation, s278 and s38 agreements. In the absence of these agreements, the proposal is considered

contrary to planning policies contained in the Consolidated Local Plan and London Plan.

6.100 Impact of the development on the living conditions of occupiers of surrounding properties

6.101 Privacy

The existing blocks lie perpendicular to the street frontages to Cale Street and Ixworth Place whereas the proposed buildings present directly onto these frontages as a continuous street building. The proposed buildings do not extend their footprint towards any of the surrounding buildings on the opposite side of the streets which are some 14 metres in width. As the proposed development presents largely as a continuous frontage to Cale Street and Ixworth Place, this introduces new windows, balconies and terraces at main roof level to these elevations which will face towards to end elevations of the Samuel Lewis Trust buildings on the opposite side of Ixworth Place and the properties on Cale Street. Given the existing building configuration at these points, the additional windows and balconies are not considered to introduce any additional opportunities for overlooking that would result in a reduction of living conditions of occupiers of surrounding properties. The new buildings fronting Marlborough Street are not considered to afford any further opportunities for overlooking to the properties opposite which would result in any material loss of privacy to occupiers of these properties

6.102 Sense of enclosure

The proposed buildings would be generally a maximum of three metres higher than the existing buildings and given the distance between the buildings on the opposite sides of Cale Street, Marlborough Street and Ixworth Place, there would be no increased sense of enclosure that would materially reduce the living conditions of the occupiers in the surrounding properties.

6.103 Sunlight/daylight and overshadowing

6.104 A Sunlight and daylight assessment has been submitted with the application which assesses the impact of the proposal on the following surrounding properties:

- Oratory Primary School
- 131- 630 Samuel Lewis Trust Dwelling
- 1-15 Marlborough Street
- 47 Elystan Street
- 1-56 Marylands House
- 2-30 Leverstock House
- 1 Godfrey Street
- 1-12 Astell House
- 35 Astell Street
- 27-33 Cale Street
- 39 and 40 St Lukes Street

The methodology is consistent with the BRE guidance and uses the calculation of Vertical Sky Component (VSC) and daylight distribution to assess loss of daylight to surrounding properties and the testing both Annual Probable Sunlight Hours (APSH) and winter sunlight hours to windows to surrounding properties which face within 90 degrees of due south. The results of the assessment can be summarised as follows:

6.105 Oratory Primary School

After development all windows serving habitable rooms will meet or exceed the BRE

guidance in terms of daylight and all of the windows which face within 90 degrees of due south will meet the BRE guidance in terms of sunlight

6.106 131-630 Samuel Lewis Trust Dwellings

With regard to impact on daylight, 225 out of 272 windows (83%) of the windows will comply with the BRE guidance using the VSC test with the remaining windows only having minor transgressions. The majority of these windows which are below the levels in the BRE guidance are to bedrooms which directly face the development. In respect of the APSP assessment all applicable rooms to these buildings will meet the BRE guidance

6.107 1-15 Marlborough Street

These are two terraces of properties (1-7 and 8-15) which will be sited opposite Building 1 Phase One) and Building 3 (phase four) of the development. With regard to daylight, of the 79 windows assessed, 56 will experience loss of light levels. However, the actual level of loss to these windows is less than 5% VSC for each window which would mean the loss is imperceptible to occupiers of these properties. With regard to sunlight, 82% of the windows tested were compliant with BRE guidance. The minor transgressions are mainly to the first floor windows and the degree of loss is not considered to result in a worsening of living conditions to the occupiers of these properties

6.108 47 Elystan Street

The assessment indicates that all windows and rooms to this property would meet the BRE guidance with regard to both daylight and sunlight

6.109 1-56 Maylands House

This block fronts Elystan Street and has commercial use at ground floor level with residential flats above. With regard to daylight, of the 68 windows assessed 93% will meet or exceed the BRE target values. The five windows that do not meet this are located at ground and first floor level and face directly onto the development and already have light levels below the BRE guidance. The level of loss of daylight to these windows is not considered to result in material worsening of living conditions to occupiers of these properties. With regard to sunlight, all of the windows tested will meet the target APSP values in the BRE guidance

6.110 2-30 Leverstock House

This block fronts Cale Street and has commercial use at ground floor level with residential flats above. All windows tested in this block will be fully compliant with the target levels of both daylight and sunlight as set out in the BRE guidance

6.111 1 Godfrey Street

With regard to daylight all of the windows tested will be fully compliant with the BRE guidance. As no windows in this building face within 90 degrees of due south they have not been assessed with regard to sunlight

6.112 1-12 Astell House

All of the habitable rooms within this building will meet the BRE guidance in respect of the VSC test for daylight. Using the daylight distribution test (light within the room) three rooms would experience a reduction in levels of daylight, two of these are at ground floor level and appear to be in commercial use. The remaining levels of daylight to these rooms is considered sufficient so as not to result in any material worsening of living conditions to

these properties. With regard to sunlight, all relevant windows met the target levels in the BRE guidance

6.113 35 Astell Street and 25 Cale Street

All rooms tested in these properties meet the BRE guidance with one room which will directly face the development at ground floor level having a reduction in daylight but with sufficient remaining light so as not to result in any impact on living conditions. No windows in this building are within 90 degrees of due south and have not been tested with regard to loss of sunlight

6.114 27-33 Cale Street

These are four storey buildings with retail use at the ground floor of No 27 and residential uses to 29-33. With regard to daylight of the 44 windows that were tested, 19 would meet the target levels in the BRE guidance . The remaining 25 windows face directly onto the site and currently do not meet the target levels of daylight in the BRE guidance. However, the level of reduction of daylight to these windows would not be so significant so as to result in any material worsening of living conditions to occupiers of these properties. With regard to sunlight, there are seven windows which were tested and all met the target levels of APSH as set out in the BRE guidance

6.115 39-40 St Lukes Street

These are three storey residential properties with the side elevation of No 40 facing directly onto the development. Of the 17 windows tested, one window failed the target levels of daylight included in the BRE guidance. This window is at ground floor level and does not currently meet the target level in the BRE and the degree of loss of daylight is not considered to result in a material worsening of living conditions to the occupiers of this property. With regard to sunlight, of the relevant windows that were tested, all complied with the target levels of APSH as set out in the BRE guidance

6.116 Overshadowing

The BRE guide recommends testing surrounding amenity spaces for transient overshadowing on 21st March (spring equinox)

The external amenity space to the Samuel Lewis Trust Buildings is the only external amenity space surrounding the development. The overshadowing images indicate that the proposal development will have a marginal effect on these amenity areas and there will be no impact after 11:00 on 21st March.

6.117 Summary

The proposed development will result in a number of losses of daylight and sunlight to windows to surrounding properties. However, the degree of these losses is minor and overall is not considered to result in any material worsening of living conditions to the occupiers of these properties. For the reasons, the proposal would comply with CLP Policy CL5.

6.118 **Scale of the basement development and its impact on neighbouring living conditions during demolition and construction**

6.119 The proposals will provide a single level of basement under the entirety of Buildings 1 and 2 and under the footprint of Building 3. The information submitted with the application does not indicate how the basement development will be delivered in each of the four phases of

the development.

- 6.120 The draft construction traffic management plan submitted with the application does not contain sufficient detail to conclude that there would not be any unacceptable traffic impacts during demolition and/or construction phases. However, it is considered that given the size of the site it is likely to be feasible to contain the works on site during construction although further information would be required regarding the extent of the basement excavation for each phase. In addition, the proposal has not been accompanied by a basement Construction Method Statement which demonstrates that the structural stability of nearby buildings would be safeguarded during the course of development. As the proposal would involve demolition and construction of a site where residents would be occupying buildings on the site, it is considered that this information is required in order to assess the impact on their living conditions and the stability of the buildings. Although there is insufficient information submitted on which to make a complete assessment, given the size of the site and disposition of the existing buildings it would be perfectly feasible to carry out the development by containing all vehicles, plant and equipment on site and ensuring that the stability of the surrounding buildings is maintained. Therefore, on balance the proposal would comply with Local Plan policy CL7
- 6.121 The proposal incorporates new large amenity areas which will reduce existing levels of surface water runoff. In addition, there is sufficient information submitted with the application to demonstrate that it would not affect existing trees and would not introduce lightwells which would be visually harmful. These aspects of the proposal are considered to be compliant with Policy CL7
- 6.122 The proposed soil depth over the basement would generally be one metre or more, although there are some areas to the inside perimeter of the courtyard to Building 1 where it adjoins the main building where it would be less. Given the majority of the basement would be covered by soil depth of one metre the proposals are consistent with the CLP policy CL7
- 6.123 **Environmental considerations including air quality, sustainability and contaminated land**

6.124 Ecology

Information included within the ES states that no part of the site is designated for ecological interest by either statutory or non statutory definition. Initial surveys have been carried out which have identified no existing bat roosts on the site and further surveys would take place prior to Phase One demolition. The proposal will involve the creation of three external garden areas which will provide biodiversity enhancements over the existing largely paved external areas. These measures could all be secured by appropriate conditions and on this basis the proposal would comply with CLP policy CE4

6.125 Sustainability

Information included in the Energy and Sustainability report indicates a pre assessment for Code for Sustainable Homes. Given the recent changes in legislation and timing of the application submission, the proposed development is required to meet Code 4 equivalent. The range of design measures incorporated into the scheme indicate that the proposed development will satisfy the relevant criteria. The report also indicates that the range of measures included in the design of the buildings will achieve of carbon saving of 26% which represents a shortfall of the 40% target in London Plan policy 5.2. Further measures would need to be introduced into the development in order to achieve this target or if this is not possible a contribution should be made (and secured by s106) to a fund for carbon offsetting.

6.126 Air Quality

The air quality topic chapter included in the ES considers the effects of the development

on air quality in both the demolition/construction phases and the operational phases of the development. The proposals include a combined heat and power (CHP) system in order to meet carbon reduction targets but there will be emissions from the plant which could impact on air quality. Based on the information submitted, it is considered that the necessary mitigation measures during the demo/construction phases and limits on emission levels from the CHP system could be secured by conditions. On this basis, the proposal is considered to comply with CLP policy CE5.

6.127 Noise

The noise and vibration topic chapter included in the ES considers the effect of the development in both the demolition/construction and operational phases. There are a range of mitigation measures which could be secured by condition during the demo/construction phases. Similarly, measures to limit noise of plant and equipment and requirements for sound insulation between the commercial /residential uses could be secured by condition. Therefore the proposal is considered to comply with CLP policy CE6

6.128 Flooding/water resources

The site is located in Flood Risk Zone 1 with a low risk of fluvial and tidal flooding. The site is not located in a Critical Designated Drainage Area. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted with the application. The geology of the site consists of made ground to a variable depth (typically 1.5m thick), a layer of sand and gravel to a maximum depth of 9.6m below ground level (bgl) and London Clay underneath. Groundwater was found between 3.5 and 5.5m bgl. It is likely that the basement will interact with ground water during construction and operation. The FRA explains how the basement will be protected against groundwater ingress but does not include information about the likely groundwater flow if it were to be blocked by the new basement and any potential impact on nearby properties. As the basement is extensive, it is important that there are measures to ensure it does not lead to groundwater flooding on-site or off-site.

With regard to surface water flooding the FRA includes a number of measures to prevent surface water ingress which have been included in the proposals and these are

- ground floor levels to be raised to 0.3m above street levels (or 6.9m AOD);
- protection of the basement light wells; and,
- a raised entrance to the basement car park to above 6.9m AOD)

These measures could be secured by appropriate conditions.

With regard to sewer water flooding. The FRA identifies this as a low risk . CLP policy requires that all basements are to be protected from sewer flooding by the provision of a suitable pumped device. A pump station for the ground and basement drainage is mentioned in the drainage strategy, along with the use of in-line grinder pumps for phase 2B lower ground floor for each unit. Pumps are also proposed for the drainage of the light wells. These could be secured by appropriate conditions.

The FRA estimates that 90% of the site is currently impermeable. The FRA and drainage strategy proposes a range of water attenuation measures to reduce run off in the completed development. The proposal is for a discharge limit of 25l/s for all rainfall events including the 1 in 100year event plus 30% climate change. This represents over 90% reduction of the 1 in 100year event run-off. The proposed peak foul flow is 16l/s which will mean a reduction of the current flow rate of 17.7l/s. These measures could be secured by appropriate conditions and on this basis the proposal is considered to comply with CLP policies CE2 and CL7.

6.129 Land Contamination

The information included within the ES considers the impact of the proposal on land contamination. Given the history of the site, data identifies that there would be lead in the

soil which would have to be removed as part of the development process. The required Preliminary Risk Assessment, mitigation measures and validation for the development could all be secured by appropriate conditions and on this basis the proposal is considered to comply with CLP policy CE7.

6.130 Waste

Information included in the ES and the Draft Demolition Waste Management Plan consider the proposed development in the demolition/construction and operational phase of the development. There are a range of mitigation measures to reduce the amount of waste generated through the demo/construction phases and the provision for waste facilities is considered acceptable during the operational phase. These measures can be secured by appropriate conditions and on this basis the proposal is considered to comply with CLP policy CE3

7. **Issues and balancing**

- 7.1 In accordance with the requirements of the NPPF, the benefits and harms of the development proposals as a whole must be considered and balanced in reaching a decision.
- 7.2 The proposal involves estate regeneration and the case has been demonstrated that redevelopment is the only option which would secure the necessary improvements to the whole estate accommodation to provide good quality affordable housing which meets modern needs. The proposals would provide good quality residential accommodation across both tenures and provides access to new private and communal amenity space. The proposals would also ensure that all existing ASH tenants would be guaranteed a new home on the development with security of tenure and would only have to move once. These aspects of the proposals are welcome. However, given the high demand and limited provision of affordable housing, it is key that proposals for estate regeneration provide the maximum reasonable amount of affordable housing with the minimum being no loss of social rented provision. The proposals as submitted fail when considered against these principles, which are fundamental to proposals for estate regeneration.
- 7.3 The proposed layout of the proposals bring considerable benefits in terms of its urban form, permeability and provision of high quality private and public realm. The overall scale and massing of the proposals are acceptable and would not result in harm to the surrounding townscape or heritage assets. However, the architectural treatment of some of the buildings is not considered to be of sufficient high quality which given the scale of the proposed buildings and their visual prominence when viewed from outside and within the development, is an overall disbenefit.
- 7.4 There is no agreed s106 obligations and measures under s16 of the General Powers Act which would secure the necessary mitigation measures which have been identified in this report.
- 7.5 The proposal would provide good quality residential accommodation in an improved layout with access to new amenity space for all residents. However, it fails to address the fundamental principles of estate regeneration which are expressed in development plan policy and on balance, the proposals should be refused.

8. **Planning Obligations and CIL**

- 8.1 The applicant has submitted a draft s106 Heads Of Terms with the application when submitted in July 2015. These have not been advanced with the local planning authority as part of consideration of the proposals and **currently there are no agreed Heads of Terms between the parties in relation to the proposals.** The applicants draft Heads of

Terms are listed below **for information only:**

- affordable housing- amount, type and tenure mix to be determined in accordance with agreed outcome of viability discussions
- highway works – cost of renewing the footways abutting the estate in York Stone and modifying on street parking layouts
- regulation of highways works pursuant to a s278/s38 agreement
- arboricultural works- payment for removal of street trees
- planting of street trees (subject to outcome of viability assessment)
- community space
- payment for assessment of demolition/construction waste management plans and travel plans
- energy and renewable energy (to be agreed between Council and Affinity Sutton)
- employment and training measures
- monitoring and legal fees

8.2 If planning permission were to be granted for the development , on implementation it would be liable for a Borough CIL payment which would be used for the provision of infrastructure within the Royal Borough. The development would also be required to provide a Mayoral CIL payment to fund the construction of Crossrail. Both these payments would be calculated using the standard rates , however, as the proposal involves the provision of social housing, there would be a reduction on the amount of payments for both Borough and Mayoral CIL. The figures are summarised below:

CIL CHARGE	TOTAL FOR ALL PHASES
Borough CIL	15,779,696.40
Mayoral CIL	1,521,632.00
Total CIL	17,301,328.40
Borough social housing relief	8,340,606.86
Mayoral social housing relief	791,650.82
Total social housing relief	9,132,257.68
Net Borough CIL payment	7,439,089.54
Net Mayoral CIL payment	729,981.18
Total Net CIL payment	8,169,070.72

9.0 Consultations carried out

Mayor of London Stage One Referral

9.1 The Mayor of London has been consulted on the planning application in accordance with the Town and Country Planning (Mayor of London) Order 2008. His Stage One report is attached to this report as Appendix 1 and the outstanding strategic issues are listed below together with a summary response.

- **Principle of development:** The development would significantly improve living conditions for existing and future tenants. In view of the existing conditions of the estate and the need to address these, the principle of the

- proposed development is supported.
- *Officer Response – Noted.*
- **Housing:** The net loss of affordable housing does not comply with London Plan Policy 3.14. It should be demonstrated that the scheme would deliver the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12. GLA officers consider there should be no net loss of affordable housing floorspace and do not accept some of the key assumptions in the viability assessment and the calculation of the affordable housing baseline.
- *Officer Response – Noted. Officers also dispute the applicant's calculation of the affordable housing floorspace baseline and therefore consider that the proposal results in a net loss of affordable housing floorspace contrary to London Plan Policy 3.14 and Policy CH4 of the Consolidated Local Plan. The applicant's approach to the valuation of the existing estate is also disputed and it is officer's view that the applicant has failed to demonstrate that the maximum reasonable amount of affordable housing floorspace is being provided. Full consideration of these matters is provided in the main report.*
- **Urban Design:** The design of the scheme is broadly supported and is well laid out, with a legible layout that will knit the estate into the surrounding neighbourhood. Internal layouts are well considered and the architecture is of a high quality. The approach to scale is acceptable in strategic planning terms.
- *Officer Response – Noted. Officers consider the layout is acceptable, the scale appropriate and residential quality good. However, the architectural quality and detailed design is not considered of sufficient quality in the context of the surroundings. The consideration of these matters is detailed further in the main report.*
- **Inclusive Access:** The approach to access and inclusion is supported. The Council should secure these matters by condition including the identification of wheelchair units within the market housing.
- *Officer Response – Noted.*
- **Sustainable Development:** The energy strategy is not fully in accordance with London Plan Policy 5.2 as it fails to achieve the required carbon dioxide savings. The applicant should address the shortfall in carbon emissions reduction or set out a clear reason as to why this is not deliverable.
- *Officer Response – Noted. The applicant has not addressed this shortfall and therefore the energy strategy remains contrary to policy.*
- **Transport:** New residents should be exempt from applying for parking permits on-street. The level of blue badge parking should be increased from 9 to 34 spaces and should be split between the affordable and private housing in proportion to the number of wheelchair accessible homes in each element of the development; there is a shortfall of cycle parking spaces which should be rectified (562 spaces are required compared to the 552 spaces being provided); changing/ showering/ storage facilities for staff of non-residential uses should be identified on plan and secured by condition; a travel plans should be secured.
- *Officer Response – Noted. The level of parking provision is assessed in the main report.*

Architectural Appraisal Panel (AAP)

9.2 The current scheme was presented to five meetings of the AAP at pre application stage during design development. The final presentation was on 16th April 2015 and the full comments of the Panel are included as Appendix Two of this report and are summarised

below.

- ***'Proposals for the replacement of 239 affordable housing units, enabled by the development of 109 private market units, in a tenure blind scheme that includes new retail, a community centre with gardens, and a new public square.***
- ***The AAP thanks the team for a clear presentation of the broad view of the scheme, with an emphasis on the eventual sense of place created by the new architecture and not on the phases of development as previous. The panel's response is drafted to reflect this approach.***
- ***The panel is ambivalent regarding the provision of the new square. From the proposed landscaping and enclosing built form, it is read as a key moment in the emerging townscape and a significant contribution to the public realm. However, the panel is concerned that the space is not matched by its functions. Those functions could be just as well served by a traditional street layout and would have the benefit of reading as a typical street in the Royal Borough and part of the wider residential area***
- ***As a square it lacks ambition and energy. The space needs more support than a community centre with its visual link through to the quiet community garden, especially as the centre may not afford to be as open and engaging in its detailed design. The ground floor of the P&P building must respond more to the square and provide retail or workplace activities, particularly as it also terminates the strong vista along the new link road.***
- ***The central courtyard gardens are not described in detail and the panel asks the scheme architects to ensure there is no similar confusion there too.***
- ***Looking at the designs at junction of Cale Street with Ixworth Place, the Panel is unclear whether this too is meant to be an important moment in the development. The architecture and geometry of the corner lack conviction, appearing uncertain whether it is a main elevation that starts the building or a flank elevation that ends it. The use of single and double storey openings adds to the visual confusion, whilst the faceted uppermost storey is poorly handled. The curved metal cladding of the corner penthouse is unconvincing over the chamfered brick form below. The treatment of the penthouse storey and those along Gale Street is too dominant and expressive with its gold metal finish.***
- ***There is a need for further articulation of the mansion blocks along Ixworth Place and Marlborough Street (west). The perforated brick screen provides insufficient articulation and sense of visual relief between the blocks, particularly when seen obliquely. The horizontal parapet line is too strong and dominant, and needs to be broken. Bringing down the roofing material may also help bring a better articulation and rhythm to the streets***
- ***The panel is concerned with the scale and massing of the new apartment blocks and townhouse on Marlborough Street (east). The additional penthouse storey level is too much for its context, whilst its architecture is unrefined and needs more development with its gable end rising abruptly above the townhouse and neighbouring corner building. The top floor should be removed along Marlborough Street (east) to improve the block's***

townscape fit; and a review carried out whether the penthouse level can work if cut back to address the new link road only or is removed the full length of the perimeter street block, round to the community building.

- ***The AAP also questions the facade designs of the Sidell Gibson apartments block, which is more office than residential in its architectural language, particularly on its courtyard elevations. The proportioning tends to read horizontal and the window openings are too large. The elevations are joyless and need more articulation and detailing to achieve a residential quality.***
- ***Lastly, on a general note, the quality of the brickwork and how this is handled will be vital to the success of the architecture throughout the scheme. The architects should be mindful of the sculptural quality when carving out openings and balconies; the careful treatment of the reveals and soffits; and how the openings will appear when lit at night. The use of good quality materials (including lime-based mortar to minimise expansion joints) and craftsmanship go without saying.***

9.3 Comments from interested parties

2,926 nearby owners/occupiers were notified directly of the application.

The application was advertised in the Kensington & Chelsea Chronicle on 20/11/2015

A statutory notice advertising the application was posted near the site on 20/11/2015

An online petition, “*Stop the Demolition of Sutton Estate*” with 10,940 signatures (at the time of reporting) has been received;

A total of 8 general comments have also been received.

354 letters were received objecting to the application, summarised as

	Comment	Response
1	Noise and disturbance from construction including dust.	Should permission be granted, appropriate conditions to mitigate the impact of the development on the living conditions of nearby properties could be included
2	The development should provide 50% affordable Housing.	The application is accompanied by a viability appraisal to demonstrate that the proposal includes the maximum reasonable amount of affordable housing. Officers do not agree with the conclusions of this report and this forms the basis of a recommended reason for refusal

3	Displaced residents should be given priority to affordable housing.	Noted
4	The development should remain as social housing and not demolished and rebuilt for profit.	The proposals include a mix of private and affordable tenures. The LPA seeks to ensure that there is no loss of social housing floorspace. It is acknowledged that in any redevelopment proposals an element of private floorspace would be required to cross-subsidise the provision of affordable floorspace. However, the current proposals have not demonstrated the maximum reasonable amount of affordable housing is being provided
5	Elderly residents should be re-housed at no extra costs.	Noted.
6	The Labour Group objects to the development due to the loss of 146 social rented homes at a time when demand is rising.	The loss of social rented floorspace is contrary to policy CH4 of the Consolidated Local Plan.
7	The development is contrary to London Plan Policy 3.14 and RBKC Consolidated Local Plan Policy CH4.	This is noted and is included in a recommended reason for refusal of the application and in the assessment of the scheme in the report above.
8	The existing accommodation is well built, with traditional character and style and should be refurbished.	The applicant has submitted a case for regeneration with the application to demonstrate that refurbishment of the existing estate to improve the quality of accommodation is not a financially viable option and why an application for redevelopment has been pursued. This is considered in detail in the main body of the report

9	Traffic Management Plan should take account of Crossrail 2 timing and the potential impact on traffic in the locality for the duration.	This would be included within a detailed Construction Traffic Management Plan should permission be granted.
10	The development will threaten small and essential shops at Chelsea Green due to the length of the construction period.	Some disruption during construction would be unavoidable however, the Council would seek to minimise adverse impacts during construction through conditions and agreement of an appropriate construction management plan.
11	The development will change the character of the neighbourhood and the sense of community would be lost.	The detailed proposals are considered in the main report.
12	The aesthetics of the new buildings are out of keeping with the rest of the area.	The proposed detailed design of the buildings is considered in detail and assessed in the main body of the report.
13	The development would displace and inconvenience existing residents and would deprive the borough of social and sheltered housing.	Whilst there would inevitably be some disruption this would be short-term while works are being undertaken. The loss of social and sheltered housing is considered in detail in the main body of the report.
14	The scale and bulk of the new development would over-shadow neighbouring properties and bulky design will be out of character.	The scale of the buildings are considered to be appropriate in their context, and whilst taller than the existing buildings that occupy the site, would not have any adverse impacts on the local townscape or on neighbouring heritage assets.
15	The development would result in the loss of local character and aesthetic history. The proposed development looks like many other developments in many other places and does not compare to what it would replace.	The proposed detailed design of the buildings is considered in detail and assessed in the main body of this report.

16	The site should be dealt with as part of a Planning Brief rather than as an individual application given the variety of developments coming forward in the area that will have an adverse impact on the area including Royal Brompton & Marsden Hospital, Crossrail, Thamesbrook, Post Office.	A Planning Brief bridges the gap between the development plan and a planning application. Its purpose, to improve efficiency of the planning and development process and improve the quality of development. A brief is not necessary in this case as the development plan and existing planning guidance is considered to provide adequate basis for determining the planning application(s). However, the cumulative impact of the proposal together with that of the proposed Royal Brompton Hospital and Crossrail developments has been included in the Environmental Statement submitted with the application.
17	Social Housing tenants will be pushed to the back of the newly built estate and the change from a trust to a housing association will push up rents forcing local residents out of Chelsea.	Information submitted with the application states that all Affinity Sutton tenants will be able to retain their security of tenure whether assured or secure. Assured tenants will pay target rent levels and secure tenants will pay a 'fair rent' which will be registered with the governments valuation office agency. The rent levels would be secured by s106 planning obligation
18	Object to any increase in height from the existing buildings	The proposals would involve the increase in height of some three metres above the existing buildings. The scale of the proposed buildings is considered acceptable both in terms of townscape impact and any impact on the living conditions of occupiers of surrounding properties and in the new development
19	The destruction of the estate would be solely for profit and would be akin to social cleansing.	There is a policy requirement for social rented floorspace to be reprovided in accordance with policy CH4. All Affinity Sutton tenants will be able to remain on the estate and retain their security of tenure
20	The buildings have not been maintained properly in the last 10 years giving a false impression that they need rebuilding.	. The LPA have a duty to consider the application submitted and the existing situation.

21	The redevelopment works will go on for too many years.	The phasing of the development (and length of the programme) has been devised to take account of the decant and re-housing requirements of existing tenants.
22	Many flats on the estate including those in Elbourn House have central heating, double glazing, a lift, door entry system and all electrics were updated a few years ago and do not need to be demolished.	The applicant has explored the option of refurbishment of the existing units in order to meet Decent Homes Standards and has deemed this option to be financially unviable. The applicant seeks to cross-subsidise the redevelopment of the estate with the provision of private accommodation in order to provide affordable units that meet Decent Homes Standards.
23	The development would result in the needless destruction of social housing in London to provide more housing for the wealthy without replacement	The provision of replacement social rented floorspace and the balance and mix of tenures is considered in detail in the report and is found to be contrary to policy CH4.
24	The legacy of William Sutton should be protected who left his money to be spent on the poor, not benefit developers.	The LPA has an obligation to consider the application as submitted against policies in the development plan which seek to ensure there is no loss of social housing floorspace in the redevelopment of an estate (Policy CH4). Responsibility for management of the legacy lies with the Trust, not the Council
25	The development would be bland and lack the diversity of the existing buildings and would result in gated and empty communities	This objection is noted. The proposed detailed design of the buildings is considered in the main body of the report . The proposal does not include any gating arrangements.
26	Local people will not be able to afford the new housing and will be driven out of Chelsea turning the area into an exclusive ghetto.	Noted.

27	We risk losing more of our workforce, tradespeople, carers etc by destroying social housing	The loss of social housing floorspace included in the application is contrary to policy CH4.
28	RBKC cannot afford to lose any more social housing or it will not be able to fulfil its social obligations	The loss of social housing floorspace included in the application is contrary to policy CH4.
29	The existing buildings and those that occupy them contribute to the history and local community and should remain.	Noted.
30	There appears to be a lack of any s106 improvement for the locality	S106 improvements would only be secured in the case of a recommendation for approval. Any s106 obligations secured would be related to the development and necessary to mitigate any impacts of the development
31	The development would see the destruction of attractive Victorian architecture that contributes to the character of the area and is part of our architectural heritage. They are iconic and should be listed, they sit well with their surroundings.	The existing buildings do not benefit from any heritage designations protecting them against demolition. The quality of the replacement buildings however, are not considered to be a suitable replacement in terms of their character and detailed design as detailed within the report.
32	Unacceptable loss of sheltered housing for the elderly.	All the replacement affordable housing would be designed to provide accommodation which would be suitable for all tenants including the elderly. Any requirements for wheelchair units for existing tenants have been incorporated into the scheme design.

34	The proposed development is too high and will appear dominating in relation to the surrounding area. The grey colour of the penthouse floor gives it a heavy appearance.	An assessment of the height and mass of the proposed buildings are considered in the main body of the report.
35	The proposed design has harsh lines that lack rhythm and interest and the uniform frontage would be intimidating.	Officers agree with this objection and it forms one of the recommended reasons for refusal .
36	The transitional block and attempted curve at the junction of Ixworth Place with Cale Street is jarring.	The scale and massing of this block is acceptable however there are concerns regarding the detailing of the top storey
37	The proposed red brick should have a suitable mix of colour.	If permission were to be granted, the materials would be secured by condition to ensure they were of sufficiently high quality in keeping with the richness and character of the surrounding area.
38	Object to the division of the estate by introducing a road through the middle.	The proposed new streets would increase permeability, connectivity and legibility in accordance with policies CT1(g) and CR1(a) and (b).
39	There has been a lack of proper consultation with nearby residents regarding the time taken for the development to be carried out and the look and quality of the new buildings.	The applicant's public consultation and engagement prior to submission is detailed within the submitted Statement of Community Engagement. It demonstrates that engagement with the community began in 2013 and a series of consultation events were carried out up until 2015 when the application was submitted. However, the application cannot be refused on the basis of the consultation process being inadequate

40	Cumulative impacts of other developments need to be considered including Crossrail 2 and the Royal Brompton and Marsden Hospitals.	The cumulative impacts of other projects including the Royal Brompton Hospital and Cross rail 2 are considered as part of the Environmental Impact Assessment as required by the EIA Regulations (2011 as amended). Associated mitigation measures to address any identified significant effects are included within the Environmental Statement. The proposals at the Royal Marsden Hospital are not included in the cumulative assessments given the limited scale of these proposals.
41	Demolition is environmentally unsustainable and is wasteful of embodied energy contained within the existing buildings.	The proposals would be expected to achieve energy savings in line with London Plan Policy 5.2 which seeks to reduce carbon emissions.
42	The new flats will be bought by overseas buyers and be left empty for most of the year	The LPA is unable to restrict purchasers of unit for sale on the open market.
43	The elderly residents of the estate should not be displaced from their homes and should continue to receive care and support of the local community and NHS services.	All existing tenants will be guaranteed a place in the new development unless they request otherwise
44	It is not clear if the project is financially viable and does not account for financial risk associated with project finance.	This objection is noted and is addressed in detail in the main report.
45	The financial analysis accompanying the application does not consider any alternative options and therefore the Council are unable to select an option that provides the best outcomes and value for taxpayers money. A business case should be provided by the applicant.	Alternatives to the demolition and rebuilding of the estate is provided in the <i>Development Appraisal</i> document submitted with the application. In terms of the financial analysis, a range of scenarios have been considered by the Council's independent assessor and these are presented and considered in further detail in the report.

46	Increased traffic congestion and nuisance during redevelopment and after completion.	<p>Any adverse impacts during the redevelopment would be mitigated through the agreement of a Construction Traffic Management Plan.</p> <p>The proposed development is not considered to result in any discernible impacts on local traffic conditions after completion.</p>
47	This would set a precedent for other charity funded housing, particularly in Chelsea.	Each application must be considered on its merits and the circumstances of the case.
48	The proposed Cale Street façade is inconsistent with the existing context of the St Luke's Church area. A revised plan should be submitted that is more sensitive to the existing façade.	The impacts of the development on the surrounding townscape is considered in detail in the report.
49	The reasons for demolition – limited access to private open space, poor daylighting, insufficient room sizes, poor layouts – are not sufficient to warrant demolition and are common problems amongst much of London's housing.	The physical constraints of the properties are part of the reason for redevelopment as detailed within the <i>Development Appraisal-The Reasons for Redevelopment</i> submitted by the applicant.
50	The proposed daylight levels are not an enhancement on the existing situation with only 71% reaching target BRE levels.	The quality of new accommodation is assessed in the main body of the report which concludes that the proposed residential units of both tenures would provide a good quality of accommodation

51	Neighbouring properties (including 47 rooms of the Samuel Lewis Trust dwellings) will be negatively impacted and will experience loss of daylight as a result of the proposed development.	It is noted that the daylight and sunlight assessment shows there would be a reduction in daylight and sunlight levels to some neighbouring properties as a result of the development. However, the degree of loss is considered minor and would not have a significant impact on living conditions. Further assessment can be found in the main body of the report.
52	The development would have a detrimental impact on St Luke's Grade I Listed Building. S66 and S72 of the Planning (Listed Building and Conservations Areas) Act therefore applies.	The LPA has a duty to consider the impact on the character, appearance and setting of any designated heritage assets affected by the development. This has been considered in detail in the relevant section of the report.
53	The proposed buildings are bland and lack character.	This is noted, an assessment of the detailed design and architectural treatment is provided in the report.
54	Most people who live in Chelsea are willing to accept smaller accommodation than elsewhere as they place a premium on living in Chelsea. This should equally apply to social housing and should be borne in mind when calculating the number of units which can be accommodated on the site.	New housing development is required to the minimum residential dwelling size standards set out in the nationally described space standards (2015) and as set out in the Mayor's London Plan, regardless of tenure.
55	As the housing would be subsidised it should not be permissible to be sublet or used for short-term purposes such as AirB&B.	This would be a matter for Affinity Sutton Group
56	All receipts from the sale of private units should be used to build rented accommodation on the same site and any financial surplus should not be spent outside of Chelsea.	The applicant contends that there is no financial surplus resulting from the redevelopment as detailed within the Financial Appraisal. However, the principle of cross subsidy of market sale units to reprovide the affordable housing floorspace is the basis of the proposals.

57	The proposed rented accommodation should not just be for those with lowest incomes but for middle income groups also who are can no longer afford to live in the area.	Policy CH4 requires that all social rented floorspace is reprovided. This space would be for existing tenants in housing need who would be housed by Affinity Sutton as registered provider
58	Concern that the Government's "right to buy" legislation will result in the loss of social housing in any case.	This is noted but is covered by recent legislation in the Housing and Planning Act 2015 and outside of the scope of this planning application
59	The Sutton Estate is a vital part of the story of social housing in London and should be protected by inclusion in a conservation area or by local listing.	The existing buildings are no longer of sufficient quality for inclusion within a conservation area. Local listing would provide no real protection from redevelopment
60	The development will increase pressure on residents parking	The Council's transportation officer has advised that subject to the market residential units being "permit free" there should be no material impact on on-street parking demand.
61	The new road through the site will become a rat-ran increasing noise and pollution	The introduction of new links within the street network is unlikely to result in significant rerouting of vehicular traffic. The new links are less direct than existing alternatives and there is no basis to use the streets to avoid congestion.
62	The redevelopment will be unsettling for existing residents.	This would not be a reason to refuse planning permission and whilst it is acknowledged that there would be disruption to existing residents as a result of redevelopment, the impacts would be temporary. This would also have to be balanced against the benefits of the proposal

28 letters were received supporting the application, summarised as:

	Comment	Response
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1	The development will bring the community together.	Noted.
2	Welcome bigger, modernised flats.	Noted.
3	The existing flats are beyond repair or refurbishment and the redevelopment is required.	Noted.
4	Welcome the provision of more open space, communal gardens and playspace for children.	Noted.
5	The Estate is in need of a community centre.	Noted.
6	The existing estate is not designed for modern living, the flats are small, lack natural light and privacy with no green space.	Noted.
7	The development would become a truly mixed community with a mix of private and social housing.	Noted.
8	The Sutton Estate should move with the times and match the quality of the rest of the area.	Noted. The detailed design and architectural detailing of the proposed new development is discussed in detail in the report above.
9	The private part of the estate will bring a good mix of people and benefit local restaurants and businesses.	Noted. The balance and mix of tenures is considered in detail in the report above and in the context of the policy requirement to replace all existing social rented floorspace on the site (Policy CH4).
10	Improved security.	Noted.

11	The underground car park should relieve parking problems.	Noted.
12	The development would greatly improve living standards for residents of the estate.	Noted.
13	Historic refurbishment has resulted in reduced property numbers and inequitable sizes and poor layouts. Refurbishment would be a temporary and inefficient option.	Noted.
14	Residents of the estate have been waiting a long time for redevelopment to take place.	Noted.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Greater London Authority	Comments attached to this report.	Para 9.1
Historic England	No comments.	N/A
Environment Agency	No comments.	N/A
Natural England	Nature Conservation – No objection Protected species – No comments	N/A

Lead Local Flood Authority	No objections subject to conditions.	Para 6.128
Greater London Archeological Advisory Service (GLAAS)	The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.	N/A
Thames Water	No objection, subject to imposition of conditions and informatives to ensure that a drainage strategy is developed and agreed to restrict discharge of foul and surface water into the public sewer system.	N/A
Transport for London	<ul style="list-style-type: none"> - The new access to the basement car park from Ixworth Place will necessitate the relocation of existing on-street parking bays which will need to be discussed and agreed with the Council; - New residents should be exempt from applying for parking permits; - It is disappointing that the level of parking has been increased but nonetheless the provision remains well within the London Plan (2015) maximum standards; - The number of blue badge parking spaces should be increased from 9 to 34 to comply with the London Plan and these spaces should be secured; - Cycle parking should be increased from 552 to 562 spaces to comply with the London Plan; - Changing/ showering/ storage facilities should be provided and identified on the drawings. 	Paras 6.62-6.99

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
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Victorian Society	<p>Comments attached in full to this report.</p> <p>In summary, the Victorian Society object to the demolition of the existing buildings which in light of their historic and architectural interest should be considered as non-designated heritage assets. In accordance with paragraph 135 of the NPPF their demolition is therefore a material consideration in determining the application. It is one of the core planning principles that heritage assets are conserved in a manner appropriate to their significance. The existing buildings positively contribute to the setting of the Conservation Area and their demolition would cause harm to its significance.</p>	Paras 6.33 and 6.34
R B K C Transportation Team	<p>Objection raised on the following grounds.</p> <ul style="list-style-type: none"> • In the absence of permit free obligation in respect of the market housing the proposal would materially impact on local parking demand contrary to CT1 (b) • Unduly constrained pedestrian conditions on Ixworth Place contrary to CT1 (g), (p). • The proposed refuse storage facility at the north eastern end of the proposed mews street, close to Elystan Place would greatly detract from the visual quality of the proposed street contrary to CR1 (d), (f), CR2 (a), would blur the distinction between public and private space contrary to CR2 (e) and would unduly narrow the street contrary to CR2 (a), (c). • The provision of a basement floor just 0.75m below the proposed street is contrary to the Council's adoptable street standards and contrary to Policy CR4 (a) and 8.3 of the Draft Transport and Street SPD. 	Paras 6.62-6.99
Economic Development (RBKC)	Heads of terms recommended relating to employment of local labour during the construction process.	N/A

R B K C Arboricultural Team	<ul style="list-style-type: none"> - The cost of removing 6 council trees on the SW frontage of the site on Ixworth Place would need to be met by the applicant; - The number of Birch trees proposed to be planted in the South East corner of the development should be reduced. There is insufficient space for the number currently proposed and as they mature the area will become dark and damp. 	6.52-6.55
RBKC Noise and Nuisance Team	No objection subject to the conditions relating to sound insulation and restriction of hours of use of commercial premises.	Para 6.127
RBKC Air Quality Team	No objection subject to conditions.	Para 6.126

10. Equalities Impact Assessment

10.1 Section 149 of the Equality Act 2010 places a duty on public authorities to have due regard in all that they do to the following 3 aims:

- To eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act
- To advance Equality of Opportunity between persons who share a relevant protected characteristic and person's who do not share it
- To foster good relations between person's who share relevant protected characteristics and person's who do not share it

10.2 An Equality Impact Assessment (EQIA) was carried out for the proposed development and is included as part of the Environmental Statement. The EQIA assessed the proposal in the pre construction , construction and operational phases of the development and a summary of the potential impacts is included as Appendix 3 of this report

11 Recommended reasons for refusal

Subject to receiving no Direction to the contrary by the Mayor of London, to REFUSE planning permission for the following reasons:

REASON(S) FOR REFUSAL

1. The proposal would result in the net loss of social rented housing and fails to demonstrate that the maximum reasonable amount of affordable housing is being provided. The proposals are contrary to policies in the London Plan 2015 , in particular, Policy 3.14 and the Local Plan, in particular, Policies CH3 and CH4
2. The architecture of the proposed buildings would be of insufficient high design quality and would fail to contribute positively to the surrounding townscape. The proposals are contrary to policies in the London Plan 2015 , in particular, policy 7.6 and policies in the Local Plan , in particular, Policies CL1 and CL2
3. The proposed development , in the absence of a Legal Agreement to secure affordable housing to the meet the Council's housing needs, and appropriate provision for infrastructure that directly relates to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for the necessary social and physical infrastructure improvements arising directly from the development. Therefore, the proposal would be contrary to policies in the London Plan 2015 in particular policies 3.12 and 6.1 and policies in the Local Plan , in particular policies C1, CH2 and CH4

INFORMATIVE

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, and offers a pre-application advice service.

Pre-application advice was sought and provided. Unfortunately, this advice was not adhered to. Nevertheless, the Council is ready to enter into discussions with the applicants through the advice service to assist in the preparation of a new planning application.

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/PP/15/04878 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Ms. J. Chug

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