

ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT

APP NO. PP/13/04728/Q12
Major Planning Development Committee 21/01/2014
AGENDA ITEM NO. STR3

SITE ADDRESS

Land South of Carlyle Building
Hortensia Road
LONDON SW10

APPLICATION
DATED

23/08/2013

APPLICATION
COMPLETE

04/09/2013

APPLICANT/AGENT ADDRESS

Ms P Edwards
DP9 Planning Consultants
100 Pall Mall
LONDON SW1Y 5NQ

LISTED
BUILDING

N/A

CONS.
AREA

N/A

WARD Stanley

CAPS

No

ENGLISH
HERITAGE

K&C

ART '4' No

CONSULTED
542

OBJECTIONS
3

SUPPORT
0

PETITION
0

COMMENTS
4

Applicant Grainger Kensington & Chelsea Ltd

PROPOSAL: Construction of part 3, part 5 and part 7 storey residential building comprising 31 dwellings with commercial unit (Flexible A1, A2, B1 & D1 uses) at ground and basement (435 sqm) with ancillary landscaping (Major Application)

RBK&C Drawing No(s):PP/13/04728

Applicant's Drawing No(s): A2308 HR 201 P31, A2308 HR 202 P31, A2308 HR 203 P31, A2308 HR 204 P31, A2308 HR 250 P32, A2308 HR 251 P32, A2308 HR 252 P31, A2308 HR 253 P3, A2308 HR 254 P31, A2308 HR 255 P31, A2308 HR 256 P31, A2308 HR 257 P31, A2308 HR 258 P31, A2308 HR 310 P31, A2308 HR 311 P31, A2308 HR 312 P31, A2308 HR 313 P31, A2308 HR 410 P31, A2308 HR 411 P31, A2308 HR 412 P31, A2308 HR 413 P31, A2308 HR SK 1310 17 P1

RECOMMENDED DECISION:

Granted subject to a Section 106 agreement

1) Grant planning permission subject to the conditions in the report and the prior completion of a planning obligation in accordance with S106 of the Town and Country Planning Act 1990 (as amended) on the terms set out in this report

2) DELEGATE to the Executive Director, Planning and Borough Development the authority to negotiate the terms of the S106 (based on the obligations set out in this report or as may be amended at Committee) and issue the planning permission following completion of the S106 planning obligation

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. **Compliance with approved drawings**
The development shall not be carried out except in complete accordance with the details shown on submitted plans A2308 HR 201 P31, A2308 HR 202 P31, A2308 HR 203 P31, A2308 HR 204 P31, A2308 HR 250 P32, A2308 HR 251 P32, A2308 HR 252 P31, A2308 HR 253 P3, A2308 HR 254 P31, A2308 HR 255 P31, A2308 HR 256 P31, A2308 HR 257 P31, A2308 HR 258 P31, A2308 HR 310 P31, A2308 HR 311 P31, A2308 HR 312 P31, A2308 HR 313 P31, A2308 HR 410 P31, A2308 HR 411 P31, A2308 HR 412 P31, A2308 HR 413 P31, A2308 HR SK 1310 17 P1
Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. **Construction Traffic Management Plan (CTMP)**
No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:
 - a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity;
 - b) access arrangements to the site;
 - c) the estimated number of vehicles per day/week;
 - d) details of any vehicle holding area;
 - e) details of the vehicle call up procedure;
 - f) estimates for the number and type of parking suspensions that will be required;
 - g) details of any diversion or other disruption to the public highway during demolition, excavation and construction works; and
 - h) work programme and/or timescale for each phase of the demolition, excavation and construction works;
 - i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
 - j) work programme and/or timescale for each phase of the demolition, excavation and construction works;
 - k) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
 - l) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.The development shall be carried out in accordance with the approved Construction Traffic Management Plan.
Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Subterranean Development SPD and policies CT1 and CL5 of the Core Strategy.

4. **Construction Environmental Management Plan (CEMP)**
No development shall commence until a site specific Construction Environmental Management Plan (incorporating measures to minimise dust and emissions, construction and demolition methodology, and measures to mitigate construction noise and vibration affecting adjacent and adjoining occupied residential premises) has been submitted to, and approved in writing by, the local planning authority, and the development shall be carried out only in accordance with the Plan so approved.
Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Core Strategy in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best Practice Guidance 'Control of dust and emissions from construction and demolition.
5. **Considerate Constructors Scheme (CCS)**
No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.
Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Subterranean Development SPD and policy CL5 of the Core Strategy.
6. **Professional management of engineering works**
No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.
Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Subterranean Development SPD and policy CL2(g) (ii) of the Core Strategy.
7. **Accessible units**
No development shall commence (with the exception of demolition and basement construction) until details of the accessible market and affordable units (amounting to 10% of the total number units) have been agreed in writing by the Local Planning Authority. The approved accessible units shall be retained as accessible units thereafter.

Reason – To ensure access for all in accordance with policy CH2 of the Core Strategy.

8. **No development shall commence (with the exception of demolition and basement construction) until details of all boundary treatment (including front garden railings) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall accord with the details as approved.**

Reason - In the interest of visual and residential amenity in accordance with policy CL2 of the Core Strategy.

9. **Trees and landscaping – Details required**

No development shall commence (with the exception of demolition and basement construction) until a scheme of landscaping, to include all new shrubs and proposed trees and paths and other hard surfacing materials, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Core Strategy.

10. **Sample Materials**

No development shall commence (with the exception of demolition and basement construction) until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason: In the interest of the architectural quality of the building and the character and appearance of the area in accordance with policy CL2 of the Core Strategy.

11. **Sample panels on-site required**

No development shall commence (with the exception of demolition and basement construction) until sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing have been provided on site, and approved in writing by the local planning authority. The sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved.

Reason - In order to safeguard the architectural quality of the building and the character and appearance of the area in accordance with Policy CL2 of the Core Strategy.

12. **Details of windows and doors**

No development shall commence (with the exception of demolition and basement construction) until detailed drawings, and materials as required, of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason - In order to safeguard the architectural quality of the building and the character and appearance of the area in accordance with policy CL2 of the Core Strategy.

13. **No development shall commence (with the exception of demolition and basement construction) until detailed drawings of the shop front have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details so approved.**
Reason - In the interest of the architectural quality of the building and the character and appearance of the area in accordance with policy CL2 of the Core Strategy.
14. **No development shall commence (with the exception of demolition and basement construction) until detailed drawings of the balconies have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details so approved.**
Reason - In the interest of the architectural quality of the building and the character and appearance of the area in accordance with policy CL2 of the Core Strategy.
15. **Contamination – Site Investigation Scheme**
No development shall commence until a site investigation and a risk assessment have been undertaken, and submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the degree and nature of any contamination identified in the site investigation and assess the risk posed by any contamination to human health, controlled waters and the wider environment.
Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular Saved Policies PU3 and PU4 of the Unitary Development Plan 2002 (You are advised that the Scheme must be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater, and will be a matter of public record).
16. **Contamination – Remediation method statement**
No development shall commence (save for demolition) until a Remediation Method Statement (if necessary) to address the results of the Site Investigation Scheme has been submitted to, and approved in writing by, the local planning authority.
Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, Saved Policies PU3 and PU4 of the Unitary Development Plan 2002 and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
17. **Contamination – Verification report**
No development shall commence (save for demolition) until the approved Remediation Method Statement (if necessary) has been carried out in full and a Verification Report confirming:
- (i) completion of these works;
 - (ii) details of the remediation works carried out;
 - (iii) results of any verification sampling, testing or monitoring including the analysis of any imported soil;
 - (iv) classification of waste, its treatment, movement and disposal;

(v) and the validation of gas membrane placement.

has been submitted to, and approved in writing, by the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular Saved Policies PU3 and PU4 of the Unitary Development Plan 2002

18.

Air Quality

The boilers and CHP plant shall not be installed until certificates to show indicative emissions of the combustion plant (the emission factor should meet a dry NOx level of 40mg/kWh at 0% O2) have been submitted to and approved in writing by the local planning authority. Where this is to be achieved by abatement technology, details of the reductions to be achieved at varying operational conditions shall be provided.

Reason - To ensure that impact upon air quality in the area is minimised in accordance with policy CE5 of the Core Strategy.

19.

Air Quality

The development shall not be occupied until the CHP plant has been tested at full and partial loads for its NOx emissions by an accredited laboratory, details of which shall be submitted to and approved in writing by the local planning authority. The emissions should not exceed emissions of dry NOx of 40mg/kWh (at 0% O2)

Reason - To ensure that the impact upon air quality in the area is minimised in accordance with policy CE5 of the Core Strategy.

20.

Planting and replanting

All tree and shrub planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Core Strategy.

21.

No development shall commence (with the exception of demolition and basement construction) until detailed drawings, and materials as appropriate, of all roof level equipment (including the PV panels and any associated equipment and mounting), have been submitted to and approved in writing by the local planning authority. The development shall accord with the details so approved.

Reason - In the interest of visual amenity in accordance with Policy CL2 of the Core Strategy.

22.

No development shall commence (with the exception of demolition and basement construction) until a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the ground and basement floors commercial use and the first floor residential use has been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details so approved.

Reason - To prevent any significant disturbance to residents of development and to comply with development plan policies, in particular policy CL5 of the Core Strategy.

23. **No development shall commence (with the exception of demolition and basement construction) until a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise laterally between residential dwellings, where bedrooms of a separate unit is located across the party wall with the kitchen and living rooms of an adjoining unit has been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details so approved.**

Reason - To prevent any significant disturbance to residents of development and to comply with development plan policies, in particular policy CL5 of the Core Strategy.

24. **Protection of trees during construction – Details required**

No development shall commence until full particulars of the method(s) by which all existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Core Strategy.

25. **No development shall commence (with the exception of demolition and basement construction) until drawings of the external cycle stores have been submitted to and approved in writing by the Local Planning Authority. The approved cycle stores shall be provided in accordance with the details so approved prior to occupation and retained thereafter.**

Reason - To promote cycle use in accordance with policy CT1.

26. **Before the use of the commercial unit commences a service management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of refuse storage and collection, and all site deliveries. The commercial unit shall operate in accordance with the plan so approved.**

Reason - To ensure that servicing would not conflict with the free flow of pedestrians and vehicle traffic in accordance with policy CT1 of the Core Strategy.

27. **Notwithstanding the provisions of Article 3, Schedule 2, and Part 1 Class A, B, C, D, E, G, H of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no external alterations shall be carried out or extensions constructed to the townhouses the subject of this permission. (C070)**

Reason - To protect the architectural integrity of the building and in the interest of visual and residential amenity in accordance with policy CL2 of the Core Strategy.

28. **The residential units shall not be occupied until a waste management plan, detailing waste collection arrangements, has been submitted to and approved in writing by the local planning authority. The residential waste arrangements shall accord with the details so approved.**
Reason - In the interest of the safety and convenience of highway users and residential amenity in accordance with policy CL5 and CT1 of the Core Strategy.
29. **The commercial use shall not be commenced until a service management plan, detailing delivery and servicing arrangements, has been submitted to and approved in writing by the local planning authority. The commercial unit shall operate in accordance with the details so approved.**
Reason - In the interest of the safety and convenience of highway users in accordance with policy CT1 of the Core Strategy.
30. **The cycle parking shall be provided in accordance with the approved plans prior to occupation of the commercial and residential units. The cycle storage areas will be retained thereafter for the parking of bicycles and bicycles shall only be stored in the designated areas.**
Reason - To promote cycle use and in the interest of visual amenity in accordance with policy CT1 and CL2 of the Core Strategy.
31. **Code for Sustainable Homes**
The dwellings shall achieve Level 4 of the Code for Sustainable Homes and none shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Core Strategy.
32. **Trees - lopping and topping**
For the duration of works the tree(s) existing on the site at the date of this permission shall be protected so as to prevent damage above and below ground, and no tree shall be lopped, topped, or felled, or root pruned, without the prior written approval of the local planning authority.
Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Core Strategy.
33. **Notwithstanding the provisions of Town and Country Planning (Use Classes) Order 1987 (as amended) the flexible commercial unit hereby approved shall only be used for Class A1, Class A2, Class B1 or Class D1.**
Reason - For the avoidance of doubt and in the interest of residential amenity and the safety and convenience of highway users in accordance with policies CT1 and CL5 of the Core Strategy.

INFORMATIVES

- 1 Enforcement of Conditions (PP)
- 2 Unilateral Undertaking
- 3 Variations to Approved Drawings
- 4 CTMPs - Reminder to be Sensitive
- 5 Please be aware that construction and demolition will be controlled by the Council under Section 60 and 61 of the Control of Pollution Act 1974. In particular, building work which can be heard at the boundary of the site should not be carried out on Sundays and Bank Holidays and shall only be carried out between the following hours:
Monday- Friday 08.00-18.30
Saturday- 08.00-13.00
Sunday and Bank Holidays- No works at all.
(I67)
- 6 GTD/Pre-app/At submission Est.G/No amend
- 7 I.40

1.0 **SITE**

- 1.1 The application site comprises a 0.118ha school playground located to the south of the Carlyle Building and forms part of its curtilage. The site lies on the corner of King's Road and Hortensia Road.
- 1.2 The site originally formed the playground to the school use of the Carlyle Building which is Class D1 - *Non-Residential Institutions* as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). In the recent past the site has been used for the storage of vehicles and temporary teaching accommodation for Chelsea Academy. However, these uses have long ceased. The Carlyle Building is now in use as a ballet school and the application site remains part of its curtilage as playground associated with its educational use. As such the land use remains Class D1 as defined by the Order.
- 1.3 The site is not in a Conservation Area, but it lies within the curtilage of the grade II listed Carlyle Building and adjacent to the College of St Mark & St John Conservation Area. There are also a number of other Listed buildings in the immediate area; Principal's House - College of St Mark and St John (Grade II* Listed), College of St Mark and St John (Grade II Listed), Octagon at College of St Mark and St John (Grade II Listed), Chapel at College of St Mark and St John (Grade II Listed), Sloane School Building (Grade II Listed), and 308-328 Fulham Road (Grade II Listed). The site can also be seen from the Sloane/Stanley Conservation Area.

2.0 **PROPOSAL**

- 2.1 Planning permission is sought for the redevelopment of the site to include the following:
- Erection of a part three, part five and part seven storey building above ground
 - 31 residential units to comprising:
 - 19 market units (including 8x1 bed flats and 11x2 bed flats)
 - 7 affordable rental units (including 1x2 bed flat and 6x4 bed houses) and
 - 5 intermediate rental units (including 2x1 bed flats and 3x2 bed flats)
 - 256sqm (GIA) commercial unit at ground floor level (flexible use Class A1, A2, B1, D1), with additional 135sqm (GIA) of storage floorspace at basement level
 - Single level of basement incorporating building services and commercial storage
- 2.2 A separate application for listed building consent has been submitted for the demolition of the boundary wall fronting King's Road. English Heritage has raised no objection and the decision has been referred to the National Casework

Unit in light of the Council ownership of the wall.

Planning obligations

2.3

The Community Infrastructure Levy Regulations (2010) state in regulation 122 that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

Policy C1 of the Core Strategy requires the negotiation of planning obligations in order to mitigate the impact of the development on Borough services and infrastructure. The Council's Planning Obligations SPD sets out the various contributions that could apply. The contributions required by the SPD are as follows:

Obligation	Contribution
Education	£138,716.16
Library Facilities	£7,280
Sport and Leisure Facilities	£23,595
Health	£24,800
Community Facilities Revenue	£5,567.50
Open Space	£31,330
Play Space	£15,599
Public Realm Revenue	£5,567.50
Air Quality	£1,550
Public Art	£8,746
Monitoring fee	£6,568.78
Total	£269,319.94

In addition to the contributions above, the s106 agreement will include the following heads of terms:

Affordable Housing

- Provision of 12 affordable housing units, comprising 7 affordable rental units (1x2 bed flat and 6x4 bed houses) and 5 intermediate rental units (2x1 bed flats and 3x2 bed flats)
- Exclusive use of courtyard garden by affordable units
- In accordance with paragraph 4.27, secure the affordability levels of the intermediate units

Transport

- Car permit free status of scheme
- Construction Traffic Management Plan monitoring fee contribution of £2,800 per plan
- Highway works contribution of £22,000 towards the extension of the footway into the site (footway widening in Yorkstone) and crossover removal and reinstatement of the footway on Hortensia Road

Employment

- a) Compliance with the Council's Employment and Training Code
- b) Compliance with Council's Local Procurement Code
- c) Local procurement monitoring fee £4,895

Mayoral Community Infrastructure Levy

- 2.4 The Mayor of London is a CIL charging authority for the purposes of Part 11 of the Planning Act 2008. The proposed development will pay Mayoral CIL, based on £50 per sqm, which is estimated as £103,600.

Architecture Appraisal Panel

- 2.5 The scheme was reviewed by the architecture appraisal panel during pre-application discussions on the 12 June 2013. The panel's full report is appended to this report, and officers have provided a summary with commentary in Section 5 below.

3.0 RELEVANT PLANNING HISTORY

- 3.1 LB/13/06543 - Demolition of part of boundary wall within curtilage of building – Awaiting decision

CL/11/03469 - Certificate of Existing Lawful Development Use for parking and storage of vehicles by Crystal Coaches, contracted by the Council to provide special needs transport – Withdrawn 22/12/2011

PP/10/02810 - Extension of planning permission PP/08/03237 for temporary school accommodation buildings. One double storey building, one single storey building and a covered seating area. Current permission expired on 01/09/2010. The continuing use will be for a period of two years until September 2012 for educational use – Withdrawn 02/08/2010

PP/08/03237 - Erection of temporary school accommodation buildings, 1 double storey building, 1 single storey building and a covered seating area – Granted 13/01/2009 (expired September 2010)

4.0 PLANNING CONSIDERATIONS

- 4.1 The principal determining issues in this case are:

- The benefits of new residential units and bringing the site back into full use with a building meeting current design expectations and space standards
- Loss of social and community use in light of existing development plan policies
- Principle of residential use in light of existing development plan policies
- Loss of open space in light of existing development plan policies
- Principle of ground floor commercial uses in light of existing development plan policies
- Affordable housing provision and whether it is the 'maximum reasonable

amount' achievable in accordance with the development plan

- The amount and quality of the proposed residential accommodation in relation to the density, mix, and residential amenity standards of the development plan and supplementary guidance
- The scale, layout and architecture of the proposed development and its impact on the setting of nearby listed buildings, the Carlyle Building in particular, and the character and appearance of the College of St Mark & St John and Sloane Stanley Conservation Areas
- Impact on the living conditions of neighbouring properties, in relation to daylight, sunlight, privacy, sense of enclosure, and noise and disturbance
- Impact of the development on traffic, car parking, pedestrians and cyclists, the public realm, and servicing
- The impact on the environment, including climate change, air quality, contamination and trees

4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan (July 2011), plus relevant 'saved' policies from the UDP. The relevant development plan policies are:

Core Strategy

CO5 - Strategic Objective for Renewing the Legacy

CO6 - Strategic Objective for Diversity of Housing

CO7 - Strategic Objective for Respecting Environmental Limits

CH1 - Housing Targets

CH2 - Housing Diversity

C1 - Infrastructure Delivery and Planning Obligations

CL1 - Context and Character

CL2 - New Buildings, Extensions and Modifications

CL3 - Heritage Assets - Conservation Areas and Historic Spaces

CL4 - Listed Buildings, Scheduled Ancient Monuments &

Archaeology

CL5 - Amenity

CT1 - Improving alternatives to car use

CR1 - Street Network

CR2 - Three-dimensional Street Form

CR4 - Streetscape

CR6 - Trees and landscape

CR7 - Servicing

CE1 - Climate Change

CE2 - Flooding

CE3 - Waste

CE5 - Air Quality

CE6 - Noise and Vibration

CF1 - Location of New Shop Uses

CF5 - Location of Business Uses

Unitary Development Plan (Saved Policies)

CD63 - Conservation Area Views

PU03 - Contaminated Land Information

PU04 - Protection from Contamination

London Plan

3.4 - Optimising Housing Provision

3.5 - Quality and design of housing developments

3.8 - Housing choice

3.9 - Mixed and balanced communities

3.11 - Affordable Housing Targets

3.12 - Negotiating Affordable Housing on Individual Private

Residential and Mixed Use Schemes

3.13 - Affordable Housing Thresholds

3.16 - Protection and enhancement of social infrastructure

5.1 - Climate change mitigation

5.2 - Minimising carbon dioxide emissions

5.3 - Sustainable design and construction

5.7 - Renewable energy

5.9 - Overheating and cooling

5.13 - Sustainable drainage

5.17 - Waste capacity

6.3 - Assessing effects of development on transport capacity

6.9 - Cycling

6.13 - Parking

7.3 - Designing Out Crime

7.4 - Local character

7.5 - Public realm

7.6 - Architecture

7.8 - Heritage assets and archaeology

7.14 - Improving air quality

8.2 - Planning obligations

4.3 Weight has also been given to the following supplementary planning guidance:

- Transport SPD
- Planning Obligations SPD
- Noise SPD
- Designing Out Crime SPD
- Air Quality SPD
- Trees and Development SPD
- College of St Mark & St John Conservation Area Proposals Statement
- Sloane Stanley Conservation Area Proposals Statement
- Mayor's Housing SPG

Principle of residential redevelopment of land in a social and community use in light of existing development plan policies

Development on social and community land

4.4 The application site forms part of the curtilage of the Carlyle Building, presently in use by the English National Ballet School which falls within Class D1 - *Non-Residential Institutions* as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). The Core Strategy defines this use as being a social and community use and as such policy CK1 applies to any redevelopment of the site. Policy CK1 states that Council will ensure that social and community uses are protected or enhanced throughout the Borough.

4.5 The site is not an independent planning unit in its own right, but forms part of the land use of the Carlyle Building. The proposals would not affect the continued use of the Carlyle Building as a Ballet School nor would they result in the loss of a social and community use or compromise the ability of the remainder of the site to function as a social and community use now or in the future. In light of this the proposal would comply with policy CK1.

4.6 Unitary Development Plan policy LR42 encourages the increased use of the Council's school playground facilities out of school hours to benefit local communities. The site comprises an area of uneven tarmac with some parking bays demarcated. While forming part of the main school it is not presently used as a playground nor is it available to the community out of hours. Although the site has potential to provide playspace for the local community it would be unreasonable to resist the proposal in light of its compliance with policy CK1. Notwithstanding this, the wider benefits of the proposal, which delivers additional residential accommodation including affordable housing, and a flexible A1, A2, B1, D1 unit would outweigh the loss.

Provision of housing

4.7 The site lies within a highly sustainable area, with access to local services and public transport nodes. The site is in a suitable location for residential development in accordance with policy CH1 of the Core Strategy.

Loss of open space

4.8 Core Strategy policy CR5 states that Council will protect, enhance and make the most of existing parks, gardens and open spaces. To achieve this the policy resists the loss of (a) existing Metropolitan Open Land, (b) existing public open space, and (c) existing private communal open space and private open space where the space gives visual amenity to the public. The site would not fall into any of these categories and therefore complies with policy CR5.

Principle of ground floor commercial uses in light of existing development plan policies

4.9 A flexible use is proposed for the 256sqm ground floor commercial floor area (with 135sqm basement storage), Class A1 (shops), Class A2 (Financial and Professional Services), Class B1 (Business) and Class D1 (Non-Residential Institutions) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Acceptability of class A1 use

4.10 The ground floor retail floor space would be 256sqm, though there would be additional space within the basement. The site is approximately 400m away from the nearest neighbourhood shopping centre (Kings Road to the northeast). This size of unit would have a local catchment and would not affect the vitality of larger retail centres nearby and as such a small retail unit would be acceptable on this site in accordance with policy CF1 of the Core Strategy.

Acceptability of class A2 use

- 4.11 There are no Core Strategy land use restrictions that would prohibit a small Class A2 unit at this location. An A2 unit would therefore be acceptable.

Acceptability of class B1 use

- 4.12 The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Class B1 as being (a) offices, (b) research and development (e.g. laboratories, studios) and (c) light industry. Policy CF5 permits small office development across the Borough while light industrial uses are acceptable in employment zones and areas where residential amenity will not be harmed. The proposed unit would be of a modest size and located on the busy King's Road frontage, this would be a suitable location for this use. The B1 use would therefore accord with policy CF5.

Acceptability of class D1 use

- 4.13 Many class D1 uses, including the existing use of the site, would be defined by the Core Strategy as social and community uses. Policy CK1 supports the provision of new social and community uses and as such a new Class D1 use at this location would accord with Policy CK1.

Amount and quality of residential accommodation

- 4.14 The development proposes 3,013sqm (GIA) of residential floor space, accommodating a total of 31 units. London Plan Policy 3.4 states that taking into account matters of context and character, public transport capacity, and general design principles, development should seek to optimize housing output for different types of location within the relevant density range set out in Table 3.2 (density matrix). Matters of context and character, public transport capacity, and general design principles are considered in detail in later sections of this report. With respect to the density matrix the site has a Public Transport Accessibility Level (PTAL) of 5 and lies within a urban area. The density matrix indicates that the appropriate density of development in a location such as this would be within the range of 200-700 hr/ha (habitable rooms per hectare). The proposed scheme would have a density of 805 habitable rooms per hectare (262 units/hectare). This would be slightly outside the range set out in the density matrix, but having regard for the particular context, transport capacity, successful design approach, and quality of the residential accommodation proposed, the density is proposed would be acceptable.

Unit mix

- 4.15 Core Strategy policy CH2 requires residential developments to provide a range of housing types and sizes to meet the particular housing needs of the Borough. Although the Core Strategy does not prescribe a particular housing mix within each tenure for new development, it identifies the greatest need. For market housing the Council's Strategic Housing Market Assessment (SHMA) and Core Strategy identifies a shortfall in three and four bedroom units, with 80% required from schemes over the next 20 years. For social rented housing the SHMA and Core Strategy identifies a greater need for three and four bedroom units, with 55% required from schemes over the next 20 years. With respect to intermediate units the greatest shortfall is for one and two bedroom units, with 70% required from schemes over the next 20 years. Figure 1 below shows the proposed unit mix within each of the three tenures. Although the market units would not provide any larger units, the provision of 4 bedroom affordable rent

units and 1/2 bed intermediate rent units would accord with the housing needs identified in the Council's Strategic Housing Market Assessment and Policy CH2. The proposal would provide a good mix of unit types and sizes across the three tenures for this location in accordance with Policy CH2.

Figure 1

Unit size	Market (%)	Affordable rent (%)	Intermediate rent (%)
1 bed	8 (42%)	0	2 (40%)
2 bed	11 (58%)	1 (14%)	3 (60%)
3+ bed	0	6 (86%)	0

Proposed residential environment

- 4.16 Core Strategy Policy CH2 and the Mayor's Housing SPG requires residential accommodation to provide an acceptable internal and external environment.
- 4.17 17 of the 31 units proposed have been designed to be double aspect and all units would have ceiling heights and floor areas meeting or exceeding the Mayor's Housing SPG standards. The application is accompanied by a Daylight/Sunlight Report which provides the Average Daylight Factor (ADF) for the habitable rooms of the proposed development in accordance with the BRE guidance *Site Layout Planning for Daylight and Sunlight (2nd Edition 2011)*. This report concludes that 90 of the 95 habitable rooms tested would exceed the standards set out in the Bre guidance, including all habitable rooms in the 6 affordable rental houses. Of the remaining five rooms that fail the ADF, two are kitchen/livingrooms and three are bedrooms. These rooms would receive over 65% of the ADF recommended by the BRE guidance which would be reasonable within the context of the development. The proposed internal environment would therefore be acceptable and in accordance with Policy CH2 and the Mayor's SPG.
- 4.18 Condition 7 is recommended to ensure that 10% of all units would be wheelchair accessible. All units would meet lifetime homes standards.
- 4.19 Core Strategy Policy CR5 requires all major residential developments to provide on-site external playspace. The Council's Planning Obligations SPD sets a threshold for when on-site playspace should be provided and this is based on the expected child yield of the development (10 or more children). The proposal would have a child yield of 19.42 and the SPD would require an on-site playspace provision of 194sqm. The proposal incorporates a communal garden (exclusive to the affordable units) which is 160sqm. Although this is below the SPD requirement, Westfield Park (with children's play area) is 75m to the south of the site and the development would secure £15,599 to mitigate the impact of the proposal on existing playspace. On this basis the proposal would comply with Policy CR5 and the Council's Planning Obligations SPD.
- 4.20 25 of the 31 units would have exclusive access to private outdoor space, either in the form of a courtyard, roof terrace or balcony (the Mayor's Housing SPG considers these forms of outdoor space to be acceptable). The remaining six units (6x4 bedroom houses) would have almost exclusive access to the

communal garden to the rear of the site (shared only with the 2 bedroom affordable rent unit). This will be secured in the s106 agreement. The Mayor's Housing SPG advises flexibility in designing outdoor space into schemes, particularly when the lack of outdoor space would be mitigated by additional internal space. In this particular case the site constraints make it impossible to include exclusive outdoor space for the six houses. However, they are well proportioned and exceed the Mayor's internal space standards, and have access to a communal space. In addition the site is 75m from Westfield Park. The proposals would provide an acceptable level of outdoor space in accordance with Policy CH2 and the Mayor's SPG.

Noise

- 4.21 The application is accompanied by an Acoustic Report (produced by Hoare Lea). Due to the existing background noise levels (from Kings Road and Fulham Road) and the proposed levels of internal and facade insulation, the future residents have a satisfactory environment. The Director of Environmental Health raises no objection subject to conditions 22 and 23 to secure internal and external sound insulation.
- 4.22 The development proposed would provide a good residential environment, both internally and externally in accordance with Policy CH2 and the Mayor's SPG.

Affordable housing provision

- 4.23 Policy CH2(q) states that a minimum of 85% of affordable housing should be social rented. In this particular instance 58% would be affordable rent (1x2 bed flat and 6x4 bed houses) and 42% would be intermediate rent (2x1 bed flat and 3x2 bed flat). The Director of Housing has confirmed that this mix would be acceptable. The amount and mix of the affordable housing would be secured in the s106 agreement.
- 4.24 The development would have a residential floor area in excess of 800sqm. Core Strategy Policy CH2(i) requires 50% of the floor area to be provided as affordable housing. CH2(k) states that this should be on-site unless exceptional circumstances exist. Where less than 50% affordable floor area is proposed, policy CH2(p) states that it must be demonstrated that the maximum reasonable amount of affordable housing is provided through the provision of a viability assessment, and that there are exceptional site circumstances or other public benefits to justify the reduced affordable housing provision.
- 4.25 The application is submitted on the basis that the development would deliver affordable housing for both this application and the proposal at Young Street car park (PP/13/04726). The application is accompanied by a Viability and Affordable Housing Assessment (prepared by Jones Lang LaSalle). This report concludes that the maximum reasonable amount of affordable housing that the two developments can deliver is 12 units (14% provision by unit number and floor area), comprising 7 affordable rental units (1x2 bed flat and 6x4 bed houses) and 5 intermediate rental units (2x1 bed flats and 3x2 bed flats).
- 4.26 Lambert Smith Hampton (LSH) have assessed the Jones Lang LaSalle report on behalf of the Council to ensure that the evidence submitted was robust. The LSH appraisal concludes that there is a surplus in the scheme. In consultation with

the Director of Housing, officers have negotiated a reduction in the rent levels for the intermediate rent units to improve the affordability in accordance with policy CH2(r). The rental levels for the one bed units would be £175 per week and £229 per week for the two bed units. This makes the units affordable to households currently earning £33,000 and £43,000 for the one and two bedroom units respectively. This level of affordability is below the Mayor's affordability levels for intermediate rent units of this size. The rent levels for the affordable rent units would currently be £156 and £169 per week for the two bedroom flat and four bedroom houses respectively. These rent levels would ensure that the units would be affordable to household on the Council's waiting list. The s106 agreement would secure these rent levels.

- 4.27 It has been satisfactorily demonstrated through a viability assessment that the maximum reasonable amount of affordable housing would be provided, and at an affordable rent level. The proposals therefore accord with Policy CH2.

Townscape

- 4.28 Core Strategy Policy CL1 and CL2 seeks to ensure that development proposals respond positively to their context. With respect to conservation areas and listed buildings Policies CL3 and CL4 state that development proposals should preserve and take opportunities to enhance the character or appearance of the conservation area and the setting of listed buildings.

- 4.29 The National Planning Policy Framework (NPPF) sets out the government's commitment to the sensitive management of the historic environment. The NPPF advises in particular that Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets.

Context

- 4.30 The development site is not in a conservation area but is situated on a prominent corner where the Hortensia Road meets the King's Road. The site is adjacent to the College of St. Mark & St. John Conservation Area to the west and the Sloane/Stanley Conservation Area to the east. The development site also sits within the curtilage of the Grade II listed Carlyle Building in an area formally used as a playground, and directly to the north along Hortensia Road sits the Sloane Building (grade II listed). To the east within the College of St. Mark & St. John Conservation Area the Principal's House (grade II* listed), original school chapel and the Octagon (both grade II listed), which all form part of the original college site. The listed buildings most affected by the proposals and will be seen in the immediate context of the development would be the Carlyle Building directly to the north and the Principal's House to the west.

- 4.31 The site lies within a varied context, with several large buildings within the immediate vicinity. These range from five to seven storeys in height: 1930s extension to the Carlyle Building (five storeys), Knights House and Hudson House opposite (five storeys), Kensington and Chelsea College (six storeys), Sloane Building (equivalent of five storeys), and Milner House (seven storeys). On the western side of the College of St. Mark & St. John Conservation Area Bailey House and Bredin House rise to seven storeys.

Scale

- 4.32 The site is presently an open tarmac playground and as such any new building would be noticeable and would result in a change to the townscape. However, that is not to say that this change would be harmful, or that it would fail to preserve the setting of nearby listed buildings or the character and appearance of the St. Mark & St. John and Sloane Stanley Conservation Areas.
- 4.33 The scale of the proposed building takes into account the proximity to nearby listed buildings and conservation areas, particularly the grade II listed Carlyle Building and St. Mark & St. John Conservation Area, its prominent position on the King's Road, and the varied context. In response to these constraints the building is comprised of three interlocking blocks: a three storey townhouse block adjacent to the Carlyle Building fronting Hortensia Road, a five storey block on the King's Road/Hortensia Road corner, and a seven storey block fronting Kings Road (adjacent to the boundary with the St. Mark & St. John Conservation Area).
- 4.34 Like the Carlyle Building the proposed townhouses are three storeys in height and set back from the back edge of the footway on Hortensia Road. The scale and alignment of the townhouses therefore relates well with that of the original Carlyle Building. While the separation distance (approximately 32.5m) would ensure that the listed building retains its prominence in the street. This would also allow views of the distinctive front gables and south elevation of the Carlyle Building from King's Road to be maintained. Further north along Hortensia Road the setting of the grade II listed Sloane Building would be preserved due to the separation distance and the Kensington and Chelsea College Building between.
- 4.35 The five storey corner element would respond to the height of Knights House opposite and would be an appropriate scale on this prominent corner. The mass is broken up with recessed brick panels, stepped reveals and recessed balconies.
- 4.36 The seven storey block would be the most striking element. Not so much in its height, which would not be uncommon in this context, but by its exposed position. In views from the north and east along Hortensia Road and King's Road the seven storey element would be seen within a streetscape of comparably sized buildings and its scale would be broken by the lower blocks which would sit in front of it in these views. Given the undeveloped nature of the site the proposal would obscure views of the from the east on the King's Road, would not harm the character and appearance of the Conservation Area. Likewise the five and seven storey elements would be visible from the Kings Road end of the Sloane Stanley Conservation Area, which is some distance away. From here the building would be seen in the context of other large buildings and as such the character and appearance of the Sloane Stanley Conservation Area would be preserved.
- 4.37 Because of openness of the St. Mark & St. John Conservation Area there would be almost uninterrupted views of the seven storey block from the west and from within the St. Mark & St. John Conservation Area. However, the building would have a relatively slim profile and would be obscured by existing trees (less so during the winter months). The west facing elevation would be articulated with stepped reveals and a full height slot window would break the parapet line and

add visual interest. The proposed use of a warmer London stock red brick would respond well to the listed buildings within the St. Mark & St. John Conservation Area (and 1930s extension to the Carlyle Building) and would soften its appearance. From within the St. Mark & St. John Conservation Area it is common to see buildings on adjacent land, many of which are large in scale, and this is also part of the wider setting of the numerous listed buildings within the conservation area. The proposal would not be out of context nor would it have a harmful impact. In light of this the proposal would preserve the character and appearance of the St. Mark & St. John Conservation Area and the setting of adjacent listed buildings.

- 4.38 Overall, the scale and massing of the building would relate well to its context and would preserve the setting of neighbouring listed buildings and the character and appearance of the St. Mark & St. John and Sloane Stanley Conservation Areas in accordance with Policies CL2, CL3 and CL4.

Layout

- 4.39 The three interlocking blocks are arranged around a landscaped communal courtyard to the rear. This space is for exclusive use by the affordable rental units and with no basement beneath would offer sufficient soil depth for tree and shrub planting, Condition 9 is recommended to secure details of landscaping.

- 4.40 Although each block has a different alignment, there is no distinct building line along this part of King's Road or Hortensia Road. Crucially, the proposed corner block with its ground floor retail use fronting King's Road and Hortensia Road anchors the building and would provide visual interest at street level. The set back townhouses ease the transition into Hortensia Road and allow views of the listed Carlyle Building from King's Road to be retained.

- 4.41 The rest of the Hortensia Road frontage would be set back slightly in line with the original front building line of the Carlyle Building and the ground floor would be articulated by the entrance to the apartments and the individual front doors of the townhouses. This would provide a good level of engagement with the street. Only the apartment bin store and substation entrance lacks interest. However, it would be quietly positioned in the frontage and inset from the main face of the building so as to minimise its prominence.

- 4.42 Overall, the layout would respond well to the site and its context. The building line reinforces the streetscape and would activate the public realm.

Architecture

- 4.43 The proposed building is comprised of three blocks, each with a subtly different architectural treatment. However, recessed brick panels, deep window and door reveals and recessed balconies are applied across the three blocks to add visual interest and depth to the elevations. This articulation also gives the three blocks a verticality that is appropriate to the residential use and this context.

- 4.44 The elevations have a good sense of hierarchy, with a secondary scale to elements such as windows and doors to reflect the residential character of the building. The proposed shopfront at street level is framed by brick piers and which gives the building a strong base and ensures that the shopfront does not

appear too prominent and relates to the building.

- 4.45 The primary construction material of brick would be acceptable and would reflect the established primary construction materials within the area. The use of different bricks to mark out the three blocks is an acceptable approach. Samples of all external materials would be secured by condition 10.
- 4.46 The proposed rear communal garden courtyard and green roofs on the townhouses would provide some relief and soften the development in views from neighbouring buildings. This would also be a significant benefit to future residents as a visual and residential amenity. No external plant has been proposed, this would be subject to a separate application. The CHP and boiler for the residential units would be located in the basement with a flue partially visible at roof level. The roof would also accommodate a satellite dish, lift overrun and photovoltaic panels. These are all set back from the edges of the roof and with the exception of the flue would be of minimal height so to minimise visibility at street level. The flue would rise to 3m above the roof. This would be partially obscured by the 1m high parapet and given its set back position and slim profile would not be an obtrusive roof level addition. The application does not provide any details of the photovoltaic panels, but officers are confident that these can be accommodated without any undue visual impact. Condition 21 is recommended to secure full details of these elements.
- 4.47 In summary the scale, massing, architecture and materials of the proposed building would be appropriate to this context and would preserve the setting of the neighbouring listed buildings and the character and appearance of the St. Mark & St. John Conservation Area in accordance with Policies CL2, CL3 and CL4 of the Core Strategy.

Impact on the living conditions of neighbouring properties

- 4.48 Core Strategy Policy CL5 requires new buildings to have an acceptable impact on the amenity of neighbouring properties, in terms of matters such as sunlight and daylight, visual privacy, sense of enclosure, noise and vibration.

Privacy

- 4.49 In considering the matter of privacy the Core Strategy states that the Council will not be seeking to ensure that development proposals meet any particular minimum or maximum standard.
- 4.50 The properties that would be most likely to be affected are Knight's House to east, the residential properties on the first and second floors of 507-517 King's Road to the south, and the garden of 550 King's Road to the west. The separation distances between facing windows would range from approximately 20m (Knight's House) to 23m (507-517 King's Road). The garden of 550 King's Road would be a minimum of 30m away from the proposed building, with a thick line of intervening trees. These separation distances would ensure that there would be no material change to the levels of privacy to neighbouring buildings or gardens in accordance with Policy CL5.

- 4.51 There are four north facing windows on the first and second floors of the proposed townhouses. These would look across the front yard/outdoor space of the Carlyle Building. This would not be unreasonable in this context and would not conflict with Policy CL5.
- 4.52 Daylight and sunlight
The Core Strategy states that the Council will not seek to ensure that development proposals meet any particular minimum or maximum standard. However it states that the Council will have regard for the BRE guidance *Site Layout Planning for Daylight and Sunlight (2nd Edition 2011)*. A Daylight, Sunlight and Overshadowing Report accompanies the application (produced by Brooke Vincent and Partners). In accordance with the BRE guidance *Site Layout Planning for Daylight and Sunlight (2nd Edition 2011)* the report has assessed daylight by applying the Vertical Sky Component (VSC) and Daylight Distribution (DD), while the sunlight is assessed by calculating the Annual Probable Sunlight Hours (APSH).
- 4.53 The following properties have been tested for daylight impacts:- Carlyle Building (north), Knight's House and Hudson House (east), 507-517 King's Road and the King's Road Medical Centre (south) and Clark House (west).
- 4.54 The report concludes that with the exception of stair and circulation space windows in the southern elevation closest to the site, all windows tested at the Carlyle Building would be within the tolerance recommended in the BRE guidance. Of the 38 windows tested at Knight's House only four would be outside the tolerance recommended in the BRE guidance. This is not surprising given that the application site is presently undeveloped, and would be reasonable within this urban context. All windows tested at Hudson House would be within the tolerance recommended in the BRE guidance. Only the residential windows on the first and second floor of 507-517 King's Road have been tested (retail at ground) which is acceptable. The results show that only two windows would be outside the tolerance recommended in the BRE guidance. This is reasonable considering the existing site conditions and the urban context. All windows tested in the King's Road Medical Centre would be within the tolerance recommended in the BRE guidance. Finally, all the windows tested at Clark House would be within the tolerance recommended in the BRE guidance. The impact of the development on daylight to the windows of neighbouring buildings would therefore be acceptable and in accordance with Policy CL5.
- 4.55 Only windows facing within 90 degrees due south are tested for sunlight impacts. The same properties have been tested for the Annual Probable Sunlight Hours where they have due south facing windows. The results show no noticeable change to sunlight levels to these windows, with the exception of four windows at the Carlyle Building which would be outside the tolerance recommended in the BRE guidance for winter sunlight levels. However, these windows are located to the east of the 5 storey 1930s southern extension and these results are not surprising given the undeveloped nature of the application site which is directly to the south. This would not be a material change in the levels of sunlight to the windows of the Carlyle Building and as such would be acceptable and in accordance with Policy CL5.

4.56 Sense of enclosure
The proposed building would be sufficient distance from neighbouring residential properties so as to not result in an increased sense of enclosure. The building is three storeys in height adjacent to the Carlyle Building and would not therefore result in an unacceptable sense of enclosure to surrounding buildings in accordance with Policy CL5.

4.57 Noise
The Core Strategy states that with regard to noise the level and type of activity generated by a development can impact on amenity as well as mechanical plant. The application is accompanied by an Acoustic Report (produced by Hoare Lea). No external plant has been proposed at this stage. A separate application would be required for these installations. Condition 22 is recommended to secure adequate sound insulation to protect the residential use on the upper floors from potential noise from the ground and basement commercial use.

Transport

4.58 Core Strategy Policy CT1 seeks to ensure that there are better alternatives to car use by making it easier and more attractive to walk, cycle and use public transport and by managing traffic congestion and the supply of car parking. Significant traffic generating uses in areas with poor accessibility will normally be resisted where they would have adverse impact on traffic congestion and on street car parking. To meet this objective Policy CT1 requires, among other things, that development does not result in any material increase in traffic congestion or on-street parking pressure, and incorporates measures to improve road safety (in particular pedestrians, cyclists).

Principle of use

4.59 The site lies within a highly sustainable area, with excellent public transport accessibility (PTAL5). The change of use of the site to residential would not have an adverse impact on local public transport services and facilities, highway infrastructure/ footways.

Car Parking

4.60 No car parking would be provided on site. Car free development would accord with CT1 (d) and (e). The s106 agreement would secure the proposed units as permit free in accordance with CT1 (c).

Bicycle Parking

4.61 The application proposes 13 cycle parking spaces for the seven affordable rented units, 24 spaces for the five intermediate rent and market residential units, and 13 spaces for the ground floor commercial unit (located in the basement). This provision would accord with the Mayor's Housing SPG. The Director for Highways and Transportation is concerned that not all the spaces would be sheffield stands. However, officers are satisfied that enough lateral stands are provided to offer a range of parking options for future residents which also allows more space to be given over to the communal garden. The cycle parking accords with the Core Strategy and Mayor's SPG.

Servicing

- 4.62 The development would be serviced from Hortensia Road. This would take place from the kerbside at least 20m from the junction with King's Road. The road layout at the southern end of Hortensia Road adjacent to the site (incorporating double yellow line at the western kerb and visitor bays opposite) permits traffic to flow in both directions past the site, when the double yellow lines are not in use for loading.
- 4.63 The servicing would take place from double yellow on Hortensia Road at appropriate times (not specified). A booking system would ensure that only a single servicing vehicle is in attendance at a given time. When a servicing vehicle is loading/unloading at the kerbside on Hortensia Road, northbound traffic on Hortensia Road would have to manoeuvre around the servicing vehicle and would have to wait for opposing southbound traffic to pass. This arrangement would only operate satisfactorily outside of peak times. Tracking diagrams have been submitted with the application. These demonstrate that a large car or van could manoeuvre past a stationary HGV positioned at the kerbside without undue difficulty. However any HGV using Hortensia Road would struggle to pass when a HGV depot delivery is occurring. While one of the applicants tracking diagrams demonstrates that this would be possible, it would only be possible if all vehicles are positioned appropriately. Any poor parking could result in HGV movements becoming blocked. The Council's traffic count data for Hortensia Road confirms that few HGVs use Hortensia Road. However building works can produce considerable numbers of HGV movements. Therefore deliveries would need to be outside the usual construction site deliveries. This would be achievable and Condition 29 is recommended to secure a servicing management plan which would stipulate restrictive time windows during which servicing would be permitted.
- 4.64 The proposed residential use would not give rise to a significant servicing requirement, apart from refuse collection. Deliveries to residential properties could be undertaken from the adjacent double yellow line without an undue impact on traffic conditions. A waste management plan, to include waste collection arrangement, would be secured by Condition 28.

Footways

- 4.65 The footways surrounding the site are good quality and laid in York stone. The existing vehicle crossover must be removed and the footway reinstated in materials to match existing. These cost of these works would be secured in the s106 agreement. The proposed building would be set back from the property boundary resulting in a wider footway on King's Road. The newly created areas of footway would be integrated into the public footway by re-laying Yorkstone slabs across the full width of the footway. These areas would also be adopted under the Highways Act. These matters would be secured in the s106 agreement.

Construction Traffic Management Plan

- 4.66 A Construction Management Plan accompanies the application. This outlines the principles for the construction traffic arrangements. The Director of Transportation and Highways raises no objection, but requests condition 3 to secure a full Construction Traffic Management Plan prior to development commencing. The payment for monitoring would be secured in the s106

agreement.

Environmental Impact

Sustainability

4.67 Core Strategy Policy CE1 outlines the Council's expectation for development proposals to contribute towards reducing carbon dioxide emissions by 26% against 1990 levels by 2020. Specifically CE1 states that residential schemes over 800sqm should meet Code for Sustainable Homes level four up to 2012 and seek to achieve level five from 2013.

4.68 A Code for Sustainable Homes pre-assessment produced by Hoare Lea accompanies the application. The development meets Code Level 4. The proposal will also result in a 25% reduction in carbon dioxide emissions. The proposal complies with Policy CE1.

Air quality

4.69 Core Strategy Policy CE5 states that the Council will carefully control the impact of development on air quality. The proposals include a Combined Heat and Power unit and boiler and as such the application is accompanied by an Air Quality Assessment (dated July 2013 produced by ENVIRON Ltd). The Director of Environmental Health has reviewed this and raised no objection subject to recommended Conditions 4, 18 and 19 to ensure that emissions are no higher than those stated in the Air Quality Assessment.

Contamination

4.70 Unitary Development Plan Policies PU3 and PU4 requires applications to provide information relating to the possible contamination of the land, specifying mitigation measures where required. The application is accompanied by a Phase 1 Environmental Study (dated March 2013 produced by RSK Environmental Ltd). The Director of Environmental Health has reviewed the Phase 1 report and raises no objection subject to recommended conditions 15 to 17 to secure a risk assessment, remediation strategy and a validation report.

Trees

4.71 Core Strategy Policy CR6 states that the Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits. There is a thick bank of trees outside the site to the west. There would be no basement adjacent to these trees and as such they would not be adversely affected by the proposals. However, Condition 24 is recommended to secure tree protection measures during construction. The application proposes three new trees along the King's Road frontage, so condition 9 is recommended to secure details of these trees.

5.0 PUBLIC CONSULTATION

5.1 546 properties were notified of the application. 5 representations have been received, the issues raised can be summarised as follows:

- **Concern that Stanley ward already has a high percentage of affordable housing and that providing it at Hortensia Road rather than elsewhere fails to provide a even distribution across the Royal Borough - *The site***

lies within the Stanley Ward, the Core Strategy does not include this ward as one where off site affordable housing is precluded

- **Loss of view from Lucas House** - *There is no right to a particular view when considering planning applications. Lucas House would be excess of 100m away from the proposed building, with trees between.*
- **Cumulative impact on traffic and on street car parking** - *development would not be entitled to on-street parking permits and service/waste related traffic can be managed by appropriate management plans (see conditions 28 and 29)*
- **Overshadowing to Hudson House** - *The submitted Daylight report confirms that there would be no material change to the levels of light to Hudson House*
- **Material impact on views southwest along Hortensia Road** - *The development would be noticeable in these views, but the scale, massing and materiality of the building would sit comfortably within this streetscape*
- **The building is too tall** - *The context is varied and includes buildings of a similar scale to the proposal. The building would respond well to this context*
- **The isn't enough car parking** - *The Core Strategy supports car free developments in sustainable locations like Hortensia Road*

5.2 Statutory Consultation

- English Heritage has raised concern with respect to the townhouses and the seven storey element. This comment is appended to this report. Officers have addressed the comments within the body of the report above.

Architecture Appraisal Panel 12th June 2013

5.3 The scheme was reviewed by the architecture appraisal panel during pre-application discussions on the 12th June 2013. The panel's full report is appended to this report, and officers have provided a summary with commentary in Section 5 below.

- **The Panel appreciated that the scale of development presented (arranged of a four, five and six storey blocks) has been reduced in response to the nearby historic terraces, but does not share the same level of concern. It considers an earlier, taller iteration could sit as comfortably within the townscape and prove far more architecturally accomplished**
- **Several of the Panel's criticisms came from redistributing the accommodation onto the lower floors. In particular, they felt there was insufficient differentiation between the elements, resulting in a larger sense of visual bulk; the apartments introduced above the townhouses are too remote and disconnected from the architecture; and the more compact form is leading to awkward layouts, including the disabled access unit squeezed into the corner - Here the Panel refers to a scheme that was presented as a three storey townhouse block with fourth floor expressed as a mansard), a five storey corner block and a 6 storey taller block. The architects also presented the current plans where the buildings is comprised of a three, five and seven storey blocks (which they preferred)**

- **The Panel supported a return to the three, five and seven storey option, which brings more flexibility and differentiation of the blocks**

The Panel also suggested the following issues should be considered:

- **The re-siting of the substation** - *the current proposal has responded to this by relocating the substation to the east side of the building*
- **Consider smaller retail units rather than single occupier such as a supermarket** - *The commercial unit remains the same size. The shopfront incorporates bays and fascias for signage. Officers do not consider the unit to be too large or that a supermarket would harm the appearance of the building if the signage is respectful signage would be subject to a separate application)*
- **Redesign shopfront to reduce depth of reveals** - *The current scheme has altered the shopfront to comply with this suggestion*
- **Suggest further differentiation between the three blocks** - *The current application does this and use of different coloured brick for each element will strengthen this*
- **Reintroduce pitched roofs to townhouses** - *This was explored but was not contextual. Flat roof buildings are not uncommon in this area and flat roofs relate better to the architectural language of the rest of the building*
- **More should be made of the west elevation** - *More articulation has been introduced to this elevation*
- **Review building lines to ensure the apartments work internally** - *This has been done and the apartments are not compromised by the building lines*

6.0 CONCLUSION

- 6.1 The loss of the social and community use as part of the proposed redevelopment would be acceptable and in accordance with Core Strategy Policy CK1.
- 6.2 The proposed flexible commercial unit would be acceptable in accordance with Core Strategy Policies CF1, CK1 and CF5.
- 6.3 The site lies within a sustainable location and the provision of 31 residential units is therefore supported and accords with Core Strategy Policy CH1. The proposed tenure and unit size mix, and quality of the housing is also supported by Core Strategy Policy CH2 together with the Mayor's Housing SPG.
- 6.4 The application has demonstrated that the maximum reasonable amount of affordable housing would be provided in accordance with Core Strategy Policy CH2.
- 6.5 The layout, scale, architecture and materiality of the development would respect local context and character. It would preserve the setting of the nearby listed buildings and the character and appearance of the College of St Mark & St John Conservation Area in accordance with Unitary Development Plan Policy CD63 and Core Strategy Policies CL2, CL3 and CL4.
- 6.6 The transportation impacts of the development would not adversely affect the surrounding highway network, on-street parking pressure, or public transport. The development accords with Core Strategy Policies CT1 and the Transportation SPD.

- 6.7 The impact of the development on the living conditions of surrounding properties has been considered with regard to loss of sunlight/daylight, privacy and increased sense of enclosure, and noise and disturbance. The development would not result in any material loss of amenity to neighbouring properties in accordance with Core Strategy Policy CL5.
- 6.8 The development has been considered with regard to a number of environmental matters, including trees, climate change, air quality and land contamination. Subject to the imposition of the conditions set out above, the proposal would not have any harmful impacts in accordance with Core Strategy Policies CE1, CE5, CR6 and Unitary Development Plan Policies PU3 and PU4 and the Council's Trees and Development and Air Quality SPDs.
- 6.9 In conclusion, the development proposal is considered to accord with the Development Plan policies as contained in the Core Strategy and Saved Unitary Development Plan and relevant supplementary guidance.

7.0 RECOMMENDATION

- 7.1 **1) Grant planning permission subject to the conditions in the report and the prior completion of a planning obligation in accordance with S106 of the Town and Country Planning Act 1990 (as amended) on the terms set out in this report**
- 2) DELEGATE to the Executive Director, Planning and Borough Development the authority to negotiate the terms of the S106 (based on the obligations set out in this report or as may be amended at Committee) and issue the planning permission following completion of the S106 planning obligation**

**JONATHAN BORE
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

The contents of file PP/13/04728 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Construction of part 3, part 5 and part 7 storey residential building comprising 31 dwellings with commercial unit (Flexible A1,A2,B1 & D1 uses) at ground and basement (435 sqm) with ancillary landscaping (Major Application)

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

Core Strategy adopted 8 December 2010

CO5	Strategic Objective for Renewing the Legacy
CO6	Strategic Objective for Diversity of Housing
C1	Infrastructure Delivery and Planning Obligations
CH1	Housing Targets
CO7	Strategic Objective for Respecting Environmental Limits
CH2	Housing Diversity
CF5	Location of Business Uses
CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL5	Amenity
CR1	Street Network
CR2	Three-dimensional Street Form
CR4	Streetscape
CR6	Trees and landscape
CR7	Servicing
CE1	Climate Change
CE2	Flooding
CE3	Waste
CE5	Air Quality
CE6	Noise and Vibration
CT1	Improving alternatives to car use
CK1	Social and Community Uses
CF1	Location of New Shop Uses

'Saved policies of the Unitary Development Plan adopted 25 May 2002

CD63	Conservation Area Views
PU03	Contaminated Land Information
PU04	Protection from Contamination

London Plan Spatial Development Strategy for Greater London adopted July 2011

5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.7	Renewable energy
5.9	Overheating and cooling
5.13	Sustainable drainage
5.17	Waste capacity
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.13	Parking
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.8	Heritage assets and archaeology

- 7.14 Improving air quality
- 8.2 Planning obligations
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure

The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The loss of the social and community use as part of the proposed redevelopment would be acceptable and in accordance with Core Strategy Policy CK1.

The proposed flexible commercial unit would be acceptable in accordance with Core Strategy Policies CF1, CK1 and CF5.

The site lies within a sustainable location and the provision of 31 residential units is therefore supported and accords with Core Strategy Policy CH1. The proposed tenure and unit size mix, and quality of the housing is also supported by Core Strategy Policy CH2 together with the Mayor's Housing SPG.

The application has demonstrated that the maximum reasonable amount of affordable housing would be provided in accordance with Core Strategy Policy CH2.

The layout, scale, architecture and materiality of the development would respect local context and character. It would preserve the setting of the nearby listed buildings and the character and appearance of the College of St Mark & St John Conservation Area in accordance with Unitary Development Plan Policy CD63 and Core Strategy Policies CL2, CL3 and CL4.

The transportation impacts of the development would not adversely affect the surrounding highway network, on-street parking pressure, or public transport. The development accords with Core Strategy Policies CT1 and the Transportation SPD.

The impact of the development on the living conditions of surrounding properties has been considered with regard to loss of sunlight/daylight, privacy and increased sense of enclosure, and noise and disturbance. The development would not result in any material loss of amenity to neighbouring properties in accordance with Core Strategy Policy CL5.

The development has been considered with regard to a number of environmental matters, including trees, climate change, air quality and land contamination. Subject to the imposition of the conditions set out above, the proposal would not have any harmful impacts in accordance with Core Strategy Policies CE1, CE5, CR6 and Unitary Development Plan Policies PU3 and PU4 and the Council's Trees and Development and Air Quality SPDs.

In conclusion, the development proposal is considered to accord with the Development Plan policies as contained in the Core Strategy and Saved Unitary Development Plan and relevant supplementary guidance.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/04728>. If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.