

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

APP NO. PP/13/02652/Q06
Major Planning Development Committee 19/11/2013
AGENDA ITEM NO. STR10

SITE ADDRESS

Marlborough Primary School
Draycott Avenue
LONDON
SW3 3AP

APPLICATION
DATED

24/05/2013

APPLICATION
COMPLETE

24/05/2013

APPLICANT/AGENT ADDRESS

Mr K Hearn
CBRE Ltd
Henrietta House
Henrietta Place
LONDON
W1G ONB

LISTED
BUILDING

N/A

CONS.
AREA

N/A

WARD Hans Town

CAPS

No

ENGLISH
HERITAGE

K&C

ART '4' No

CONSULTED

393

OBJECTIONS

5

SUPPORT

0

PETITION

0

COMMENTS

0

Applicant John Lewis plc

PROPOSAL: Demolition of building and redevelopment to provide two form entry primary school with associated play facilities and a mixed retail (A1/A2/A3) and office building, separated by pedestrian link between Draycott Avenue and Sloane Avenue (Major Application).

RBK&C Drawing No(s):PP/13/02652

Applicant's Drawing No(s): PA_020, PA_030, PA_090, PA_100, PA_110, PA_120, PA_130, PA_140, PA_150, PA_200, PA_300, PA_301, PA_302, PA_310, PA_320, PA_400, PA_410

RECOMMENDED DECISION:

Granted subject to a Section 106 agreement

1) Subject to there being no Direction to the contrary by the Mayor of London, approve the grant of planning permission subject to the conditions 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. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans Nos PA_020, PA_030, PA_090, PA_100, PA_110, PA_120, PA_130, PA_140, PA_150, PA_200, PA_300, PA_301, PA_302, PA_310, PA_320, PA_400, PA_410 (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)

3. **Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement should include:**
 - **routing of demolition, excavation and construction vehicles;**
 - **access arrangements to the site;**
 - **the estimated number of vehicles per day/week;**
 - **details of any vehicle holding area;**
 - **details of the vehicle call up procedure;**
 - **estimates for the number and type of parking suspensions that will be required;**
 - **details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works;**
 - **a strategy for coordinating the connection of services on site with any programmed work to utilities upon adjacent land;**
 - **work programme and/or timescale for each phase of the demolition, excavation and construction works; and**
 - **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, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.****The development shall not be carried out except in accordance with the approved Construction Traffic Management Plan.**
Reason - In the interest of highway safety and to safeguard the amenity of the area and to comply with the Subterranean Development SPD and policy CT1 and CL5.

4. **Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall detail construction and demolition methodology and plant to mitigate construction noise and vibration, and an inventory and timetable of dust generating activities, as well as emission control methods and monitoring during demolition and construction. The development shall be implemented and maintained in accordance with the approved details.**
Reason - To comply with policy CE5 and CE6 of the Core Strategy.

5. **No development shall be carried out 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 hereby approved.**
Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy in accordance with policy CL5 of the Core Strategy.
6. **Before the school use commences a service management plan shall be submitted to and approved by the Local Planning Authority. The plan shall include details of refuse storage, refuse collection and all deliveries to site. The school building shall operate in accordance with the approved details.**
Reason – To ensure the servicing would not conflict with the free flow of pedestrian and vehicle traffic and to ensure operation of the school is not impacted by servicing requirements in accordance with policy CT1 of the Core Strategy.
7. **Before the commercial use commences a service management plan shall be submitted to and approved by the Local Planning Authority. The plan shall include details of refuse storage, refuse collection and all deliveries to site. The commercial building shall operate in accordance with the approved details.**
Reason – To ensure the servicing would not conflict with the free flow of pedestrian and vehicle traffic in accordance with policy CT1 of the Core Strategy.
8. **Before the relevant part of the development commences a landscaping scheme for the external playground area, following the principles set out in the Macgregor Smith landscape scheme (plan Nos 1082-001 C, 1082-002 C, 1082-003 C, 1082-004 C, 1082-005 C, 1082-006 C, 1082-007 B, 1082-400 A, 1082-401 A, 1082-402 B, 1082-403 A, 1082-404 A) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all tree and shrub planting, play equipment, enclosures, hard surfacing, drainage and lighting. The landscaping shall be carried out in accordance with these details.**
Reason - To ensure that the appearance of the development is satisfactory, and to preserve the character and appearance of the area in accordance with policies CR5 and CL2 of the Core Strategy.
9. **Before the relevant part of the development commences a full specification for the new pedestrian link between Sloane Avenue and Draycott Avenue shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include surface treatment, drainage, and lighting. The pedestrian link shall be laid and constructed in accordance with the approved specification.**
Reason - In the interest of visual amenity and streetscape in accordance with CR3 and CT1 of the Core Strategy.

10. **Before the relevant part of the school development commences revised details of the covered cycle and scooter storage areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a cycle use survey for the Interim School (reference PP/13/02657) (which will demonstrate general cycle use over the occupancy period which will inform the appropriate number of spaces for the new school), revised plans showing an increase in the number of cycle parking spaces (if required), and details of the means of securing and storing the cycles. The cycle and scooter stores shall be provided in accordance with the approved details.**
Reason - In the interest of visual amenity and to promote sustainable modes of transport in accordance with policy CL2 and CT1 of the Core Strategy.
11. **Before the relevant part of the school development commences details of staff shower/changing facilities shall be submitted to and approved in writing by the Local Planning Authority. The staff shower/changing facilities shall be provided in accordance with the details so approved and retained thereafter.**
Reason - To promote sustainable modes of transport in accordance with policy CT1 of the Core Strategy.
12. **Before the relevant part of the commercial development commences revised plans of the cycle storage area shall be submitted to and approved in writing by the Local Planning Authority. The revised plan shall provide a minimum of 30 bicycle parking spaces. The cycle parking shall be provided in accordance with the approved details.**
Reason - In the interest of visual amenity and to promote sustainable modes of transport in accordance with policy CL2 and CT1 of the Core Strategy.
13. **The vehicle turntable shall be maintained in accordance with the manufacturers specification to ensure that vehicles always leave the site in a forward gear.**
Reason - In the interest of the safety and convenience of highway users in accordance with policy CT1 of the Core Strategy.
14. **Prior to commencement of the school and commercial uses the recommendations and specifications in the acoustic planning report prepared by Sandy Brown Associates, ref 11248-R03 dated 21 February 2013, shall be adopted and implemented in full.**
Reason - In the interest of school and residential amenity in accordance with policy CE6 and CL5 of the Core Strategy.
15. **Before the relevant part of the development commences full particulars of the acoustic treatments necessary to minimise noise at external play areas and the Multi Use Games Area shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented as so approved and retained thereafter.**
Reason - In the interest of residential amenity in accordance with policy CL5 of the Core Strategy.

16. **Noise emitted by all building services plant and equipment on the Commercial Building shall be -10dBA below the existing measured lowest LA90(15min) background noise level at any time when any or all plant is in use, where the plant noise source has a tonal spectrum it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the façade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant and equipment shall be serviced regularly in accordance with manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition, it will be switched off and not used again until it is able to comply.**
Reason - In the interest of residential amenity in accordance with policy CL5 of the Core Strategy.
17. **All building services plant and associated equipment shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.**
Reason - To protect the amenities of nearby occupiers in accordance with policy CL5 of the Core Strategy.
18. **All combustion plant to be installed shall meet the emissions standard of 40mg/kWh of dry NOx (at 0% O2) and be located away from ventilation.**
Reason - To comply with the requirements of the NPPF and Policy CE5 of the Core Strategy
19. **Notwithstanding the provisions of Town and Country Planning (Use Classes) Order 1987 (as amended) the Class D1 use hereby approved shall be for education purposes only and for no other use as defined within Class D1.**
Reason - To allow the Local Planning Authority to consider the planning impact of other Class D1 uses in accordance with policies CT1, CE6 and CL5 of the Core Strategy.
20. **Before the relevant part of the development commences the bench adjacent to the Sloane Avenue pupil entrance shall be inset by 0.4m from the back edge of the footway.**
Reason - In the interest of the free movement of pedestrian in accordance with policy CT1 of the Core Strategy.
21. **Development shall not commence (excluding demolition) until a scheme for undertaking intrusive site investigation/monitoring works in respect to land contamination has been submitted to and approved in writing by the Local Planning Authority. The Scope of Works should be formulated with due regard to the Conceptual Site Model presented in the approved Preliminary Risk Assessment report prepared by Waterman Energy, Environment and Design Limited (Reference EED 12369-100 R.2.3.1.DM. May 2013).**
Reason - To ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with policies PU3 and PU4 of the Unitary Development Plan 2002.

22. **Development shall not commence (excluding demolition) until a site investigation and risk assessment in respect to land contamination have been submitted to and approved in writing by the Local Planning Authority relating the conditions found on site with appropriate standards. 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. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.**
Reason - To ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with policies PU3 and PU4 of the Unitary Development Plan 2002.
23. **Development shall not commence (excluding demolition) until a Remediation strategy (if necessary) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall deal with the contamination and risks identified in the desk top study, site investigation and risk assessment report/s. The strategy must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.**
Reason - To ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with policies PU3 and PU4 of the Unitary Development Plan 2002.
24. **The development shall not be occupied until a Validation Report (if necessary) has been submitted to and approved in writing by the Local Planning Authority. This must show that all contamination that presented a risk has been dealt with and that any imported topsoil for soft landscaped areas is suitable for use.**
Reason - To ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with policies PU3 and PU4 of the Unitary Development Plan 2002.
25. **Site won soil or soil imported on to the site which is to be used within soft landscaped areas must be sampled at an agreed frequency and analysed for contamination prior to its installation on site. A validation report containing the results of this analysis must be submitted and approved in writing by the Local Planning Authority before the development is occupied.**
Reason - To ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with policies PU3 and PU4 of the Unitary Development Plan 2002.
26. **Work on the superstructure of the school building shall not commence until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used.**
Reason - In order to safeguard the appearance of the area in accordance with policy CL2 of the Core Strategy.

27. **Work on the superstructure of the school building shall not commence until detailed drawings of all external materials have been submitted to and approved in writing by the Local Planning Authority. This shall also include elevation, plan and sectional drawings of all external windows and doors (scale 1:20). The development shall accord with the details so approved.**
Reason - In order to safeguard the appearance of the area in accordance with policy CL2 of the Core Strategy.
28. **Work on the superstructure of the commercial building shall not commence until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used.**
Reason - In order to safeguard the appearance of the area in accordance with policy CL2 of the Core Strategy.
29. **Work on the superstructure of the commercial building shall not commence until detailed drawings of all external materials have been submitted to and approved in writing by the Local Planning Authority. This shall also include elevation, plan and sectional drawings of all external windows and doors (scale 1:20). The development shall accord with the details so approved.**
Reason - In order to safeguard the appearance of the area in accordance with policy CL2 of the Core Strategy.
30. **Sample panels of facing brickwork and stonework showing the proposed colour, texture, facebond, and pointing to be used on the external faces of the buildings as approved in conditions 29 and 31 shall be provided on site and approved in writing by the Local Planning Authority prior to the materials being brought onto site. The sample panels shall be retained on site until the work is completed.**
Reason - In the interest of the character and appearance of the area in accordance with CL1 and CL2 of the Core Strategy.
31. **The relevant part of the school building shall not commence until detailed drawings and samples of materials as appropriate, of all roof level equipment have been submitted to and approved in writing by the Local Planning Authority. This shall include photovoltaic panels and mounting frame, plant enclosure, and balustrades/security rails. The details shall be implemented as so approved.**
Reason - In the interest of the character and appearance of the area in accordance with CL1 and CL2 of the Core Strategy.
32. **The relevant part of the commercial building shall not commence until detailed drawings and samples of materials as appropriate, of all roof level equipment have been submitted to and approved in writing by the Local Planning Authority. This shall include plant enclosure and balustrades/security rails. The details shall be implemented as so approved.**
Reason - In the interest of the character and appearance of the area in accordance with CL1 and CL2 of the Core Strategy.

33. **The relevant part of the development shall not commence until detailed drawings and samples of materials as appropriate, of the commercial shop front and office entrance have been submitted to and approved in writing by the Local Planning Authority. The shop front and office entrance shall be constructed in accordance with the details so approved.**
Reason - In the interest of the character and appearance of the area in accordance with CL1 and CL2 of the Core Strategy.
34. **The relevant part of the development shall not commence until detailed drawings and samples of materials as appropriate, of the School visitor entrance on Draycott Avenue have been submitted to and approved in writing by the Local Planning Authority. The visitor entrance shall be constructed in accordance with the details so approved.**
Reason - In the interest of the character and appearance of the area in accordance with CL1 and CL2 of the Core Strategy.
35. **The relevant part of the school building shall not commence until detailed drawings and samples of materials as appropriate, of the timber pergolas, railings and fencing, and means of enclosure for the Multi Use Games Area have been submitted to and approved in writing by the Local Planning Authority. The school shall be constructed in accordance with the details so approved.**
Reason - In the interest of the character and appearance of the area in accordance with CL1 and CL2 of the Core Strategy.
36. **Notwithstanding the approved plans, revised drawings of the commercial building shall be submitted to and approved in writing by the Local Planning Authority before development commences on the commercial building (excluding demolition and basement works). The drawings shall revise the Draycott Avenue and Sloane Avenue elevations to preserve the corner stonework of the former Harrods Depository building. The commercial building shall be constructed in accordance with the revised drawings so approved.**
Reason - In the interest of the character and appearance of the former Harrods Depository building in accordance with policy CL1 and CL2 of the Core Strategy.
37. **Development shall not commence until a full method statement for the retention and protection of the street trees adjacent to the site on Draycott Avenue and Sloane Avenue during construction works shall be submitted to and approved in writing by the Local Planning Authority. This shall include the method of excavation within the curtilage of the site. The approved details shall be implemented in accordance with the method statement thereafter for the duration of the development. (C23c)**
Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the amenities of the area in accordance with policy CR6 of the Core Strategy. (R020)

38. **School Building Travel Plan – Details reserved**
The school building hereby approved shall not be occupied until a travel plan has been submitted to, and approved in writing by, the local planning authority. The travel plan shall implemented, monitored and reviewed in accordance with the approved Travel Plan any targets within the plan.
Reason - To ensure the safe and sustainable movement of traffic on neighbouring highways, in accordance with policies of the development plan in particular policy CT1 of the Core Strategy.
39. **Commercial Building Travel Plan – Details reserved**
The commercial building hereby approved shall not be occupied until a travel plan has been submitted to, and approved in writing by, the local planning authority. The travel plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan and any targets within the plan.
Reason - To ensure the safe and sustainable movement of traffic on neighbouring highways, in accordance with policies of the development plan in particular policy CT1 of the Core Strategy.

INFORMATIVES

- | | |
|---|--|
| 1 | Attention to Conditions |
| 2 | Demolition - Codes of Practice |
| 3 | Unilateral undertaking signed |
| 4 | Party Wall Act |
| 5 | GTD/Pre-app/At submission Est.G/No amend |
| 6 | Construction Management - Highways Act |

1.0 SITE

- 1.1 The application site comprises the existing Marlborough primary school which is arranged over four floors above grade with a single basement. The site also incorporates a number of small outbuildings, along with the two storey former caretakers lodge which is no longer occupied by the school, and the four storey school annex. The buildings are not listed, nor are they within a conservation area. However, the school can be seen from the Chelsea conservation area.
- 1.2 The site lies between two roads, Draycott Avenue to the northeast and Sloane Avenue to the southwest. The site is flanked by Nell Gwynn House to the southeast and the former Harrods Depository to the northwest.
- 1.3 The area represents a mix of land uses. The area to northeast of Draycott Avenue and southwest of Sloane Avenue is mostly residential, while the Brompton Cross retail area and Kings Road Major Shopping Centre lie a few hundred metres along Sloane Avenue to the northwest and southeast respectively.
- 1.4 The Clearings development site is located to the north of the site, on the opposite side of Draycott Avenue.

2.0 PROPOSAL

- 2.1 The application proposes the demolition of the existing school, former caretakers lodge and other outbuildings, and the redevelopment of the site to provide a new primary school, a commercial building and new pedestrian link. The development proposed comprises:
- Demolition of existing school, former caretakers lodge, school annex and outbuildings
 - Erection of new two form entry primary school (420 pupils), a 12 place autism centre and a 24 place nursery, arranged over five floors above grade, with a single level basement (including roof level Multi Use Games Area)
 - Erection of new commercial building against the flank of the former Harrods Depository, arranged over five floors above grade and a single level basement. The accommodation comprises three ground floor commercial units, two fronting Sloane Avenue and one fronting Draycott Avenue, which are separated by a central reception area. It is proposed that these units would have a flexible use, allowing a change between A1, A2 or A3 until established when planning permission would be required for future change. The four levels above accommodate Class B1 offices (3,034sqm). The basement provides storage for the retail units, along with bin and cycle storage, and shower facilities for staff
 - Provision of a new 6m wide pedestrian link between Draycott Avenue and Sloane Avenue which separates the school and commercial buildings (note - the office building is accessed from this link)

2.2 Referral to Mayor of London

The proposals (including PP/13/02657 & PP/13/02659) have been referred to the Mayor of London under categories 1B 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 either to refuse the application, to take the case over for his own determination, or allow the Council to determine the case itself. The Mayor's comments as set out in his Stage 1 letter have been included and addressed in Section 5 of the PP/13/02659 report.

2.3 Planning Obligations

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 are required by the SPD are as follows. These relate specifically to the commercial building:

Obligation	Contribution
Library Facilities	£4,447.17
Sport and Leisure Facilities	£14,413.58
Community Facilities Revenue	£1,886.08
Open Space	£19,138.70
Public Realm Revenue	£4,171.61
Air Quality	£19,055
Employment Training	£38,912.71
Construction Training	£56,443.47
Monitoring fee	£3,961.71

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

Implementation

a) Completion of new school prior to implementation of residential planning permission PP/13/02659

School

a) Community Use Management Plan

Transport

a) Adoption of new Sloane Avenue/Draycott Avenue pedestrian link

b) Construction Traffic Management Plan monitoring fee contribution of £2,800 per plan

c) Travel Plan monitoring fee contribution £1,000 per plan

d) Highway works contribution in relation to a schedule of works to include repaving of footway on Sloane Avenue and Draycott Avenue site frontage, removal of security barriers on Sloane Avenue, re-location of on street car parking bays, and extension of school keep clear road markings £178,000

Training

a) Notification of vacancies to Council or nominated agency

b) 10% recruitment target of local residents

c) Agreement of construction training plan

d) Submission of annual local recruitment monitoring report

e) Compliance with Local Procurement Code

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 school is not liable to pay Mayoral CIL because is an educational use. The commercial building is liable but when the existing floor spaces is taken into account there is no net increase of 'chargeable' floor area. There is no CIL payment required therefore.

3.0 RELEVANT PLANNING HISTORY

3.1

PP/03/00700 - Change of use and conversion of first, second and third floors of ancillary building (Block B) from Educational Use (Class D1) to three self-contained one bedroom Residential flats for key workers. (Council's Own Development) – Granted

PP/06/02420 - Installation of a new external doorway at ground floor level on the Sloane Avenue elevation – Granted

PP/08/00812 - Replacement of a window with a door on the Sloane Avenue elevation at ground floor level - Granted

PP/09/01219 - Installation of 6 no. timber posts within the tarmac surface adjacent to the existing brick boundary wall to Sloane Avenue. The timber posts will be 3 metres high and approx 250mm diameter. The posts will be used to hang ball-stop nets during sports sessions – Granted

PP/10/00739 - Erection of a cycle shelter in School car park area - Granted

PP/12/00536 - Alteration of an existing window to accommodate a pair of double doors forming a new entrance into the school, replacement of an existing pair of solid metal gates with a metal railed gates, creation of new refuse store and additional play space and relocation of existing cycle store – Granted

PP/13/02657 - Demolition of Clearings 2 and use of cleared site, incorporating Leverett Street, together with part of clearings 1, as an interim school for Marlborough Primary School for a period of up to 3 years (Major Application) - Pending consideration

PP/13/02659 - Demolition of clearings 1 & 2, Leverett Street and Denyer Street depot (collectively known as clearings site), redevelopment to provide 69 residential units comprising 62 apartments and 7 town houses, with ancillary

facilities for residents, basement car parking, landscaping, walkway between Mossop Street and Denyer Street and a replacement RBKC street cleaning facility on part of depot site (Major Application) - Pending consideration

4.0 PLANNING CONSIDERATIONS

4.1 The principal determining issues in this case are:

- Principle of Development
- Design
- Internal Environment and Quality of Accommodation
- Impact on Neighbouring Properties
- Transport
- Environmental Impact
- Planning Obligations

4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on December 8th 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

CO1 - Strategic Objective One: Keeping Life Local
CO5 - Strategic Objective for Renewing the Legacy
CO7 - Strategic Objective for Respecting Environmental Limits
C1 - Infrastructure Delivery and Planning Obligations
CK1 - Social and Community Uses
CT1 - Improving alternatives to car use
CR1 - Street Network
CR2 - Three-dimensional Street Form
CR4 - Streetscape
CR6 - Trees and landscape
CR7 - Servicing
CL1 - Context and Character
CL2 - New Buildings, Extensions and Modifications
CL3 - Heritage Assets - Conservation Areas and Historic Spaces
CL5 - Amenity
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
CH2 - Housing Diversity

Unitary Development Plan (Saved Policies)

SC8 - Purpose-Built Education Facilities
CD63 - Conservation Area Views
PU03 - Contaminated Land Information
PU04 - Protection from Contamination

London Plan

- 3.18 - Education facilities
- 4.12 - Improving opportunities for all
- 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
- 6.10 - Walking
- 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
- Chelsea Conservation Area Proposals Statement

Principle of Development

Social and Community Use

4.4 The Core Strategy defines schools as being social and community uses. Policy CK1 supports the provision of new social and community uses. The proposed school is a full two form entry primary school (increasing pupil numbers from 296 to 420) which would comply CK1.

Office and Retail Use

4.5 Office floorspace in excess of 1000sqm is defined in the Core Strategy as '*large offices*'. Policy CF5 specifically supports the provision of new large offices in Higher Order Town Centres and other accessible areas. The site is not within a town centre, but is in a highly accessible location being within PTAL 6A and less than 400m from the Kings Road Major Shopping Centre. The provision of a new office therefore complies with policy CF5.

4.6 The site lies within Brompton Cross and as such policy CP13 is also applicable. This policy supports development that can strengthen the existing sense of identity of this area. The proposed three retail units are small in size (ranging between 174sqm to 307sqm) which would be consistent with the size of other retail units within Brompton Cross. The proposal would reinforce the status and character of Brompton Cross and increase footfall along this part of Sloane Avenue. The proposal therefore accords with policy CP13.

Design

- 4.7 Core Strategy policy CL1 seeks to ensure that development proposals, through their architecture and urban form, contribute positively to the context of the townscape in respect of matters such as scale, height, bulk, mass, proportion, plot width, building lines, street form, rhythm, roofscape, materials, vistas, views, gaps and historic fabric. Policy CL2 explains that the Council will require architecture to be attractive in its composition, materials and craftsmanship, and to be locally distinctive by responding positively to its context.

School Building and its Context

- 4.8 The Marlborough primary school is a large Victorian school constructed by the School Board for London in the late 1870s. The main building is four storeys above a basement and is positioned at the centre of the school grounds, which are bounded by 2.5m high boundary walls that run the full length of the school site. The building is of traditional masonry construction using a combination of mainly London stock and red brickwork, with steep pitched roofs in clay tiles. The building features a distinctive horizontal stone banding and a copper-clad bell tower. The grounds contain several smaller outbuildings, including a 3-storey annex building and caretaker's house that date from the same period.
- 4.9 The school is adjoined by Nell Gwynn House, a large 10 storey residential apartment building to the south-east, and by the 5 storey former Harrods Depository building to the north-west, which is converted to retail and offices. The site sits mid-way along a street block bounded by Sloane Avenue and Draycott Avenue. The location marks a change from the commercial character of near-by Brompton Cross to the high density residential character towards the King's Road. This part of Sloane Avenue was largely redeveloped during the early 20th Century with townhouses replaced with large commercial warehouse buildings and serviced apartment blocks.

Demolition

- 4.10 The project requires the demolition of the Victorian school building, which is one of the many such schools built throughout London. English Heritage are currently considering a request to list the school. The Executive Director of Planning and Borough Development has made representations in opposition to listing on behalf of the Council. The existing school is deficient in a number of ways, one being the poor relationship between teaching areas and outdoor space, and indeed the quality and amount of outdoor space. In this regard the loss is outweighed by the functional benefits of a new purpose-built structure for an enlarged school roll and substantially improved internal environment and greater outdoor play provision. In addition, the new-build approach releases space to provide a new public walkway and commercial building that enhance the local urban grain and Brompton Cross area. The school is outside the local conservation area and is not listed, as such its demolition and replacement with an attractive, high quality bespoke building is acceptable.

Site Layout

- 4.11 The site is located at the mid-way point of a street block that runs some 270m along Draycott Avenue and Sloane Avenue, between their junctions with Whitehead Grove and Ixworth Place. It also marks the distinct change in

character between the commercial activities of Brompton Cross with its boutique retail, restaurants and small offices, and large scale apartment buildings. The urban block has a continuous built-up appearance with the exception of the school, which sits in isolation within its playgrounds.

- 4.12 The proposed new school would occupy three-quarters of the site and would effectively run through from the Nell Gwynn House boundary to the position of the northwest facing flank wall of the existing. At this point a new public walkway is proposed that would flank the new school and would run front to back across the site, linking Sloane Avenue and Draycott Avenue. The walkway would separate the new school from a new commercial building that occupies the remainder of the site and flanks onto the Harrods Depository.
- 4.13 The new walkway would interrupt the otherwise long and impenetrable street block, creating a new pedestrian link between Sloane Avenue with Draycott Avenue. This would have the welcome effect of improving the local urban structure, adding to the network of routes and spaces and increasing connectivity within the public realm. It would support a finer urban grain, providing the opportunity for smaller scale buildings and activities that would foster local vitality.
- 4.14 The new commercial building would be located at the back edge of the pavement on both Sloane Avenue and Draycott Avenue, continuing the contextual building lines. It would provide small scale ground floor outlets that would extend the boutique character and appearance of Brompton Cross area southwards. The rhythm of small scale units and shopfronts would be carried round into the new walkway, which would have a more intimate scale and a good sense of place. The entrance to the new office building would be located mid-way along the walkway, providing activity and engagement with the public realm.
- 4.15 In optimising the site the new school would mainly be positioned at the back edge of the pavement, reinforcing the characteristic street form. This would remove the need for the existing tall perimeter wall on all sides, with the exception of the boundary with the neighbouring Nell Gwynn House. This would create the opportunity for the new building to strongly engage with the public realm. The elevations would have visual interest for passers-by and informal surveillance. The ground floor would be generally lined with administrative rooms and other less sensitive activities, which would help maintain privacy. Where the activity would be sensitive (e.g., ground floor nursery classroom) translucent glazing is proposed at eye level. The large hall windows facing onto the new pedestrian link would similarly treated, but on all floors, due to the close proximity of the commercial building opposite.
- 4.16 Regarding the school entrances, the new building would have dedicated pupil entrances located on both Sloane Avenue and Draycott Avenue, giving access to the ground floor playground located adjacent to Nell Gwynn House. This would follow a similar pattern to the current school and would provide flexibility and convenience. It would also ease pavement congestion, placing the entrances away from the commercial frontages. The pupil entrance gates would be readily visible within the streets and are made more legible by the proposed re-use of the decorative school cartouches. The main school entrance would be

on the Draycott Avenue frontage, close to the junction with the new walkway. This generally aligns with Denyer Street, which works well for sight lines and pedestrian convenience, and enhances activity on the corner of the new walkway. It would have a civic quality that is welcome.

Scale

- 4.17 The new school would be part one, part three and part five-storey building that has a stepped tiered arrangement that runs southeast to northwest across the site. The tiered form provides a series of classrooms with direct access to outside playdecks at each level and a rooftop multi-use games area (MUGA), with the main school spaces and specialist teaching rooms contained in the body of the building.
- 4.18 At its maximum height the school building would reach 20.6m above ground, which is similar in height to the ridge line of the existing school building. This is approximately 3.0m below the cornice line of Nell Gwynn House and 10m below its roof level, which features a double attic storey. Importantly, the school would match the parapet line of the Harrods Depository and would contribute to a more consistent scale of buildings towards the northwest. It would also be of an appropriate scale within Sloane Avenue.
- 4.19 An important feature of the existing school is that it creates a sense of space to the townscape as a result of its set back position. The proposed scheme would retain that sense of space by setting its tiered built form side-on to the street and presenting a series of lower-rise structures, with Marlborough Walk providing a break in the urban block. This is welcome in preserving a lower sense of scale and openness in local views and helps ease the more urban character that comes from bringing the school forward to the back edge of the pavement on Draycott Avenue.
- 4.20 The tiered form would break down the massing into a series of volumes that would be comfortably scaled and easy to read. When viewed from the southeast the central recessed lightwells with their white finish further divide the volumes into a series of smaller elements that define the classroom arrangements. The open-ended playdecks also carve into the massing. When seen from the other direction the cut-away roof form and exposed rooftop MUGA and double-height corner entrance erode the volumes and relieve any sense of bulk. The building would display a rich three-dimensional quality and brings strong visual interest to the townscape, which is welcome.
- 4.21 The commercial building would rise to five storeys with a single parapet height at 20.6m above ground, matching the height of the new school and Harrods Depository. As such, it would support a consistent roofline to the northwest and continues the coherent and comfortable scale of the street. There is an area of rooftop plant that projects a further 2.0m above the roof, but would be recessed away from the front parapets and adds little visual height or bulk in public views. Condition 34 is imposed to secure details of the treatment of the plant enclosure, and any security rails for maintenance purposes. The building has a regular massing, with the four-bay plot width making for a comfortable scale when seen from the main roads. Importantly, the articulation of the flank facade above the office entrance on Marlborough Walk would break up the sense of building depth and successfully eases its bulk.

4.22 Architecture

The school architecture has a vibrant contemporary design that is richly detailed to express its civic role and be contextual. The elevations comprise masonry with mainly punched window openings that give a sense of depth and solidity to the building. The finish is predominantly a warm London stock brick, which characterises much of the near-by Chelsea Conservation Area. In this instance it is used in a stretcher bond with no lintel details that gives a robust contemporary feel. Horizontal stone bands are inset into the brick work, reflecting the distinctive stone dressings of the current school building and banding seen on other near-by buildings, such as Nell Gwynn House and Chelsea Cloisters. A glazed brick is introduced around the base of the building forming a hard wearing and decorative detail at street level, enhancing the appearance. The glazed brick has a matt green finish and Flemish bond and references a similar material finish on nearby Michelin House.

4.23 A distinctive feature of the elevations is the varied window openings that contrast with the regular geometry of neighbouring commercial and residential buildings. The fenestration references the internal functions and adds vibrancy and playfulness to the elevations. They include ocular windows for the classrooms; full-height slot window for the stair cores; projecting windows and rooflights for the dance studio and art studio; and large glazed curtain wall to the assembly hall. These are interspersed with portrait windows for special teaching rooms, staff offices and other ancillary functions. Punched openings also provide light and views of the playdecks on the first and second floors, with cut-aways for the playdecks at third floor level. The main public entrance to the school is on Draycott Avenue and is expressed by a double-height eroded corner. The reveals and soffit around the glazed entrance are lined in a striking yellow panelling which presents a prominent and welcoming public entrance. The materials and detailed finishes are important to the quality of the elevations and conditions 29 and 31 are imposed to secure details such as brickwork, mortar and joints, window cills, depth of reveals, coloured panels, window and door frames, railings and fencing.

4.24 The main characteristic of the new school is its distinctive tiered playdecks, which would be visible when approaching the school from the southeast. The decks are open-ended with railings and have white rendered walls and soffits that contrast with the main brickwork. Pupils would be visible in oblique views bringing welcome animation to this prominent side of the building. Further animation is provided by the glazed stair cores on both street elevations, as well the glimpsed views of the rooftop MUGA and projected windows of the studio space.

4.25 Functionally, the architecture is innovative. The stepped tier concept works with the different age groups, with the youngest children in nursery and reception classes grouped at ground level, and other year groups sequentially stepping up through the floors. The concept would also deliver classrooms with direct access to covered outdoor teaching spaces and most to good sized playdecks. Other key features are the rooftop MUGA with good access for the oldest children; the large assembly hall and a separate multi-functional space within the main body of the building; an Autism Centre with sheltered double-height play area; and a good-sized ground floor meeting room.

- 4.26 The new commercial building is four-bays wide above retail shopfronts onto both Sloane Avenue and Draycott Avenue. The building comprises simple brick facades with punched window openings and brick structural columns that are brought to ground. The upper floor windows are evenly sized with a vertical emphasis and regularly placed. The ground floor height is extended to line through with the ground floor of the adjacent Harrods building, whilst the upper floors have uniform heights. The simple elevational language is carried round the corner into the pedestrian link. Here the facade is articulated by a square bay that runs from first to fourth floor and signifies the office entrance. The proposed brick is a dark slate colour with matching-coloured mortar. The window frames, doors and bays have a bronze finish.
- 4.27 The simple, geometrical designs have a sober, contemporary appearance that counterpoints the neighbouring decorative Harrods Depository and more playful designs of the new school. The aesthetic reflects the commercial office use, but is too redolent of the West End or City and is less comfortable in the mixed commercial/residential context of Brompton Cross. The matter can be sufficiently addressed by the use of warmer or more contextual brickwork; condition 31 is imposed to secure samples of a suitable brick. The abutment to the flank elevations of the Harrods Depository would disrupt the corner stonework and decorative detailing. The designs will need to be reworked to preserve these features, and condition 31 is imposed to secure details of this.
- 4.28 Landscaping
Internal to the site, the playdecks provide a series of opportunities for landscaped gardens and planting that will help soften the building form. The proposals include new birch trees within the main playground and several high level gardens that include fruit trees and woodland trees. Climbing plants are provided along the boundary wall and bamboo planting, which will be visible from the street. The main circulation space is finished in bound resin gravel with play areas treated in coloured rubber crumb, which are practical and playful in appearance. The sports pitches at first and roof levels also have rubber crumb finishes. Seating and small raised stages are provided on several playdecks. The landscaping is well designed to provide good outdoor leaning and recreation space.
- 4.29 Externally, the proposals are to repave the site perimeter in York stone paving with granite edging, including the new pedestrian walkway. The school boundary would be set in slightly to allow pavement widening on Draycott Avenue, whilst contributions will be secured to widen the pavement line on Sloane Avenue. The boundary walls by the pupil entrances would be recessed slightly to incorporate some bench seating for waiting parents, which is welcome, subject to details.
- 4.30 In summary the new primary school would be well-scaled and would sit comfortably within the townscape, with a robust and functional structure, layout and materials. The architecture is well-detailed and has a stimulating vernacular appropriate to its civic use. The tiered organisation of classrooms with direct access to outdoor play decks is innovative and will create a high quality school environment. The commercial building is simple in its composition, which is reflective of its commercial use and allows the school building and former Harrods Depository to shine. Subject to materials and resolution of the connection to the Harrods Depository the commercial building is successful. The

introduction of the new pedestrian link is welcome and will improve connectivity.

- 4.31 The proposed school building would be glimpsed from the Chelsea conservation area. However, the form, massing and architecture of the proposal are such that it would preserve the character and appearance of the adjoining conservation area.

Internal Environment and Quality of Accommodation

- 4.32 The site area is 3512sqm and the existing school building has a footprint of 1,047sqm. The development brief required a new 3,196sqm two form entry school with 3,440sqm of external play space, a new pedestrian link between Sloane Avenue and Draycott Avenue, and a new 3,205sqm commercial building.

School Building

- 4.33 The proposals would provide an additional 158 school places, accommodated in a new school which is 1,883sqm larger than the existing building.
- 4.34 The new external play and learning areas are arranged over five levels with direct adjacencies to classrooms. The total area is 2,605sqm (1069sqm larger than the existing provision), with 664sqm provided under cover. There is also a 168sqm sports pitch on first floor level, and a 610sqm Multi Use Games Area (MUGA) at fourth floor level.
- 4.35 The application is accompanied by a Daylight and Sunlight Assessment produced by Delva Patman Redler. This document provides an Average Daylight Analysis (ADF) for the classrooms on the ground and first floor of the school where daylight levels will be at their lowest. The ADF assesses the quality and amount of light within each room tested. Of the seven classes tested the ADF exceeds the standards in BRE guidance *Site Layout Planning for Daylight and Sunlight (2nd Edition 2011)*.
- 4.36 The application is accompanied by an Acoustic Planning Report (produced by Sandy Brown). This addresses two acoustic issues, the first relates to the internal noise environment of the school, while the second relates to noise egress which is addressed later. The report concludes that as the proposed school will be naturally ventilated it will not meet Building Bulletin 93 of the building regulations when open. However, this is the current condition of the existing school and surveys show that noise levels are not a problem. Subject to condition 15 to secure details of insulation of rooms and floors the internal noise environment will be acceptable.
- 4.37 The school offers out of hours community use, with access to a community room on the ground floor, and the roof level MUGA. These areas can be access exclusively to the main teaching spaces. The out of hours community use will be secured in the s106 unilateral undertaking
- 4.38 The Director of Education has been consulted and comments that the department have been involved in the design development of the new school and are very pleased with the proposals.

Commercial Building

- 4.39 The commercial building is arranged over five floors above grade and one basement. The building has simple floor plates with a central core to allow flexible use. Lit from three sides the daylight levels would be acceptable.

Impact on Neighbouring Properties

- 4.40 Core Strategy policy CL5 requires development to respect the amenity of neighbouring buildings with regard to sunlight and daylight, visual privacy, sense of enclosure, noise and vibration.

Privacy

- 4.41 In considering the matter of privacy there is no set formula for assessing the impact. However, the Core Strategy comments that the general privacy levels within the area and existing site conditions are a consideration, as are the land uses, window sizes, room use and separation distances between buildings. The BRE guidance also comments that 18m between facing habitable room windows reduces the opportunity for inter-visibility to an acceptable degree.

- 4.42 The properties most affected are those opposite to the site, i.e. Chelsea Cloisters and 75-81 Sloane Avenue, Nell Gwynn House, and 61-68 Draycott Avenue. Given the use of the proposed buildings and separation distances between the school windows and external play areas and windows of neighbouring buildings (ranging from 18m to 43m), officers are satisfied that there would be no unreasonable impact on privacy to facing properties.

Sense of Enclosure

- 4.43 The proposed buildings would sit on the boundaries of the site, and are therefore closer to neighbouring buildings. However, the proposed school building has been carefully modelled and the tiered massing would ease its sense of scale, particularly in relation to Nell Gwynn House which presently experiences the full height of the existing school closer to its boundary. The proposed school would step away from Nell Gwynn House as it increases in height. This would actually reduce the current sense of enclosure to Nell Gwynn House in accordance with Core Strategy policy CL5.

Daylight and Sunlight

- 4.44 The Delva Patman Redler daylight and sunlight assessment has analysed the impact of the development on the daylight and sunlight to neighbouring buildings in accordance with the BRE guidance *Site Layout Planning for Daylight and Sunlight (2nd Edition 2011)*. The daylight is assessed by applying the Vertical Sky Component (VSC) and No Sky Line (NSL), while the sunlight is assessed by calculating the Annual Probable Sunlight Hours.

- 4.45 The following properties have been tested for daylight impacts:- 69-147 Denyer Street, 61-68 Draycott Avenue, Nell Gwynn House, Colebrook Court and Chelsea Cloisters both on Sloane Avenue. The results of the VSC show that of 217 windows tested only 3 would fall outside the tolerance recommended in the BRE guidance, while 5 windows tested for NSL would fall outside the tolerance recommended in the BRE guidance. These windows are positioned on the corner of the Chelsea Cloister building opposite to the proposed commercial building and therefore currently experience a relatively open aspect, which is

uncommon to Sloane Avenue. These results would not be dissimilar to other windows along the same elevation but opposite to the former Harrods Depository, which is of a similar scale to the proposed commercial building. The impact is therefore reasonable within this context.

- 4.46 Only windows facing within 90 degrees due south are tested for sunlight impacts. The Annual Probable Sunlight Hours has been tested for the following properties:- 69-147 Denyer Street, 61-68 Draycott Avenue, Nell Gwynn House, Colebrook Court and Chelsea Cloisters both on Sloane Avenue. All would be within the tolerance recommended in the BRE guidance.
- 4.47 Overall, the impact on daylight and sunlight to neighbouring properties would be acceptable and the proposals therefore accord with policy CL5.

Noise

- 4.48 In addition to policy CL5, policy CE6 seeks careful design to minimise the impact of new development on noise sensitive uses.
- 4.49 This is an existing primary school site. However, the proposals would increase the number of pupils and external play areas and the application is therefore accompanied by an Acoustic Planning Report (produced by Sandy Brown) which has assessed noise generated by the existing and proposed school. The most sensitive noise receptors would be 61-68 Draycott Avenue, Nell Gwynn House, Colebrook Court and Chelsea Cloisters both on the opposite side of Sloane Avenue.
- 4.50 The Acoustic Planning Report explains the measures in place to minimise any risk of noise and disturbance resulting from the internal teaching and common areas, plant, and the external areas. These include the use of acoustic planting and fencing in external areas to baffle noise, along with locating plant rooms within acoustic housing or at basement level. The internal rooms and facade will be insulated. With the existing site condition in mind, as well as the conclusions of the Acoustic Planning Report, officers are satisfied that the school will not result in unacceptable levels of noise and disturbance. Conditions 14 to 19 are imposed to control noise.
- 4.51 Matters of noise and disturbance arising from construction works and associated traffic are matters which are best regulated through the relevant environmental protection legislation. However, the application is accompanied by a Construction Method Statement which outlines amenity protection methods. Condition 3 and 5 are imposed to secure a Construction Environmental Management Plan and a Construction Traffic Management Plan to minimise the impact of neighbouring residents.

Transport

- 4.52 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

- 4.53 The site lies within a highly sustainable area, with excellent public transport accessibility (PTAL 6A). As such the proposal to provide a two form entry primary school and new commercial building accords with policy CT1.

New Pedestrian Link

- 4.54 The proposed pedestrian link would break the 270m long urban block, improving permeability and connectivity in this area. The dimensions of the link would comfortably accommodate the predicted levels of pedestrian traffic. The link will need to be finished to an adoptable standard, incorporating appropriate drainage etc. This will be secured in the s106 obligations.

Commercial Building

- 4.55 The commercial building would comprise four floors of offices above three ground floor retail units. The office entrance is from the new pedestrian link, from where the basement bin and cycle store is accessed. This arrangement is acceptable.

- 4.56 The offices would accommodate circa 200 employees. Give the highly accessible location this will not put undue pressure on the public transport system. The retail units are not large enough to attract destination traffic.

School Access

- 4.57 As with the existing school, pupils would enter the site via two principal gates, one on Sloane Avenue and the other on Draycott Avenue. These gates would be opened and manned for short periods at the beginning and end of the school day, and there is adequate space within the gates for parents to congregate. They will be otherwise locked. School visitors would enter via the reception of the corner of the new pedestrian link and Draycott Avenue. Deliveries and refuse would be received and collected at different points along Sloane Avenue. This site arrangement would have a limited impact on the highway and is therefore acceptable.

- 4.58 The Draycott Avenue pupil entrance would move towards the southeast and the 'School Keep Clear' road markings would need to be extended. While visibility is good along Draycott Avenue the nearest on street car parking bay on Draycott Avenue would need to be relocated. There is capacity to do this within the area. These matters will be secured in the s106 agreement.

- 4.59 The footway adjacent to the Sloane Avenue pupil entrance is very narrow. As such the position of the bench at the school gate will need to be inset by 0.4m.

Car Parking

- 4.60 The existing school has four car parking spaces, including a disabled parking bay. It is proposed to provide only one off street parking bay for use by disabled persons. No car parking is proposed for the commercial building. This complies with policy CT1. Two additional disabled bays are proposed on street, in front of the proposed Draycott Avenue retail unit. This would be acceptable, and will be

secured in the s106 agreement.

Bicycle Parking

4.61 Six staff cycle parking spaces are proposed for the school. This number is acceptable, but there are no shower/changing facilities. Condition 11 is imposed to secure this. 16 cycle parking spaces is proposed for pupils, which falls below the London Plan standard. While cycle use is generally low in primary schools, the Mayor's requirement is 43 spaces. The provision fall significantly short, and although a travel plan will be in place which will review cycle use, a higher provision of spaces should be provided from the outset. Officers would recommend that condition 10 is imposed to secure a higher number of spaces based on survey work from the interim school site.

4.62 12 cycle parking spaces is proposed for the commercial building, the Council's standards require 30 spaces. Condition 12 is imposed to secure this number. An adequate number of visitor spaces is proposed.

Servicing

4.63 The proposed uses would all be serviced from the street. This is acceptable given the extensive single yellow lines on both frontages. Condition 6 and 7 is imposed to secure services management plans for each use.

Associated Highway Works

4.64 A number of highway works would be required around the perimeter of the building to remove existing drop kerbs, street furniture and to alter road markings or on street parking. These works will be secured with the s106 agreement.

Traffic Management and Travel Plans

4.65 Draft construction traffic management and travel plans have been submitted. These are reasonable in principle, but are not site specific. Conditions 3, 38 and 39 are imposed to secure these plans in full prior to the uses commencing. These will be provided for the school and commercial building.

Environmental Impact

Sustainability

4.66 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 non-residential schemes over 1000sqm should achieve Breeam 'Excellent'. Both the school and commercial building exceed this threshold.

4.67 The development achieves a 'Very Good' Breeam score which does not comply with policy CE1. However, this is partly due to the constrained nature of the site, where some energy generating technologies are not feasible, and also due to the already high performance of the buildings. Through the use of energy saving technologies, high thermal efficiency, natural ventilation and photovoltaic panels, the school building can only achieve a 2.5% carbon dioxide reduction on Part L of the 2010 Building Regulations (25% is required to achieve an 'Excellent' rating). In light of the particular site constraints, the other sustainable measures and public benefits of the scheme, officers conclude that the Breeam score is

reasonable.

Air Quality

- 4.68 Core Strategy policy CE5 states that the Council will carefully control the impact of development on air quality. The application is accompanied by an Air Quality Assessment (produced by ARUP). The Director of Environmental Health has reviewed this and raised no objection.

Contamination

- 4.69 Unitary Development Plan policies PU3 and PU4 requires applications to be submitted with information relating to the possible contamination of the land, specifying mitigation measures where required. The application is accompanied by a Preliminary Environmental Risk Assessment (produced by Waterman Ltd) which concludes that there are no likely significant risks from contamination. The Director of Environmental Health has reviewed this and raised no objection subject to the imposition of conditions 21 to 25 to secure more detail concerning ground conditions, a risk assessment and a remedial strategy if necessary.

Ecology

- 4.70 Core Strategy policy CE4 seeks the protection and enhancement of biodiversity. The application is accompanied by a Phase 1 Survey. The report has identified the site as being of low ecological value and the proposals would not adversely affect ecology in accordance with policy CE4.

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 are four small trees on the site which are categorised as being of low amenity value. Their removal is acceptable. There are also two street trees adjacent to the site, one of Draycott Avenue and one on Sloane Avenue. These are to be retained and are not considered to be at risk, subject to tree protection measures being in place prior to work commencing on site. Condition 37 is imposed to secure this. New tree planting is proposed throughout the school development. Condition 8 is imposed to secure details of this.

5.0 PUBLIC CONSULTATION

- 5.1 3655 addresses were notified of the proposal. Five comments have been received. The issues raised can be summarised as follows:

- **Supportive provided it does not affect residential amenity**
- **Will affect residents by reason of noise, dust , traffic** - *The Construction Traffic Management Plan and Construction Environmental Management Plan to be secured by condition will address these issues*
- **Should be located somewhere less residential** - *This is an existing school site. There is no evidence of existing conflict with neighbouring properties and measures will be in place to prevent the new school from having any undue impact*

- **Monstrous concrete design that will ruin area** - *The building is of brick construction and is appropriately massed so that it will sit comfortably within this context*
- **School is big enough** - *The school meets the brief of the Education Authority and provides a good internal and external environment for pupils*

Loss of existing school building is unacceptable and contrary to the NPPF
 - *The existing building is not listed, nor is it within a conservation area. Therefore, planning permission is not required for its demolition*

Architecture Appraisal Panel

5.2 The scheme went before the Architecture Appraisal Panel (AAP) on 16th January 13th March 2013. The AAP Report for each presentation is attached as Appendix 2. Of the concerns raised officers would make the following comments:

AAP Comments January 16th

- **The land-take for the new commercial development compromises the school layout, circulation, connections and overall character. More space is needed for the school to work successfully and either the commercial element should be substantially scaled back or better still removed altogether from the scheme. It was felt also that the commercial building could only have a marginal value in development terms and if RBKC chose to retain it on site then the Panel would need to have further details of the commercial reasons for this** - *RBKC Education endorse the school design which fully meets the brief. The commercial building is a full part of the development brief*
- **The Panel raised concerns about the proposed elevational designs for the school. It was considered that as presented, they lack the richness and quality of detailing and materials commensurate with a prominent public building, and do not, as yet, make for an adequate replacement for the original Board School** - *The school designs were in the early development phase and have been subject to significant changes. The revised designs result in an innovative plan form and a striking civic building*

AAP Comments March 13th

- **The AAP is disappointed that little progress had been made following the earlier presentation and that the outstanding issues remain unresolved. It is supportive of the underlying design concept of tiered classrooms fronting onto play decks and providing covered outdoor teaching space below, but considers the scheme is compromised by the commercial building and let down by the weak elevational expression** - *RBKC Director of Education endorses the school design which fully meets the brief. The commercial building does not therefore compromise the school function or design. The elevations are playful with a variety of window sizes and styles.*
- **The commercial building is squeezing the new public realm and the opportunity for the architecture to properly deliver the concept and benefit from the clever plan form. The poor outdoor provision for the SEN and the compressed sheltered teaching spaces are cases in point. It is disappointing that awnings may well be needed to provide the sheltered space** - *The new pedestrian link is a comfortable scale relative to*

the proposed building heights, and the Director of Transport supports it as a piece of public realm. The school design, both internal and external is good. The RBKC Director of Education endorses the design.

- **The scheme has been developed as a section and with insufficient consideration to the form of its elevations. The main elevations do little to reveal the internal life of a civic building or celebrate its function as a primary school. If the planning intention is to draw activity and interest from Brompton Cross southwards, the scheme does not deliver. Currently the street elevation is dull and lifeless, and fails to improve the public's experience of the school along Sloane Avenue. Greater thought should be given to 'opening up' the building and displaying its internal form and layout, and to other more subtle moves (e.g., colour, bespoke furnishings, art). They should be joyful and inspiring to young children - *The design has substantially evolved since the AAP in March and is now a striking public building with windows and breaks offering views into the building and site***
- **Internally, the Panel questions whether the flexible hall at ground floor is too open to the floors above and may prove disruptive without acoustic treatment, particularly with a staggered day. It also suggests reviewing the classroom windows and improving their aspect - *The openness of this space is an important design feature at the heart of the school. The supporting Acoustic Planning report and the Director of Environmental Development conclude that adequate internal sound insulation can be accommodated to ensure classrooms are quiet***
- **The scheme architects are asked to look again at the new public realm, which lacks ambition. It does not really line up as a pedestrian link and has a soulless quality that may add up to little more than simply denoting where the commercial element stops. More could be done to inhabit and animate the space and to give it a positive public role. This could be by re-focusing the main school entrance onto this space and encouraging parents/carers to linger - *The scheme has evolved to address part of this comment, with greater animation to the flank of the school. The route itself is logically placed to separate the school and commercial buildings. It is almost opposite to Denyer Street and successful in improving legibility and connectivity therefore. The Director of Transport endorses this link***
- **Lastly, further thought needs to be given to the pick up/drop off arrangements and where parents/carers can wait, particularly during inclement weather - *Procedures for managing pupil movements at the start and end of the school day have been agreed with the support of Marlborough Primary School, RBKC Children's Services. Gates are wider and inset to limit congestion on the footway. During inclement weather there are options of using central hall spaces to gather.***

6.0 CONCLUSION

- 6.1 The development proposed is an intelligent response to a challenging brief and tightly constrained site. It would deliver a new two form entry primary school to a high specification, with a very good internal and external environment. The retail and office accommodation would strengthen the Brompton Cross retail area and introduce employment opportunities locally. The introduction of the Draycott Avenue/Sloane Avenue pedestrian link will improve connectivity and legibility locally. The design of the school and commercial buildings would be appropriate to this context and would preserve the residential amenities of neighbouring properties.

7.0 RECOMMENDATION

7.1 Granted subject to a Section 106 agreement

1) Subject to there being no Direction to the contrary by the Mayor of London, approve the grant of planning permission subject to the conditions 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/13/02652 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Demolition of building and redevelopment to provide two form entry primary school with associated play facilities and a mixed retail (A1/A2/A3) and office building, separated by pedestrian link between Draycott Avenue and Sloane Avenue (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

CO1	Strategic Objective One: Keeping Life Local
CO5	Strategic Objective for Renewing the Legacy
CO7	Strategic Objective for Respecting Environmental Limits
C1	Infrastructure Delivery and Planning Obligations
CK1	Social and Community Uses
CT1	Improving alternatives to car use
CR1	Street Network
CR2	Three-dimensional Street Form
CR4	Streetscape
CR6	Trees and landscape
CR7	Servicing
CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL5	Amenity
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
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CH2	Housing Diversity

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

SC8	Purpose-Built Education Facilities
CD63	Conservation Area Views
PU03	Contaminated Land Information
PU04	Protection from Contamination

London Plan Spatial Development Strategy for Greater London adopted July 2011

3.18	Education facilities
4.12	Improving opportunities for all
5.1	Climate change mitigation
5.3	Sustainable design and construction
5.7	Renewable energy
5.9	Overheating and cooling
5.13	Sustainable drainage
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.1	Walking
6.13	Parking
7.4	Local character

7.5	Public realm
7.6	Architecture
7.14	Improving air quality
7.8	Heritage assets and archaeology
7.3	Designing out crime
8.2	Planning obligations
5.2	Minimising carbon dioxide emissions
5.17	Waste capacity

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 development proposed is an intelligent response to a challenging brief and tightly constrained site. It would deliver a new two form entry primary school to a high specification, with a very good internal and external environment. The retail and office accommodation would strengthen the Brompton Cross retail area and introduce employment opportunities locally. The introduction of the Draycott Avenue/Sloane Avenue pedestrian link will improve connectivity and legibility locally. The design of the school and commercial buildings would be appropriate to this context and would preserve the residential amenities of neighbouring properties.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/13/02652>. 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.