

Planning and Place

Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Director of Planning and Place

Amanda Reid



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Mr P Edgar
Gerald Eve LLP
72 Welbeck Street
LONDON
W1G 0AY

Date: 23/07/2020

My Ref: PRE/AR/20 /03224/L3FU
Your Ref: GAO/PED/SAV/U0012714

Please ask for: **Mr. M. Woodhead, Senior Planning Officer**
Service Standard: 23/07/2020

TOWN AND COUNTRY PLANNING ACT 1990

Dear Mr Edgar

Address: 19 Mallord Street, LONDON, SW3 6AP

Proposal: Level 3 Follow up to AR/20/01009 for : Redevelopment of site to accommodate a new health and fitness club.

Attached is my Level 3FU advice on your proposal. The levels of advice we provide are explained on our website at: <http://www.rbkc.gov.uk/advice>

If you would like further advice to develop your proposal, you can request follow up pre application advice as detailed on our website.

Yours sincerely

Matthew Woodhead

Matthew Woodhead
Senior Planning Officer

Email: Planning@rbkc.gov.uk
Web: www.rbkc.gov.uk/planning



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

19 Mallord Street, LONDON, SW3 6AP

Advice report for Level 3 Follow up to AR/20/01009 for : Redevelopment of site to accommodate a new health and fitness club.

Our reference: /AR/20/03224

Date: 22/07/2020

1.0 Summary

1.1 In summary and following our meeting on the 14th July, I advise:

- i. The proposed change of use would be acceptable in principle, subject to additional information and justification as set out in the main body of this report.

1.2 For these reasons I would be likely to support the proposal if an application were made. Whilst the advice is given in good faith, it is based on the information provided and the assessment of the proposals has not been subject to public consultation. Public consultation is a key part of the assessment process for a planning application. Our advice given here does not bind the Council to a particular decision and is made without prejudice to any formal determination which may be given in the event of an application being submitted.

1.3 The advice in this report is provided at Level 3 as described in our customer guide, which can be viewed at: www.rbkc.gov.uk/advice. Should you require further advice I would welcome the opportunity to be of further assistance. The guide also explains how we can provide this to you. If you refer to our advice in public consultation events or marketing please ensure that you accurately reflect the full extent of the advice provided.

1.4 Should you decide to make an application following this advice then the easiest way to do so is electronically by registering on the Planning Portal at: <https://www.planningportal.co.uk/applications>

1.5 Any application will need to be accompanied by appropriate information before it will be registered and considered. If any information requirements are missing, we cannot consider your application until it is provided. Section 6 summarises the information necessary to register an application for this proposal and if you are in any doubt please view the requirements on our website at www.rbkc.gov.uk/checklist before you submit the application.

1.6 Once an application is registered, should substantial amendments be required in order to address concerns, these will not generally be accepted as part of the application but you will be offered the opportunity to withdraw the application and resubmit it in an amended form.

2.0 Relevant planning history

| Reference | Summary description | Decision and date |
|-------------|--|----------------------|
| PP/19/02182 | Conversion of the former telephone exchange (Sui generis) into a 420 place secondary school with 6th form (Use Class D1(personal permission)); creation of rear extension to enclose rear yard space at lower level; removal of rear external fire escape; works to roof to provide open play area, plant and lift accommodation; and general improvements to the building including new windows | Refused, 1 July 2019 |

3.0 Main relevant strategies and policies

The Development Plan

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

| | Local Plan 2019 |
|----------------------|-------------------------|
| Conservation Area | CL3, CL11 |
| General townscape | CL1, CL2 |
| Living conditions | CL5, CE6 |
| Basements | CL7 |
| Environmental issues | CE1, CE2, CE3, CE5, CE7 |

These documents can be found at:

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

Supplementary Planning Documents and Guidance

- 3.2 Supplementary planning documents (SPDs) adopted by the Council relevant to the proposal are:

- Basements
- Transport and Streets
- Noise

More information on these documents can be found at:

<http://www.rbkc.gov.uk/planningandconservation/planningpolicy/supplementaryplanning.aspx>

Other Local Strategies or Publications

3.3 Other local strategies or publications relevant to the proposal are:

| | |
|---|---|
| • | Chelsea Park and Carlyle Conservation Area Appraisal - view at: https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-area-appraisals |
|---|---|

4.0 Explanation

4.1 The pre-application seeks follow up advice issued under AR/20/01009. The following comments should be read in conjunction with the advice previously issued.

4.2 The key issues are:

- Whether the proposed development would preserve the character and appearance of the conservation area
- Whether the change of use would safeguard the living conditions of neighbouring occupiers
- Whether the proposed use would result in adverse impacts on the local highway network
- Whether the development would address matters of land contamination

Character and appearance

4.3 The proposals would introduce a modest sized extension to the rear of the site at lower ground floor level. The extension would be constructed in brick with a partially glazed south west elevation. The lower ground floor extension would be served by two rooflights and a green roof would extend across the majority of the extension, with louvres located above the chiller. Given the location and scale of the extension, it would have a limited visibility in private views from the rear of the application site. The extension would be acceptable subject to further details of design and materiality.

4.4 It appears that no alterations are proposed to the front elevation of the building, but alterations are proposed to the rear elevation. Any proposed alterations should be clearly identified. The technical information provided in support of the pre-application discusses the requirements replacement/ secondary glazing. The development should be clear in what is being proposed and clarity should be provided in the submitted drawings and supporting material. The alterations to the rear façade are limited to the openings. It is proposed to introduce louvres across a number of window and door openings. The existing fenestration has a number of louvered openings, the extent of which should be identified in the existing drawings. A number of glazed windows would be introduced to the previously louvered fenestration, this would be welcomed. The additional louvres introduced to the rear elevation should be minimised and if possible, located at lower floor levels so as to reduce its visibility. The design and materiality of the fenestration and louvres should be identified within the application. It would support the application if an example of the fenestration/louvres were provided at greater detail in the plans.

Noise

4.5 The pre-application submission contains a noise report which assesses the impact of the proposed change of use. It confirms that in order to safeguard the amenity of the neighbouring residents from noise and vibration generated by the use of the building as a D2 health and fitness club, a series of insulation and isolation works will be

required to the existing building structure and glazing. These works will be specific to the building, to prevent the transmission of sound and vibration to the adjoining residential buildings on Mallord Street as well as the transmission of airborne sound to buildings behind on King's Road and Mallord Street, on the north side of the road.

- 4.6 There is a considerable amount of plant required to ventilate the building, the plans don't show where the various fitness studios and gym areas will be located within the building and the likely impacts that this can have on the neighbouring properties on Mallord Street. The acoustic report has outlined the lowest background sound levels as per the Noise SPD and given sound levels for the attenuated building services plant to achieve at the nearest noise sensitive properties.
- 4.7 The documents advise that the premises will operate from 06:00 hours. Access to the premises is via a very reverberant street, with neighbouring properties having bedrooms overlooking the street. The staff will arrive prior to 06:00 hours for opening and leave after 23:00 hours, when it closes to the public. The operational management plan doesn't address these matters sufficiently and there are significant concerns that this early commencement and late operation will have a negative impact on the amenity of the neighbouring residents. Whilst its appreciated that the majority of these patrons, will be locals, there will also be potential noise from additional traffic in the reverberant streets outside the premises and the impacts this will have on these residents. The Operational Management Plan should be revised further to address the above concerns raised and how noise and disturbance will be managed.
- 4.8 It is proposed to introduce a creche at the rear of the premises, the plans show that the access to this area is down an external ramp to the basement area. This reverberant area is very close to neighbouring residential properties, where bedrooms are located. If the creche use commences early and continues late, it could impact on the residents of the adjoining buildings. The proposed D2 use could result in an adverse impact on amenity of neighbouring residential properties and therefore appropriate control measures to minimise the impact should be fully addressed within the application.

Transport

- 4.9 The applicant has submitted a Transport scoping report with the application which seeks clarity on the level of detail required in the Transport Assessment along with other transport related matters. It is agreed that the transport issues arising from the proposal could be suitably covered in a Transport Statement, the proposed scope of which is considered appropriate.

Trip generation

- 4.10 The site is located on the southern side of Mallord Street, close to the junction with The Vale. The Street is predominantly residential in use. A Preparatory School is located on the northern side at its junction with The Vale. The site has a very good level of access to public transport indicated by its PTAL rating of 5 and therefore an increase in the overall number of trips to this location would not in principle be objectionable. The proposed use of TRICS travel data from similar sites across London is considered a suitable approach. Despite the good level of access to public transport it is welcome that the applicant acknowledges the potential impacts arising from private vehicular trips as a result of the proposed use and it is important that this is assessed robustly in any application.

Access and Servicing

- 4.11 It is proposed that customer access would be via the existing gated entrance on Mallord Street which would be shared by cyclists. This is considered suitable.
- 4.12 The site has an existing vehicle access with an internal courtyard to the rear. This area is insufficient in size to allow for servicing to take place off-street with vehicles both accessing/egressing from the site in a forward gear. The proposal to service on street along the double yellow line is therefore acceptable in principle although full details of the likely level of servicing trips generated by the proposal would be required. This should include details of vehicle sizes, frequency and duration to ensure compliance with Policy CR7.

Cycle storage

- 4.13 The applicant has confirmed that Cycle parking will be provided in the line with the London Plan requirements at the time of application.
- 4.14 It appears that the Long stay cycle parking is to be provided at basement level with step free access from street level via an existing ramp to the rear. This location appears acceptable in principle and full details should be provided with any full application to demonstrate compliance with the standards laid out in section 3.5 of the Council's Transport and Streets SPD.
- 4.15 The proposed location of the short stay parking; along the inner courtyard area and along the site frontage on Mallord Street is considered suitable. This would be particularly welcome on the Mallord Street frontage which is currently underutilised and detracts significantly from the Street scene. These should be provided in the form of ground-based Sheffield stands, particularly those on the Mallord Street forecourt area.

Mallord Street Forecourt

- 4.16 The property has a large forecourt area fronting onto Mallord Street and this is currently in a poor state of repair with redundant bollards and chains running along the perimeter. This significantly detracts from the otherwise largely high-quality street scene. Council Policy CR4 requires improvements to the visual, functional and inclusive quality of our streets, ensuring they are designed and maintained to a very high standard and any application should include improvements to this area, including repaving of this area to ensure visual consistency with the adjacent footways. As noted above the use of this area for short-stay cycle parking would be welcome.

Refuse Storage

- 4.17 Details of on-site refuse storage areas should be provided in order to ensure compliance with Council Policy CE3(c). A proposed refuse management strategy should also be provided with an application

Travel Plan

- 4.18 The applicant correctly identifies that a draft travel plan would be required with any full application and the proposed scope outlined in the scoping report is considered suitable.

Construction Traffic Management Plan

- 4.19 The proposals involve the lowering of the existing basement level in order to accommodate a new swimming pool. Due to the constraints of the site, the

excavation could have significant implications for the local highway during the construction phase. Whilst the development would not engage policy CL7, a draft CTMP would be required with any application to ensure these issues are considered and addressed to ensure there would be no undue impacts upon the local highways as a result.

Contamination

- 4.20 A previous application was submitted for the site in 2019 (PP/19/02182) which comprised a different end use (secondary school). The previous Environmental Quality Officer had comments on the desk study and preliminary risk assessment that was submitted at the time (Soiltechnics, Preliminary Investigation Report (Desk study and site reconnaissance) dated January 2019) mainly that it should include readily available historical planning information, including on microfiche, information from the Local Authority with regards to contamination and information to clarify the internal uses along with further consideration of contamination within the existing building. The Soiltechnics report was considered insufficient for discharging the preliminary risk assessment contaminated land condition.
- 4.21 A new report has been submitted as part of this current proposed application and is the Phase I Geo-Environmental Assessment prepared by Geo-Matters Ltd (GML20138/1/1, March 2020). The report references the earlier Soiltechnics report. The Geo-Matters report addresses some of the concerns highlighted by the previous Officer (i.e. further consideration of contamination with the existing building). However, information has still not been obtained from the Local Authority with regards to the potential for contamination at the site.
- 4.22 Records held by the Pollution Regulatory Team indicate various potential contaminative sources in the immediate surrounding area, which have not been highlighted in the Geo-Matters report including (but not limited to): an Automobile Agent to the immediate west, a Dry Cleaners and Dyers approximately 5m away to the east, a large Garage with underground storage tanks approximately 40m away to the south west.
- 4.23 Additional elements of the Geo-Matters report also need to be amended and are summarised below:

Sources and contaminants

- Table 4.2 – Principal Historical Off-Site Features should include the distance these features are from the site to better understand the likelihood to impact the site.
- The Stanley Works (Engineering) was located to the east not the north, from the 1895 OS map (scale - 1:1,056)
- Table 6.1 – Potential Sources of Contamination. What is meant by 'General Suite' for metals and inorganics? Volatile/semi volatile contaminants should be considered given the potential on and off-site sources identified above and below. The table should better explain where the off-site sources are from; i.e. land uses should be highlighted (along with associated potential contaminants) instead of the generic 'Made Ground' term. Given the off-site uses identified TPH would not be considered the only potential contaminant of concern. Potential for contaminated groundwater as an off-site source does not appear to have been considered (e.g. could allow the migration of vapours).

Ground gas and vapours

4.24 The report concludes that there are no ground gas sources and therefore a pollutant linkage has not been included in Table 6.2 - Potential Pollutant Linkages. It has been discussed in the report about the potential for deep Made Ground and that one of the uncertainties to the current assessment is the presence and nature of any Made Ground. The report also highlights that "Whilst made ground is anticipated to be present on site, it is likely that it will be associated with the present building. As such, it is considered unlikely that it will contain putrescible materials and, therefore, will not form a significant viable ground gas source". The potential for fuel storage has been identified at the site, and in the immediate surrounding area (along with other land uses that may have used volatile compounds), which could be a source of ground gas and particularly vapours. It is therefore considered that at this stage ground gas and vapours should be considered as part of the preliminary risk assessment.

4.25 It is appreciated that the site is located in an area where less than 1% of properties are above the Radon Action Level. However, BRE guidance (BR211, 2015) states that all basements are at increased risk of elevated levels of radon, regardless of geographic location. It also highlights that a well constructed waterproofing system could also mitigate the potential risk from radon in basements. Therefore, it should be demonstrated that this is the case with regards to the design of this basement, alternatively for existing basements radon monitoring could be considered.

Pollution linkages and preliminary risk classification

4.26

- Potential pathway – Further clarification should be provided on how Made Ground is a pathway
- Table 6.2 should consider the inhalation pathway in relation to groundwater potentially contaminated with volatile compounds and the associated risk to human health.
- The end of the report provided a risk classification framework. However, it is not clear how this has been used to classify the risk from the identified pollution linkages.

Additional information

4.27 The following additional information would be required on submission of an application:

- Site features plan: Some potential contaminative features do not appear to be presented on this plan including the features identified in the basement: former tanks, electrical transformer room, room sealed with asbestos warning signs
- General Photographic Record – The photos have not been labelled and therefore it is unclear which areas of the site they relate to.
- The resolution of some of the historical maps is not very clear. Could clearer maps be provided in the update report?
- Information required to inform the preliminary risk assessment:
 - Contaminated land search with the PRT – email EH-Pollution@rbkc.gov.uk
 - Searches of the planning history including a simple or advanced search, 1948-2009 records and scanned microfiche records from the Royal Borough's Planning Search webpage– <https://www.rbkc.gov.uk/planning/searches/default.aspx>
 - Unexploded Ordnance searches
 - Where available Goad Fire Insurance Mapping – available from Landmark Information Group and local libraries.

- 4.28 Although the recommendation for the completion of a full Phase II geo-environmental intrusive site investigation is acceptable, the Phase I assessment needs to be updated, as discussed above, so that an appropriate ground investigation can be scoped and completed. The report should be suitably updated when submitted to support the planning application. In its current form, the Geo-Matters report would not be considered sufficient to allow the discharge of the preliminary risk assessment condition.

Conditions in the event of a recommendation to grant planning permission

- 4.29 Should an application be submitted in line with this advice, it is likely to be supported at officer level. In the event of a recommendation to grant, the following pre-commencement conditions would be considered:

- Code of Construction Practice
- Construction Traffic Management Plan
- Land contamination

Furthermore, any grant of planning permission is likely to require a pre-commencement condition to ensure the requirements of the Council's Code of Construction Practice are applied to the development. The code will ensure the impacts of the construction process on neighbours are suitably managed. The Code can be found here:

<https://www.rbkc.gov.uk/environment/code-construction-practice>

Other Material Considerations

A legal agreement may be required to secure permit free/financial/non-financial obligations. To ensure we deal with this in a timely manner, the following information should be provided as part of an application:

- Your client's written agreement that they will pay the Council's legal costs (which may be dealt with by external solicitors). Their costs are current £220 per hour. A costs undertaking will be required to secure this;
- The full contact details including email address and telephone number for your client's solicitor; and
- Up to date office copy entries that confirm your client's interest in the land.

Were the development permitted and built the landowner may be liable to pay the Mayor of London's and the Borough's Community Infrastructure Levy (CIL) to contribute towards infrastructure. At present rates the levy liable for the proposal, based on floorspace information submitted by the applicant. This figure is dependent on comprehensive floorspace information being submitted for the Council to calculate an accurate CIL liability. CIL liability is not fully confirmed until planning permission is granted when a CIL Liability Notice is served, and then when development commences when a CIL Demand Notice is served. More information about CIL can be found at: www.rbkc.gov.uk/cil

5.0 Consultations I recommend you carry out

- 5.1 I encourage you to discuss your proposals with all neighbours with a boundary with

your site, as we will advise them of any application, as well as any local residents' association or society. You may be able to deal with any concerns they may have before making the application and therefore avoid objections being submitted by them. Even if they continue to have concerns, they will be grateful for being better informed. Information on residents' associations is available here:

<https://www.rbkc.gov.uk/community-and-local-life/communityengagement/community-groups-and-campaigns/residents-associations-4>

6.0 Information to accompany your application

6.1 Should you wish to submit an application following this advice, the easiest way to apply is electronically by registering on the Planning Portal at: <https://www.planningportal.co.uk/applications> Any application will need to be accompanied by the following information before it will be registered and considered. If you submit your application on paper rather than electronically we will need two sets of all information.

- Application form listed below (available at <http://www.rbkc.gov.uk/forms>) with all sections completed, signed and dated:
- Full planning permission application form
- The correct fee. You can calculate your fee by using the Planning Portal: <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1> Alternatively, please telephone PlanningLine for assistance on 020 7361 3012. If you would like to pay by credit or debit card tell us who to call to take payment. Please make all cheques payable to 'Royal Borough of Kensington and Chelsea' and write the site address clearly on the reverse.
- Location Plan - based upon up-to-date map and ideally at scale of 1:1250, with the site boundary identified in red, and a blue line drawn around any adjacent land owned by the applicant.
- Site Plan - clearly indicating north, at a scale of 1:200 or 1:500, showing footprints of all buildings existing on site in relation to site boundaries and neighbouring buildings.
- All relevant existing and proposed floorplans, elevations and sections to a scale of 1:50 or 1:100. All plans should include the paper size, scale, a scale bar and must show the direction of north.
- All relevant existing floorplans, elevations and sections to a scale of 1:50 or 1:100 indicating all parts of the building to be demolished. All plans should include the paper size, scale, a scale bar and must show the direction of north.
- Design and access statement
- Heritage statement
- **Photographs** of the site including thorough contextual photographs, including adjacent buildings and not just the application property, clearly indexed and supported by written commentary, to be supplemented with neighbours own photos plus our own records. **These are crucial if your application is to be determined without a site visit, as may be the case during the covid-19 recovery period.** Use of a 50mm lens is recommended to approximate best to the human eye, and accord with the guidance by the Landscape Institute, although a 35mm or 24mm lens can show more context so also be useful. Always confirm what lens you have used.
- Acoustic report
- Operational Management Plan
- Planning statement

- Construction Traffic Management Plan
- Completed CIL Form
- Completed CIL Calculator
- Completed S106 obligations calculator
- Flood Risk Assessment
- Evidence as to how you comply with Policy CE2, which requires sustainable urban drainage (SUDS), or other measures, to reduce both the volume and speed of water run-off to the drainage system. You are encouraged to visit the Council's [SUDS webpage](https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/sustainable-drainage-systems) <https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/sustainable-drainage-systems> to find information on how to meet our policy and the information the Council requires.

Further information about our flooding policies and evidence reports can be seen [here](https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/flooding-planning-policies) <https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/flooding/flooding-planning-policies>

If any of these requirements are missing, we cannot consider your application until it is provided. If you are in any doubt, please take time to view the requirements at our website at: <https://www.rbkc.gov.uk/planning-and-building-control/planning-applications/guidance-and-advice/how-make-application/how> before you submit the application.