

Planning and Place

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

Interim Director of Planning and Place

Sue Foster OBE MRTPI



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Sam Aviss
Gerald Eve LLP
72 Welbeck Street
LONDON
W1G 0AY

Date: 24/03/2020

My Ref: PRE/AR/20 /01009/L3FU

Please ask for: **Mr. J. Whitworth, Senior Planning Officer**
Service Standard: 25/03/2020

TOWN AND COUNTRY PLANNING ACT 1990

Dear Sam Aviss

Address: 19 Mallord Street, LONDON, SW3 6AP

Proposal: Change of use of basement, ground and three upper storeys from Sui Generis to Class D2; creation of a small single storey rear extension; excavation for a swimming pool at basement level; minor alterations to the vehicular entrance; and other minor works to facilitate a new health and fitness club at 19 Mallard Street

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

Joseph Whitworth

Joseph Whitworth
Senior Planning Officer - Strategic Sites

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 Change of use of basement, ground and three upper storeys from Sui Generis to Class D2; creation of a small single storey rear extension; excavation for a swimming pool at basement level; minor alterations to the vehicular entrance; and other minor works to facilitate a new health and fitness club at 19 Mallard Street

Our reference: /AR/20/01009

Date: 17/03/2020

1.0 Summary

1.1 In summary and following our meeting on 4 March 2020, I advise:

- i. The proposed Leisure use (Class D2) is supported in principle, and would be a social and community use as defined by the Local Plan;
- ii. The proposed excavation in order to accommodate the pool would **not** be a 'basement' for the purposes of the Council's Basement Policy CL7 and the provisions of this policy would therefore not apply (but I would ask that a CTMP is submitted regardless); and
- iii. The proposed lower ground floor extension is acceptable, subject to detailed design; and
- iv. Further information should be provided at application stage in relation to the following key issues:
 - Transport and servicing
 - Noise generated by the proposals

1.2 For these reasons I would support the proposals were an application made in accordance with the advice in this letter. 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. It 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 (Follow Up) 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
Land Use	CK1
Conservation Area	CL3, CL11
General townscape	CL1, CL2
Living conditions and noise	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:

- 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/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 key issues are:

Land Use

4.2 As a sports facility, a leisure facility would be considered a social and community use as set out in the explanatory text to Policy CK1 of the Local Plan. The principle of such a use is acceptable in principle. The degree of benefit associated with such a proposal is critically linked to the benefits that it provides to our residents.

4.3 The proposed use would also be considered a “town centre use” and is therefore subject to the sequential test set out in the NPPF. The application property does lie close to the King’s Road West District Centre, a centre which does not have any vacant properties of the scale of the application site.

4.4 I would draw your attention to the Council’s 2016 update to its Retail and Leisure Needs Study. This considers future need for new health and fitness clubs. It suggests a current over provision of such uses, and a possible future need of just one or two new gyms to 2028.

4.5 I anticipate that there is likely to be demand for such a facility in this location, particularly given that you have already secured an operator. However, given the need to substantiate both the benefits to Borough residents and the need for such a facility in such close proximity to the town centre I would expect any application to include detailed commentary on the identified demand for such a facility in this location, with more specific details than has been provided to date as part of pre-application discussions.

4.6 If further pre-application advice is sought (which I understand to be the case) then I would welcome this information as part of the follow up pre-application, to clarify the demand issue and to provide a clearer steer on this prior to an application being submitted.

Design and Conservation

4.7 The proposals also include a modest extension to the rear of the building in what is an existing service lane/vehicle access. The area sits between the rear building line and the rear boundary wall which is shared between the application site and the

King's Road properties, which is significantly higher than the floor level of the proposed extension.

- 4.8 The proposed extension would not be visible in public views and, if at all, in very limited private views. Overall, it would be a modest and discreet addition to the building. Further information will need to be provided with regards to materials and detailing of the extension, but subject to this information the proposed extension is acceptable.

Transport

- 4.9 Little information has been provided with regards to transportation issues. Given the identified transport issues with the 2019 application I would stress the need to ensure sufficient information is provided and the transport impacts of the scheme substantiated at an early stage.

Trip Generation

- 4.10 The impact of any high trip generating use, such as that proposed, on highway operation and on local transport networks would need to be suitably assessed to ensure compliance with Local Plan Policy CT1.
- 4.11 The scale of the proposed gym is such that its impact on highway operation and on local transport networks would require it to be assessed within a Transport Assessment and this should be submitted with any further application. Including the proposed extension, the gym would have a total floor area of c. 2,750sqm and would likely generate a significant number of trips during peak periods. Whilst many of these trips would be undertaken by public transport or on foot it is considered likely that a proportion of these trips would be by private car which would have potentially significant implications for the local highway network. This should be fully assessed in the Transport Assessment.

On-Site Creche

- 4.12 The application includes an ancillary on-site crèche. It is understood that this would be restricted to use by users of the gym only and for time periods of no more than two hours. In principle this is considered acceptable subject to full details of its operation.

Deliveries and Servicing

- 4.13 The customer access and servicing access to the gym would remain as existing, via an existing crossover and narrow undercroft on the western side of the frontage. This shared access arrangement appears awkward with potential for conflict between servicing vehicles and customers and further details of access arrangements should be provided.
- 4.14 It is proposed that servicing would take place within the rear courtyard area. There are no opportunities for servicing on-street with the locality of the site and therefore all servicing must be carried out within this existing area to the rear. The proposed extensions which would enclose part of this courtyard may have implications for servicing, and full details showing that the remaining area available is sufficient to accommodate the servicing needs of the development will need to be provided at application stage.

- 4.15 Further details on servicing, including number and types of vehicles, and proposed loading/unloading areas are therefore required to ensure compliance with Local Policy CR7. All vehicles must be able to access and egress from the courtyard onto Mallord Street in a forward gear and suitable tracking diagrams should be provided.

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. Local Plan 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.

Cycle Storage

- 4.17 No information has been provided in relation to cycle parking storage. In order to ensure compliance with Council Policy CT1(f) and the Transport and Streets SPD, any future application should provide full details of this. For the avoidance of doubt both Long-Stay and Short-Stay cycle parking should be provided in line with the London Plan Standards at the time of application. Further details on the Council's requirements can be found within section 3.5 of the Transport and Streets SPD.
- 4.18 In our meeting we discussed the potential location of cycle parking storage within the site and on the forecourt outside. I would support the placement of cycle storage in this location, in tandem with the improvements to the forecourt outlined above. They should, however, be designed in such a way to ensure an attractive design and reduction in clutter.

Refuse Storage

- 4.19 Details of on-site refuse storage areas should be provided in order to ensure compliance with Local Plan Policy CE3(c).

Living Conditions

Overlooking and Privacy

- 4.20 The relationship between the rear of the King's Road properties and the rear of the application site, is very close at points. There would be the opportunity for overlooking between the proposed use and the residential dwellings that back on to the application site. However, this relationship has existed for a considerable time and would, in any case, be from within the building rather than from any external spaces on the application site.
- 4.21 Any steps that can be undertaken to limit overlooking to the rear of properties should be taken as a matter of neighbourliness, but in planning terms the proposals would not result in an undue impact about that already existing.

Noise and Disturbance

- 4.22 Given the proposed use, there is the potential for noise generating activities and impacts on the local residential context (due to vehicular and pedestrian activity).
- 4.23 As part of any planning application I would expect a full and comprehensive noise assessment to demonstrate the proposals would not result in any undue impact on the local noise environment and on the living conditions of residents, particularly in light of the proposed hours of operation. This should consider the operational noise associated with general activity in and to the site, as well as from mechanical plant (particularly pool plant).
- 4.24 While, in principle, I do not have an issue with the currently proposed hours of operation, you will need to demonstrate these hours are acceptable at application stage through submission of further supporting information. This should include an acoustic impact assessment that includes:
- Assessment of the acoustic insulation of the building and the transmission of noise to nearest sensitive receptors including from plant;
 - Impacts of vehicle and pedestrian movements associated with the development compared to baseline conditions and benchmarking against the existing lawful use of the building;

Basement Development

- 4.25 The proposals would require some additional excavation below the existing basement level in order to allow sufficient space for the proposed pool to be inserted at this level. The proposals would require the lowering of part of the basement level and the excavation for the new pool of approximately 267m³.
- 4.26 This level of excavation is below the volumes that would be present in most residential basement development applications and the proposed excavation would not create a new prevailing floor level below the current lower ground floor level, nor would it be capable of being doing so at any point without further excavation. In that context, the proposed excavation is not considered to constitute basement development or therefore trigger the requirements of Policy CL7 of the Local Plan.
- 4.27 Notwithstanding, given the scale of the site, the proposed external works, the substantial internal alterations likely to be needed to accommodate the proposed use, and the sensitivity of the surrounding highways network to construction traffic impacts, I would ask that a draft Construction Traffic Management Plan is submitted as part of any planning application, and a full CTMP will be secured by condition should planning permission be granted.

Conditions in the event of a recommendation to grant planning permission

- 4.28 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:
- Construction Traffic Management Plan
 - Code of Construction Practice
 - Others may also be necessary including relating to air quality, drainage, and land contamination.

Furthermore, any grant of planning permission will 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>

Section 106 Legal Agreement

4.29 A legal agreement will be required to secure 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.

Community Infrastructure Levy

4.30 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. The CIL 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 residents' association. You may be able to deal with any concerns they may have before making the application and therefore avoid objections being submitted by them. 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
- Acoustic report
- 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)

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.

