

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

R.B.K.C.
APPROVED BY
THE COUNCIL ON

15 NOV 1999

S106

PLANNING & CONSERVATION COMMITTEE 15/11/1999 APP NO.PP/99/01446/MAJO/41
PLANNING SERVICES COMMITTEE 04/11/1999 AGENDA ITEM NO. 4165

ADDRESS

**The Duke of York's
Headquarters, King's Road,
Chelsea, SW3**

APPLICATION DATED 22/06/1999

APPLICATION COMPLETE 14/07/1999

APPLICATION REVISED 1) 04/10/1999
2) 11/10/1999

APPLICANT/AGENT ADDRESS:

Hugh Bullock,
Gerald Eve,
7 Vere Steet,
London
W1M 0JB

CONSERVATION AREA Royal
Hospital

CAPS Yes

ARTICLE '4' No

WARD Royal Hospital

LISTED BUILDING II*

HBMC DIRECTION N/A

CONSULTED 1060

OBJECTIONS 38

SUPPORT 0

PETITION 0

Applicant Cadogan Estates Limited

PROPOSAL:

Redevelopment of part of the site to include provision for retail (Class A1), offices (Class A2 and B1), food and drink (Class A3), non residential institutions (Class D1) and residential use (Class C3) and landscaping proposals, including demolition and redevelopment of A block to provide accommodation on basement, ground and three upper floors for Class A1 use on basement and part ground floor, Class A2 use on part first floor and Class B1 use on part ground, part first, second and third floors and including a new vehicular access.

RBK&C Drawing No(s): PP/99/01446, PP/99/01446/A and PP/99/01446/B

Applicant's drawing(s) No(s). 1126/PL/S/00, 1126/PL/A/04, 1126/PL/A/05, 1126/PL/A/06,

1126/PL/A/07, 1126/PL/A/08, 1126/PL/A/09, 1126/PL/A/10A, 1126/PL/A/11A,
1126/PL/A/12A, 1126/PL/A/13A, 1126/PL/A/14A, 1126/PL/A/15A, 1126/PL/A/16A,
1126/PL/A/17A, 1126/PL/A/18-1/A Sheet 1, 1126/PL/A/18-2/A Sheet 2, 1126/PL/A/30,

PP/99/01446 :

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1126/PL/A/31, 1126/PL/A1/04/A, 1126/PL/A1/05/A, 1126/PL/A1/06/A, 1126/PL/A1/07/A, 1126/PL/B/04, 1126/PL/B/05, 1126/PL/B/06, 1126/PL/B/07, 1126/PL/B/08, 1126/PL/B/09-A, 1126/PL/B/10-A, 1126/PL/B/11-A, 1126/PL/B/12-A, 1126/PL/B/13-A, 1126/PL/B/14-A, 1126/PL/B/15/A, 1126/PL/B/16/A, 1126/PL/B1/04-A, 1126/PL/B1/05-A, 1126/PL/B1/06-A, 1126/PL/B1/07/A, 1126/PL/B1/08/A, 1126/PL/B2/04, 1126/PL/B2/05, 1126/PL/B2/06, 1126/PL/B2/07, 1126/PL/B2/08, 1126/PL/B2/09, 1126/PL/C/04, 1126/PL/C/05, 1126/PL/C/06, 1126/PL/C/07, 1126/PL/C/08, 1126/PL/C/09, 1126/PL/C/10, 1126/PL/C/11, 1126/PL/C/12, 1126/PL/C/13, 1126/PL/D/04, 1126/PL/D/05, 1126/PL/D/06, 1126/PL/D/07, 1126/PL/D/08, 1126/PL/D/09, 1126/PL/D/10, 1126/PL/D/11, 1126/PL/D/12, 1126/PL/D/13, 1126/PL/D/14, 1126/PL/D/15, 1126/PL/L/04, 1126/PL/L/05, 1126/PL/L/06, 1126/PL/L/07, 1126/PL/L/08, 1126/PL/L/09, 1126/PL/L/10, 1126/PL/L/11, 1126/PL/L/12A, 1126/PL/L/13, 1126/PL/L/14, 1126/PL/L/15, 1126/PL/L/16, 1126/PL/L/17, 1126/PL/L/18/A, 1126/PL/L/19, 1126/PL/L/020, 1126/PL/Q/04, 1126/PL/Q/05, 1126/PL/Q/06, 1126/PL/Q/07, 1126/PL/Q/08, 1126/PL/Q/09/A, 1126/PL/Q/10/A, 1126/PL/Q/11/A, 1126/PL/Q/12/A, 1126/PL/Q/13/A, 1126/PL/Q/14/A, 1126/PL/LS/03, 1126/PL/LS/04, 1126/PL/LS/05, 1126/PL/LS/06 and 1126/PL/LS/07.

RECOMMENDED DECISION:

- (1) **SUBJECT to a Section 106 Obligation in respect of the provision of affordable housing, servicing arrangements, the completion of the second phase of development and the protection of trees prior to demolition works and site preparation works,**
- (2) **GRANT PLANNING PERMISSION**
- (3) **GRANT CONSENT UNDER S.184 of the Highways Act for the installation of a pavement crossover.**

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of five 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. **Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the development hereby permitted commences, and the development shall not be carried out otherwise than in accordance with the details so approved:**

- (a) the materials to be used on the external faces of the building(s)
 - (b) the use and treatment of any part of the site not proposed to be covered by buildings
 - (c) the treatment of the open land within the site including hard and soft landscaping
 - (d) any proposed walls, fences, or railings
 - (e) the provision of access for people with disabilities
 - (f) the provision to be made for the storage and disposal of refuse
 - (g) the means of external ventilation
 - (h) street lighting within the development
 - (i) security arrangements
 - (j) the Cheltenham Terrace elevation of Querepel House
 - (k) all fenestration to new A and B blocks
 - (l) new railings to the North of the running track.
- (C011)**

Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the local planning authority wishes to ensure that the details of the development are satisfactory. (R011)

3. **The tree(s) existing on the site at the date of this permission shall be protected against damage throughout the period of building and other operations pursuant to this permission. (C020)**
Reason - To ensure that trees are adequately protected and to safeguard the amenity. (R020)
4. **Full particulars of the method(s) by which all the existing trees on the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences, and the protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site. (C021)**
Reason - To ensure that trees are adequately protected and to safeguard the amenity. (R020)
5. **The space shown on the plans hereby approved for the loading and unloading of vehicles in connection with the development shall be provided before the occupation of the premises pursuant to this permission, and shall be permanently retained and used for that purpose only. (C034)**
Reason - To ensure that the development does not lead to the obstruction of adjacent streets, to the detriment of the amenity of the area. (R034)
6. **The building(s) hereby permitted shall not be occupied until the means of vehicular access has been constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. (C037)**
Reason - To ensure that the development functions satisfactorily, and to protect the safe and free flow of traffic on neighbouring highways. (R035)
7. **No process shall be carried out, or machinery installed, pursuant to this permission so as to cause detriment to the amenity of adjacent property, or of the immediate area, by reason of noise, vibration, smell, smoke, soot, ash, grit, or electrical interference. (C047)**
Reason - To safeguard the amenities of neighbouring properties. (R042)
8. **No customers shall be on the premises with Class A3 use permitted by this permission between the hours of 08.00 and 23.30 on any day.**
Reason - To safeguard the amenities of neighbouring properties. (R042)
9. **No music shall be played within the premises the subject of this permission so as to be audible outside the premises. (C048)**
Reason - To safeguard the amenity of neighbouring property. (R048)
10. **No loudspeakers or relay equipment, or musical instruments, shall be used on the premises in such a manner as to cause noise nuisance to occupants of neighbouring property. (C049)**
Reason - To safeguard the amenity of neighbouring property. (R048)

11. **The Class A3 restaurant in the left wing created in pursuance of this permission shall have no more than 120 covers, including external seating.**
Reason - To safeguard the amenity of neighbouring property. (R048)
12. **The cafe within the open space built in pursuance of this permission shall have no more than 90 covers, including external seating and the area used for external seating shall be restricted to that shown on the approved drawing.**
Reason - To safeguard the amenity of neighbouring property. (R048)
13. **The Class A3 uses permitted in left wing shall have no take away food provision.**
Reason - To safeguard the amenity of neighbouring property. (R048)
14. **The residential accommodation hereby permitted shall not be occupied until it has been insulated in accordance with details submitted to, and approved in writing by, the Local Planning Authority so as to ensure that any occupiers of the accommodation do not suffer excessive airborne or impact noise nuisance from the occupiers of adjoining accommodation. (C053)**
Reason - To safeguard the amenity of neighbouring property. (R052)
15. **All air conditioning units, plant and machinery within the development shall operate at no more than 2dB (A) above the lowest background level when measured one metre from the facade of the nearest residential property. The units shall be serviced regularly in accordance with manufacturer's instructions, or as necessary to ensure that the requirements of the condition are met. (C057A)**
Reason - To safeguard the amenity of neighbouring property. (R048)
16. **The Class A1 and A3 premises forming the subject of this permission shall not at any time be used for the sale of hot food for consumption off the premises. (C061)**
Reason - To safeguard the amenity of neighbouring property. (R048)
17. **The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (C068)**
Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)
18. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)**
Reason - To ensure a satisfactory standard of external appearance. (R071)

19. **The roof slope(s) of the building(s)/extension hereby permitted shall be clad in natural slates, and so maintained. (C073)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
20. **No water tank, lift motor room, or other roof structure, shall be erected which rises above the level of the roof hereby approved. (C077)**
Reason - To safeguard the appearance of the area. (R077)
21. **No additional plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building without the prior written approval of the Local Planning Authority. (C085)**
Reason - To ensure a satisfactory standard of external appearance. (R085)
22. **Before the building hereby permitted is used or occupied, provision for access by people with disabilities shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the facilities shall be installed only in accordance with the details so approved. (C095)**
Reason - To ensure adequate access for people with disabilities. (R095)
23. **No construction shall take place until a detailed design and method statement for all foundations and other development more than 3 metres below ground level, which takes account of the proposed running tunnels of the Chelsea/Hackney Line project, including any ground movement arising from the construction and operation of the said project, has been submitted to, and approved in writing by, the Local Planning Authority. (C102)**
Reason - To safeguard the Chelsea-Hackney Line Project as required by London Underground Limited. (R102)
24. **The boundary wall to the rear of the houses in Lower Sloane Street shall be retained and shall be protected from damage during construction works.**
Reason - To safeguard the amenity of neighbouring property. (R048)
25. **All vehicle servicing the uses hereby permitted shall be carried out between the hours of 07:00 and 10:00 and 19:00 and 20:00 hours Monday - Saturday and between 09:00 and 10:00 on a Sunday only.**
Reason - To safeguard the amenity of neighbouring property. (R048)
26. **All vehicles servicing the uses hereby permitted shall use the Kings Road access only and no vehicular access shall be constructed or permitted from Cheltenham Terrace.**
Reason - To safeguard the amenity of neighbouring property. (R048)

INFORMATIVES

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1.0 INTRODUCTION

- 1.1 This report concerns an application for planning permission for major development at the Duke of York's Headquarters in Chelsea, and associated applications for Conservation Area Consent and Listed Building Consent.
- 1.2 The proposals, as revised, are considered to accord with the provisions of the development plan and are recommended to be approved subject to a planning obligation concerning the provision of affordable housing, the arrangements for servicing the development, the completion of the second phase of the development and the protection of trees prior to site preparation works and demolition.

2.0 THE SITE

- 2.1 The Duke of York's Headquarters has an area of approximately 4 hectares and has frontages to the South side of King's Road, the East side of Cheltenham Terrace/Franklins Row and the North side of Turks Row. The site is essentially a Military Headquarters which has a campus character and includes three Listed Buildings and a substantial central area of open space, surrounded by a running track, which contains a number of mature trees.
- 2.2 The three Listed Buildings on the site are the Main Headquarters, the Chapel, and Cavalry House.
- 2.3 The main headquarters building faces the central open space and Cheltenham Terrace and is a substantial three storey brick building with stone pedimented Roman Doric portico. It dates from 1801 and was designed by John Sanders as a military school. It is Listed Grade II*.
- 2.4 The Chapel is located on the corner of King's Road and Cheltenham Terrace and is a two storey brick building, dating from 1824. It is Listed Grade II*. Its interior has been substantially altered, and is in office use.
- 2.5 Cavalry House backs onto the North side of Turks Row and is a three storey brick building dating from mid 19th Century. It was added to the Statutory List as Grade II in 1998. Prior to Listing, its interior was completely rebuilt c1994, in connection with use as offices.
- 2.6 The Headquarters site is located within the Royal Hospital Conservation Area, and the setting of the Listed Buildings described in the preceding three paragraphs forms an important element in the character and appearance of the Area, in particular the open space, trees, and views across the site.

- 2.7 The unlisted buildings on the site comprise A block (Mercury House), B block, D block (Leighton House), Cadogan Hall, Queripel House, E block and the garage block (G2 block).
- 2.8 Mercury House, which is otherwise known as A block, is a three storey brick building which has a return frontage onto King's Road. It was built in 1952-3 to provide military accommodation by way of workshops, garages, offices, training and recreation rooms.
- 2.9 B block, which is located to the rear of Nos. 9-31 King's Road in the North-East corner of the site is a three storey brick building which was built for military purposes in the early 1950's.
- 2.10 Leighton House (D block) is located on the old North-East playground to the rear of the left wing of the main headquarters building. It is a two storey brick building dating from 1861. It contains offices and garaging.
- 2.11 Cadogan Hall is located to the rear of the headquarters building and is primarily single storey with a part first floor. It was built in 1901 as a gymnasium, and was substantially rebuilt following fire damage in 1964. It appears to be in use as a function room.
- 2.12 Queripel House is a two storey brick building which is located to the rear of the Chapel and backs onto the East side of Cheltenham Terrace. It dates from 1934 and comprises a drill hall and ancillary rooms.
- 2.13 E block, which is located to the rear of the main headquarters, is a three storey brick building which contains garaging, offices and residential accommodation. It would appear to date from the mid nineteenth century.
- 2.14 G block, or the garage block, is located in the South of the site, to the rear of the residential blocks of flats of Burton Court and York House, and is a single storey garage and workshop. It was substantially rebuilt in the early 1990's.
- 2.15 In the South-East corner of the site, a three storey extension to the Sloane Club, together with new military garaging, was constructed in the mid 1990's.
- 2.16 The site has street frontages to King's Road (approximately 165 metres in length), Cheltenham Terrace/Franklins Row (approximately 210 metres in length) and Turks Row (approximately 80 metres in length). The King's Road and Cheltenham Terrace/Franklins Row frontages are enclosed with brick dwarf walls, piers and railings. There is a single storey gatehouse, reconstructed in the 1980's on the King's Road frontage, adjacent to the access to the site.
- 2.17 The principal vehicular access to the site is from King's Road, and this access also serves as the pedestrian security checkpoint. There is an access for military

vehicles from Turks Row, and an access via gates onto Franklins Row. There are also two vehicle gateways providing vehicle access to the site from Cheltenham Terrace.

- 2.18 There are substantial areas of vehicle parking behind the boundary wall on the King's Road and Cheltenham Terrace frontages. The parked vehicles are the only disruptions to views across the site between King's Road and Cheltenham Terrace and Franklins Row, which focus across the open space onto the front of the Headquarters building.
- 2.19 The site falls within the safeguarded route of the proposed Chelsea-Hackney L.T. Line, with part of the site being a safeguarded site of surface interest.

3.0 CHARACTER OF THE SURROUNDING AREA

- 3.1 The site lies within the Royal Hospital Conservation Area, which is centred around the Grade I Listed Royal Hospital with its extensive grounds, and which is well supported by the surrounding residential streets of attractive and well preserved late Georgian and Victorian terraces. The site is also visible from two adjoining Conservation Areas; Sloane Square and Chelsea. The sense of openness which is so characteristic of the site and the Royal Hospital grounds contrasts starkly with the densely developed surrounding areas extending from King's Road down to the River Thames. These residential streets include the formal compositions of terraces such as Cheltenham Terrace, Royal Avenue and Wellington Square, all of which are on the Statutory List of Buildings of Special Architectural and Historic Interest.
- 3.2 To the West of the site, a substantial ten storey mansion block of flats, Whitelands House, is located above and to the rear of the shops on King's Road, with an entrance to the flats and to a commercial basement garage off Cheltenham Terrace. Both Whitelands House and the basement and three storey houses which occupy the West side of Cheltenham Terrace have views across the site.
- 3.3 To the South of the Headquarters site, York House, a nine storey block of mansion flats, fronts onto Turks Row. Its rear elevation backs onto the garage block within the site and from the upper floors there are views across the site to King's Road and Cheltenham Terrace. On the South side of Turks Row, the development of primarily five and six storey residential buildings of Sloane Court East and Sloane Court West extend to Royal Hospital Road, containing both Victorian and post war flats and located outside the Conservation Areas.
- 3.4 To the East of the site, the late Victorian red brick houses on the West side of Lower Sloane Street, which comprise four storeys above basements, back onto the Headquarters site, with a communal garden area separating the rear of the terrace and the boundary wall. Lower Sloane Street, and the similarly detailed

street to the East, Sloane Gardens, fall within the Sloane Square Conservation Area.

- 3.5 Sloane Square itself lies to the North of Lower Sloane Street. The Listed department store of Peter Jones, located on the West side of the Square, marks the start of the core frontage of the King's Road (East) Principal Shopping Centre, which includes the shops to the North-West and East of the King's Road frontage of the Duke of York's site. The Centre is composed mainly of multiple traders in high fashion clothes and shoes, with the larger shops like Peter Jones, Habitat and Marks and Spencer acting as important anchor stores for the smaller retail units.
- 3.6 The townscape in this part of King's Road is varied and includes the dark brick and terracotta four storey buildings with gabled roofline on the South side of the street which back onto the Duke of York's site, the similar blocks opposite and the three storey stuccoed Grade II Listed terrace comprising Nos. 74-106.
- 3.7 The Royal Hospital and its grounds are designated as an Area of Metropolitan Importance, the special character of which possesses an importance which extends beyond the Royal Borough's boundary.

4.0 THE PROPOSAL

- 4.1 The applicants are applying for planning permission to redevelop part of the site to include provision for retail (Class A1), offices (Class A2 and B1), food and drink (Class A3), non-residential institutions (Class D1), residential use (Class C3) and landscaping including a new square, contiguous with the King's Road pavement, together with associated applications for Listed Building and Conservation Area Consent.
- 4.2 The applications cover the northern part of the site only. A master plan is submitted showing illustrative proposals for the remainder of the site for information purposes only.
- 4.3 A block (Mercury House) is proposed to be demolished and the site redeveloped to provide accommodation on basement, ground and three upper floors for retail use on basement and part ground floor, Class A2 (banking) on part first floor and office use (Class B1) on part ground, part first, second and third floors. The elevations of the new building have been designed to relate to the architecture of the surrounding Conservation Area by responding to the rhythm, scale and balance of vertical and horizontal elements of the adjacent buildings with the aim of providing a more positive contribution to the character and appearance of the Conservation Area than the existing building.
- 4.4 In the originally submitted scheme, it was proposed to retain the King's Road facade of this building. From discussions held between the applicants agents

and officers of the Royal Borough and English Heritage, it became clear that attempts to reconcile the 1950's facade with new build elements would be unlikely to be successful. The view was expressed by the London Advisory Committee of English Heritage at their meeting on 30th July that the new building is irredeemably compromised by the effort to retain the street facade and part of the return elevation.

- 4.5 B block is proposed to be demolished, including an existing sub-station, and the site redeveloped to provide a five storey building for use as retail shopping at basement and part ground floor levels with thirty affordable flats on part ground, first, second and third floors: it is understood, though this has not been confirmed in writing by the applicants, that this affordable housing will form part of the contribution towards affordable housing for the entire site. The design of the building has been considerably revised since the initial submission to accord with the revised design approach to the replacement A block. A service corridor at ground level opens up the possibility of servicing the adjacent shops in King's Road off street.
- 4.6 It is proposed to undertake external alterations to Leighton House (D block) and Cadogan Hall; to construct a two storey extension to link the two buildings; to construct single storey side extensions and change the use to provide retail shopping on basement, ground and first floors. It is intended that the retained Cadogan Hall will form the centrepiece of a larger 'anchor' retail unit, joined to the retained Leighton House by a new glass roofed link with an exposed timber structure and suspended access gallery. The ground floor of Leighton House is intended to form small retail units with ancillary storage and offices uses above.
- 4.7 Two new buildings are proposed to be constructed in the space between the new B block and the retained Leighton House, in effect completing and enclosing a new shopping street in an area which is currently used as a lorry park and parade ground. A single storey building, with first floor plant room and storage is proposed to be constructed in the North-East corner of the site adjacent to the boundary wall to the communal gardens of houses on the West side of Lower Sloane Street, to be used for retail purposes (block B1). A lightweight pavilion with a copper roof, comprising basement and ground floors with roof level plant, is proposed to house retail units and be situated within the centre of the space (block B2).
- 4.8 The left wing only of the Main Headquarters building falls within the ambit of these applications. The scheme proposed is to undertake external alterations and construct a glazed rear extension and to change the use to create retail shopping on part ground and part first floor; restaurant use on part ground floor and offices (B1) on part ground, part first, second, third and fourth floors.

- 4.9 With regard to Queripel House, it is proposed to remove the existing two storey brick link to the adjacent Listed Chapel; to undertake external alterations including a two storey extension at the rear and a new glazed link to the Chapel and to change the use to shopping and/or a medical centre (Class D1) on the ground and part first floors and a museum (Class D1) use on part ground and first floors.
- 4.10 The design of the extensions and the proposed use of this building has been revised since the originally submitted scheme, which was for banking and museum use. The museum space has been enlarged and the access changed from Cheltenham Terrace to the central open space. It is possible that the retail space will be occupied by a post office.
- 4.11 It is proposed to change the use of the Chapel into retail and to recreate the character of its original interior by removing the modern partitions and alterations of the office interior, and opening up part of the space to its original double height.
- 4.12 A major new public open space - 'Duke of York Square' is proposed to be created off King's Road on the axis of the running track in order to relate the shopping areas to the public domain of King's Road: the applicants have not indicated that this will be dedicated open space to be maintained by the Council. The open space will provide an attractive paved landscaped area; provide a gateway to the retail area to the North-East; to provide an improved vista of the architecture of the site, in particular the Headquarters building; to provide a venue for a variety of potential temporary uses such as art exhibitions, markets, performances and events; to facilitate an entrance area for public events held on the running track and open space and to provide the principal access point for service vehicles at strictly controlled times.
- 4.13 Two new buildings are proposed to be sited on the open space - a small single storey glazed cafe (A3 use) with basement to be located in the South-East corner and a kiosk/entry control point. As revised to be a smaller building, the cafe is intended to contain 60 covers with an additional 30 covers adjacent outside. The kiosk, to house a florist, is also proposed to be a primarily glazed building.
- 4.14 It is proposed that the site will have an entirely pedestrian environment during its hours of operation. One vehicle access point is proposed, to the East of the existing access off King's Road, which will be controlled to ensure that servicing takes place only during permitted hours. It is proposed to demolish the existing entry control building and the existing frontage to King's Road, replacing the boundary with movable bollards, and to rebuild security railings to the North of the running track. Servicing of Queripel and the Chapel will be by electric vehicle from the servicing point. As revised, there is no vehicular access off Cheltenham Terrace, which would result in there being no off street car parking for the residential accommodation. In order to prevent cars parking

in Cheltenham Terrace, it is suggested that these premises be permit free; this is discussed later.

- 4.15 Two new pedestrian accesses are proposed from King's Road - one between A block and 31 King's Road on the site of an earlier pre-war entrance and one via a new arcade through the existing shop unit at No. 27 Sloane Square, occupied by 'Whistles', which will pass through the existing building into a small open courtyard, emerging into the new shopping area. The latter is the subject of a separate application, which is reported elsewhere on this agenda (Ref. PP/99/01454).
- 4.16 All existing trees on the site are proposed to be retained. A tree schedule is submitted, and it is recommended that the Planning Obligation provides protection before demolition works commence.
- 4.17 The schedule of proposed land uses in the application scheme provides 10,254 square metres retail, 4,980 square metres offices, 2,600 square metres residential, 785 square metres museum, 392 square metres A3, 508 square metres medical use and 4,447 square metres ancillary plant. This compares with existing uses on the application site, all of which are military uses, of 5,776 square metres offices, 2,711 square metres assembly, 4,493 square metres storage/garaging, 1,807 square metres residential and 37 square metres museum.
- 4.18 Although not part of this application, an illustrative master plan has been submitted for the eventual development of the whole of the site. At present, plans are tentative due to the arrangements for continued military use of part of the site beyond 2003 which are subject of negotiations between the Ministry of Defence, TAVRA and Cadogan Estates. Exact details of this are not known. The plan indicates institutional use or commercial offices in the central block of the Headquarters building; a conversion of the right wing of the Headquarters building into residential or educational use; change of use of E block into residential use with the opportunity of a new residential block to the East to turn this part of the site into a mews street; the conversion of Cavalry House into residential, primarily healthcare or educational use and the rebuilding of the garage block as a primary school.

5.0 RELEVANT PLANNING HISTORY

- 5.1 There are 57 entries on the statutory register concerning previous applications and notifications by the Government of development at this site. Only those that are considered to be of particular significance and relevance to the current proposals are highlighted here.

- 5.2 Planning permission was granted in July 1986 for alteration, extension and change of use of 'A' block to provide shopping on the ground floor and offices on three floors above. It was not implemented, and has now expired.
- 5.3 The Royal Borough raised no objection in June 1989 to alterations and extensions to the gatehouse and front boundary.
- 5.4 In June 1990, planning permission was granted for change of use of A block from a military headquarters to retail (1245 square metres net) and offices (2295 square metres net). Conservation Area Consent was granted in February 1990 for demolition works, retaining the King's Road facade. It was not implemented, and has now expired.
- 5.5 The Royal Borough raised no objection in March 1990 to the internal reconstruction to accommodate an additional floor, and associated external works to block F.
- 5.6 In March 1991, Conservation Area Consent was refused for total demolition of A block. An appeal was lodged with the Department of the Environment against this decision but was subsequently withdrawn in 1992.
- 5.7 No objections were raised in July 1991, May 1993 and June 1993 to various internal alterations and rear extensions to the Main Headquarters building. These works represented a major refurbishment of this building that was undertaken by the Ministry of Defence.

6.0 PLANNING CONSIDERATIONS

- 6.1 In this section of the report, the relevant policy background to these proposals is set out in Paragraphs 6.2 to 6.55. Paragraphs 6.2 to 6.48 refer to the relevant policies in the Unitary Development Plan. Members will be aware of the requirements of Section 54A of the 1990 Town and Country Planning Act which states that planning applications shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraphs 6.49 to 6.54 set out salient points from relevant non-statutory Council documents, namely the planning guidelines published in January 1999 for the site, the published proposals statement for the Royal Hospital Conservation Area (1984) and the King's Road Character Study (1997). Paragraph 6.55 highlights relevant Central Government advice. The proposals are then analysed against the relevant policies in Paragraphs 6.56 to 6.101.
- 6.2 The proposals raise a number of Conservation and Design issues and the relevant policies appear in Chapter 4 of the Unitary Development Plan. The strategic Policies STRAT 6 and STRAT 7 are of particular relevance.

6.3 STRAT 6 states:

"TO PROTECT LISTED BUILDINGS AND TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS, AREAS OF METROPOLITAN IMPORTANCE, AREAS OF LOCAL CHARACTER, AND OTHER BUILDINGS OR PLACES OF INTEREST."

6.4 STRAT 7 states:

"TO PROMOTE HIGH ENVIRONMENTAL AND ARCHITECTURAL DESIGN STANDARDS IN NEW DEVELOPMENTS AND ALTERATIONS AND IN ADDITIONS TO EXISTING BUILDINGS."

6.5 Policies CD48 and CD52 reflect the statutory duty to preserve or enhance the character and appearance of the Royal Borough's Conservation Areas. Policy CD53 states:

"TO ENSURE THAT ALL DEVELOPMENTS IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:

- (a) CHARACTER, SCALE AND PATTERN;
 - (b) BULK AND HEIGHT;
 - (c) PROPORTION AND RHYTHM;
 - (d) ROOFSCAPE;
 - (e) MATERIALS;
 - (f) LANDSCAPING AND BOUNDARY TREATMENT;
- OF SURROUNDING DEVELOPMENT."

6.6 There are two relevant policies concerning the Royal Hospital area of metropolitan importance, CD8 and CD9.

6.7 Policy CD8 states:

"TO PROTECT IMPORTANT VIEWS AND VISTAS IN AND AROUND THE ROYAL HOSPITAL."

This policy reflects the more general protective policy towards views in Conservation Areas, Policy CD54. Views have a particular significance when considering proposals for the Duke of York's site.

6.8 Policy CD9 states:

"TO PROTECT THE OPEN SPACES SURROUNDING THE ROYAL HOSPITAL FROM INAPPROPRIATE DEVELOPMENT BOTH IN THE LANDSCAPED AREAS THEMSELVES AND IN THE NEIGHBOURING STREETS."

6.9 The general Policy CD49 is of particular relevance to these proposals and states:

"TO ENCOURAGE AND CONTRIBUTE TO THE IMPROVEMENT OF THE ENVIRONMENT OF CONSERVATION AREAS."

6.10 The relevant policies towards works to Listed Buildings are CD57 and CD58. Policies CD59 and CD60 consider uses of Listed Buildings and CD61 their settings.

6.11 Policy CD57 states:

"TO RESIST THE DEMOLITION OF LISTED BUILDINGS IN WHOLE OR IN PART, OR THE REMOVAL OR MODIFICATION OF FEATURES OF ARCHITECTURAL IMPORTANCE (BOTH INTERNAL AND EXTERNAL)."

6.12 Policy CD58 states:

"NORMALLY TO RESIST PROPOSALS TO ALTER LISTED BUILDINGS UNLESS:

(a) THE ORIGINAL ARCHITECTURAL FEATURES, AND LATER FEATURES OF INTEREST, BOTH INTERNAL AND EXTERNAL, WOULD BE RETAINED; AND

(b) ALTERATIONS WOULD BE IN KEEPING WITH THE STYLE OF THE ORIGINAL BUILDING; AND

(c) ALL WORKS, WHETHER THEY BE REPAIRS OR ALTERATIONS, ARE CARRIED OUT IN A CORRECT SCHOLARLY MANNER, UNDER PROPER SUPERVISION, BY SPECIALIST LABOUR WHERE APPROPRIATE; AND

(d) THE INTEGRITY, PLAN FORM AND STRUCTURE OF THE BUILDING INCLUDING THE GROUND FLOOR PRINCIPAL ROOMS, MAIN STAIRCASE AND SUCH OTHER AREAS OF THE BUILDING AS MAY BE IDENTIFIED AS BEING OF SPECIAL INTEREST ARE RETAINED."

6.13 Policy CD59 states:

"TO ENCOURAGE THE USE OF LISTED BUILDINGS FOR THEIR ORIGINAL PURPOSE."

6.14 Policy CD60 states:

"TO RESIST THE CHANGE OF USE OF A LISTED BUILDING WHICH WOULD MATERIALLY HARM ITS CHARACTER."

6.15 Policy CD61 states:

"TO RESIST DEVELOPMENT WHICH WOULD ADVERSELY AFFECT THE SETTING OF A LISTED BUILDING."

6.16 Policy CD51 considers demolition of unlisted buildings within Conservation Areas and is particularly relevant to the proposals for block A and block B. Policy CD51 states:

"TO RESIST DEMOLITION OR PARTIAL DEMOLITION OF BUILDINGS IN CONSERVATION AREAS UNLESS:

(a) THE BUILDING OR PART OF THE BUILDING STRUCTURE MAKES NO POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE AREA; OR

(b) THE CONDITION OF THE BUILDING IS PROVED TO BE SUCH THAT REFURBISHMENT IS NOT POSSIBLE; AND

(c) A SATISFACTORY SCHEME FOR REDEVELOPMENT HAS BEEN APPROVED."

6.17 Policies CD72, CD73 and CD74 consider trees and resist their loss, and encourage planting in new development.

6.18 Policy CD28 considers the effect of new development on daylighting received by neighbouring properties to the development site and states:

"NORMALLY TO RESIST DEVELOPMENT WHICH SIGNIFICANTLY REDUCES SUNLIGHT OR DAYLIGHT ENJOYED BY EXISTING ADJOINING BUILDINGS AND AMENITY SPACES."

6.19 Policy CD30 considers the effect of new development on the privacy of residents living adjacent to development sites and states:

"TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE SUFFICIENT VISUAL PRIVACY OF RESIDENTS AND THE WORKING POPULATION."

- 6.20 The proposal involves a number of issues set out in the Shopping Chapter of the Plan, including the Strategic Policies STRAT 29, STRAT 30 and STRAT 31.

- 6.21 STRAT 29 states:

"TO SEEK TO ENHANCE THE VITALITY AND VIABILITY OF PRINCIPAL AND LOCAL SHOPPING CENTRES AND TO ENSURE THAT THEY REMAIN THE FOCUS OF THE PROVISION OF SHOPPING FACILITIES IN THE ROYAL BOROUGH."

- 6.22 STRAT 30 states:

"TO ENSURE THE CONTINUED ENHANCEMENT OF THE INTERNATIONAL, NATIONAL AND REGIONAL RETAIL ROLE OF THE PRINCIPAL SHOPPING CENTRES."

- 6.23 Policy S2 normally permits new shop floorspace, Policy S4 seeks the provision of shop units as part of appropriate development schemes and Policy S5 seeks a range of shop units in shopping developments. Policy S6 seeks to maintain and improve the vitality, viability and function of the shopping centres throughout the Borough.

- 6.24 Policy S13 is relevant to the catering establishments proposed as part of this development, and which are located outside the boundaries of the present principal shopping centre. Policy S13 states:

"OTHER THAN IN PRINCIPAL SHOPPING CENTRES TO RESIST THE DEVELOPMENT OF RESTAURANTS, PUBLIC HOUSES, SNACK BARS, CAFES, WINE BARS AND SHOPS FOR THE SALE OF HOT FOOD WHERE THIS WOULD RESULT IN:

(a) ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE; OR

(b) SIGNIFICANT INCREASE IN TRAFFIC OR PARKING; OR

(c) THE LOSS OF USABLE RETAIL SPACE."

- 6.25 The site currently adjoins a Principal Shopping Centre, and the proposed amendments to the Plan would put part of the site on the King's Road within

the Centre. The attention of the Committee in this regard is drawn to Policies S15 and S16 concerning the location of non-shop uses in Principal Centres.

- 6.26 Policy S21 is relevant to the townscape improvements included as part of these proposals and states:

"TO SEEK THE IMPROVEMENT OF THE TOWNSCAPE AND ENVIRONMENT OF THE BOROUGH'S SHOPPING STREETS."

- 6.27 The provision of the new open space in the form of a square falls to be considered under policies contained in the "Leisure and Recreation" Chapter of the Plan. Policy LR2 encourages the provision of additional sports and recreational facilities and Policy LR3 seeks the provision of sports and recreational facilities in association with development proposals where appropriate. Policy LR9 encourages the wider use of private open space and Policy LR13 states:

"TO SEEK THE INCLUSION OF OPEN SPACE, INCLUDING THE PROVISION OF PUBLIC OPEN SPACE WHERE APPROPRIATE IN ASSOCIATION WITH DEVELOPMENT PROPOSALS."

- 6.28 Policy LR11 states:

"TO ENCOURAGE THE CREATION OF SITTING-OUT AND AMENITY AREAS IN SUITABLE LOCATIONS."

- 6.29 The proposed museum also falls to be considered against policies contained within the "Leisure and Recreation" Chapter of the Plan. Policies LR27 and LR30 are both supportive of new arts, cultural and entertainment uses and facilities. Policy LR30 states:

"TO ENCOURAGE PROVISION FOR BOTH ACTIVE PLAY AND SEPARATE AREAS OF TRANQUILLITY WHERE NEW OPEN SPACE IS CREATED."

- 6.30 The residential content of the proposals falls to be considered against policies that are set out in the 'Housing' Chapter of the Plan. Policies STRAT 13, STRAT 14, STRAT 15, STRAT 16 and H2 are all supportive of the provision of new residential accommodation. H2 states:

"TO SEEK THE DEVELOPMENT OF LAND AND BUILDINGS FOR RESIDENTIAL USE UNLESS:

(a) A SATISFACTORY RESIDENTIAL ENVIRONMENT CANNOT REASONABLY BE ACHIEVED BY REASON OF EXCESSIVE NOISE, INAPPROPRIATE LOCATION OR GROUND CONTAMINATION; OR

(b) THE LAND IS REQUIRED FOR THE PROVISION OF SOCIAL OR COMMUNITY FACILITIES TO MEET LOCAL NEEDS; OR

(c) THE DEVELOPMENT IS FOR THE REPLACEMENT ON THE SAME SITE OF EXISTING COMMERCIAL FLOORSPACE WHICH HAS NOT GIVEN RISE TO ENVIRONMENTAL OR TRAFFIC PROBLEMS."

- 6.31 Policy H22 is applicable with regard to the affordable housing element of the proposals and states:

"TO SEEK WHERE APPROPRIATE THE INCLUSION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE RESIDENTIAL UNITS ON RESIDENTIAL DEVELOPMENT SITES OF OVER 0.05 HECTARES (0.12 ACRES) IN SIZE."

- 6.32 The office elements of the proposals fall to be considered against policies that are set out in the "Offices and Industry" Chapter of the Plan. Policy STRAT 18 states:

"TO ENCOURAGE LARGE-SCALE BUSINESS DEVELOPMENTS TO LOCATE IN THOSE PARTS OF LONDON AND THE ROYAL BOROUGH WHICH HAVE THE CAPACITY FOR ADDITIONAL ECONOMIC ACTIVITY WITHOUT HARMING AMENITY."

- 6.33 Policy STRAT 19 states:

"TO SECURE THE PROVISION OF A RANGE OF BUSINESS PREMISES SUITABLE FOR A VARIETY OF BUSINESS ACTIVITIES, WHILST GIVING PRIORITY TO THE PROVISION OF SMALL UNITS IN THE ROYAL BOROUGH."

- 6.34 Policy E1 states:

"TO RESIST LARGE-SCALE BUSINESS DEVELOPMENT UNLESS EITHER THE PROPOSAL IS FOR THE REPLACEMENT OF EXISTING BUSINESS FLOORSPACE WHICH HAS NOT GIVEN RISE TO ENVIRONMENTAL OR TRAFFIC PROBLEMS OR

(a) THERE WOULD BE NO SIGNIFICANT ADVERSE EFFECT ON THE CHARACTER AND AMENITY OF THE SURROUNDING AREA, AND

(b) THE SITE IS IN A LOCATION WHERE BUSINESS USES ARE ALREADY CONCENTRATED, AND

(c) THE SITE IS UNSUITABLE FOR HOUSING OR, WHERE APPROPRIATE, THE DEVELOPMENT INCLUDES A SUBSTANTIAL PROPORTION OF HOUSING, AND

(d) THE SITE IS WELL SERVED BY PUBLIC TRANSPORT OR WOULD BE AS A RESULT OF THE DEVELOPMENT PROVIDING OR CONTRIBUTING TO THE IMPROVEMENT OF PUBLIC TRANSPORT FACILITIES."

6.35 Policy E4 states:

"TO ENCOURAGE THE PROVISION OF THE FOLLOWING IN ASSOCIATION WITH LARGE SCALE BUSINESS DEVELOPMENT PROPOSALS:

(a) SOCIAL AND COMMUNITY FACILITIES;

(b) WORKPLACE NURSERIES;

(c) SPORTS AND RECREATION FACILITIES."

6.36 Policy E15 states:

"TO ENCOURAGE THE PROVISION OF PREMISES, AND IMPROVEMENT OF EXISTING PREMISES, FOR SMALL LOCALLY-BASED SERVICE INDUSTRIES AND OFFICES."

6.37 The proposed Medical Centre falls to be considered against policies set out in the 'Social and Community Services' Chapter of the Plan. Policy STRAT 32 is supportive of local facilities, and Policy SC5 states:

"NORMALLY TO PERMIT PROPOSALS FOR THE DEVELOPMENT OF SOCIAL AND COMMUNITY FACILITIES TO MEET LOCAL NEEDS, UNLESS:

(a) THERE WOULD BE A LOSS OF PERMANENT RESIDENTIAL ACCOMMODATION, PARTICULARLY ACCOMMODATION FOR PEOPLE WITH SPECIAL HOUSING NEEDS;

(b) THERE WOULD BE A LOSS OF SHOPPING FLOORSPACE IN CORE SHOPPING FRONTAGES;

(c) THERE WOULD BE ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY;

(d) THE SITE IS NOT WELL LOCATED IN TERMS OF THE PLACE OF RESIDENCE OF THE POTENTIAL USERS, AND/OR LOCAL PUBLIC TRANSPORT FACILITIES ARE INADEQUATE;

(e) THERE WOULD BE EXCESSIVE LEVELS OF ON-STREET PARKING DEMAND OR TRAFFIC CONGESTION;

(f) THE DEVELOPMENT WOULD RESULT IN AN OVER-CONCENTRATION OF FACILITIES CATERING FOR SIMILAR NEEDS;

(g) THE FACILITY WOULD NOT MAINTAIN OR ASSIST IN ENSURING A BALANCED PROVISION; AND

(h) THE PROPERTY IS SUITABLE FOR RESIDENTIAL PURPOSES."

6.38 Policy SC6 states:

"TO SEEK WHERE APPROPRIATE THE PROVISION OF SOCIAL AND/OR COMMUNITY FACILITIES IN ASSOCIATION WITH DEVELOPMENT SCHEMES."

6.39 These major development proposals include traffic and servicing issues which fall to be considered against the policies set out in the "Transportation" Chapter of the Plan. The policies concerning the control of development appear in Section 6 of the Chapter.

6.40 Policy TR39 states:

"TO RESIST DEVELOPMENT WHICH WOULD RESULT IN ANY SIGNIFICANT INCREASE IN CONGESTION, OR ANY SIGNIFICANT DECREASE IN SAFETY, ON THE ROADS OR ON PUBLIC TRANSPORT."

6.41 Policy TR45 states:

"NORMALLY TO REQUIRE DESIGNATED OFF-STREET SERVICE SPACE FOR DEVELOPMENT SCHEMES."

6.42 Policy TR46 states:

"TO REQUIRE ALL NEW RESIDENTIAL DEVELOPMENT TO INCLUDE ADEQUATE OFF-STREET PARKING UNLESS SUCH PROVISION WOULD BE UNACCEPTABLE IN TOWNSCAPE TERMS."

6.43 Policy TR48 states:

"NORMALLY TO RESIST DEVELOPMENT WHICH WOULD RESULT IN THE NET LOSS OF ON-STREET RESIDENTS' PARKING."

6.44 In connection with parking standards, Policy CD37 is also relevant. Policy CD37 states:

"TO HAVE REGARD TO THE STANDARDS SET OUT IN THE PLANNING STANDARDS CHAPTER IN DETERMINING APPLICATIONS FOR DEVELOPMENT."

- 6.45 Policies PU10, PU11 and PU12 are relevant to the pollution issues that a major development of the scale proposed could give rise to. The Committee are advised in this regard that these matters were considered when deciding whether an environmental statement would be required pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. It was decided under S047 procedures that the development was not an EIA development pursuant to these regulations and therefore an environmental statement will not be required.

- 6.46 Policy PU10 states:

"TO LIAISE WITH THE APPROPRIATE ORGANISATIONS WHEN DEALING WITH DEVELOPMENT THAT WILL, OR MIGHT, INVOLVE POLLUTION ISSUES."

- 6.47 Policy PU11 states:

"TO RESIST DEVELOPMENT LEADING TO POLLUTION THAT WOULD HAVE AN UNACCEPTABLE IMPACT ON AMENITY."

- 6.48 Policy PU12 states:

"TO REQUIRE DEVELOPERS TO SUBMIT INFORMATION IN ASSOCIATION WITH DEVELOPMENT PROPOSALS ON LAND THAT IS OR MIGHT BE CONTAMINATED:

(a) TO SET OUT A FULL ASSESSMENT OF THE CONDITION OF THE LAND;

(b) TO SPECIFY ADEQUATE MEASURES TO NEGATE OR MINIMISE THE EFFECTS OF THE CONTAMINATION ON THE PROPOSED DEVELOPMENT AND ADJACENT LAND."

- 6.49 Concerning the accessibility of the development, Policies STRAT 11, CD36, CD67, CD89 and H21 are applicable. In particular, CD36 states:

"TO REQUIRE THAT ALL NON-DOMESTIC DEVELOPMENTS, INCLUDING WHERE POSSIBLE, CHANGES OF USE, ALTERATIONS, AND EXTENSIONS TO EXISTING BUILDINGS ARE ACCESSIBLE TO PEOPLE WITH SPECIAL MOBILITY NEEDS, INCORPORATING LEVEL ACCESS INTO THE BUILDING."

- 6.50 The planning guidelines published for this site in January 1999 constitute supplementary planning guidance and are a material consideration in deciding any planning application for development on the site. The guidelines set out detailed planning requirements and guidance for development, based on policies set out in the Unitary Development Plan, and set out the constraints on development.
- 6.51 The land uses that are considered appropriate comprise retail, residential, office and institutional, social and community including educational, greater controlled use by the public of open space and continued military use.
- 6.52 The key constraints to development on the site which limit its development potential, are set out as the need to preserve or enhance the character or appearance of the Royal Hospital Conservation Area, including safeguarding views, the need for development to be appropriate to, and not harm, the special architectural or historic character or the setting of the Listed Buildings on the site; the need to safeguard views from the Royal Hospital Area of Metropolitan Importance and adjoining Sloane Square and Chelsea Conservation Areas; the need to safeguard existing open spaces and the need to protect the amenities of residents occupying properties surrounding the site.
- 6.53 Given these constraints, the guidelines suggest that the opportunities for new buildings are restricted:

"Many of the unlisted buildings on site contribute positively to the area's architectural and historical character and are worthy of retention and re-use..... However, some un-listed buildings make a neutral contribution and it is considered that there are re-development opportunities in the North-East corner of the site....."

Any new buildings must be subservient in size to the Headquarters Building which is the dominant principal building. A modest three storeys is said to be the maximum building height in order to safeguard the sense of hierarchy of scale. The boundary treatment is suggested to be retained, although consideration would be given to a possible treatment to the northern (King's Road) boundary which allows far greater public accesses to the open spaces.

- 6.54 The Royal Hospital Conservation Area Proposals Statement stresses the importance of the Duke of York's Headquarters which it describes as much smaller in composition than the Royal Hospital itself but nevertheless impressive in its own right:

"The main block has a sturdy portico of simple design, this simplicity being reflected in the style of the whole building. The courtyard and open space in front of the building are attractive and particularly welcome here, adjoining the King's Road."

The Statement describes the open spaces within the Conservation Area surrounding the Royal Hospital as creating a welcome open aspect and states that they should be fiercely protected, especially where they form a buffer between the residential terraces of the Conservation Area and the surrounding commercial streets, for example the grounds in front of the Duke of York's Headquarters on the King's Road.

- 6.55 The King's Road Character Study sets out, inter alia, essential characteristics for new development, as small scale character of adjacent buildings usually no higher than 3-4 storeys, vertical rhythm expressed through narrow fronted plots and repeated elevational components; unifying horizontal elements on terraces such as fascias, cornices or parapets and emphasis of treatment of corner buildings such as careful attention to entrances and, in particular, where buildings enclose green squares (P.25).
- 6.56 Relevant advice published by the Central Government which form material considerations in determining this application include PPG1 which, inter alia, encourages mixed use development, high standards of urban design and access to open spaces; PPG6 which promotes both retail and mixed use development within existing shopping areas; PPG13 which, inter alia, seeks to promote sustainable development in highly accessible locations and discourages the use of and reliance upon the car, and PPG15 which concerns planning and the historic environment.
- 6.57 In this section of the report, each element of the proposals, in the order set out in Paragraphs 4.3 to 4.15 is analysed against the policy background, followed by a general commentary on the whole of the application scheme, including the views of English Heritage and London Underground Limited. Consideration is then given to the Master Plan which, although not forming part of the application, is a material consideration.
- 6.58 The proposed demolition and rebuilding of block A gives rise to policy issues involving demolition in Conservation Areas; the effect on the character and appearance of the Conservation Area of the proposed replacement building; its impact on the setting of the Listed Headquarters building; and the provision of new retail and office (both Class A2 and B1) accommodation.
- 6.59 Turning firstly to the issue of demolition, the existing A block (Mercury House) is of relatively recent construction, dating from 1952-53 when it was built for military use. Its use is very much reflected in its appearance, which features substantial garage doors on its South and West elevations. It is inward-looking, with the ground floor frontage to King's Road comprising a series of multi-paned windows in arched openings. It is of brick construction, with the bricks designed to harmonise with the London Stock bricks of the original buildings on the site. Conservation Area Consent was refused for demolition in 1991 on the grounds that the demolition of the building, which pays an important contribution to the character of the Duke of York's

Headquarters and to the Royal Hospital Conservation Area would be contrary to Council policy and would fail to preserve or enhance the character of the Conservation Area. English Heritage have, however, more recently taken a contrary view, which has resulted in officers re-assessing the contribution that the building makes to the character and appearance of the Conservation Area, taking into account its intended role as being part of a Principal Shopping Centre. The views of the London Advisory Committee of English Heritage are set out in full in Paragraph 6.97 of this report, but their view of block A is worth highlighting:

"Although the existing building is decent street architecture and contributes positively to the Conservation Area, we do not consider it of such importance that it must be kept at all costs."

Whilst, being a purpose built military building, it contributes positively so long as this part of the site is in military use, from extensive discussions with the scheme architects and officers of English Heritage, it has become clear that the design integrity of an adaptation of the building would be undermined by retaining the King's Road frontage and part of the return of the western frontage. The building lacks unifying horizontal elements which characterise King's Road, such as a fascia and a cornice and lacks a convincing emphasis of treatment of a corner building - its West elevation which is highly visible, is of utilitarian appearance. If the Committee agree that a change from military use is appropriate - and both the Unitary Development Plan Proposals Map and the published Planning Guidelines suggest that it is - it is considered that demolition complies with Policy CD51(a).

- 6.60 Turning to the proposed replacement four storey and basement building, the proposal is for a brick built building with stone detailing and bronzed metal window frames and a slate clad pitched roof above set back glazing. The horizontal elements of fascia and cornice which are commonly found in King's Road are provided, with stone clad framing to the individual shop units, and this elevational treatment and style is repeated on the West elevation. The elevations of the building have been designed to relate to the architecture of the Conservation Area, responding to the rhythm, scale and balance of vertical and horizontal elements that are common to this part of King's Road. The West elevation, which faces the new public square and is highly visible, turns the corner satisfactorily, and sets back on the South side to open up views towards the left wing of the Headquarters building and create a new space around the Memorial wall. A new ground floor arcade within the building is positioned along the axis of the entrance to the Headquarters building, again opening up a new view of the Listed Building and strengthening the existing relationship between the two buildings. It is considered that the submitted designs show a building that makes a far more positive contribution towards King's Road and to this part of the Royal Hospital Conservation Area than the existing building. Policies CD48, CD52 and CD53 are complied with, and by opening up new views, Policies CD8, CD49, CD54 and CD61 are satisfied.

- 6.61 The use of the proposed new building is retail shopping at basement and ground floor levels; a first floor banking hall with central atrium reached via escalators from an entrance in the West elevation from the new square and Class B1 offices at second and third floor levels. It is considered that the new retail shopping will contribute towards the vitality of this part of King's Road and the adjacent Principal Shopping Centre, to which it would be added. Policies S2, S4, S6, STRAT 29 and STRAT 30 are complied with. A location for a banking centre above the ground floor retail shops would comply with Policies S15 and S16. The major business development that the Class B1 use represents complies with Policies E1 and E3. The site is one which is well served by public transport and where business use is prevalent above the King's Road shops, and residential accommodation is provided in the replacement block B, which is considered in the following paragraphs.
- 6.62 The demolition and replacement of block B raises issues of demolition in a Conservation Area, the effect on the character and appearance of the Conservation Area of the proposed replacement building, its impact on the setting of the Listed Headquarters building and the provision of new retail and residential accommodation, in the form of affordable housing.
- 6.63 The existing B block, although not widely visible, is considered to be a utilitarian building of poor appearance and does not contribute positively to the character or appearance of this part of the Conservation Area. It is in the corner of the site which the published guidelines suggest offers an opportunity for redevelopment. Demolition is consequently considered to comply with Policy CD51(a).
- 6.64 The proposed four storey replacement building, as redesigned to complement the new replacement block A, comprises a brick building with stone detailing and a slate clad pitched roof above set back vertical glazing. It sits comfortably with the new block A and is considered to pay a more positive contribution to the character and appearance of this part of the Conservation Area, enhancing the setting of the Listed Headquarters building. A number of elements of the originally designed replacement building on this site which were considered out of character with its surroundings, for example the fenestration which was overtly horizontal and the balconies have been designed out and, as a result, the revised design that is before Committee is considered to comply with Policies CD48, CD52, CD53 and CD61.
- 6.65 The shopping elements of the replacement building, by contributing to a new shopping area that will form part of the King's Road East Principal Shopping Centre, and adding to the vitality of the Centre, are considered to comply with Policies S2, S4, S6, STRAT 29 and STRAT 30. The proposed housing units, which comprise sixteen No. one bedroom flats and fourteen No. two bedroom flats, represent a considerable residential gain on this site and comply with Policies H2, STRAT 13, STRAT 14, STRAT 15 and STRAT 16. Although the proportion of residential floorspace in the submitted scheme represents a lower

proportion (approximately 9%) of the total floorspace than envisaged in the published Planning Guidelines, it is evident that the balance of residential uses in the projected later phases of the scheme indicated on the submitted Master Plan will redress the balance. The completion of the later phases is consequently recommended to be secured by way of a Planning Obligation.

- 6.66 The relatively low proportion of residential floorspace in the submitted scheme is also considered to be compensated by its affordable nature - all 30 proposed units are affordable, which complies with Policy H22. The form which the affordable housing will take is currently the subject of discussions between Cadogan Estates and the Royal Borough's Housing Officers, but initial ideas centre on it being rented accommodation for key workers, which is a form of housing identified in the Royal Borough's 1999-2002 Housing Strategy. A Planning Obligation is recommended to ensure that this accommodation falls within the definition of 'affordable' and also to require it to be provided before any other part of the development is occupied.
- 6.67 The works to Leighton House and Cadogan Hall raise issues of demolition in a Conservation Area; the impact of the proposed extensions and alterations on the character and appearance of the Conservation Area and compliance with shopping policies. The works involve adaptation of the retained frontage of Leighton House to provide for small shops and entrances to the anchor store created by demolishing the outbuildings to Cadogan Hall and adding single storey extensions to either side of the Hall, together with the construction of a glazed link between the two buildings. The glazed link is intended to be a powerful feature with a glass sloping roof and exposed timber structure with a suspended access gallery.
- 6.68 Although the glazing oversails the rear eaves line of Leighton House, it is well below the ridge line. The resultant roofscape is considered to be of an appropriate design, including the pitched roofed side extensions to Cadogan Hall, which are each designed as 3 bays incorporating air conditioning units in the pitched roofs. The extensions are considered accordingly to comply with Policies CD48, CD52 and CD53. Demolition is restricted to outbuildings of Cadogan Hall which are not considered to pay a positive contribution to the character of this part of the Conservation Area, and accordingly complies with Policy CD51(a). Again, these outbuildings are considered to represent the opportunity for development indicated in the published guidelines.
- 6.69 The shopping use, comprising the anchor store and small kiosk type units provides a range of units in compliance with Policy S5. The units will contribute to the viability and vitality of the adjoining King's Road East Principal Shopping Centre and comply with Policies S2, S4, S6, STRAT 29 and STRAT 30.
- 6.70 The two new buildings to be provided as part of the new shopping street in the North-East corner of the site raise issues of preserving or enhancing the

character and appearance of this part of the Conservation Area; shopping policy and, in the case of the new B1 building, safeguarding the privacy and daylighting enjoyed by residents in Lower Sloane Street. As described in the preceding paragraphs, the additional shopping floorspace is considered to comply with shopping policies.

- 6.71 The new Class B1 building, provides for 4 single storey shop units in the extreme North-East corner of the site. The building is sited adjacent to, but separate from, to allow the existing wall and creeper to be retained, the boundary wall to houses in Lower Sloane Street. It has a stepped monopitch roof sloping away from the boundary wall. Its frontage makes a dynamic statement without appearing overtly dominating; relates well to the alignment of the central pavilion and has a strong sense of vertical emphasis which is considered to be appropriate here to avoid a weak end to the site. The angled corner appears somewhat weak at the end of an important vista point, but it does fulfil a role in allowing open views into the site as well as assisting in the framing of, and encouraging movement in to, the entrance on to King's Road (for further details of this entrance, see report on PP/99/01454 which appears elsewhere on this agenda). It is accordingly considered to pay a positive contribution to this part of the Conservation Area and complies with Policies CD48, CD52 and CD53. The elevation facing the rear of the houses in Lower Sloane Street is imperforate, therefore no privacy issues arise and Policy CD30 is satisfied. On site inspection and a daylight study submitted on behalf of the applicants demonstrate that this building easily satisfies the Council's daylighting standards - Policy CD28 is not accordingly infringed.
- 6.72 The new 'retail pavilion' block B2 comprises a long low pavilion building sitting within the new shopping square and draws inspiration for its design from market buildings. It contains a range of small shop units at ground floor level, together with an entrance to a larger shop which occupies the basement. The shop unit at the West end has a raised roof incorporating a balcony. It is primarily glazed, with stainless steel columns supporting a pitched copper clad roof. Each bay of the building is articulated with projecting shopfronts. This building is considered to read as a subservient, lightweight and modest structure appropriate to its setting, and is accordingly considered to comply with Policies CD48, CD52 and CD53.
- 6.73 The proposed works to the left wing of the Main Headquarters building raise issues of works to Listed Buildings - the Headquarters is Listed II*, the impact of the proposed alterations on the character and appearance of this part of the Conservation Area and A3 business and shopping policy. Although the Headquarters building is considerably altered, primarily as a result of the alterations undertaken by the Ministry of Defence in the early 1990's, these proposals have been discussed at length between the applicants, their agents and officers of English Heritage, who retain the power of direction - and the Royal Borough. These discussions concluded that this building could only accept adaptation at ground level which left the existing window and door

openings substantially intact in order to prevent harm to its character and appearance, and that any adaptations to the present timber and glass canopy needed to be sensitively handled - in the scheme before Committee, the canopy is retained. The proposed works satisfy these objectives and do not accordingly infringe Policy CD60.

- 6.74 The proposed internal changes to the building retain the essential plan form and integrity and reverse some of the recent changes including reinstatement of some sections or 'nibs' of the original crosswalls. The sense of separate rooms between each of the staircases is to be retained, although some opening up of doorways will be carried out to provide front and rear circulation routes to enable the new use. The rear link to the Headquarters building will be retained, together with the 1990's extension with these less sensitive areas used to accommodate ancillary facilities.
- 6.75 The proposed external alteration, as revised, to the West elevation comprise the formation of two doors in existing lowered window openings. The existing timber and glass canopy is shown to be retained. A two storey glazed extension is to be built on the less sensitive rear elevation. As revised, these works are considered to comply with Policies CD58, CD48, CD52 and CD53.
- 6.76 The proposed uses substantially flow from the need to comply with Policy CD58. The upper floors remain in office use, and will allow some small business units in compliance with Policy E12. Two Class A3 units are proposed at ground floor level - a cafe of approximately 90 square metres and a restaurant of approximately 230 square metres which, it is estimated, could accommodate 120 covers. These are not considered to represent either substantial or destination restaurants and are considered to be ancillary to the primarily retail use of this part of the site which the published guidelines (Para. 2.12) suggest may be acceptable. Conditions are recommended to limit the opening hours, limit the number of covers and prevent any take away facility and, on this basis, this limited Class A3 provision is considered to comply with Policy S13.
- 6.77 The proposed extensions to Queripel House raise issues of impact of the proposed rear, and side glazed, extensions on the character and appearance of this part of the Conservation Area and the impact of the side extension on the setting of the adjacent Grade II* Listed Chapel. The proposed uses raise issues of compliance with the relevant Unitary Development Plan policies towards retail use, non-residential institutions (the proposed museum) and social and community uses (the proposed medical centre).
- 6.78 The proposed demolition of the existing brick link between Queripel and the Chapel and replacement by a two storey glazed link is considered to enhance the apparent separation between the two buildings and hence the setting of the Listed Chapel. Policy CD61 is accordingly complied with. A two storey extension, primarily glazed with the exception of the West elevation which

faces Cheltenham Terrace which is proposed to be clad in stone, is proposed to the rear. This has been revised from the originally submitted proposal to reduce its bulk and to omit a proposed access from Cheltenham Terrace to the Museum on the first floor of the building. The access, as revised, will be from the central public square. The extension, as revised, is considered to improve a presently bland elevation and consequently complies with Policies CD48, CD52 and CD53.

- 6.79 The proposed use of Queripel on the ground floor contains two retail shops, the larger one of which could be occupied by a Post Office. This use will help to draw people across the public square and by contributing to the vitality and viability of the adjoining Principal Shopping Centre complies with Policies S2, S4, S6, STRAT 29 and STRAT 30. The southern half of the ground and first floors, as revised, is proposed to be occupied by a Medical Centre. This use satisfies a demand for a primary health care facility which is identified in the Planning Guidelines and complies with Policies SC5 and SC6.
- 6.80 It is proposed that the majority of the first floor of Queripel will house a museum, which would be accessed at ground floor level from the central open space via a primarily glazed foyer and gallery space. Although the occupier of this space has not been identified - (the Chelsea Museum, which was originally proposed may, it is understood, be located elsewhere); a museum here will also act as a focus to draw people across the central open space, and is seen as one of the positive planning gains of this phase of the scheme, complying with Policies LR27 and CD30.
- 6.81 The proposed adaptation of the Grade II* Listed Chapel into retail use raises issues of compliance with policies towards works to Listed Buildings and towards retail use. Turning firstly to the use, retail use is considered to contribute to the viability and vitality of the adjoining King's Road East Principal Shopping Centre, and complies with Policies S2, S4, S6, STRAT 29 and STRAT 30.
- 6.82 The external works to the Chapel are limited to the restoration and reinstatement of fenestration to match original in the East elevation, restoring a sense of balance. The internal works, which involve removing the recently installed compartmentation and opening up the central part to its original double height, will go some way towards restoring this much altered building to its original internal proportions. These works are consequently considered to comply with Policy CD58.
- 6.83 The proposed creation of a new open space off King's Road, occupying the space between Mercury House and Queripel House and the Chapel which is currently occupied by vehicle parking behind the boundary wall, falls to be considered against policy that is contained within the Leisure and Recreation Section of the Plan, with the associated removal of the existing boundary and gatehouse railing raising the issue of demolition within a Conservation Area.

- 6.84 In Chapter 11 of the Plan, it is pointed out that Kensington and Chelsea is shown to be a London Borough that has an open space deficiency, with a scarcity of suitable sites, making it difficult to provide more public open space. The open space proposed is considered, therefore, to provide a positive planning gain, representing a rare opportunity in this part of Chelsea to provide a public focus for development. The space will require careful landscaping, and the suggestion made by English Heritage that a landscape consultant is necessary to ensure its successful development is endorsed. The principle of providing the open space is, however, welcome and is supported by Policies LR13 and LR11 and the setting of the Listed Buildings will be enhanced, complying with Policy CD61.
- 6.85 The proposed removal of the railings is considered necessary to provide a public focus to the square off King's Road and is considered to represent the alteration to the boundary that the published guidelines for the site suggest would be acceptable to allow greater numbers of visiting members of the public access to the open space. Whilst the boundary undoubtedly makes a positive contribution to the character of the Conservation Area at present by enclosing and containing the adjacent vehicle parking area, once that parking area is removed, it is considered that its contribution becomes negative. Demolition is therefore considered to comply with Policy CD51(a). It is proposed that boundary railings be reinstated further South, adjacent to the running track, to provide a secure northern boundary to the retained military use. Further details of the form of the railings - which will, to an extent, be determined by security considerations, is required. The gatehouse is of very recent construction, and demolition is considered to comply with Policy CD51(a).
- 6.86 The two small glazed buildings within the public square are considered to be appropriately transparent to appear as subservient lightweight structures in relation to other more important buildings in the vicinity. The proposed cafe raises issues concerned with policy towards A3 uses, and the setting of Listed Buildings. The subservient and transparent nature of the building avoids harm to the setting of the adjacent Headquarters building and there is accordingly no conflict with Policy CD61. As revised, to reduce its size from the originally submitted proposals, the cafe is seen to comply with Policy S13 provided conditions are imposed to restrict opening hours, number of covers and preventing take away facilities. The cafe is seen to fulfil a valuable function of providing an attraction in the square which, subject to the receipt of suitable details, could be supplemented by works of art.
- 6.87 Turning to the environmental effects of the development, the traffic that the development could create and the servicing arrangements that are necessary to minimise its impact have been the source of considerable debate between the Royal Borough's Transportation Officers and the applicant's traffic consultants, JMP. The developers intend to limit the servicing to two periods per day only - between 07.00 hours and 10.00 hours in the morning and between 19.00 hours and 20.00 hours, by physically preventing vehicles gaining access to the site

outside these hours by the use of retractable bollards. One new access to the site for vehicles is proposed - to the East of the existing access which will be closed, necessitating the relocation of existing bus stands.

- 6.88 JMP have provided a technical report and supporting material on 'servicing, access and internal circulation.' Surveys from other developments have been used to produce traffic generation levels for this development. JMP estimate that about 100 vehicles a day will be generated by the retail development based on figures from Hays Galleria (Tooley Street), Ealing and Hounslow. Although perhaps an atypical operation, the Council's experience with the 'Bluebird' retail shop at No. 350 King's Road on the other hand, has led officers to be concerned that traffic generation could be significantly underestimated by JMP. As a result, further work undertaken by JMP has shown that over 300 vehicles a day can be accommodated in the servicing areas allocated in this development, which is in the streets that comprise the new shopping square. This entails a delivery rate at more than twice that being handled at the moment, given the proposed limited hours of servicing. A modern vehicle detection and pre-registration system with computerised controls is likely to be significantly more efficient. The general level of traffic generated by the shopping is estimated to be less than generated by the existing military use of this part of the site, although data to prove existing traffic flows has been difficult to obtain from the Ministry of Defence.
- 6.89 On the basis of the survey work undertaken it is evident that even in the 'worst case scenario' of 300 vehicles there is no evidence that the development would infringe Policy TR39, and that traffic generated will be within current daily fluctuation during the hours of servicing. The off street servicing provided, which will also enable the existing shops that adjoin the site on King's Road to be serviced off-street, complies with Policy TR45. However, given the lacuna in reliable data as to the quanta and effects of traffic generation in the new development, it is considered necessary that the management of the servicing facilities; the hours of servicing; and provision for the Council to assess and agree amendments to the servicing arrangements as necessary in order to prevent adverse effects on the public highway be formalised as part of a planning obligation as well as being controlled by appropriate planning conditions.
- 6.90 The Council's standards would normally require the provision of 23 off-street spaces for the proposed housing elements of this phase of the development and this is shown on the submitted drawings to be provided in a car park off Cheltenham Terrace, which is the only practical location for off-street car parking on the site. A provision below the proposed residential block, for example, would give rise to the generation of traffic outside the otherwise permitted servicing hours leading to vehicle/pedestrian conflict on the new shopping street and is not considered acceptable by the Transportation Officers. A car park in Cheltenham terrace would give rise to a small increase in traffic numbers, in the morning peak in the region of 10 extra cars, but the

Transportation Officer advises that an objection to a car park could not be raised on this basis. In response to local objections to the introduction of additional vehicle movements in Cheltenham Terrace, the developers are keen to introduce the concept of car free development, preventing residents obtaining car parking permits through a planning obligation. If no car-park were to be provided and residents obtained permits, it is considered that this would add severely to the parking stress in Cheltenham Terrace. The Director of Legal Services is investigating how an obligation regarding restrictions on the issue of permits by the applicants as freeholders could be set out. A further consideration is that a surface car park is unwelcome in terms of the setting of the listed buildings on the Duke of York's site and this must be taken into account in an assessment of the scheme against Policy TR46.

- 6.91 A number of the highways and traffic issues raised by this development are the subject of a report by the Director of Transportation and Highways to the Highways and Traffic Committee meeting on 28 October. That Committee's decision may require a supplementary report to be prepared for the Planning Services and Planning and Conservation Committee.
- 6.92 An air quality assessment has been commissioned by Cadogan Estates and prepared by WSP Environmental Limited. The results of the assessment indicate that for all future scenarios traffic emissions from the development will decrease compared with the existing situation, resulting in an improvement in local air quality. The highest predicted decrease in emissions from development traffic compared with the current military use of the site is in the order of 70%.
- 6.93 A noise impact assessment has been commissioned by Cadogan Estates by Cole Jarman Associates. It concludes that with the scheme built and operating as proposed noise levels at existing residential properties that surround the site will not be significantly increased. At times noise levels will be lower as a consequence of the removal of the various military activities currently undertaken on site. Noise levels at residences forming part of the scheme will conform with government guidance.
- 6.94 Ground Investigation and Land Quality Assessment reports have been prepared and submitted by Soiltechnics and Enviros Aspinwall respectively. Conclusions are drawn that the site represents low risk of chemical contamination; a low risk of damage to health of end users of the site; and it is considered unlikely that there will be any significant environmental constraints to redevelop the site.
- 6.95 These technical reports were unfortunately only provided late in the planning process by the applicants. Although the Director of Environmental Health has been consulted, and it is understood that his officers were consulted during the preparation of these reports, his comments have not been received at the time of writing this report. They will, if necessary, form the subject of a

supplementary report. If the conclusions of the technical reports are correct; however, there is no conflict with Policies PU10 or PU11 and it is understood that Policy PU12 has been complied with.

London Underground

- 6.96 London Underground Limited have been consulted as the site forms part of the safeguarded route of the projected Chelsea-Hackney line and part of the North-East corner of the site is a site of safeguarded surface interest. LUL raised objections to the originally submitted scheme on the grounds that the construction of the line would be prejudiced by redevelopment being located on the safeguarded surface site, which was proposed to provide a ventilation outlet to the tunnel. It is understood from discussions with their representative that LUL have been given the opportunity by Cadogan Estates of safeguarding a more appropriate site which would in addition offer the opportunity of providing an additional street level access to a station and on this basis their objection will be withdrawn. Written confirmation is awaited.

English Heritage

- 6.97 The initially submitted proposals were considered by the London Advisory Committee on 30 July, and a site visit was undertaken by the Committee on 27 July. Further consideration was given to the revised proposals for the demolition and rebuilding of Block A at the Committee meeting on 1 October and it is understood that further consideration will be given to the revised proposals for the site at the Committee meeting on 29 October.
- 6.98 Written confirmation of the Committee's views on the amendments is awaited. The views of the Committee meeting on 30 July are set out below:

"English Heritage welcomes the principle of the new scheme. The proposed uses, the circulation and the proposals for the new urban spaces all seem to be practical and desirable steps in the opening up of the site to better use. In particular, the new public square on King's Road is considered to have very great potential, and we look forward to working with you as the design is developed further. It was the view of our Advisory Committee the importance of the space called for the appointment of a suitably experienced landscape architect to develop an appropriately designed and detailed scheme, minimising the clutter of street furniture, kiosks and other ephemera.

We are concerned about the treatment of Mercury House. In our view, the new building is irredeemably compromised by the effort to retain the street facade and part of the return elevation. Although the existing building is decent street architecture and contributes positively to the conservation area, we do not consider it of such importance that it must be kept at all costs. If it is to be replaced however, it must be with a building of genuine distinction. The new building would be exposed on three sides, so it is particularly

important that it has a coherent, rational form, yet also acknowledges the disparate qualities of each of the flanking spaces. Our Advisory Committee suggested that the elevation facing the square might be rather more restrained than the present design, perhaps acknowledging the calmness of most London squares.

English Heritage is not convinced by the planned treatment of Left Wing, where alterations have been made beneath the canopy. The existing canopy is not seen as sacrosanct and we do not rule out significant alterations or a modern replacement, but we question whether the classical vocabulary of the building has been properly resolved in the new entrances and other alterations at ground floor level.

Finally, English Heritage is most anxious to ensure that if the Cadogan Estate proceeds with this phase of work, there should be a commitment made to the continued upkeep and use of the remainder of the site. This should as far as possible be secured by a legal agreement with the Royal Borough of Kensington and Chelsea."

- 6.99 The views of English Heritage have been incorporated in the revised proposals, and indeed have been instrumental in the amendment involving demolition and redevelopment of Mercury House. Their views concerning the completion of the development do raise a significant issue.
- 6.100 Concerning access arrangements, the detailed comments of the Council's access officer are available to the Committee and have been forwarded to the scheme architects. Suitable conditions are recommended and on this basis the proposals will comply with Policies STRAT 11, CD36, CD67, CD89 and H21.
- 6.101 The published guidelines for the site do refer to the campus quality of the site and it is considered essential in order to preserve and enhance this aspect of its character that it is eventually developed as a whole, and its ownership not fragmented.
- 6.102 To this end, some consideration needs to be given to the submitted master plan, which it is emphasised does not form part of the planning application. The timing of the later phase of the scheme is dependent on the arrangements for continued military occupation of part of the site being finalised. The illustrative scheme provides for institutional use, B1 offices, educational (possibly a primary school) and/or continued military use and approximately 8,500 square metres residential accommodation. In the circumstances, it is considered appropriate for the delivery of the later phases of the completion of development of the site within an agreed timescale to be secured by a planning obligation.

7.0 PUBLIC CONSULTATION

- 7.1 A total of 1060 letters were sent to residents and businesses occupying properties in Cheltenham Terrace, Lower Sloane Street, Turks Row, Franklins Row, King's Road, Sloane Square, Sloane Court East and West, Walpole Street, Sloane Gardens, St. Leonards Terrace, Culford Gardens, Cadogan Gardens, Blacklands Terrace, Lincoln Street and Coulson Street on 23rd July notifying them of the originally submitted proposals. The applications were also advertised in the press and by notice displayed on site on 23rd July. Statutory consultees were notified in July and the applications were included in the weekly list of applications which is sent to residents' associations.
- 7.2 A total of 38 replies have, to date, been received. All original consultees were notified of the revised drawings on 6th October (Block A) and previous objectors were notified of the more general revisions on 12th October. The replies set out in this section of the report refer to the originally submitted scheme, and comments are included on how the revisions have addressed the objections, both as a result of discussions between the objectors and the applicants and their agents directly and between the applicants, their agents and officers of the Royal Borough and English Heritage. Any replies to notifications of the revisions will be reported orally to the Committee.
- 7.3 The Cadogan Estate held an exhibition of the proposals at 17/19 King's Road, which is one of the shops which adjoin the site between 5th and 24th July. A summary of the public comments is set out in paragraph 7.16.
- 7.4 A residents' action group has been formed in respect of the proposed development site and have retained GVA Grimley to represent them. Grimleys write as follows:-

"Further to our telephone conversation, I am writing to set out the representations on behalf of the Residents Action Group for the Duke of York headquarters in respect of the planning application submitted by Cadogan Estates, for the northern part of the site. The Residents Action Group represents the interests of residents living in Lower Sloane Street, Cheltenham Terrace, York House, Whitelands House and Burton Court.

The Residents Action Group have had a series of useful and constructive meetings with Cadogan Estates to express their views on the scheme. They welcome the involvement of Cadogan Estates as the developer of this important historic site and are pleased that a number of amendments have been made in respect of overlooking and privacy. A helpful dialogue has also taken place concerning possible planning conditions and terms for a Section 106 Agreement.

Notwithstanding the amendments to the scheme, the Residents Action Group remain concerned about the significant amount of commercial (retail and

restaurant/cafe uses) within the scheme in many instances close to residential properties. Without adequate, precise and enforceable safeguards to protect the amenity of residents, the Action Group would urge the proposals be adjusted to reduce the amount of commercial floorspace, and provide more residential accommodation, so as to accord with the priority need of the Unitary Development Plan and the Planning Guidance.

Against the above background, I set out the planning conditions, Section 106 terms and amendments sought by the Action Group - using the following headings:-

- A. Land Use
- B. Traffic Servicing/Car Parking
- C. Residential Amenity
- D. Design
- E. Southern Part of Site

A. Land Use

1. Cafes

The scheme proposes a cafe within the Duke of York's Square at the entrance to the development. The Residents Action Group consider there should be a restriction against use of this cafe outside the hours of 8.00am to 10.00pm - with limited and marked out space for seating outside.

A second cafe is proposed within the left wing of the headquarters building and Cadogan have accepted that the hours of opening should be restricted to shopping hours (see point 3 below).

2. Restaurant

The Planning Guidance for the site (approved November 1998) states that any A3 restaurant should be 'ancillary' and that a destination restaurant is not appropriate. Many residents remain opposed to the concept of the independent restaurant in the scheme, especially as it does not accord with the Planning Guidance. However, on balance, the Action Group would support a high quality restaurant but only on the basis that the following conditions are imposed:

- a) No other uses (save for the Cafe in Duke of York Square and possible museum use elsewhere on site) are permitted after shopping hours;
- b) A maximum of 80 covers inside a maximum of 20 outside;

- c) No seating outside after 9.00pm (noise can easily drift across the site;
- d) No customers on the premises after 11.30pm.

3. Shopping

The shopping hours should be restricted from 8.00am to 8.00pm Monday to Saturday and 11.00am to 4.00pm on Sunday. It is understood Cadogan would accept these restrictions but would require flexibility for particular tenants to stay open until 9.00pm on weekdays, and would also wish to open the shop premises at 10.00am on Sunday. The Action Group remain greatly concerned about any extension beyond 8.00pm. At this time residents will be at home or in their gardens and would be disturbed by the commercial activities.

The "anchor store" would be of a sufficient size to accommodate a small foodstore (e.g. Tesco Metro). Cadogan have agreed to accept a condition against use as a foodstore.

4. Museum (other community/social use)

The Action Group actively support the idea of providing a museum and/or other community or social uses on the site. The Chapel is considered particularly appropriate as a museum. It is understood however that Cadogan do not wish to pursue this option. The Action Group in any event believe a museum or like use should be provided somewhere on site and it is understood Cadogan's will provide for this. A section 106 obligation should be imposed to bring forward any museum or other social/community uses before commencing the use of the shops or restaurants.

5. Queripel Building

The Action Group remain uncertain as to the precise nature of uses proposed for the building. Further comments need to be submitted in due course.

B TRAFFIC AND SERVICING

1. Servicing

Noise for servicing activities can be very disruptive and needs therefore to be strictly controlled. It is understood Cadogan would be prepared to prevent servicing before 7.00am or after 8.00pm - with all

servicing from the King's Road frontage only. The residents are extremely concerned about the start time. The introduction of servicing activities particularly in Sloane Place could be very harmful. The Action Group strongly urge that no servicing be allowed before 8.00am and none on Sundays. Any servicing from Cheltenham Terrace should be prohibited.

2. **Car Parking**

There is strong support for Cadogan's proposals for car free housing on the site. However, a restriction also needs to be implied to prevent future residents from applying for on-street parking permits.

C **RESIDENTIAL AMENITY**

1. **Noise**

A planning condition should be imposed to prevent noise disturbance from plant (including air conditioning equipment) above ambient noise levels (especially at night) when measured from the facade of adjoining residential properties and the boundary of any neighbouring gardens. Ideally, all plant, except where absolutely necessary, should be turned off outside shopping hours.

2. **Live Music**

There should be a total restriction on live music being played within the cafes restaurant or any type (i.e. live or not) of music within Sloane Place. It is accepted that occasional organised live performances of reasonable duration might be allowed in the Duke of York's Square, but at a rate of no more than 1 per month, restricted to shopping hours only, and not amplified.

3. **Light Pollution**

The residents living around the perimeter of the site are anxious that there should be no glare from lights shining into gardens or directly into windows of their properties. It is suggested that a condition be imposed to approve details of any street lighting or flood lighting prior to the commencement of development.

4. **Security**

The Action Group are extremely concerned about security issues

particularly given the infiltration of large number of pedestrians into the site.

The following controls should be put as part of a Section 106 Agreement:

- (i) Monitored CCTV cameras should be installed at appropriate locations within the site;
- (ii) 24 hour on site security and monitoring should be provided;
- (iii) The gates proposed to close off the new arcade link to the King's Road and at the main entrance to Sloane Place should be closed between 8.00am and 8.00pm, with restricted access to residents only.

The precise details of how security will be handed should be submitted to and approved by the Council before any development occurs.

D DESIGN

1. Block B

It is understood that the scheme either has been amended or is about to be amended to reduce any overlooking onto the back of properties in Lower Sloane Street and to remove the balconies or to reduce their sizes to that they could not be used as sitting out areas. I may need to comment further once the new drawings have been finalised and submitted.

The height of the new Block B is some 200mm above the existing buildings. This is acceptable but a condition should be imposed to implement strictly in accordance with the drawings and to prevent any roof plant or other structures at roof level without prior permission from the Council.

2. Boundary Wall

The residents believe the retention of the boundary garden along the rear of properties in Lower Sloane Street is vital both in conservation terms and to protect amenity. I understand that there is now no intention to build next to the wall and the applicants do not feel it necessary to provide any evidence that the development would affect the stability of the wall. However, it is considered that the proximity of the development might still affect its stability. A condition precedent should be imposed requiring a detailed statement to be

submitted before works commence to demonstrate the stability of the wall will be protected.

3. Design of Block A

I understand this Block is being completed redesigned and substitute drawings will be submitted shortly. I propose to await these rather than comment on the existing drawings.

F SOUTHERN BLOCK

Whilst I appreciate that the proposals for the southern half of the site are illustrative only, the residents do have a number of strong concerns about what is shown on the master plan.

1. Health Club

I understand the applicants have withdrawn the aspect of the scheme. If so, I assume that either has been or at least should be confirmed in writing.

2. Buildings East of Block E

The Planning Guidance shows this area to be protected as an important gap. The residents are adamantly and absolutely opposed to any building in this area - which would amount to serious over-development. The master plan should be amended to avoid any future assumption that what is currently shown is acceptable even on an illustrative basis.

3. New Primary School

The master plan should be amended to confirm Cadogan's assurances given to the residents that the new building will be no higher than the existing. If this were not be the case it would give rise to a very serious loss of amenity to the adjacent residential properties.

4. Completion of Scheme

The planning guidance clearly envisages the entire site being dealt with on a comprehensive basis. Whilst there are land ownership reasons advanced by Cadogan, why this cannot be achieved at this stage, the Residents Action Group remain concerned about the uncertainty over the proposals for remainder of the site which should have ideally been dealt with on a comprehensive basis. We would therefore urge the Council to seek undertakings within the Section 106 Agreement to bring forward proposals for the remainder of the site as soon as

possible in accordance with the Planning Guidance.

CONCLUSION

Because of the intrusion of so much commercial space within the heart of the scheme, away from the King's Road, and the close proximity of residential properties it is considered that the controls of hours of the commercial uses; the security issues; and the complex servicing arrangements, should all form part of a Section 106 Agreement.

The residents are also entrenched in their opposition to any building in the gap to the east of Block E and would be looking for suitable reassurance on this matter.

In the absence of the controls specified in this letter, that the residents would reserve the right to make a "root and branch" objection to the amount and type of commercial uses."

- 7.5 Three residents in Lower Sloane Street have written individually to support the points Grimleys make.

- 7.6 The Chelsea Society write:-

"We have been to see the Cadogan Estate's proposals on view at 17 King's Road and have the following observations:-

We were generally pleased with the development, particularly the public space and the retention of the running track.

We thought the west and south elevations of Block A to be particularly unsympathetic to the existing neoclassical building. The post modern stone framed elevation is already out of date. We thought the King's Road shopping frontage could with advantage be colonnaded with the shop fronts set back to provide a sheltered shopping area.

The flats on the upper floors of Block B appeared to invade the privacy of the adjoining existing flats.

The Cheltenham Terrace elevation of Queripel House is very dull though no doubt will be developed with the design of the museum/gallery.

We thought the glazed cafe in the open space which is set at an angle could with advantage be dispensed with particularly in view of the adjacent proposed restaurant in the left wing of the Headquarters Building.

We would prefer not to have vehicular access and a car park in Cheltenham Terrace.

The wall and railing dividing the site from the Lower Sloane Street buildings should be retained.

We assume that all existing mature trees will be retained and protected during the works."

- 7.7 Individual letters have been received from 10 residents in Cheltenham Terrace, including one from Whitelands House, 9 residents in Lower Sloane Street, 4 residents in Sloane Gardens and 1 resident of each of Halsey Street, Shawfield Street, Royal Hospital Road, D'Oyley Street, Sloane Court West, Walpole Street, St. Leonard's Terrace and W.6. Objections have also been received on behalf of the London Irish Rifles.
- 7.8 The individual letters from residents in Cheltenham Terrace largely duplicate points set out in Grimley's letter, namely opposition to vehicular access from Cheltenham Terrace; and access to the museum from Cheltenham Terrace and to the car parking. They request that the hours of servicing and shopping be restricted and that loud music be prohibited. Support is expressed for a car free development.
- 7.9 The individual letters from residents in Lower Sloane Street comment on the unsuccessful design of the west elevation of Block A, object to loss of privacy from balconies in the new Block B and point out that careful control will need to be exercised over the management of the Square, noise from air conditioning plant in Block B2, security and light pollution.
- 7.10 The letters from residents of Sloane Gardens are to the principle of development (3 letters) and one writer expresses concern over land contamination, that the social housing must cater for the social housing market, to overnight uses, over increased traffic, noise and to the cafe.
- 7.11 The letters from residents living further away from the site contain objections on the grounds of the discordant appearance of the west facade of Block A; increased demand for on street parking from vehicles displaced on present parking facilities on the site, likely evening noise, increased vehicles using Cheltenham Terrace, damage to historic fabric, lack of on site car parking, Class A3 facilities are too small; to the loss of the railings to King's Road, to the loss of parking facilities on the site and to the lack of a public convenience.
- 7.12 The 50-85 Burton Court Residents' Association have commented that no parking permits should be given to residents of the development; there should be no entrance to the site from Cheltenham Terrace; shopping hours should be controlled and live music prevented. These points are covered in Grimley's letter.

- 7.13 The Royal Hospital Ward Resident's Association write expressing concern over A3 uses and support the restrictions set out in Grimley's letter over restrictions in opening hours, and preventing live music and take away facilities.
- 7.14 The ELSPRA write requesting controls over shopping hours, live music and security. These points are covered in Grimley's letter.
- 7.15 Two residents in Lower Sloane Street object specifically to the proposals for Block E and the 35-85 Burton Court Residents' Association object to other proposals shown on the illustrative master plan for the development of the southern part of the site. The southern part of the site is not part of the planning application, and is not before the Committee for a decision to be made on its content.
- 7.16 The comments recorded at Cadogan's public exhibition are largely supportive of the proposals. The exhibition was attended by 1,683 visitors and 202 visitors signed the visitors book supporting the scheme; 6 visitors entered objections and 8 expressed no preference.
- 7.17 With regard to the points set out in Grimley's letter:-

A. LAND USE

- i) Cafe. A condition restricting the proposed hours to 08.00 hours to 23.30 hours with seating restricted to the area shown on the submitted drawings is recommended. Earlier closing would appear unreasonable in King's Road while there is evening activity beyond 24.00 hours.
- ii) Restaurant. A condition restricting the number of covers to 120 has been agreed by the applicants, and this is recommended, to include both internal and external seats. Conditions are also recommended to prevent music being audible outside the premises, and requiring all customers to be off the premises by 23.30 hours.
- iii) Retail. Conditions restricting the trading hours of retail shops is not normally recommended, as this duplicates other legislation, and in particular restricting hours from 11.00 to 16.00 hours on Sundays would be held to be unreasonable. The applicants have suggested that the retail shops will be open from 09.00 to 20.00 hours although there would appear to be no reasonable planning grounds to impose such a restriction. Although there are valid grounds to impose conditions preventing the retail uses in the Chapel and Queripel being food stores, due to the absence of adequate direct servicing facilities, there would not appear to be any valid planning grounds to impose a condition preventing the 'anchor store' in the converted Cadogan Hill being a foodstore as it is evident that servicing the unit within agreed limited hours could be achieved. It is noted however that Cadogans would accept such a condition.

iv) Museum. It is Cadogan Estates intention to provide a museum on the site, and a museum is shown on the submitted drawings to be provided within Queripel House. The occupier of the museum is, however, unknown at this stage, and it would not appear reasonable to require this to be provided before the shops or restaurants be occupied.

v) The uses of Queripel are specified on the revised drawings.

B. TRAFFIC AND SERVICING

i) Servicing. The hours of servicing are recommended to be secured by both condition and planning obligation, and no servicing being allowed from Cheltenham Terrace is recommended to be part of both condition and obligation. A start of 7.00 hours is however required for traffic control reasons and it would appear unreasonable to prevent this in view of the uncontrolled parking by Military vehicles, undertaken at present on site.

ii) Parking. The support from the residents for a car free development is noted and means to prevent future residents from applying for a residents' permit are recommended to form part of a planning obligation.

C. RESIDENTIAL AMENITY

i) Noise - the normal standard condition preventing noise disturbance from plant is recommended. A requirement for plant to be turned off outside shopping hours would therefore be superfluous.

ii) Conditions preventing live music being played would appear to be unreasonable, as this would duplicate controls under other legislation. A condition preventing music being played within the premises is however standard and is recommended.

iii) A condition reserving details of street lighting within the development is recommended, but floodlighting does not constitute development that requires planning permission.

iv) Conditions reserving the details of security measures are recommended to be submitted before work starts on that part of the development. It would appear unreasonable to require them to be provided before any development starts or be part of a planning obligation.

D. DESIGN

i) Details of Block B have been provided in the revised submissions. Conditions are recommended to require the approved drawings to be strictly

complied with and preventing roof plant and structures throughout the development.

- ii) A condition is recommended requiring the boundary wall to the rear of Lower Sloane Street to be retained and protected during construction works.

F. SOUTHERN BLOCK

This does not form part of the planning application. These points are noted for future reference when an application is submitted. It is proposed to require the completion of the later phases of the development within an agreed time scale to be secured by way of a planning obligation.

- 7.18 In general terms, concerning the suggested conditions set out in Grimley's letter, the Committee are reminded of the advice of Central Government concerning the use of planning conditions that is set out in Circular 11/95. The Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective and do not place unjustifiable burdens on applicants. As a matter of policy conditions should only be imposed where they satisfy the test that they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. Conditions which Grimleys suggest that are considered unreasonable are not recommended.
- 7.19 With regard to the objections from the Chelsea Society, the design points concerning Block A as originally submitted are accepted, and it is considered that the design approach of the revised scheme overcomes the criticism. The balconies proposed on Block B have all now been omitted. The Cheltenham Terrace elevation of Queripel House has been substantially revised, and is now considered to be satisfactory. The glazed cafe in the square is considered to represent an important visual feature, although its size has been reduced in the revised proposals. The applicant no longer proposed vehicular access in Cheltenham Terrace and the applicants wish not to have the car park, these points are recommended to be addressed by conditions and Section 106 Obligation. The wall to the rear of Lower Sloane Street and all mature trees are proposed to be retained and protected during construction works, and conditions and a Section 106 Obligation are recommended to address this:
- 7.20 The points contained in residents' individual letters which are not covered in Grimley's letter comprise:-
 - a) Management of the square - who may access the square and levels of security provision are not considered appropriate to planning
 - b) Land contamination. Consultants' reports have been received which indicate that contamination is a low risk.

- c) Affordable housing. This provision is recommended to be secured by way of a planning obligation.
- d) Increased traffic. There is no clear evidence that the development will increase levels of traffic over the traffic generated by the present military use of this part of the site.
- e) Lack of off-street parking. This is true, but both the action group formed by the residents and the applicants support the principle of car free development. The Council's policies do not support off-street parking for non-residential elements of the scheme on this site which is well served by public transport.
- f) A3 facilities are considered to be adequate for the development - the provision of larger, destination A3 uses is not favoured by the published planning guidelines nor supported by Council policy.
- g) Siting a public convenience on this site would neither preserve nor enhance the character or appearance of this part of the Conservation Area.
- h) Historic fabric is conditioned to be both retained and protected. Any buildings or parts of buildings proposed to be demolished are not considered to make positive contributions to the character or appearance of the Conservation Area.
- i) The Ministry of Defence have indicated that uses which generate vehicles currently parked on site will either be relocated off the site or relocated elsewhere on site and use existing off-street parking facilities.

7.21 The objection to either displacement of the London Irish Rifles from the site or provision of inadequate replacement accommodation on site is a landlord/tenant issue and is not a material planning consideration.

8.0 **RECOMMENDATION**

8.1 Grant planning permission, subject to a Planning Obligation:-

- 1) to secure the development of the remainder of the site within an agreed time scale.
- 2) to require the 30 residential units the subject of this application to be affordable and to require them to be available for occupation before any other part of the development is occupied.

- 3) to require servicing to be undertaken within agreed hours; to agree details of the management of the servicing and to allow the Royal Borough the opportunity of reviewing the servicing arrangements.
- 4) requiring occupiers of the 30 affordable housing units not to apply for residents' parking permits.
- 5) protection be provided to the trees on the site prior to site preparation and demolition works.

**M.J. FRENCH,
DIRECTOR OF PLANNING SERVICES**

Background Papers

The contents of file PP/99/01446 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: BC
Report Approved By: LAWJ
Date Report Approved: 25.10.99**

PSC9911/BC.REP