

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 09/05/2000 APP NO. PP/99/02035/MAJD/15/
AGENDA ITEM NO. 75

ADDRESS

237/243 Kensal Road, (Mascot Motors), Through to 10-12 Conlan Street, Kensington, W10 5DB

APPLICATION DATED 23/09/1999

APPROVED BY
PLANNING SERVICES CTTEE
09 MAY 2000
CONSENT REF.....

APPLICATION COMPLETE 03/10/1999
APPLICATION REVISED 01/02/2000,
21/03/2000 and
13/04/2000

RECOMMENDATION
ADOPTED.

APPLICANT/AGENT ADDRESS: CONSERVATION AREA N/A CAPS N/A

Greenway and Partners,
Branch Hill Mews,
Branch Hill,
London
NW3 7LT

ARTICLE '4' No WARD Golborne

LISTED BUILDING No

HBMC DIRECTION No

CONSULTED 84 OBJECTIONS 1

SUPPORT 0 PETITION 0

Applicant Wentworth Andersen,

PROPOSAL:

Demolition of existing buildings and erection of a basement and three storey development to provide three Class B1(c) light industrial units, ten Class B1 business units, one Class A3 restaurant/cafe and four self-contained flats together with associated vehicle parking and servicing bays, and alterations to pavement crossovers.

RBK&C Drawing No(s): PP/99/02035/B and PP/99/02035/C

Applicant's drawing(s) No(s): 1722/001B, /002B, /003B, /004B, /005E, /006E, /007C (excluding roof top balustrade on Conlan Street block) /008E, /009E, /010C (excluding roof top balustrade to Conlan Street block), /011B, /012C, /013C and /014C.

RECOMMENDED DECISION: Grant planning permission and consent under Section 184 of the Highways Act 1980 concerning the alterations to pavement crossovers.

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 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 means of external ventilation;**
 - (c) **the means of reducing the transmission of noise from the business and restaurant premises;**
 - (d) **the design and external appearance of all doors and windows;**
 - (e) **the means of enclosure of the first floor roof terraces;**
 - (f) **the bicycle parking/storage accommodation;**
 - (g) **a method statement explaining how the basement will be excavated and the building erected without excavation within 6 metres of the centre of the base of the London Plane tree which is located on the site to the West of the application premises, namely 245 Kensal Road/12 Conlan Street.**

(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 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)

4. **The restaurant use hereby permitted shall only be carried out between the hours of 08.00 and 21.00, Mondays to Saturdays, and 09.00 and 18.00 on Sundays, and at no other time.**
Reason - To safeguard the amenities of neighbouring properties. (R042)

5. **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)

6. **Not more than one restaurant shall be created pursuant to this permission, and this restaurant shall not provide more than 55 covers and there shall be no more than 60 customers on the premises at one time. (C051)**
Reason - To safeguard the amenity of neighbouring property. (R048)
7. **Units 3, 4 and 5, being the Class B1(c) premises forming the subject of this permission shall be used only for Class B1(c) purposes, and for no other purposes including any other purpose within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended. (C058)**
Reason - To ensure the retention of Class B1(c) premises in accordance with Council policy as stated in the Unitary Development Plan Chapter 6 and the Unitary Development Plan Proposed Alterations Chapter 6.
8. **The Class B1 accommodation hereby approved shall be occupied as no less than 5 separate units without the prior approval in writing of the Executive Director, Planning and Conservation.**
Reason - In order to comply with Council policy relating to the provision of small business accommodation as stated in the Unitary Development Plan Chapter 6 and the Unitary Development Plan Proposed Alterations Chapter 6.
9. **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)
10. **No excavation shall be undertaken within 6 metres of the centre of the base of the London Plane tree referred to in Condition 2 above.**
Reason - To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R020)
11. **The whole of the car parking space(s) shown on the drawings hereby approved shall be provided before the dwellings are occupied and the spaces shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwellings and for no other purpose. (C026)**
Reason - To prevent obstruction of the surrounding streets and safeguard the amenity of the area. (R026)
12. **The space shown on the plans hereby approved for the purpose of 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)

13. Any air conditioning or other ventilation equipment to be approved under Condition 2 of this permission shall not be operated until such time as the Executive Director, Planning and Conservation, in consultation with the Director of Environmental Health, is satisfied that they have been attenuated to ensure that during their operation they 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. This shall be approved in writing by the Executive Director, Planning and Conservation, and such attenuation shall be maintained thereafter, and 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. (C57b)
Reason - To safeguard the amenities of neighbouring properties. (R042)
14. No demolition pursuant to this permission shall commence until a binding contract for the carrying out of the building operations hereby permitted has been entered into. (C069)
Reason - To ensure a satisfactory standard of external appearance, and to safeguard the visual amenity of the area. (R069)
15. Except as shown on the drawings hereby approved, no water tank, lift motor room, or other roof structure shall be erected which rises above the roof of the building, including the roof of any extensions. (C078)
Reason - To safeguard the appearance of the building. (R077)
16. Except as shown on drawing No. 1722/006E hereby approved, the roofs of the building hereby permitted shall not be used at any time as a terrace without the prior written approval of the Local Planning Authority. (C079)
Reason - To protect the privacy and amenity of neighbouring property. (R079)
17. 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)
18. Any obscured glazing approved under Condition 2 above shall be so maintained and shall be kept permanently in the closed position.
Reason - To safeguard the amenities of neighbouring properties and in particular to prevent overlooking. (R091)
19. The roof terraces hereby approved shall be used in conjunction with residential occupation of the development only.
Reason - To safeguard the amenities of neighbouring properties. (R042)
20. The whole of the bicycle parking accommodation shown on the drawings to be approved under Condition 2 of this permission shall be provided before the occupation of the development, and shall be permanently retained for use in connection with the use of the building(s) and for no other purpose. (C029)

Reason - In accordance with the Council's policies relating to provision for cyclists as stated in the Unitary Development Plan Chapter 6 and the Unitary Development Plan Proposed Alterations Chapter 6.

INFORMATIVES

1. With reference to Condition 2, the Council will require the details and type of glazing of the windows of Units 8, 9 and 11 to be designed so as to prevent loss of privacy.
2. I05
3. I09
4. I10
5. I43
6. I21
7. I22
8. I23
9. I24
10. I26
11. I27
12. I29
13. I30
14. I33
15. I37
16. I39

1.0 THE SITE

- 1.1 No. 237-243 is located on the southern side of Kensal Road between the junctions with East Row and West Row, opposite the junction with Alderson Street. The majority of the premises consists of a tall, single storey building, with vehicular access, apparently built circa 1920-1930. Adjoining the western side of this building is a three storey Victorian building, apparently once part of a terrace, with an open yard at the rear. The premises are currently vacant but were last used by Mascot Motors as a commercial garage.
- 1.2 These premises back directly onto No. 10 Conlan Street, which has two storeys on the street frontage, a two storey rear extension along the western boundary and a single storey extension enclosing the remainder of the site. These Victorian premises are used for offices and storage. There are two pavement crossovers to Conlan Street.
- 1.3 The application site lies in the Kensal Road Small Business Area as designated in the Unitary Development Plan. The Proposed Alterations to the Unitary Development Plan redesignate the area as an Employment Zone. The premises lie within one of the Borough's five northernmost wards to which the Unitary Development Plan's policies for industry in North Kensington apply. The Kensal Road premises consist of approximately 613 sq.m. of Class B1(c) (light industrial) floorspace and the Conlan Street premises approximately 623 sq.m. of Class B1 (business) floorspace.

2.0 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings on both sites and to erect a new building running through the whole site. It would comprise a basement, a three storey block on the Kensal Road frontage and a three storey block on the Conlan Street frontage (both with two storey elements adjoining the eastern boundary) and a single storey part between the two taller blocks creating a large central light well.
- 2.2 The new development would consist of car park and service area, Class B1(c) light industry (3 units totalling 705 sq.m.), Class B1 business use (10 units totalling 1030 sq.m.), a Class A3 restaurant unit (109 sq.m.) and four self-contained two bedroom dwellings. The accommodation would be arranged as follows:

	<u>Kensal Road frontage</u>	<u>Conlan Street frontage</u>
<u>Basement</u>	1 x Class B1 Unit (193 sq.m.); ancillary Class A3 area	5 x car parking spaces; 1 x disabled parking space; 2 x servicing spaces; Bicycle storage/parking area.

<u>Ground</u>	1 x Class A3 unit (109 sq.m.); 1 x Class B1(c) unit (86 sq.m.) with loading bay; Bicycle parking facility.	2 x Class B1(c) units (301 sq.m. and 318 sq.m.) each with loading bay.
<u>First</u>	2 x 2 bedroom flats	9 x Class B1 units (totalling 837 sq.m.)
<u>Second</u>	2 x 2 bedroom flats	

2.3 The proposed development would be of "Modernist" design, flat roofed and with large areas of glazing on the street frontages and facing the central lightwell. The ground floor would feature stone cladding, the upper storeys would be concrete rendered and painted, with some areas of timber panelling, windows would be metal framed. A roof terrace on the Kensal Road block roof top and balconies on the Kensal Road frontage would be enclosed by glass and stainless steel balustrades.

2.4 A roof terrace is proposed to the main roof of the Kensal Road block as a communal facility for residential occupiers. Private roof terraces are proposed to two units on the first floor flat roof between the taller blocks. Small recessed terraces/balconies are also proposed on the Kensal Road frontage.

2.5 The applicant is willing to accept a condition concerning the scale and hours of operation of the proposed restaurant unit, namely a maximum of 55 seats/60 customers on the premises at one time and closure by 21.00 hours (18.00 hours on Sundays).

3.0 PLANNING HISTORY

3.1 There have been no previous town planning decisions concerning 10-12 Conlan Street.

3.2 With reference to the Kensal Road premises, planning permission was granted for alterations and extension in 1949. In 1963, permission was granted for a new doorway.

4.0 PLANNING CONSIDERATIONS

4.1 The main issues in this case are considered to be:

4.1.1 The effects upon the Class B1 (business) and Class B1(c) light industrial content of the site.

- 4.1.2 The provision of residential accommodation on the site.
- 4.1.3 The provision of a restaurant on the site.
- 4.1.4 The effects upon visual amenity.
- 4.1.5 The effects upon light, privacy and sense of enclosure.
- 4.1.6 Access for the disabled.
- 4.1.7 Vehicle parking and servicing provision.
- 4.1.8 The effects upon a tree on adjoining land at No. 245 Kensal Road.
- 4.2 Relevant policies are contained in the Unitary Development Plan Chapters 6, 8, 5, 4 and 7 respectively and include:
 - E1 (resistance to large scale business development subject to certain criteria);
 - E12 (encouragement of range of unit sizes);
 - E13 (premises for small businesses);
 - E17 (seeks light industrial premises as part of appropriate business development in North Kensington);
 - E18 (use of conditions to restrict future changes of use from light industrial in appropriate circumstances in North Kensington);
 - E11 (welcomes small light industrial units, especially very small of less than 140 sq. m. in North Kensington);
 - E20 (resistance to loss of light industrial uses in North Kensington);
 - STRATS 13, 14, 15 and 16 (all relate to the retention and increase of the housing stock);
 - H2 (seeks development of land for residential use subject to certain criteria);
 - H7 (outdoor amenity space for residential development);
 - H18 and H19 (housing mix);
 - LR14 (amenity space for family housing);
 - S13 (other than in Principal Shopping Centres, resistance to A3 uses where certain adverse effects would result);
 - CD25 (standards of design and compatibility with surroundings);

CD28 (light to adjoining premises);
CD29 (light within a development);
CD30 (privacy);
CD34 and CD35 (noise);
CD36 (access for the disabled);
TR27 (cycle parking facilities);
TR45 (off-street servicing facilities);
TR46 (off-street parking for residential development);
CD72, CD74, CD76 (preservation of trees).

4.3 The Proposed Alterations to the Unitary Development Plan propose the designation of Kensal Road as the Kensal Employment Zone. Relevant policies are:

E23a (resists loss of business uses in Employment Zones);

E23d (use of conditions to restrict future changes from light industrial in appropriate circumstances in Employment Zones);

E23f (encourages provision of small, flexible business units in Employment Zones);

E23h (requires business uses in proposals for the development of sites in Employment Zones).

Paragraph 4.16e states:

"In common with many inner city locations, the presence of small-scale specialist firms is threatened by the pressure from housing and other high-value land uses. The Council will resist the encroachment into the Employment Zones of housing and other uses which would displace existing business uses and prejudice the continued or future use of adjoining sites within the Employment Zones for business development".

Paragraph 4.16u states:

"There are very few sites suitable for business development in the Borough. The Employment Zones contain a limited number of sites which are suitable for business development. The Council will require business uses on these sites in order to maintain an adequate stock of business premises to contribute to local

employment and business needs. Redevelopment proposals will be assessed with regard to their contribution to the character and the function of the Employment Zones. The Council will ensure that proposals for the development of sites in the Employment Zones do not result in a net overall loss of business floorspace and that an appropriate range of unit sizes are provided. In appropriate circumstances, at the margins of development, the Council will consider the provision of live-work units (see Glossary). However, their inclusion within development proposals should not be at the expense of standard business premises".

4.4 The Unitary Development Plan Proposed Alterations include a new policy relating to sense of enclosure i.e. Policy CD30a, which is to resist development where it would result in a harmful increase in the sense of enclosure to nearby residential property.

4.5 The Class B1 business use and Class B1(c) light industrial use

The proposed redevelopment would replace and increase the existing total business floorspace on the site.

4.6 The Class B1(c) light industrial element would increase from 613 sq.m. to 705 sq.m. The three units proposed would comply with much of the light industrial design guidance (Unitary Development Plan Chapter 13, Paragraph 4.1) in terms of ground floor location in the building, the floor to ceiling height of 3.35m over most of their area and the floor loading, and each would have a goods loading bay. However, natural lighting would not be good towards the centre of the two Conlan Street units, away from the street frontage and the rear roof lights. Also their layout does not lend itself to further subdivision, so smaller units of 140 square metres or less, sought by Policy E19, cannot be achieved there. However, the third unit, on the Kensal Road frontage, would be only 86 sq.m. Also the replacement of the Class B1(c) content on the site is welcome with reference to Unitary Development Plan Policies E17 and E20.

4.7 The general Class B1 business content would be increased by approximately 407 sq.m. to 1030 sq.m. The scheme is considered to comply with Proposed Alterations Policies E23a and E23h.

4.8 The total business floorspace on the site is seen as "large scale" with reference to Unitary Development Plan Policy E1, but it replaces existing business floorspace which has not given rise to environmental or traffic problems and is considered acceptable with reference to this policy. The increase in business floorspace on the site is supported by the Unitary Development Plan Proposed Alterations Employment Zones policies. Given the on-site servicing facilities, the increase in business floorspace on the site is not considered likely to give rise to traffic problems.

4.9 A condition is recommended to secure the retention of light industrial use of the three proposed Class B1(c) units, in accordance with Unitary Development Plan Policies E18 and E20 and Unitary Development Plan Proposed Alterations

Policy E23d.

- 4.10 A condition is also recommended to secure the retention of the small units of Class B1 accommodation in a minimum of five units, in accordance with Unitary Development Plan Proposed Alterations Policy E23f and Unitary Development Plan Policies E12 and E13 relating to the provision of small units.

4.11 Residential Use

Subject to compliance with the relevant Unitary Development Plan "Offices and Industry" Chapter policies e.g. Policies E17 and E20, the provision of housing on the site is consistent with Unitary Development Plan Policies STRATS 13-16 and H2.

- 4.12 The Proposed Alterations to the Unitary Development Plan designating the area as an Employment Zone means that residential uses are not sought because of the danger that they could threaten the business character and function of the Employment Zone, in particular by displacement of business floorspace. In this case, the proposed redevelopment does involve an increase in business floorspace on the site. It is noted that a greater business floor area could be provided if the proposed residential development were omitted. However, the balance of land uses is not seen to conflict with Unitary Development Plan Proposed Alterations policies.

- 4.13 The scheme provides 4 x two bedroom dwellings in compliance with minimum floorspace standards (Unitary Development Plan Chapter 13, Table 3.1).

- 4.14 The proposal does not include smaller dwellings of one or two habitable rooms as sought by Unitary Development Plan Policy H18. However, the proposed small family-type accommodation may be seen as acceptable with reference to Policy H19, given the proximity to local facilities such as the park at Emslie Horniman Pleasance, the primary schools in Middle Row and East Row, and the J. Sainsbury's Store off Ladbroke Grove.

- 4.15 The proposed communal roof garden and other roof terraces contribute towards meeting the requirements of Policy H7 concerning outdoor amenity space for new development and Policy LR14 concerning amenity space for new family housing. However, it is noted that roof terraces are not normally as useful to families with children as conventional garden space.

4.16 Restaurant Use

The proposed restaurant would be located directly beneath proposed residential accommodation and near the Vicarage at No. 231 Kensal Road, so there is potential for the creation of noise nuisance. However, subject to the restriction of opening hours as stated at Paragraph 2.5 above, it is considered that nuisance could be avoided.

- 4.17 No details of ventilation ducting and machinery have been provided at this

stage. It is considered that, since this is a complete redevelopment of a sizeable site, there is scope to route ducting internally to roof level to ensure satisfactory standards of amenity.

4.18 In addition, provided that the restaurant capacity and hours are restricted by condition, as stated at Paragraph 2.5 above, the Transportation Officer considers that there should not be significant increase in traffic or parking to the detriment of local residential amenity, or so as to harm the Employment Zone.

4.19 Therefore, subject to suitable conditions, it is considered that the scheme would comply with Unitary Development Plan Policy S13.

4.20 With reference to the Unitary Development Plan Proposed Alterations policies relating to Employment Zones, restaurant use is not sought in redevelopments because of displacement of business floorspace. In this case, it may be argued that the proposed daytime/early evening facility would be an adjunct to the Employment Zone in terms of providing a facility for the local workforce. It is also acknowledged that the proposed restaurant would occupy ground floor accommodation which could provide Class B1 or Class B1(c) floorspace. On balance, given that the overall Class B1 content of the development replaces and exceeds the existing, it is considered that no objection should be raised.

4.21 Visual Amenity

The application site is located in an area of varied scale and townscape. The adjoining premises to the east in Kensal Road are the 1950's/1960's built St. Thomas Church and Vicarage which are three and two storeys high respectively. To the west are two and three storey high Victorian business premises. On the northern side of Kensal Road is the two storey 1980's built McKay Trading Estate (subject of a current planning application for a four storey development) and the four storey Victorian "Canalot Production Studios". In Conlan Street, the tall single storey Victorian Church Hall stands to the east of the premises. To the West, are two and three storey Victorian and mid twentieth century business premises. On the opposite side of Conlan Street stands school premises and the former bus garage (now Buspace Studios).

4.22 In this context, the overall scale of the proposed development is considered to fit well with the existing townscape on the street frontages. A model of the proposed development showing its setting is available for the Committee's inspection.

4.23 The Design Officer comments that both Conlan Street and Kensal Road have a variety of architectural style ranging from modern to Victorian. He considers the proposed Modernist style to be fairly neutral and that it will fit in well. He comments that the Kensal Road frontage addresses the street in a positive way and that the large windows will reveal activity within, providing surveillance of the street and enlivening the street scene. He expresses reservations about the

doors on the Conlan Street frontage, which require further detailing, as do the proposed materials. Subject to the reservation of details by condition, the scheme is considered to show reasonable compliance with Policy CD25.

4.24 Light

The Unitary Development Plan Chapter 13, Paragraph 2.2.1 advises that in assessing proposals, the Council will normally have regard to the BRE publication "Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice". In this context, reduction in skylight, caused by a development, can be calculated by finding the "Vertical Sky Component" (VSC). If this exceeds 27%, then enough daylight will still reach the relevant window. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the loss of light is likely to be noticeable.

- 4.25 Because of concerns raised about the impact of the proposed development upon its neighbours, in particular the Vicarage and its garden, the applicants commissioned a daylight study from Professor Littlefair, the author of the above BRE report. The report advises that the Vicarage windows' VSC would both exceed 27% and be greater than 0.8 times the former value, so the loss of light should not be noticeable. The report also calculated the effect upon sunlight in the rear garden and found the impact to comply with the criteria referred to in Unitary Development Plan Chapter 13, Paragraph 2.2.19. The report also examined the effect upon the "working plane" (i.e. daylight distribution) in rooms in the Vicarage and found it to comply with the relevant standard.
- 4.26 The daylight report revealed that there would be a loss of light to a window in the rear ground floor of the adjoining business premises at No. 14 Conlan Street, the reduction being slightly greater than recommended in the BRE report. Other windows on this building were either unaffected or not significantly affected.
- 4.27 The report did not assess the impact to front and rear i.e. the opposite sides of Kensal Road and Conlan Street. Officer assessment indicates that the former complies with standards. The latter shows some technical infringement, but given the location of windows in the buildings, the effect is not considered sufficient to be objectionable.
- 4.28 Overall, the development is considered to show reasonable compliance with Policy CD28 with reference to light to adjoining premises.
- 4.29 Light conditions within the development comply with relevant standards except regarding Units 8 and 8a, business units with secondary windows facing an internal light well. Overall, the scheme is considered to show reasonable compliance with Policy CD29 and an objection is not recommended.

4.30 Sense of Enclosure

The development would increase the sense of enclosure to the Vicarage and its garden. However, this is not considered sufficient to warrant an objection under Unitary Development Plan Proposed Alterations Policy CD30(a).

4.31 Privacy

The proposed roof terrace on the main roof of the Kensal Road block would be well set in from boundaries and roof edges so overlooking is curtailed.

4.32 The first floor terraces are well inset from the side boundaries and would not result in loss of privacy. However, their proposed means of enclosure (hedging) is to function as a screen between the site's business and residential occupiers. A more permanent means of enclosure is considered advisable and a condition is recommended in this respect.

4.33 On the whole, the development has been designed to preclude overlooking from windows. Some exceptions arise (affecting the Vicarage and the bedrooms of Units 6 and 7), therefore conditions are recommended concerning window designs and the use of obscured glazing etc. to address the problem.

4.34 Subject to the above conditions, the scheme is considered to comply with Policy CD30.

4.35 Disabled Access

The Access Officer considers the scheme to comply with Policy CD36.

4.36 Parking and Servicing

The residential parking provision would comply with Policy TR46. Bicycle parking/storage would comply with Policy TR27, subject to detail. Off-street servicing space is provided as required by Policy TR45.

4.37 Tree at No. 245 Kensal Road/14 Conlan Street

There is a mature London Plane tree, about 18m. in height in the yard of adjoining premises. The Council's Arboriculturist has inspected the tree and considers it to provide amenity to the area. He comments that the tree is a sufficient distance from the proposed basement car park to enable there to be no excavation within 6 metres of the centre of the base of the tree, in accordance with the British Standard recommendations. However, he requests a method statement from the applicant to ensure that construction of the basement does not necessitate encroachment into the 6 metre "exclusion zone". A condition is recommended to this effect.

5.0 PUBLIC CONSULTATION

5.1 Eighty four addresses in Kensal Road, Conlan Street and East Row were
PP/99/02035: 14

notified of the application as first submitted.

5.2 One representation was received, from the London Diocesan Fund of the Church of England, objecting to the impact upon St. Thomas' Church Vicarage in terms of loss of light and privacy.

5.3 Following this objection, the proposed development was amended to reduce the bulk adjoining the Vicarage and its garden, to omit or redesign windows and to reduce the proposed roof terraces. The objector's agents (together with all other consultees) were notified of the revised scheme. They have been provided with a copy of the consultant's updated daylight report and revised drawings. They considered the revised scheme a slight improvement but maintained objection to a window in the flank wall, the use of hedges to enclose terraces and the effects on light to the Vicarage. They also request obscured glazing to neighbouring windows and the use of a satisfactory quality of facing brick on the party wall.

The flank window has been omitted and the roof top terraces reduced or omitted altogether. Conditions are recommended concerning the terrace enclosure at first floor, obscured glazing and facing materials. Concerning the latter, it should be noted that the applicant proposes a combination of stone and painted render.

5.4 The scheme has since been further amended in terms of uses and a minor increase in height of the Kensal Road block. Consultees have been renotified. Any additional representations will be reported to Committee in the normal way.

6.0 RECOMMENDATION

6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/99/02035 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: SW
Report Approved By: RT/LAWJ
Date Report Approved: 25/04/2000

PSC00.04/SW.REP

Scheme - approved

EX DIR	HDC	TP	CAC	AB	GLU	AG AR
R.B. N.E.			29 JAN 2003			PLANNING
		SW	SE	APP	IO	REC
		ARB	FPLN	DES	FEEES	

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

APP NO.PP/99/02035/MAJD/15/

PLANNING SERVICES COMMITTEE 09/05/2000 AGENDA ITEM NO. 75

ADDRESS

237/243 Kensal Road, (Mascot Motors), Through to 10-12 Conlan Street, Kensington, W10 5DB

APPLICATION DATED 23/09/1999

APPLICATION COMPLETE 04/10/1999

APPLICATION REVISED 01/02/2000, 21/03/2000 and 13/04/2000

APPLICANT/AGENT ADDRESS:

Greenway and Partners, Branch Hill Mews, Branch Hill, London NW3 7LT

CONSERVATION AREA N/A

ARTICLE '4' No

CAPS N/A

WARD Golborne

LISTED BUILDING NO

HBMC DIRECTION No

CONSULTED 84

OBJECTIONS 1

SUPPORT 0

PETITION 0

Applicant Wentworth Andersen,

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Demolition of existing buildings and erection of a basement and three storey development to provide three Class B1(c) light industrial units, ten Class B1 business units, one Class A3 restaurant/cafe and four self-contained flats together with associated vehicle parking and servicing bays, and alterations to pavement crossovers.

RBK&C Drawing No(s): PP/99/02035/B and PP/99/02035/C

Applicant's drawing(s) No(s): 1722/001B, /002B, /003B, /004B, /005E, /006E, /007C (excluding roof top balustrade on Conlan Street block) /008E, /009E, /010C (excluding roof top balustrade to Conlan Street block), /011B, /012C, /013C and /014C.

RECOMMENDED DECISION: Grant planning permission and consent under Section 184 of the Highways Act 1980 concerning the alterations to pavement crossovers.

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 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 means of external ventilation;**
 - (c) **the means of reducing the transmission of noise from the business and restaurant premises;**
 - (d) **the design and external appearance of all doors and windows;**
 - (e) **the means of enclosure of the first floor roof terraces;**
 - (f) **the bicycle parking/storage accommodation;**
 - (g) **a method statement explaining how the basement will be excavated and the building erected without excavation within 6 metres of the centre of the base of the London Plane tree which is located on the site to the West of the application premises, namely 245 Kensal Road/12 Conlan Street.**
(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 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)

4. **The restaurant use hereby permitted shall only be carried out between the hours of 08.00 and 21.00, Mondays to Saturdays, and 09.00 and 18.00 on Sundays, and at no other time.**
Reason - To safeguard the amenities of neighbouring properties. (R042)

5. **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)

6. **Not more than one restaurant shall be created pursuant to this permission, and this restaurant shall not provide more than 55 covers and there shall be no more than 60 customers on the premises at one time. (C051)**
Reason - To safeguard the amenity of neighbouring property. (R048)
7. **Units 3, 4 and 5, being the Class B1(c) premises forming the subject of this permission shall be used only for Class B1(c) purposes, and for no other purposes including any other purpose within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended. (C058)**
Reason - To ensure the retention of Class B1(c) premises in accordance with Council policy as stated in the Unitary Development Plan Chapter 6 and the Unitary Development Plan Proposed Alterations Chapter 6.
8. **The Class B1 accommodation hereby approved shall be occupied as no less than 5 separate units without the prior approval in writing of the Executive Director, Planning and Conservation.**
Reason - In order to comply with Council policy relating to the provision of small business accommodation as stated in the Unitary Development Plan Chapter 6 and the Unitary Development Plan Proposed Alterations Chapter 6.
9. **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)
10. **No excavation shall be undertaken within 6 metres of the centre of the base of the London Plane tree referred to in Condition 2 above.**
Reason - To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R020)
11. **The whole of the car parking space(s) shown on the drawings hereby approved shall be provided before the dwellings are occupied and the spaces shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwellings and for no other purpose. (C026)**
Reason - To prevent obstruction of the surrounding streets and safeguard the amenity of the area. (R026)
12. **The space shown on the plans hereby approved for the purpose of 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)

13. Any air conditioning or other ventilation equipment to be approved under Condition 2 of this permission shall not be operated until such time as the Executive Director, Planning and Conservation, in consultation with the Director of Environmental Health, is satisfied that they have been attenuated to ensure that during their operation they 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. This shall be approved in writing by the Executive Director, Planning and Conservation, and such attenuation shall be maintained thereafter, and 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. (C57b)
Reason - To safeguard the amenities of neighbouring properties. (R042)
14. No demolition pursuant to this permission shall commence until a binding contract for the carrying out of the building operations hereby permitted has been entered into. (C069)
Reason - To ensure a satisfactory standard of external appearance, and to safeguard the visual amenity of the area. (R069)
15. Except as shown on the drawings hereby approved, no water tank, lift motor room, or other roof structure shall be erected which rises above the roof of the building, including the roof of any extensions. (C078)
Reason - To safeguard the appearance of the building. (R077)
16. Except as shown on drawing No. 1722/006E hereby approved, the roofs of the building hereby permitted shall not be used at any time as a terrace without the prior written approval of the Local Planning Authority. (C079)
Reason - To protect the privacy and amenity of neighbouring property. (R079)
17. 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)
18. Any obscured glazing approved under Condition 2 above shall be so maintained and shall be kept permanently in the closed position.
Reason - To safeguard the amenities of neighbouring properties and in particular to prevent overlooking. (R091)
19. The roof terraces hereby approved shall be used in conjunction with residential occupation of the development only.
Reason - To safeguard the amenities of neighbouring properties. (R042)
20. The whole of the bicycle parking accommodation shown on the drawings to be approved under Condition 2 of this permission shall be provided before the occupation of the development, and shall be permanently retained for use in connection with the use of the building(s) and for no other purpose.
(C029)

Reason - In accordance with the Council's policies relating to provision for cyclists as stated in the Unitary Development Plan Chapter 6 and the Unitary Development Plan Proposed Alterations Chapter 6.

INFORMATIVES

1. With reference to Condition 2, the Council will require the details and type of glazing of the windows of Units 8, 9 and 11 to be designed so as to prevent loss of privacy.
2. I05
3. I09
4. I10
5. I43
6. I21
7. I22
8. I23
9. I24
10. I26
11. I27
12. I29
13. I30
14. I33
15. I37
16. I39

1.0 THE SITE

- 1.1 No. 237-243 is located on the southern side of Kensal Road between the junctions with East Row and West Row, opposite the junction with Alderson Street. The majority of the premises consists of a tall, single storey building, with vehicular access, apparently built circa 1920-1930. Adjoining the western side of this building is a three storey Victorian building, apparently once part of a terrace, with an open yard at the rear. The premises are currently vacant but were last used by Mascot Motors as a commercial garage.
- 1.2 These premises back directly onto No. 10 Conlan Street, which has two storeys on the street frontage, a two storey rear extension along the western boundary and a single storey extension enclosing the remainder of the site. These Victorian premises are used for offices and storage. There are two pavement crossovers to Conlan Street.
- 1.3 The application site lies in the Kensal Road Small Business Area as designated in the Unitary Development Plan. The Proposed Alterations to the Unitary Development Plan redesignate the area as an Employment Zone. The premises lie within one of the Borough's five northernmost wards to which the Unitary Development Plan's policies for industry in North Kensington apply. The Kensal Road premises consist of approximately 613 sq.m. of Class B1(c) (light industrial) floorspace and the Conlan Street premises approximately 623 sq.m. of Class B1 (business) floorspace.

2.0 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings on both sites and to erect a new building running through the whole site. It would comprise a basement, a three storey block on the Kensal Road frontage and a three storey block on the Conlan Street frontage (both with two storey elements adjoining the eastern boundary) and a single storey part between the two taller blocks creating a large central light well.
- 2.2 The new development would consist of car park and service area, Class B1(c) light industry (3 units totalling 705 sq.m.), Class B1 business use (10 units totalling 1030 sq.m.), a Class A3 restaurant unit (109 sq.m.) and four self-contained two bedroom dwellings. The accommodation would be arranged as follows:

	<u>Kensal Road frontage</u>	<u>Conlan Street frontage</u>
<u>Basement</u>	1 x Class B1 Unit (193 sq.m.); ancillary Class A3 area	5 x car parking spaces; 1 x disabled parking space; 2 x servicing spaces; Bicycle storage/parking area.

<u>Ground</u>	1 x Class A3 unit (109 sq.m.); 1 x Class B1(c) unit (86 sq.m.) with loading bay; Bicycle parking facility.	2 x Class B1(c) units (301 sq.m. and 318 sq.m.) each with loading bay.
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First 2 x 2 bedroom flats

9 x Class B1 units
(totalling 837 sq.m.)

Second 2 x 2 bedroom flats

2.3 The proposed development would be of "Modernist" design, flat roofed and with large areas of glazing on the street frontages and facing the central lightwell. The ground floor would feature stone cladding, the upper storeys would be concrete rendered and painted, with some areas of timber panelling, windows would be metal framed. A roof terrace on the Kensal Road block roof top and balconies on the Kensal Road frontage would be enclosed by glass and stainless steel balustrades.

2.4 A roof terrace is proposed to the main roof of the Kensal Road block as a communal facility for residential occupiers. Private roof terraces are proposed to two units on the first floor flat roof between the taller blocks. Small recessed terraces/balconies are also proposed on the Kensal Road frontage.

2.5 The applicant is willing to accept a condition concerning the scale and hours of operation of the proposed restaurant unit, namely a maximum of 55 seats/60 customers on the premises at one time and closure by 21.00 hours (18.00 hours on Sundays).

3.0 PLANNING HISTORY

3.1 There have been no previous town planning decisions concerning 10-12 Conlan Street.

3.2 With reference to the Kensal Road premises, planning permission was granted for alterations and extension in 1949. In 1963, permission was granted for a new doorway.

4.0 PLANNING CONSIDERATIONS

4.1 The main issues in this case are considered to be:

4.1.1 The effects upon the Class B1 (business) and Class B1(c) light industrial content of the site.

- 4.1.2 The provision of residential accommodation on the site.
- 4.1.3 The provision of a restaurant on the site.
- 4.1.4 The effects upon visual amenity.
- 4.1.5 The effects upon light, privacy and sense of enclosure.
- 4.1.6 Access for the disabled.
- 4.1.7 Vehicle parking and servicing provision.
- 4.1.8 The effects upon a tree on adjoining land at No. 245 Kensal Road.
- 4.2 Relevant policies are contained in the Unitary Development Plan Chapters 6, 8, 5, 4 and 7 respectively and include:
 - E1 (resistance to large scale business development subject to certain criteria);
 - E12 (encouragement of range of unit sizes);
 - E13 (premises for small businesses);
 - E17 (seeks light industrial premises as part of appropriate business development in North Kensington);
 - E18 (use of conditions to restrict future changes of use from light industrial in appropriate circumstances in North Kensington);
 - E11 (welcomes small light industrial units, especially very small of less than 140 sq.m. in North Kensington);
 - E20 (resistance to loss of light industrial uses in North Kensington);
 - STRATS 13, 14, 15 and 16 (all relate to the retention and increase of the housing stock);
 - H2 (seeks development of land for residential use subject to certain criteria);
 - H7 (outdoor amenity space for residential development);
 - H18 and H19 (housing mix);
 - LR14 (amenity space for family housing);
 - S13 (other than in Principal Shopping Centres, resistance to A3 uses where certain adverse effects would result);
 - CD25 (standards of design and compatibility with surroundings);

CD28 (light to adjoining premises);

CD29 (light within a development);

CD30 (privacy);

CD34 and CD35 (noise);

CD36 (access for the disabled);

TR27 (cycle parking facilities);

TR45 (off-street servicing facilities);

TR46 (off-street parking for residential development);

CD72, CD74, CD76 (preservation of trees).

- 4.3 The Proposed Alterations to the Unitary Development Plan propose the designation of Kensal Road as the Kensal Employment Zone. Relevant policies are:

E23a (resists loss of business uses in Employment Zones);

E23d (use of conditions to restrict future changes from light industrial in appropriate circumstances in Employment Zones);

E23f (encourages provision of small, flexible business units in Employment Zones);

E23h (requires business uses in proposals for the development of sites in Employment Zones).

Paragraph 4.16e states:

"In common with many inner city locations, the presence of small-scale specialist firms is threatened by the pressure from housing and other high-value land uses. The Council will resist the encroachment into the Employment Zones of housing and other uses which would displace existing business uses and prejudice the continued or future use of adjoining sites within the Employment Zones for business development".

Paragraph 4.16u states:

"There are very few sites suitable for business development in the Borough. The Employment Zones contain a limited number of sites which are suitable for business development. The Council will require business uses on these sites in order to maintain an adequate stock of business premises to contribute to local

employment and business needs. Redevelopment proposals will be assessed with regard to their contribution to the character and the function of the Employment Zones. The Council will ensure that proposals for the development of sites in the Employment Zones do not result in a net overall loss of business floorspace and that an appropriate range of unit sizes are provided. In appropriate circumstances, at the margins of development, the Council will consider the provision of live-work units (see Glossary). However, their inclusion within development proposals should not be at the expense of standard business premises".

4.4 The Unitary Development Plan Proposed Alterations include a new policy relating to sense of enclosure i.e. Policy CD30a, which is to resist development where it would result in a harmful increase in the sense of enclosure to nearby residential property.

4.5 The Class B1 business use and Class B1(c) light industrial use

The proposed redevelopment would replace and increase the existing total business floorspace on the site.

4.6 The Class B1(c) light industrial element would increase from 613 sq.m. to 705 sq.m. The three units proposed would comply with much of the light industrial design guidance (Unitary Development Plan Chapter 13, Paragraph 4.1) in terms of ground floor location in the building, the floor to ceiling height of 3.35m over most of their area and the floor loading, and each would have a goods loading bay. However, natural lighting would not be good towards the centre of the two Conlan Street units, away from the street frontage and the rear roof lights. Also their layout does not lend itself to further subdivision, so smaller units of 140 square metres or less, sought by Policy E19, cannot be achieved there. However, the third unit, on the Kensal Road frontage, would be only 86 sq.m. Also the replacement of the Class B1(c) content on the site is welcome with reference to Unitary Development Plan Policies E17 and E20.

4.7 The general Class B1 business content would be increased by approximately 407 sq.m. to 1030 sq.m. The scheme is considered to comply with Proposed Alterations Policies E23a and E23h.

4.8 The total business floorspace on the site is seen as "large scale" with reference to Unitary Development Plan Policy E1, but it replaces existing business floorspace which has not given rise to environmental or traffic problems and is considered acceptable with reference to this policy. The increase in business floorspace on the site is supported by the Unitary Development Plan Proposed Alterations Employment Zones policies. Given the on-site servicing facilities, the increase in business floorspace on the site is not considered likely to give rise to traffic problems.

4.9 A condition is recommended to secure the retention of light industrial use of the three proposed Class B1(c) units, in accordance with Unitary Development Plan Policies E18 and E20 and Unitary Development Plan Proposed Alterations

Policy E23d.

- 4.10 A condition is also recommended to secure the retention of the small units of Class B1 accommodation in a minimum of five units, in accordance with Unitary Development Plan Proposed Alterations Policy E23f and Unitary Development Plan Policies E12 and E13 relating to the provision of small units.

4.11 Residential Use

Subject to compliance with the relevant Unitary Development Plan "Offices and Industry" Chapter policies e.g. Policies E17 and E20, the provision of housing on the site is consistent with Unitary Development Plan Policies STRATS 13-16 and H2.

- 4.12 The Proposed Alterations to the Unitary Development Plan designating the area as an Employment Zone means that residential uses are not sought because of the danger that they could threaten the business character and function of the Employment Zone, in particular by displacement of business floorspace. In this case, the proposed redevelopment does involve an increase in business floorspace on the site. It is noted that a greater business floor area could be provided if the proposed residential development were omitted. However, the balance of land uses is not seen to conflict with Unitary Development Plan Proposed Alterations policies.

- 4.13 The scheme provides 4 x two bedroom dwellings in compliance with minimum floorspace standards (Unitary Development Plan Chapter 13, Table 3.1).

- 4.14 The proposal does not include smaller dwellings of one or two habitable rooms as sought by Unitary Development Plan Policy H18. However, the proposed small family-type accommodation may be seen as acceptable with reference to Policy H19, given the proximity to local facilities such as the park at Emslie Horniman Pleasance, the primary schools in Middle Row and East Row, and the J. Sainsbury's Store off Ladbroke Grove.

- 4.15 The proposed communal roof garden and other roof terraces contribute towards meeting the requirements of Policy H7 concerning outdoor amenity space for new development and Policy LR14 concerning amenity space for new family housing. However, it is noted that roof terraces are not normally as useful to families with children as conventional garden space.

4.16 Restaurant Use

The proposed restaurant would be located directly beneath proposed residential accommodation and near the Vicarage at No. 231 Kensal Road, so there is potential for the creation of noise nuisance. However, subject to the restriction of opening hours as stated at Paragraph 2.5 above, it is considered that nuisance could be avoided.

- 4.17 No details of ventilation ducting and machinery have been provided at this

stage. It is considered that, since this is a complete redevelopment of a sizeable site, there is scope to route ducting internally to roof level to ensure satisfactory standards of amenity.

4.18 In addition, provided that the restaurant capacity and hours are restricted by condition, as stated at Paragraph 2.5 above, the Transportation Officer considers that there should not be significant increase in traffic or parking to the detriment of local residential amenity, or so as to harm the Employment Zone.

4.19 Therefore, subject to suitable conditions, it is considered that the scheme would comply with Unitary Development Plan Policy S13.

4.20 With reference to the Unitary Development Plan Proposed Alterations policies relating to Employment Zones, restaurant use is not sought in redevelopments because of displacement of business floorspace. In this case, it may be argued that the proposed daytime/early evening facility would be an adjunct to the Employment Zone in terms of providing a facility for the local workforce. It is also acknowledged that the proposed restaurant would occupy ground floor accommodation which could provide Class B1 or Class B1(c) floorspace. On balance, given that the overall Class B1 content of the development replaces and exceeds the existing, it is considered that no objection should be raised.

4.21 Visual Amenity

The application site is located in an area of varied scale and townscape. The adjoining premises to the east in Kensal Road are the 1950's/1960's built St. Thomas Church and Vicarage which are three and two storeys high respectively. To the west are two and three storey high Victorian business premises. On the northern side of Kensal Road is the two storey 1980's built McKay Trading Estate (subject of a current planning application for a four storey development) and the four storey Victorian "Canalot Production Studios". In Conlan Street, the tall single storey Victorian Church Hall stands to the east of the premises. To the West, are two and three storey Victorian and mid twentieth century business premises. On the opposite side of Conlan Street stands school premises and the former bus garage (now Buspace Studios).

4.22 In this context, the overall scale of the proposed development is considered to fit well with the existing townscape on the street frontages. A model of the proposed development showing its setting is available for the Committee's inspection.

4.23 The Design Officer comments that both Conlan Street and Kensal Road have a variety of architectural style ranging from modern to Victorian. He considers the proposed Modernist style to be fairly neutral and that it will fit in well. He comments that the Kensal Road frontage addresses the street in a positive way and that the large windows will reveal activity within, providing surveillance of the street and enlivening the street scene. He expresses reservations about the

doors on the Conlan Street frontage, which require further detailing, as do the proposed materials. Subject to the reservation of details by condition, the scheme is considered to show reasonable compliance with Policy CD25.

4.24 Light

The Unitary Development Plan Chapter 13, Paragraph 2.2.1 advises that in assessing proposals, the Council will normally have regard to the BRE publication "Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice". In this context, reduction in skylight, caused by a development, can be calculated by finding the "Vertical Sky Component" (VSC). If this exceeds 27%, then enough daylight will still reach the relevant window. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the loss of light is likely to be noticeable.

4.25 Because of concerns raised about the impact of the proposed development upon its neighbours, in particular the Vicarage and its garden, the applicants commissioned a daylight study from Professor Littlefair, the author of the above BRE report. The report advises that the Vicarage windows' VSC would both exceed 27% and be greater than 0.8 times the former value, so the loss of light should not be noticeable. The report also calculated the effect upon sunlight in the rear garden and found the impact to comply with the criteria referred to in Unitary Development Plan Chapter 13, Paragraph 2.2.19. The report also examined the effect upon the "working plane" (i.e. daylight distribution) in rooms in the Vicarage and found it to comply with the relevant standard.

4.26 The daylight report revealed that there would be a loss of light to a window in the rear ground floor of the adjoining business premises at No. 14 Conlan Street, the reduction being slightly greater than recommended in the BRE report. Other windows on this building were either unaffected or not significantly affected.

4.27 The report did not assess the impact to front and rear i.e. the opposite sides of Kensal Road and Conlan Street. Officer assessment indicates that the former complies with standards. The latter shows some technical infringement, but given the location of windows in the buildings, the effect is not considered sufficient to be objectionable.

4.28 Overall, the development is considered to show reasonable compliance with Policy CD28 with reference to light to adjoining premises.

4.29 Light conditions within the development comply with relevant standards except regarding Units 8 and 8a, business units with secondary windows facing an internal light well. Overall, the scheme is considered to show reasonable compliance with Policy CD29 and an objection is not recommended.

4.30 Sense of Enclosure

The development would increase the sense of enclosure to the Vicarage and its garden. However, this is not considered sufficient to warrant an objection under Unitary Development Plan Proposed Alterations Policy CD30(a).

4.31 Privacy

The proposed roof terrace on the main roof of the Kensal Road block would be well set in from boundaries and roof edges so overlooking is curtailed.

4.32 The first floor terraces are well inset from the side boundaries and would not result in loss of privacy. However, their proposed means of enclosure (hedging) is to function as a screen between the site's business and residential occupiers. A more permanent means of enclosure is considered advisable and a condition is recommended in this respect.

4.33 On the whole, the development has been designed to preclude overlooking from windows. Some exceptions arise (affecting the Vicarage and the bedrooms of Units 6 and 7), therefore conditions are recommended concerning window designs and the use of obscured glazing etc. to address the problem.

4.34 Subject to the above conditions, the scheme is considered to comply with Policy CD30.

4.35 Disabled Access

The Access Officer considers the scheme to comply with Policy CD36.

4.36 Parking and Servicing

The residential parking provision would comply with Policy TR46. Bicycle parking/storage would comply with Policy TR27, subject to detail. Off-street servicing space is provided as required by Policy TR45.

4.37 Tree at No. 245 Kensal Road/14 Conlan Street

There is a mature London Plane tree, about 18m. in height in the yard of adjoining premises. The Council's Arboriculturist has inspected the tree and considers it to provide amenity to the area. He comments that the tree is a sufficient distance from the proposed basement car park to enable there to be no excavation within 6 metres of the centre of the base of the tree, in accordance with the British Standard recommendations. However, he requests a method statement from the applicant to ensure that construction of the basement does not necessitate encroachment into the 6 metre "exclusion zone". A condition is recommended to this effect.

5.0 PUBLIC CONSULTATION

5.1 Eighty four addresses in Kensal Road, Conlan Street and East Row were

notified of the application as first submitted.

- 5.2 One representation was received, from the London Diocesan Fund of the Church of England, objecting to the impact upon St. Thomas' Church Vicarage in terms of loss of light and privacy.
- 5.3 Following this objection, the proposed development was amended to reduce the bulk adjoining the Vicarage and its garden, to omit or redesign windows and to reduce the proposed roof terraces. The objector's agents (together with all other consultees) were notified of the revised scheme. They have been provided with a copy of the consultant's updated daylight report and revised drawings. They considered the revised scheme a slight improvement but maintained objection to a window in the flank wall, the use of hedges to enclose terraces and the effects on light to the Vicarage. They also request obscured glazing to neighbouring windows and the use of a satisfactory quality of facing brick on the party wall.

The flank window has been omitted and the roof top terraces reduced or omitted altogether. Conditions are recommended concerning the terrace enclosure at first floor, obscured glazing and facing materials. Concerning the latter, it should be noted that the applicant proposes a combination of stone and painted render.

- 5.4 The scheme has since been further amended in terms of uses and a minor increase in height of the Kensal Road block. Consultees have been renotified. Any additional representations will be reported to Committee in the normal way.

6.0 RECOMMENDATION

- 6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/99/02035 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: SW
Report Approved By: RT/LAWJ
Date Report Approved: 25/04/2000

PSC00.04/SW.REP