

ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA

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DOCUMENT TYPE:

COMMITTEE REPORT



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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

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PLANNING & CONSERVATION COMMITTEE  
PLANNING SERVICES COMMITTEE  
DELEGATED

APP NO. PP/02/00901  
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

Site at 7  
Swanscombe Road,  
London, W11 4SU

APPLICATION DATED 19/04/2002

APPLICATION REVISED

APPLICATION COMPLETE 29/04/2002

APPLICANT/AGENT ADDRESS:

Avanti Architects,  
No. 1 Torriano Mews,  
London  
NW5 2RZ

CONS. AREA 2 CAPS Yes

ARTICLE '4' No WARD F

LISTED BUILDING No

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

RECOMMENDED PROPOSAL:

RBK & C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

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PLANNING SERVICES COMMITTEE 23/07/2002 APP NO.PP/02/00901/MAJD  
AGENDA ITEM NO. 52

ADDRESS

Site at 7 Swanscombe Road,  
London, W11 4SU

PLANNING SERVICES COMMITTEE  
03 SEP 2002  
REFUSAL REF

APPLICATION DATED 19/04/2002

APPLICATION COMPLETE 29/04/2002

APPLICATION REVISED N/A

APPLICANT/AGENT ADDRESS: CONSERVATION AREA Norland CAPS Yes  
Avanti Architects, ARTICLE '4' No WARD Norland  
No. 1 Torriano Mews, London  
NW5 2RZ  
*Refer*  
CONSULTED 3 LISTED BUILDING No  
OBJECTIONS 4  
SUPPORT 1 HBMC DIRECTION N/A  
PETITION 0

Applicant Notting Hill Homeownership

PROPOSAL:

Construction of residential development of 17 residential units comprising one, two and three bed units and provision for 11 off-street parking spaces, including 11 units of affordable housing. (MAJOR DEVELOPMENT)

RBK&C Drawing No(s): PP/02/00901  
Applicant's Drawing No(s): 0112-GA/01, 02A, 03A, 04A, 05, 06A, 07, 08A, 09A, 10, 11, 12, 13, 14

RECOMMENDED DECISION:

1. SUBJECT to a Planning Obligation under Section 106 of the 1990 Act to secure the use of the 11 flats as affordable housing.
2. Delegate to the Executive Director, Planning and Conservation, the authority to issue planning permission for a residential development of 17 units and 11 car parking spaces.
3. Grant consent under S. 184 of the Highways Act 1980 for the construction of two vehicular pavement crossovers.

**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

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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, including samples where necessary, 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 treatment of the open land within the site including hard and soft landscaping;**
- (c) **fencing or railings to be attached to the boundary wall with no.3 Swanscombe Road, and the entrance gates to the parking area;**
- (d) **obscured glazing, which shall be to all windows on the East elevation as shown on drawing 0112-P-GA08A, unless otherwise approved in writing by the Local Planning Authority;**
- (e) **1:20 details and sections through the windows on all elevations.**

**(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 (but see Condition 4 below).**

*Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)*

4. **Notwithstanding the landscaping and planting details depicted on drawing 0112-P-GA02A otherwise hereby approved, full details of new trees to be planted, including position, species, and size, shall be agreed in writing by the Local Planning Authority before development commences, and there shall be no variation from these details unless otherwise agreed in writing by the Local Planning Authority.**

*Reason - To ensure that the development incorporates a satisfactory replacement for the contribution the present Sycamore tree makes to the visual amenity and appearance of the Conservation Area and vicinity.*

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6. **The development hereby approved shall incorporate adequate cycle parking facilities for 17 bicycles, unless otherwise approved in writing by the Local Planning Authority.**

*Reason - To ensure that the development incorporates a satisfactory.*

5. **All areas of render shall be smooth finished and painted in a colour to be submitted and approved in writing by the Executive Director, Planning and Conservation.**

*Reason - To ensure that the detail of the proposal is satisfactory.*

**INFORMATIVES**

1. I10

2. I02

3. I09

4. I08

5. I23

6. I29

7. I39

8. I44

9. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies H2, H7, H10, H11, H12, H18, H19, LR14, H21, H22, CD25, CD28, CD30, CD30a, CD34, CD44, CD52, CD53, CD61, CD72, TR39, TR46 and TR48

10. You are advised that this planning permission relates only to that part of the site which lies within the Royal Borough of Kensington and Chelsea.

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**1.0 SITE DESCRIPTION**

- 1.1 This site of 859 sq.m is located on the southern side of Swanscombe Road, on the edge of the Royal Borough with the boundary with the London Borough of Hammersmith and Fulham crossing the north-western corner of the site.
- 1.2 A detached part single storey, part two storey public house of utilitarian post-war design stood until recently in the north eastern corner of the site, with open car park and beer garden areas to the side and rear. The site is now vacant.
- 1.3 The original site was apparently enlarged to incorporate part of the highway when the adjoining section of Norland Road was closed. The adjoining remnant of Norland Road is now a footpath linking the cul-de-sac end of Norland Road's carriageway to Swanscombe Road.
- 1.4 The site's surroundings are of extremely varied character. To the North and West (within Hammersmith and Fulham) are medium and high rise blocks of flats built c.1960-70, with the highest of these forming a very dominant visual influence and backdrop in the vicinity. To the south is a modern community centre building with pyramid-shaped hipped roof. To the East is the two storey and pitched roofed building at no.3 Swanscombe Road, known as the former organ works or 'The Organ Factory', and now converted to a residential dwelling house. Beyond this, further to the East, are the Grade II Listed Tudor/Gothic style houses of St. Ann's Villas. The area can thus be described as of mixed character.
- 1.5 The site is within the Norland Conservation Area, the boundary of which runs around the site boundary.

**2.0 PROPOSAL**

- 2.1 It is proposed to erect a five storey block containing 17 self-contained flats of which 11 would be affordable units and 6 would be units for private sale. This forms a variation and expansion upon a three storey scheme approved on 23<sup>rd</sup> June 1999 for eleven flats and two houses but not yet implemented.
- 2.2 The building would be roughly T-shaped on plan, located on the Swanscombe Road and Norland Road frontages. The areas to the side and rear would be used for vehicular access, eleven car parking spaces, private gardens for the three town houses and a communal garden for the flats. All vehicular access would be via two new pavement crossovers from the Swanscombe Road frontage, under an archway to a parking area behind within the site with the exception of three bays accessed directly from Swanscombe Road which would include a dedicated disabled space.
- 2.3 The building is proposed a relatively simple, modern design, influenced more by the 1960's and 1970s appearance of the nearby Woods estate than by the adjacent coach house buildings or the nearby St. Ann's Villas houses. The roof areas would be flat with terraces and simple metal rails, the windows would be powder coated aluminium framed, and the main facing materials would be brick at ground floor level and terracotta tiles and render on the upper floors.

- 2.4 A Planning Obligation under S.106 is proposed in order to secure the 11 flats as affordable housing, to be run by Notting Hill Home Ownership.

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### 3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 31st December 1997 for the erection of four houses with off-street car parking. The development was to be of three storeys, in a minimalist contemporary style, and provided 2 x 3 bedroom and 2 x 4 bedroom dwellings with private rear gardens. At the same time, Conservation Area Consent was granted for the demolition of the public house, and subsequently implemented.
- 3.2 On 23<sup>rd</sup> June 1999 planning permission was granted for the erection of a three storey development of 342 hrh, comprising eleven flats (affordable housing units) and two houses in a fairly modern architectural style but with pitched roofs, subject to a Planning Obligation under s.106. This planning permission is still valid, but not implemented.

### 4.0 PLANNING CONSIDERATIONS

- 4.1 This proposal must be considered against the Council's policies relating to new residential units, and assessed as to its impact upon the character and appearance of the area, impact upon the setting of nearby Listed buildings, and impact upon the levels of amenity currently enjoyed by occupants of nearby residential property. A material consideration is the existence of three extant planning permissions, each approved under the relevant UDP policies, although it remains that the present application should stand or fall on its own merits notwithstanding what may have gone before; in other words, even the if the previous scheme may for some reason appear to be preferable, that should not mean that the present application should be rejected if it too complied with the relevant planning policies.

#### Housing Issues

- 4.2 The relevant planning policies are found in the 'Housing' chapter of the Unitary Development Plan (UDP), with policies H2, H7, H10, H11, H12, H18, H19, LR14, CD36, H21 and H22 being of particular relevance.
- 4.3 The provision of 11 units of affordable housing is consistent with Policy H22 which seeks, where appropriate, the inclusion and retention of a significant proportion of affordable residential units on sites over 0.05 ha. Circular 06/98 advises that thresholds of 0.5 ha and 15 units should trigger affordable housing, and both the Circular and Policies H21 and H22 thus support the proposed 11 affordable units in this case. The 6 units for private sale are not welcomed by the affordable housing policies, although they would also make a contribution towards the housing targets for the Borough and are still to be welcomed under other housing policies, most notably Policy H2.
- 4.4 Residential density, with 52 habitable rooms producing approximately 520 h.r.ha, falls within the U.D.P. category of "VERY HIGH" density (i.e. above 350 h.r.ha) defined in Chapter 5 paragraph 3.13. Policy H12 is to resist such densities unless necessary for townscape reasons, and quite simply there are no townscape reasons why a development of this site should *necessarily* be of five storeys, or of 520 habitable

rooms per hectare. Arguments can be advanced as to why the proposed development may not cause sufficient harm so as to justify a refusal – these matters are discussed throughout this report; however, it is considered that the argument of necessity (for example, building within or onto a garden square terrace) does not apply to this unique site in Swanscombe Road and the only conclusion must be that the proposal is contrary to Policy H12. However, as the Committee will be aware from their consideration of previous high density developments, an un-necessary 'VERY HIGH DENSITY' alone would not normally be a reasonable ground for a refusal of planning permission unless accompanied by material harms, such as to townscape or amenity.

- 4.5 It is noted that the density applicable to a private sector scheme of this type would be in the range 175-250 h.r.h (U.D.P. Policy H10). A scheme such as this, providing affordable housing units, can be justified as a reason for a 'HIGH' density scheme of between 250 and 350 hrh, however the UDP contains no provision for an affordable housing scheme to act as a justification for a 'VERY HIGH DENSITY' development.
- 4.6 The scheme would provide a range of unit sizes, including three family sized townhouses with private gardens and a mixture of 1, 2 and 3 bedroomed flats, and is considered consistent with Policies H14 and H19 relating to housing mix. Unit sizes would comply with minimum floorspace contained in the U.D.P. Chapter13 Table 3.1, and the overall dwelling layout and stacking of room types has been produced with the participation of the housing association involved with the scheme and is generally satisfactory in planning terms. The inclusion of a dedicated disabled flat on the ground floor, with its own parking space directly adjacent and its own access through to the communal garden, is welcomed.
- 4.7 UDP Policy H7 seeks outdoor space in new development including open space and play facilities in developments of over 10 units, with Policy LR14 requiring amenity space for new family housing and Policy CD29 requiring good light conditions for a development's buildings and spaces. Although there is no dedicated 'play space' as such within the development, the combination of open space (including the corner of land within Hammersmith & Fulham) is considered to be reasonable for a development of this type and the proposal is considered to satisfy the requirements of these Policies. Furthermore, a playground is located nearby, within Hammersmith and Fulham, so the seeking of play facilities on the site (Policy H7) is not essential in this case.
- 4.8 It is concluded that the proposal is satisfactory in terms of the majority of UDP housing policies, positively supported by some of them, although contrary to Policy H12. It must also be noted here that government guidance on housing is encouraging higher densities in cities, and although this point does not alter the considerations drawn above it supports the conclusion that planning permission should not be refused on density grounds alone.

#### Townscape Issues

- 4.9 The policies of primary importance in the townscape assessment of this proposal are Policy CD25, which requires that new development should be of a high standard of design and be compatible with the scale, height, bulk, materials and character of the surroundings, and Policies CD52 and CD53 which require that the character and appearance of Conservation Areas should remain unharmed by new development; Policy CD53 provides similar tests relating to bulk and scale as Policy CD25. Policy CD61 is also applicable, given the Grade II Listing of the nearby St. Ann's Villas



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properties.

- 4.10 The site's surroundings are varied in character so a degree of flexibility in design approach is considered possible here. The site is upon what the architects supporting statement correctly describes as an 'urban fault line', where the characterful C19<sup>th</sup> neo-gothic villas of St. Ann's Villas and the unique but also architecturally interesting building of the Organ Factory give way to the much harsher townscape environment of the 1960s/1970s Edward Woods Estate which includes five storey flats above shops on the North side of Swanscombe Road, and three very dominant 24 storey blocks that loom over the vicinity. Clearly, a development of this site must address both of these contrasting urban environments, although the fact that the site is included within the Conservation Area supports the stance that it should perhaps take more from the scale and character of the Conservation Area (as does the gatehouse development) rather than from the Edward Woods Estate. It is noted that the extant planning permission, in being three storeys, is more akin to the scale of the nearby buildings in the Conservation Area than the present proposal, but that is not to say that a building of more than three storeys could not also be acceptable, or even in some ways preferable.
- 4.11 The architects have produced a development of modern materials and design detail, of five storeys where it faces the Edward Woods Estate across Swanscombe Road, and reducing to three storeys on its eastern side to equate with the gatehouse ridge line. The building is not intended to 'match' the gate house, but is designed to effect a transition in scale from the gate house westwards towards the larger scale of buildings beyond. Although the proposal is one building, that building can be divided into three distinct composite parts, each part addressing the particular townscape issues that it is confronted with.
- 4.12 It is considered that a four storey front elevation to Swanscombe Road, topped by a fifth storey recessed at front and both sides, is a suitable way to address the road and would in fact address Swanscome Road in a more effective way than the existing approved scheme. It is considered that the western elevation, facing Hammersmith & Fulham, also address that context acceptably. It is noted that the London Borough of Hammersmith & Fulham are due to consider the proposal from their own point of view on 5<sup>th</sup> August, with an Officer recommendation in that authority to approve.
- 4.13 It is considered that the three storey element at the eastern part of the development is the most appropriate scale to adjoin the gate house building, and also to step down from the main part of the development to the scale of the villas beyond. In terms of views within and along Swanscombe Road, it is considered that the site actually requires a building of some townscape presence to balance the shops with four storeys above on the northern side, and to properly terminate this side of the road, and that the proposed scheme does achieve this aim more successfully than the extant permission for three storeys.
- 4.14 The townscape relationship with the Organ Factory is a difficult one, in particular because of the curious plot angles between the two sites. However, it is considered that the space left between the two, to be used for parking, would provide a division between the two differently designed buildings that would satisfactorily respect the form and position of the Organ Factory and which would not harm its particular character.

4.15 It is concluded that the siting of a building of five storeys within this corner of the Conservation Area would not harm the character or appearance of the Area, and would not be contrary to Policies CD52 and CD53.

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4.16 The detailed elevational treatment of the development uses brick facing at ground floor level, and terracotta tiles and render on the upper floors. The brick picks up on the brick gatehouse adjacent, and to the Organ Factory and villas beyond which are all predominantly brick; the use of terracotta tiles and render clearly contrasts with these buildings but is again considered to assist in the transition from the Estate to the Conservation Area. The use of these materials, in this development, is not considered to present any harm to either the existing character or the appearance of the Conservation Area.

#### Transportation Issues

4.17 The relevant planning policies are found in the 'Transportation' chapter of the Unitary Development Plan (UDP), with policies TR27, TR39, TR46 and TR48 being of particular importance.

4.18 The development is proposed within an area identified in the UDP (Map 11) as being of "poor accessibility" in terms of public transport, which the Director of Transportation and Highways advises increases emphasis on the need to provide adequate off street parking. A total of 11 off street spaces are included with the proposals, including the disabled space mentioned earlier in the report.

4.19 The revised Policy TR46 requires a *maximum* of 2 spaces for every 3 affordable dwellings, with 1 space for each market unit proposed. To provide the UDP maximum, therefore, the proposal needs to include a total of 14 parking spaces, including the disabled space. The Director of Transportation and Highways concludes that the poor transport accessibility of the site means that the maximum should be provided in this case, and therefore, raises objection to the shortfall of three spaces and finds the proposal contrary to Policy TR39.

4.20 To include three more spaces in the development at ground floor level would necessarily encroach upon the landscaped open amenity areas within the proposal, which would not be acceptable given the inclusion of family sized units. To include an underground parking area would have physical and visual implications for the development that may not be desirable, and would (no doubt) have feasibility implications for the applicants too. Given these factors, and the inclusion of 11 affordable units for which car ownership rates are low (and often lower than the UDP maximum standard of 2 cars for every 3 flats), it is concluded that the shortfall in parking spaces does not, on balance, justify a refusal of planning permission in this case.

4.21 A refuse enclosure is provided within the site, near to the car park entrance. A satisfactory bicycle storage facility is also provided, in compliance with Policy TR27, and a Condition is recommended securing this.

4.22 The Director of Transportation and Highways has advised that the proposed width of pavement crossovers in close proximity to one another would not normally be considered acceptable for safety reasons. However, Swanscombe Road is a cul-de-sac and lightly used in terms of traffic and pedestrians so no objection is raised.

- 4.23 Consent for the formation of crossovers is conveyed by virtue of Informative I.43, to be attached to the planning permission.

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Amenity Issues

- 4.24 The relevant planning policies are found in the 'Conservation and Development' chapter of the Unitary Development Plan (UDP), with policies CD28, CD29, CD30, CD30a and CD34 being of particular relevance. The three primary amenity considerations covered by these Policies are natural lighting (daylight and sunlight), sense of enclosure, and privacy.
- 4.25 The residential properties surrounding the site, for which impact upon their natural light needs to be assessed, are the flats above the shops on the North side of Swanscombe Road, the houses of St. Ann's Villas, and the former Organ Factory at 3 Swanscombe Road.
- 4.26 The first test for natural lighting impact, as specified in the UDP (Figure 2.2 of the Planning Standards) and in the Building Research Establishment guidelines from which the UDP standards are drawn, involves application of a 25 degree angle taken from a point at the centre of the lowest window or 2m high on an elevation of an existing building. The rationale for this is that if the height of a new building is such that it would rise higher than this 25 degree line, then a more detailed check (such as a Vertical Sky Component calculation) would be needed to establish the loss of light to the existing building. The BRE guidelines make it clear that if there is no breach of the 25 degree line then any material loss of light would be most unlikely to occur, and it is also clear that even if the 25 degree line is breached, then it is not necessarily the case that the impact would be so severe as to be unacceptable – the further tests would establish that.
- 4.27 Starting with the flats on the North side of Swanscombe Road, the angle is appropriately taken from first floor level given the shops at ground floor level. At a distance of 21m, the 25 degree standard is comfortably met by the proposed five storey building. The 21m distance mentioned above is the closest part of the flats to the proposed development; much of the block is set back at a distance of 30m, which clearly produces even less impact.
- 4.28 The proposed development varies slightly in its distance from the houses of St. Ann's Villas, depending upon which part of the development is chosen and also resulting from the fact that the St. Ann's Villas houses gradually pull away from the proposed building towards the South. In view of this, it is considered appropriate to look at the worst case scenario, i.e the point at which the St. Ann's Villas houses are closest to the greatest bulk of the proposed five storey development.
- 4.29 The closest point is between the rear of no.33 St. Ann's Villas, past the three storey element near to the gate house building to the nearest and highest part (the lift shaft) of the proposed five storey development at a distance of approximately 36m. The applicants might argue that taking the line to the lift shaft is unfair and not representative, however as stated above this purely to examine the worst case situation.
- 4.30 It transpires that the proposed development would in fact be very comfortably below the 25 degree line taken from ground floor level at 33 St. Ann's Villas, and although

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clearly closer would still be well below a 25 degree line taken from lower ground floor level. At this closest point between St. Ann's Villas and the proposed development, the required standard is easily satisfied.

- 4.31 To find that the 25 degree angle is easily satisfied in the case of the St. Ann's Villas properties is not to say that there would be no noticeable impact. No.33 St. Ann's Villas, and to a lesser extent no.31 adjacent to it, would find the greatest impact of the proposed development in the winter months, when the sun is much lower in the sky to the West. With the sun so low to the West some winter sun would definitely be blocked from the lower windows, in particular lower and upper ground floors, of the villas, and this would clearly be noticeable even if the overall natural light standards of the properties remain reasonable. However, as the applicable standards are satisfied it must be concluded that this effect would not be such that could justify a refusal of planning permission.
- 4.32 The closest building to the proposed development is the residential dwelling of the former Organ Factory at no.3 Swanscombe Road. This three storey building is, at its closest point, only 8m from the proposed five storey building. At this distance there is clearly potential for significant impact upon daylight; however, the situation is mitigated by the fact that the former factory does not have any habitable room windows in its West elevation – it does have windows, in the form of glass blocks, but only to ancillary rooms such as bathrooms. These rooms would suffer an effect – the glass blocks provide their best effect with strong external light, and would undoubtedly be compromised to some extent by the proposed building – however any such light loss would not be material under the relevant guidelines and Policies that are directed at habitable rooms.
- 4.33 The former Organ Factory does have skylight windows in its western roofslope that light a habitable room within the upper gallery level of the building – currently a loving room. The 25 degree test can be used on these windows too, and application of the test reveals that at the southern end of the development there would be no breach of the angle, but at the northern end where the buildings are closest the lift shaft would just clip the line; i.e it is borderline. However, given that the overall light levels to the building would be satisfactory, and that the 25 degree angle is only touched at this end if the building and not further back, it is concluded that the impact would not be significant enough to justify a refusal of planning permission.
- 4.34 It is concluded that the proposals do not breach the relevant guidelines on natural lighting, and would comply with UDP Policy CD28.
- 4.35 In terms of sense of enclosure, the greatest effect would be to no.3 Swanscombe Road, which would be enclosed by the proposed development to the West and the North. Again, the orientation of this former factory building ameliorates the potential effect, as the habitable spaces are directed more towards the eastern (St. Ann's Villas) side, although there would certainly be a marked increase in the feeling of enclosure within the garden to that property, which benefits from the present vacant site. There would be an 'overlap' of the garden area to no.3 by about 1m, where the three storey part of the proposed building reaches back beyond the rear wall of the gatehouse building and would add to the enclosure of the garden area. However, the existing planning permission actually extends back a further 3m beyond this point, so the current proposal would actually have a significantly less enclosing effect upon the garden to no.3 than would the extant permission. It is concluded that, given the orientation of

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no.3 and the existence of the planning permission, there would not be such an enclosing impact upon the property so as to justify a refusal of permission under Policy CD30a.

- 4.36 A similar conclusion is drawn in respect of the St. Ann's Villas properties. Depending upon the room from which a view is taken these houses do offer views past the trees and former factory in the foreground to the application site and open spaces within the adjacent borough behind. As the proposed development would block low angled sunlight from the West to these properties, so it would increase their enclosure to the West too, although again it is concluded that there would not be such an impact as to justify a refusal of permission under Policy CD30a.
- 4.37 Finally the matter of overlooking must be assessed, in particular to the former organ factory which is in the position to potentially suffer most from loss of privacy. The applicants have addressed this by including angled windows in the three storey element of their development to turn views away from the factory, and included obscured glazing in the kitchen and landing windows facing the factory building in the East flank of the proposed development. The upper terrace area to the North-East corner of the five storey part of the building would be restricted to preclude use as a terrace of that part nearest no.3. Given the inclusion of these items it is concluded that the proposals would satisfy Policy CD30.

Security Issues

- 4.38 Security is a material planning consideration, and also an issue in the Swanscombe Road area. The scheme does provide for reasonably good passive observation over its spaces, however in response to concerns from the neighbours the applicants have agreed to include taller entrance gates to the car park area and a boundary rail/trellis with no.3, in order to provide greater security. Although acceptable in planning terms in principle, the final details of the boundary security measures are not yet known, and will need to be finally agreed between the parties concerned, so this matter is set aside by Condition for eventual approval by the local planning authority.

Landscaping

- 4.39 The site contains a semi-mature Sycamore tree at the South East corner, just to the South of the former factory building, which is observed by the Council's Arboriculturist to be of reasonable health, with its retention desirable. This tree was retained in the previous scheme for this site (the extant planning permission), and protected by Conditions, but is proposed to be removed under the present application in order to facilitate the provision of the cycle store in that corner.
- 4.40 Clearly, the removal of this tree is undesirable and also contrary to Policy CD72 of the UDP. On the other hand, the provision of secure bicycle parking is also encouraged by the UDP and Policy TR27. Of course, although in many ways a suitable location it is not necessarily the case that the bicycle store would have to go in this position, but other locations in this restricted site would have other 'knock-on' implications, either eating into open amenity space (probably the communal garden) or affecting car turning areas.
- 4.41 The proposal includes the planting of four new trees along the perimeter of the parking area, which to an extent would help make up for the loss of the Sycamore tree although they clearly could not provide an equivalent contribution to the visual amenity of the area as the larger Sycamore.

- 4.42 On balance, it is considered that the loss of the tree may have to be accepted in this case, but subject to a Condition requiring a further landscaping plan to include species, position and size of replacement trees.

## 5.0 PUBLIC CONSULTATION

- 5.1 Twenty-three letters of notification were sent to neighbouring properties in Swanscombe Road and St. Ann's Road, and a Site Notice displayed.
- 5.2 Three objections have been received, together with one further objection sent to Hammersmith & Fulham regarding the associated application for the slice of land in their borough, and copied on to this authority. It is considered only reasonable that this latter objection is also taken as an objection to this application as it is of course the same development proposal. The three objections sent in to this authority have been submitted by the occupants of the adjacent premises at the former Organ Factory, 3 Swanscombe Road, and two of the nearest houses in St. Ann's Villas. The objection submitted to the borough of Hammersmith & Fulham is from a resident of Swanscombe House in the Edward Woods Estate.
- 5.3 The grounds of objection cover a number of areas. Firstly, it is pointed out that the scheme now proposed would have a much greater impact upon the adjacent buildings and area than that under the existing permission, with the greatest differences being the inclusion now of two extra storeys; the fourth and fifth floors. The concern is raised that the scale, size, and density of the development is completely out of proportion to surrounding buildings within the block, and that the appearance of the building would bring an "ugly estate feel" right to the borders of the much lower density Conservation Area which is characterized by traditional housing styles. It is further commented that the use of render, plain square windows and flush tiling on the elevations is regrettable, and that if the new development were predominantly in brick and the windows had a more greater relationship with those in the Conservation Area then the building would sit more harmoniously alongside the gatehouse at 3 Swanscombe Road.

These issues have been discussed at some length in the main body of the report. The key question regards how the position of the site, at the junction line between the Norland Conservation Area and the Edward Woods Estate, should be treated. It is concluded that the architects analysis, which considers the need to form a transition from one to the other rather than emulating either closely, is the right solution to this question. The fact that the development is much bigger than that originally approved is not in itself a ground for refusal of planning permission. Clearly the density of the building is higher than the UDP allows for, and is contrary to Policy H12, however it is concluded that unless there were other, demonstrable, harms that flowed from the proposals then the high density alone should not justify a refusal.

- 5.4 Secondly, objection is raised regarding the likely daylight and sunlight impact, in particular to no.31 and 33 St. Ann's Villas and to the former Organ Factory at 3 Swanscombe Road.

As discussed in the main body of the report, there would be some impact in daylight and sunlight terms upon the levels currently enjoyed by the occupants of the

neighbouring buildings. However, this impact is well within the limits set by the Councils Policies and the BRE guidelines on daylighting, and the degree of impact is not such that could justify a refusal of planning permission.

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- 5.5 Thirdly, the objectors raise the concern that the under-provision of parking spaces would place intolerable pressure upon the existing on-street spaces in the area.

There is a shortfall of three spaces in the scheme, and as such the Transportation Officer has raised objection to the proposal. However, given the implications of squeezing in three additional spaces at ground level, and given the nature of 11 of the proposed units as affordable housing units, it is concluded, on balance, that planning permission should not be refused on this ground.

- 5.6 Other grounds for objection relate primarily to matters of privacy, and security.

It is considered that these points have been addressed satisfactorily in the details of the scheme and by Condition.

## 6.0 CONCLUSION

- 6.1 It will have been noted that in relation to density, parking provision, and the loss of the Sycamore tree, the conclusion on each issue has been 'on balance'. However, given all the considerations of the case it is concluded that the overall recommendation should be a positive one, and that there is insufficient ground in each case to justify a refusal of planning permission.

## 7.0 RECOMMENDATION

- 7.1 Subject to a Planning Obligation under Section 106 of the 1990 Act to secure the use of the 11 flats as affordable housing, grant planning permission.

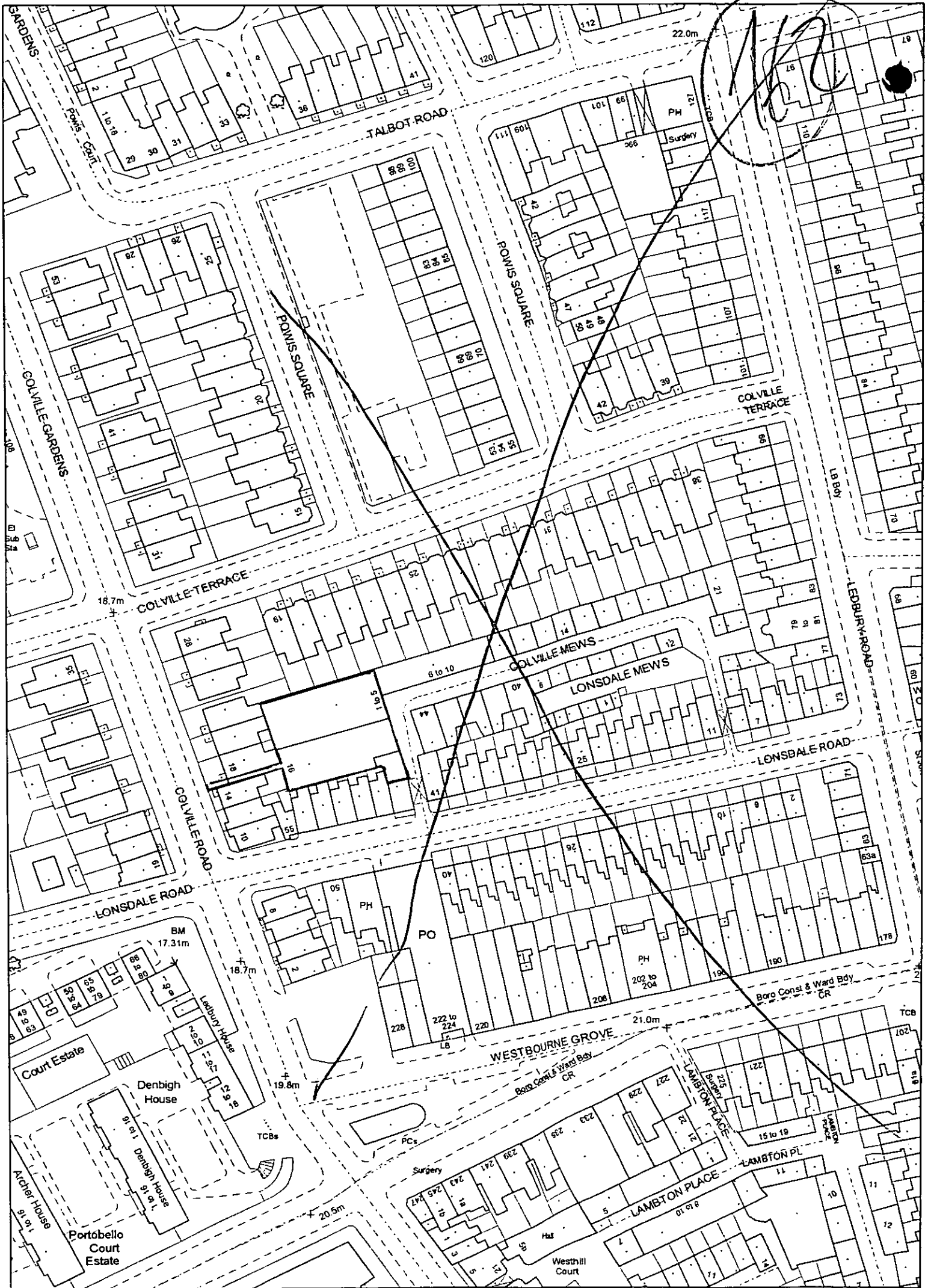
**M.J. FRENCH**  
**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

### List of Background Papers:

The contents of file PP/02/00901 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: DT  
Report Approved By: LAWJ  
Date Report Approved: 15/07/2002

PSC0702/DT.REP





ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
PLANNING SERVICES COMMITTEE 3<sup>rd</sup> September 2002

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REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

APPLICATION NO: PP/02/00901

This report relates to the proposed development of the site at 7 SWANSCOMBE ROAD, W11 to provide a residential development comprising 17 flats and 11 parking spaces.

FOR DECISION

1.0 BACKGROUND

- 1.1 At their meeting of 23<sup>rd</sup> July 2002, the Planning Services Committee considered an application for the Construction of residential development of 17 residential units comprising one, two and three bed units and provision for 11 off-street parking spaces, including 11 units of affordable housing. The application was recommended for Conditional approval, subject to a planning obligation to secure affordable housing, and the original Officer's Report is appended.
- 1.2 The Committee heard objections to the proposals on behalf of local residents, and resolved that a decision on the application should be **deferred**, with the instruction to Officers that they engage in further negotiations with the applicants to achieve (1) a reduction in unit numbers and (2) habitable room density, and (3) design modifications to better address the scale and materials of the existing buildings in the Norland Conservation Area.

2.0 FURTHER CONSIDERATIONS

- 2.1 The conclusions of the Planning Services Committee have been discussed at a subsequent meeting with Officers. The applicants have considered the Committee's requests, and have instructed that the application should be brought back to the Committee of 3<sup>rd</sup> September in **unaltered** form, for further consideration and decision.
- 2.2 The applicants have declined to amend the scheme in any way. They have provided the following reasons to support their belief that the application should not be revised:
- "The loss of much needed housing in the borough, particularly affordable family accommodation – your policies S2, S13, S14, S15, S16, H2, H3
  - Housing need – the loss of two units will reduce the Council's access of nominations. The Council houses some priority homelessness cases in expensive temporary accommodation at

a cost to Council taxpayers. The loss of two units would mean the Council continuing to fund this at a possible extra charge to taxpayers of £30,000 per annum.

A64

- There is grant aid funding for the affordable housing. If two units were lost these funds would be returned to the Housing Corporation and would not necessarily return to the Royal Borough.
- The loss of 2 units would increase the unit cost of the residual 9 units. We would have to seek revised financial approvals and increased grants to reflect the higher average cost. There is no guarantee that this would be forthcoming. If it were not then our options would be:
- To reduce the affordable housing to below 9 units and increase the market sale units – a further loss of affordable housing – see financial consequence above; alternatively sell the site for private sale housing and return all the grant monies to the Housing Corporation”.

2.3 The applicants respectfully request the Planning Services Committee to reconsider the application, and grant planning permission as per the original Officer's recommendation.

### 3.0 RECOMMENDATION

3.1 The Committee are recommended to grant planning permission, subject to a Planning Obligation to secure affordable housing.

Michael J. French  
Executive Director, Planning and Conservation

#### **Background Papers used in the preparation of this Report:**

The contents of files PP/02/0901

#### **Officer Contact**

Miss Tracey Rust, Planning Information Office, Town Hall. Tel. 020-7361-2080

**PSC0902.DT.REP**

## Memorandum

*The Royal Borough of Kensington and Chelsea - Planning Services*

To: PRINCIPAL ADMINISTRATIVE OFFICER EXECUTIVE DIRECTOR,  
PLANNING & CONSERVATION

Ext. 2004 Room 324A

cc: CHIEF EXECUTIVE  
& TOWN CLERK  
(Attention Elen Denison & Julie  
Ayo)

Date: 4<sup>th</sup> September, 2002

### PLANNING AND SERVICES COMMITTEE: 3<sup>rd</sup> September, 2002

Please note the following amendments, which were approved by the Planning and Conservation Committee in making its decisions, in addition to those in the Addendum Report circulated and approved at the meeting.

#### NORTH

02/1367 56-58 Golborne Road,  
61 W10

#### Amended Condition

9. Before the use hereby permitted commences, the walls and ceilings of the commercial ground floor premises shall be insulated so as to prevent the transmission of excessive airborne and impact noise to the residential flats above or to adjacent premises, and to a standard that when in normal use they should not increase the lowest background sound levels inside the neighbouring dwellings when measured over a ten minute period, in accordance with details to be submitted to, and approved in writing by, the Executive Director, Planning & Conservation, and the acoustic insulation shall be installed only in accordance with the details so approved and shall be so maintained. (C054)

Reason – To safeguard the amenity of neighbouring property. (R054)

02/1440  
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The North Hall,  
St. Peter's Church,  
59A Portobello Road,  
W11

Additional Condition  
7. C004 ....1.10.07...  
Reason - R005

Additional Informative

"You are reminded that given the location of the Church Hall in a primarily residential area the expectations of nearby residents for reasonable levels of quiet in the early mornings and evenings, outside the hours stipulated in Condition 2 of this planning permission, should be properly respected, and great care taken to avoid causing any disturbance when setting up in advance of trading or breaking down at the end of the day".

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CENTRAL

02/921 2059	Queen Elizabeth College, Campden Hill Road, W8	<u>Deferred</u>
02/922 2060	Queen Elizabeth College, Campden Hill Road, W8	<u>Deferred</u>
02/923 2061	Queen Elizabeth College, Campden Hill Road, W8	<u>Deferred</u>
02/924 2062	Queen Elizabeth College, Campden Hill Road, W8	<u>Deferred</u>
02/925 2063	Queen Elizabeth College, Campden Hill Road, W8	<u>Additional Condition</u> 6. "The underground link corridors shall have adequate lighting to ensure that they comply with the Requirements of the Building Regulations, particularly with respect to means of escape in case of fire, and shall be provided with sprinklers, and emergency exit doors as necessary. Reason - To ensure that the link corridors are safe, secure and residents are encouraged to use them.

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02/927  
2065 Queen Elizabeth  
College, Campden  
Hill Road, W8

Additional Condition

6. "The underground link corridors shall have adequate lighting to ensure that they comply with the Requirements of the Building Regulations, particularly with respect to means of escape in case of fire, and shall be provided with sprinklers, and emergency exit doors as necessary.

Reason - To ensure that the link corridors are safe, secure and residents are encouraged to use them.

02/1233  
2067 Land at rear 31  
Pembridge Road,  
W8

Deferred

02/1234  
2068 Land at rear 31  
Pembridge Road,  
W8

Deferred

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**SOUTH WEST**

02/1426  
6056 Dove Gardens,  
(Bina Gardens East),  
Dove Mews

Amended Conditions

1. The use hereby permitted shall be carried out only by Mrs. A. Griggs for the benefit of pupils of Falkner House Girls' School.

Reason - To safeguard the amenities of neighbouring property.

5. Access to the gardens shall be available at all times to residents of Bina Gardens, Rosary Gardens and Dove Mews in accordance with a keyholders' policy to be submitted to the Executive Director, Planning & Conservation within one month of the date of this permission, and approved in writing before the use hereby permitted resumes.

Reason - To ensure use of the garden space is available to neighbouring residents."

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**SOUTH EAST**

No changes

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A2 7 Swanscombe Road,  
W11

Refused

Reasons for Refusal

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1. The proposed development would be of a scale, bulk and detail that would relate poorly to nearby buildings and property and would harm the character and appearance of this part of the Norland Conservation Area. As such, the proposed development is contrary to Policies CD25, CD26, CD48, CD52 and CD53 of the Unitary Development Plan (as Modified).
  2. This proposal to provide 17 residential units would produce a development with a habitable room density greatly in excess of Unitary Development Plan guidelines, and a parking provision falling short of Unitary Development Plan guidelines, and in consequence be contrary to Policies H11, H12 and TR46 of the Unitary Development Plan (as Modified).

A3 Sir John Atkins  
Building, Campden  
Hill Road, W8

Additional Condition

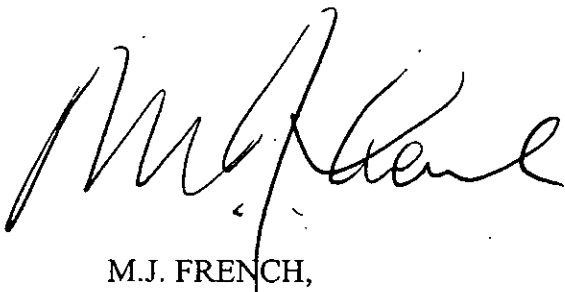
22. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country (General Permitted Development) Order 1995 no marketing suite or similar building shall be constructed on the site without the prior consent, in writing, of the Executive Director, Planning and Conservation.

Reason - To ensure that the size and detailing do not adversely affect the character of the Conservation Area.

Addition to Section 106 Obligation

The following items to be included in the Section 106 planning obligation:

- i) A contribution from the developer for the provision of a sculpture or other suitable piece of Art in accordance with Policy LR30 of the Unitary Development Plan.
- ii) The phasing of the provision of the affordable housing should include the requirement that not more than 70% of the private housing shall be occupied before all the affordable housing units are completed and ready for occupation.



M.J. FRENCH,  
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION