

1/3 Marloes Road
London W8
(APP/K5600/A/01/1062450)

Appendices Volume

of

R M Sellwood
BA. Dip.TP. MRPTI. FRICS

on behalf of

St James Homes Ltd.

July 2001

APPENDICES

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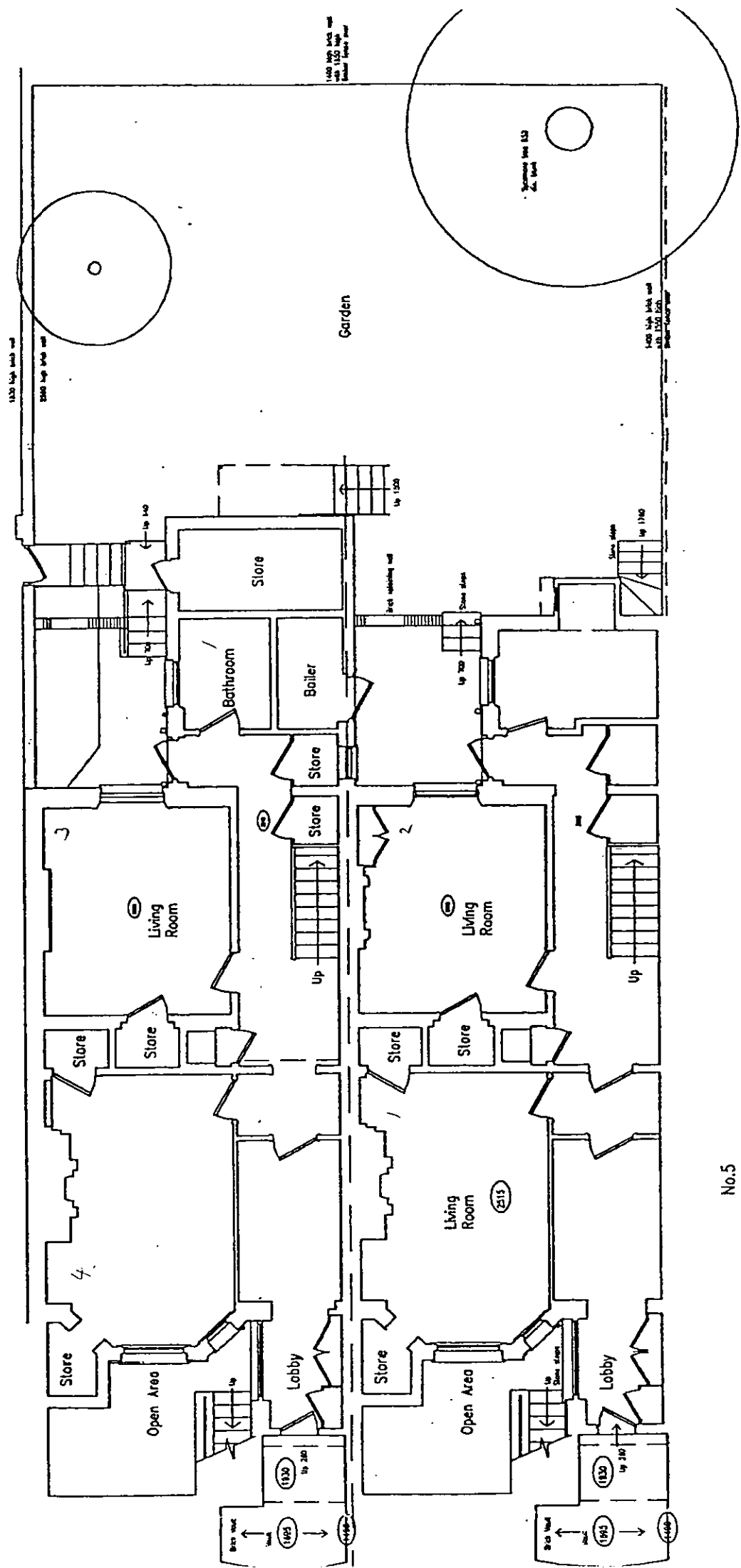
EXHIBITS

- RMS 1 Site Context Plan Scale 1 : 25,000
- RMS 2 Site Plan Scale 1 : 1,250



Appendix 1

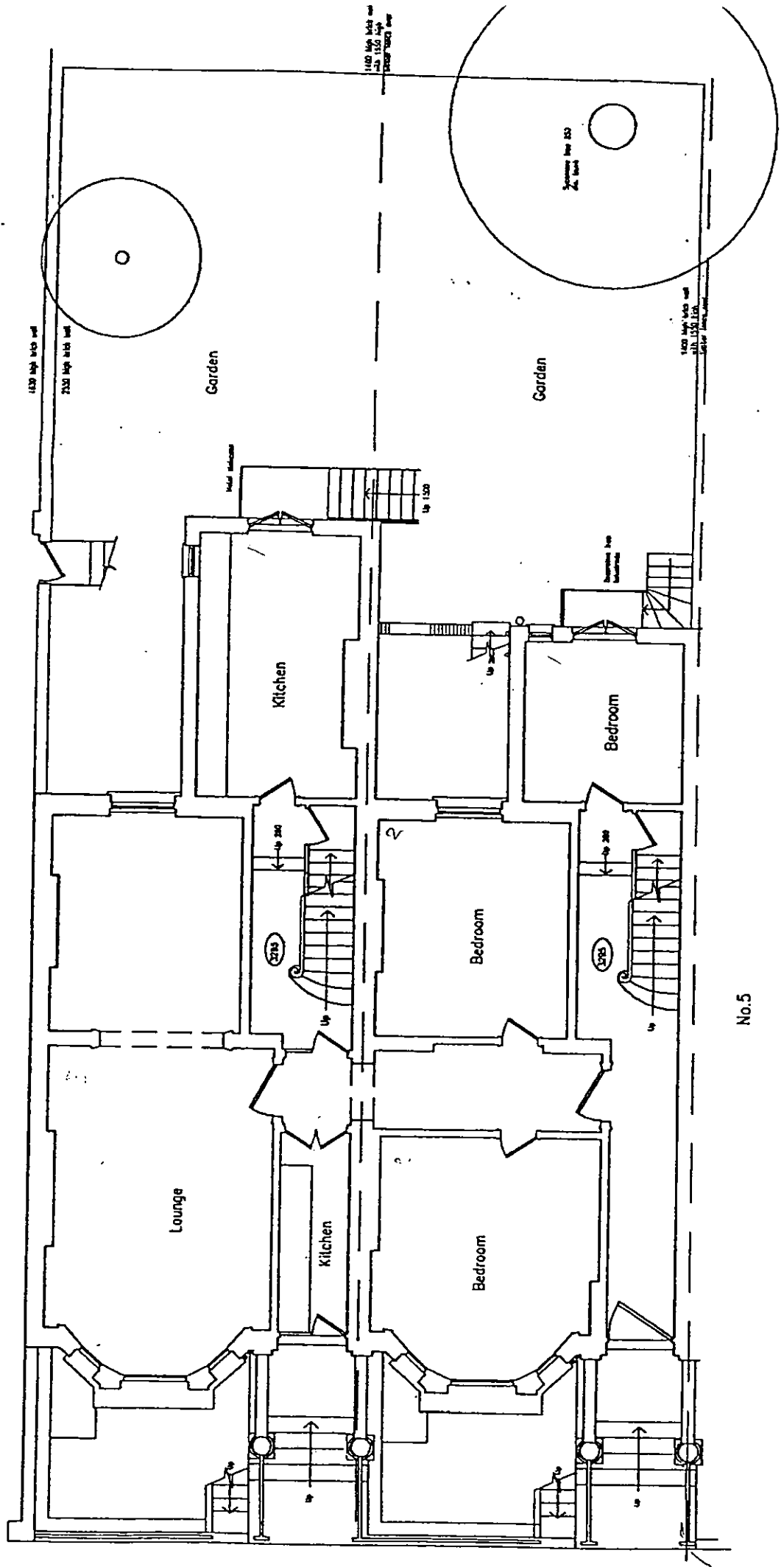
1/3 Marloes Road : Existing Floor Plans



No.5

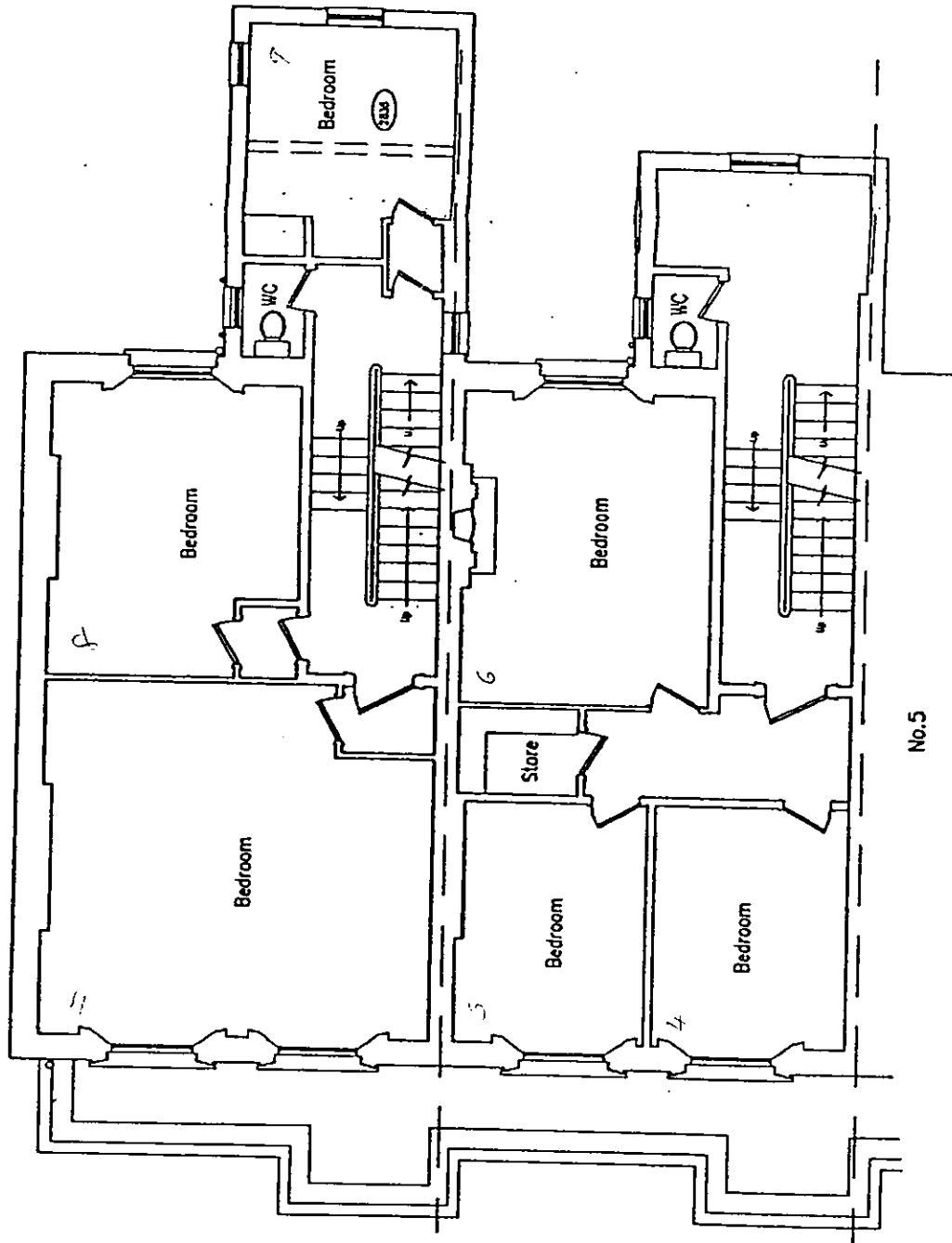
Lower Ground Floor Plan

SCALE 1:100



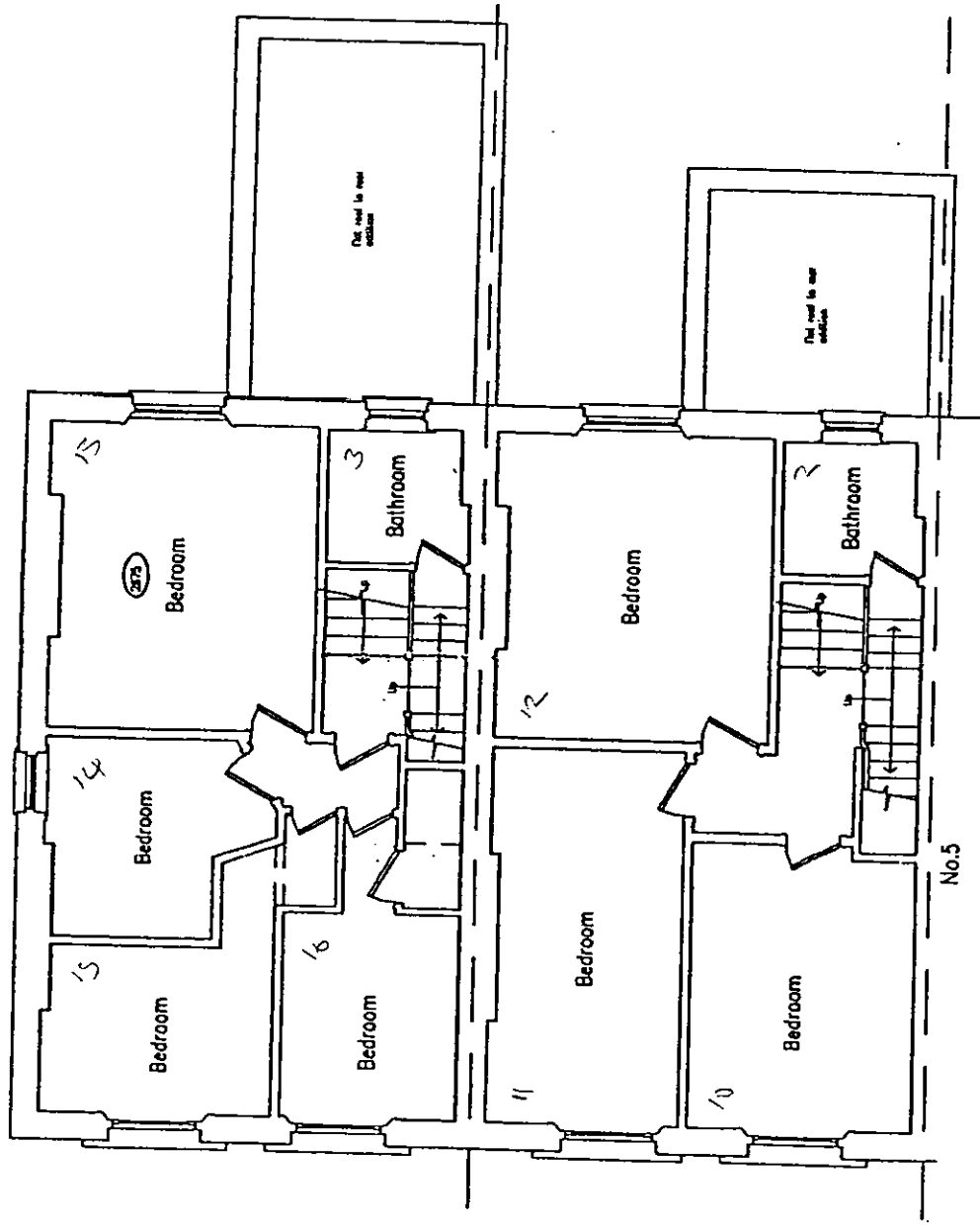
No.5

Ground Floor Plan SCALE 1:100

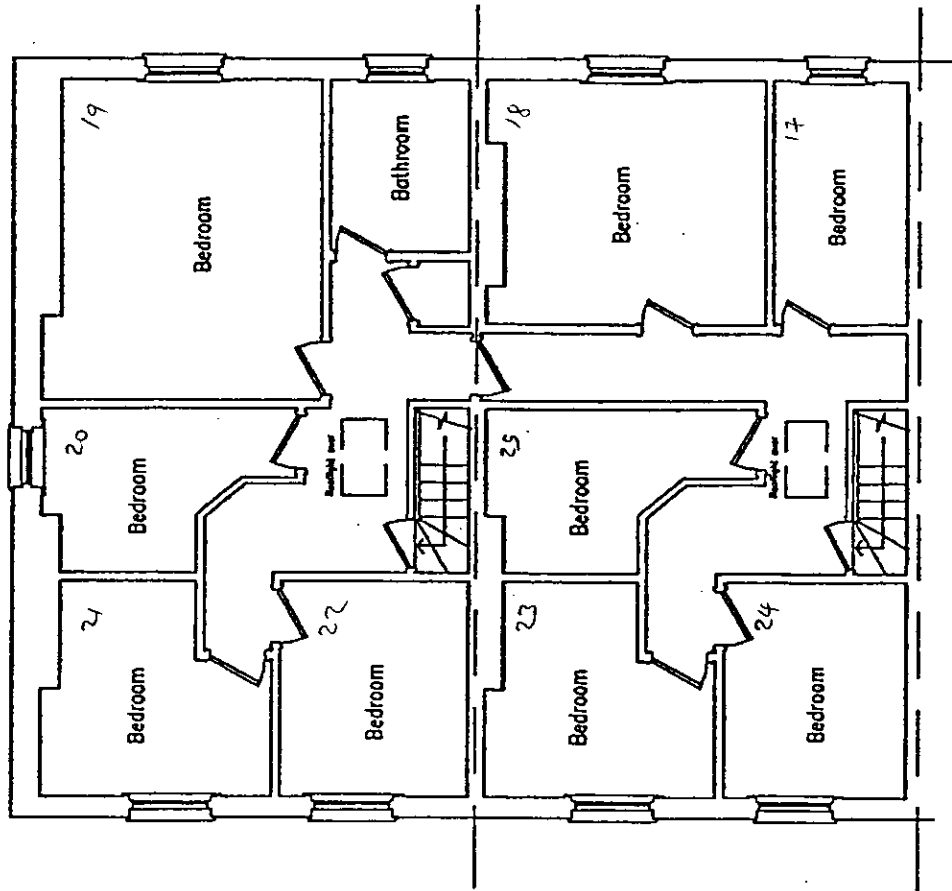


First Floor Plan

SCALE 1:100



Second Floor Plan SCALE 1:100



No.5

Third Floor Plan SCALE 1/100



Appendix 2

3 Marloes Road :

July 1959 Planning Permission



London County Council ARCHITECT'S DEPARTMENT

472/26
17/6/59

TOWN AND COUNTRY PLANNING ACT, 1947 (SECTION 11(6))
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

Reference
No. 17/59

REGISTER OF APPLICATIONS

17 JUL 1959

Applicant
Name
Address No. 17/59

Date of Council's decision

18 JUL 1959

Particulars of an application under the Town and Country Planning Act, 1947
and the Town and Country Planning (General Development) Order, 1950.
Particulars of any direction in respect of the application under the above-named Act and
Order, where issued.
Council's decision. Permission granted for the development referred to in the
undermentioned schedule, as shown on the plans submitted, subject to the conditions
referred to.

CERTIFIED TRUE COPY OF
PLANNING DECISION, DECISION
APPEAL DECISION, TENTATIVE
CERTIFICATE OF AGREEMENT
STAT. REG. NO.
SIGNED

Date of application: 25 May 1959

Plans submitted:

Development: The use of No. 3 Marlow Road, Kensington, as a residential
house, including the part-time use of the common rooms for lectures and
discussions.

- Conditions:
- (1) This permission shall be personal to the Capricorn Africa Trust and shall not ensure for the benefit of the land.
 - (2) The provision and maintenance of adequate residential supervision and control.
- (1) and (2) to enable the council to retain control of any future use of the premises, and to safeguard the residential amenities of the surrounding properties.

Name and address of applicant

Francis Fry, Esq., A.R.T.S.A.
18 Deodar Street
S.W. 2



Appendix 3

**1 Marloes Road :
October 1962 Appeal Decision**

CERTIFIED TRUE COPY OF

47284

PLANNING ACT
APPEALS

MINISTRY OF HOUSING & LOCAL GOVERNMENT
Whitehall, LONDON S.W.1
Telegrams: Locoplan, Parl, London
Telephone: Ext 281

PLEASE address any reply
to THE SECRETARY
and quote APP/729/A/60207
Your reference: AC/BU

17 OCT 1962

Gentlemen,

No. 1 Marloes Road, Kensington

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of the Inspector, Mr A.G. Harcourt, M.T.I.P.I., A.R.I.C.S., following the local inquiry into the appeal made by Messrs. Zebra House Limited, under Section 16 of the Town and Country Planning Act, 1947, against the refusal of the Council of the Royal Borough of Kensington, acting on behalf of the London County Council, to permit the use of the above premises as an extension of the residential hostel at No. 3 Marloes Road.
2. The Inspector in his report to the Minister, a copy of which is enclosed, considered that the proposed development would be a logical extension of the present hostel at No. 3, Marloes Road, which would no doubt thereby become a more economic unit; found no evidence that the use would adversely affect any residential occupation or the character of the district; and did not consider that the maintenance of certain accommodation for more permanent residents was a sufficient reason in itself for withholding planning permission. He recommended therefore that the appeal should be allowed subject to the condition that it should ensure for the benefit of Zebra House Limited.
3. The Minister understands the Borough Council's wish to preserve a balance between accommodation for permanent and for transient residents, but he also recognises that there is a need for the provision of accommodation of the kind under consideration. He considers that, in the light of the Inspector's Report, the property in question is suitable for the purpose. In these circumstances, the Minister accepts the Inspector's recommendation that the appeal should be allowed. He accordingly hereby grants permission for the use of No. 1 Marloes Road as an extension to the residential hostel at No. 3 Marloes Road, Kensington, subject to condition that the permission hereby granted shall enure solely for the benefit of Zebra House Limited and shall not run with the land.
4. This letter does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1947, otherwise than under section 14 of that Act, which may be required under any other Acts, including any byelaws, orders or regulations made under such other Acts.

I am, Gentlemen
Your obedient Servant.

F.S. MALYON
Authorised by the Minister
to sign in that behalf.

Messrs Albin Hunt and Stein
Solicitors
24 City Road
LONDON E.C. 1

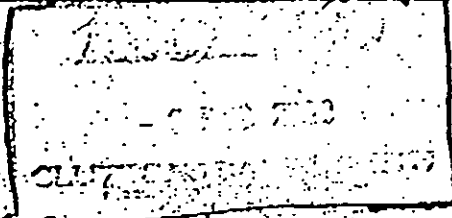
Appendix 4

Borough Council letter of 27-1-2000

PLANNING AND CONSERVATION
THE TOWN HALL MORNTON STREET LONDON W8 7HX

Executive Director M J FRENCH PRICS Dip TP MRTPI Cert TS

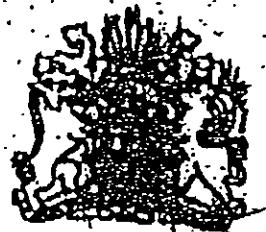
Mr. J. Field
Cluttons
45 Berkeley Square
London
W1X 5DB



Switchboard: 020 7937 5464
Extension: 2085
Direct Line: 020 7361 2085
Facsimile: 020 7361 3463

27 January 2000

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCC/TP/
History/AS/MG

Your reference:

Please ask for: Anne Salmon

Dear Sir,

Town and Country Planning Act 1990
1-3 Marlora Road, Kensington, W8

I refer to your letter dated 14th January 2000 concerning the above property.

I note that the property is currently vacant, but that its previous use was as a residential hostel which was subject to a personal planning permission. Hence, it is considered that the property has a nil use. I would advise that therefore the conversion of the property to residential flats is likely to be acceptable in principle. I would confirm that a mix of flat sizes would be preferred, with larger units having access to the garden.

I enclose the necessary forms which should be returned together with 4 copies of plans of the property as existing and as proposed.

If you have any further queries concerning the property, please contact my assistant, Miss Salmon.

Yours faithfully

M. J. French

Executive Director of Planning and Conservation

To: SIMON CHAPMAN

Fax: 01206 542121

020 7361 3463
KAROLINE ANTONIA P. WINE



Appendix 5

Borough Council letter of 4-8-2000

PLANNING AND CONSERVATION

THE TOWN HALL BORNTON STREET LONDON W8 7NA

Executive Director MLEFOSU H ERICS Dip IP MRTPI Cert US

Peter Wood & Partners
22B Lannceston Place
London
W8 5RESwitchboard: 0207-937-5464
Extension: 2011
Direct Line: 0207-361-2011
Facsimile: 0207-361-3463
Email: pwh@orbke.gov.uk

04 August 2000

THE ROYAL
BOROUGH OFKENSINGTON
AND CHELSEAMy reference: PCS/DCC/PP/00/ Your reference: 1285
01123

Please ask for: Ms W I Reid

Dear Sir

Town and Country Planning Act 1990
Re: 1 & 3 Marloes Road, W.8

I am writing with reference to the recent telephone conversation with Ms Reid regarding the planning application on the above mentioned properties.

The current application fails to provide any off-street car parking spaces for the proposed ten self-contained residential units, in an area which suffers from severe on-street parking stress, and is therefore contrary to the Councils policies as set out in the Unitary Development Plan and the Unitary Development Plan Alterations.

I recommend that this issue be addressed in one of the following ways; with amended drawings submitted where appropriate;

1. The change of use of the properties should be restricted to either two single dwelling houses or alternatively two residential units in each property only.
2. A minimum of six off-street car parking spaces should be provided within the immediate locality of the properties. Evidence would be required in order to confirm that the car parking spaces would be for the sole use of the residential units proposed by the current application.

To avoid further delay in the consideration of this application a prompt response would be appreciated.

Yours faithfully

Mr D Taylor
Area Planning Officer
Planning and Conservation



Appendix 6

Unilateral Obligation 15-1-01

DATED 15th January 2001

ST JAMES HOMES LIMITED

- to -

THE ROYAL LONDON BOROUGH OF KENSINGTON AND CHELSEA

UNILATERAL OBLIGATION

pursuant to Section 106 Town and Country Planning Act 1990
relating to a development of premises at
1 and 3 Marloes Road London W8

LAYTONS
Carmelite
50 Victoria Embankment
Blackfriars
London EC4Y 0LS

Tel: 020 7842 8000 Fax: 020 7842 8080
E-mail: london@laytons.com

Ref: DMH/161688

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7.	CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999	3
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THIS UNILATERAL OBLIGATION is made on 15th January 2001

BY

- (1) ST JAMES HOMES LIMITED (company no. 3190056) whose registered office is at 19 Portsmouth Road Cobham Surrey KT11 1JG ("the Owner"); and
- (2) IN FAVOUR OF THE MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA of Town Hall Hornton Street London W8 7NX ("the Council")

WHEREAS

- (A) The Council is the local planning authority for the purposes of the Act for the area within which the Property is situate
- (B) The Owner owns the freehold interest in the Property and is entitled to be registered as proprietor in respect thereof at H M Land Registry
- (C) The Owner has applied to the Council under Reference PP/00/02429 for planning permission to construct within the building situate on the Property ten residential flats ("the Planning Application")

NOW THIS DEED WITNESSES that:

1. DEFINITIONS

For the purposes of this Agreement the following words and expressions shall have the following meanings respectively ascribed to them unless the context otherwise requires:

- | | |
|---------------|---|
| "the Act" | means the Town and Country Planning Act 1990 (as amended); |
| "Development" | means the development of the Property by the construction within the building thereon of ten residential flats; |
| "Plan" | means the plan annexed hereto; |

"Planning Permission"

means planning permission for the Development in pursuance of the Planning Application;

"Property"

means the freehold property situate at 1 and 3 Marloes Road London W8 6LQ as the same is shown edged red on the Plan and is comprised within the titles at H M Land Registry numbered LN 68674 and LN 108217

2. INTERPRETATION

2.1 References to Clauses etc.

Where in this Obligation reference is made to a clause, paragraph, schedule, plan or recital such reference (unless the context otherwise requires) is a reference to the clause, paragraph, schedule, plan or recital of (or in the case of a plan) attached to this Obligation

2.2 Schedule

Where in any schedule reference is made to a paragraph such reference shall (unless the context otherwise requires) be to a paragraph of that schedule

2.3 References to Owner

References in this Obligation to the Owner shall include a reference to its successors in title and assigns to the Property and to persons claiming through or under them

2.4 References to the Council

References in this Obligation to the Council shall include its successors as the local planning authority for the area in which the Property is located

3. LIMITATION OF AGREEMENT

3.1 Commencement

This Obligation shall come into effect only upon the grant of the Planning Permission

3.2 Limitation of Liability

No person shall be liable for a breach of this Obligation occurring after it has parted with its interest in the Property or the part thereof in respect of which the obligation relates and such breach occurs PROVIDED THAT such person shall

remain liable in respect of any breach occurring prior to its parting with its interests as aforesaid

3.3 **Section 106**

The obligation contained in clause 4 is a Planning Obligation for the purposes of Section 106 Act and shall be enforceable by the Council

4. **AGREEMENT BY THE OWNER**

The Owner agrees pursuant to Section 106 of the Act and all other enabling powers with the Council so as to bind the Property to perform the obligations set out in the Schedule hereto

5. **NO WAIVER**

No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the terms, conditions, obligations or restrictions of this Obligation shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms, covenants, obligations or restrictions or from acting upon any subsequent breach or default in respect thereof by the Owner

6. **RIGHTS AND DUTIES OF THE COUNCIL**

Nothing in this Obligation shall fetter the Council in the exercise of its rights and duties as local planning authority or otherwise as a statutory authority

7. **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Obligation and no person or persons other than the Council shall have any rights under it nor shall it be enforceable by any person other than the parties to it under that Act

IN WITNESS whereof this Obligation has been executed as a deed and delivered on the date first above written

THE SCHEDULE

1. The Owner will not apply for nor permit any application to the Council by the lessees or occupiers of any of the flats comprised within the Development or by any persons residing therein as their main residences for residential parking permits for the benefit of the said flats to park any vehicle within the Royal London Borough of Kensington and Chelsea
2. The Owner will impose in each of the leases granted ~~of six~~ of the flats within the Development a covenant by the lessee thereof in the following terms:
"the Lessee for himself and his successors in title, the owner or owners for the time being of the term of years hereby granted hereby covenants with the Lessor not to apply nor permit an application to be made by any person residing in the Flat as his main residence for the benefit of the Flat to the Royal London Borough of Kensington and Chelsea for a residents car parking permit to permit the parking of any vehicle in any public street" and will produce to the Council a certified copy of each said lease within ten working days of the grant thereof

TF

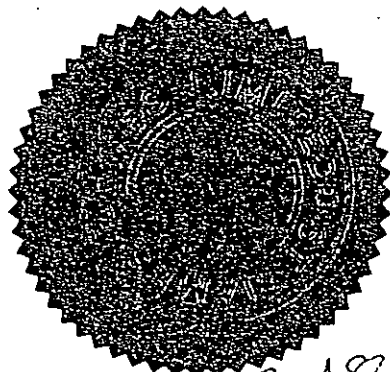
THE COMMON SEAL

of
was affixed in the presence of:

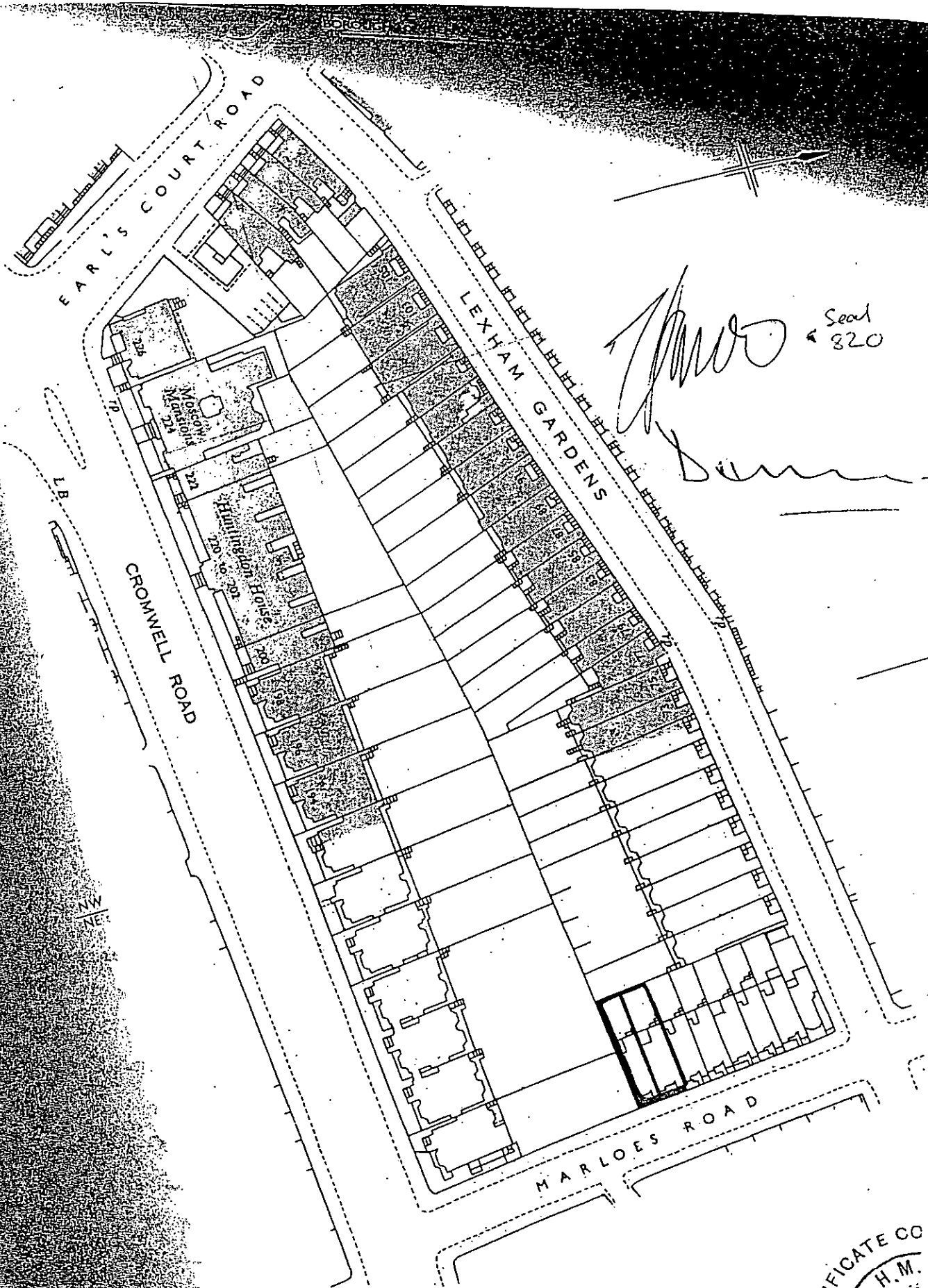
)
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Director:
Name (please print): T. Adlow

Director/Secretary:
Name (please print): D MARTIN



Seal 820



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Seal 820



Appendix 7

Officer Report to Committee (27-3-01)

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION.

PLANNING SERVICES COMMITTEE 27/03/2001

APP NO. PP/00/02429/MAJD
AGENDA ITEM NO. 2022

ADDRESS

1-3 Marloes Road, London,
W8 6LH

APPLICATION DATED 29/09/2000

APPLICATION COMPLETE 10/10/2000

APPLICANT/AGENT ADDRESS:

CONSERVATION AREA Lexham
Gardens

CAPS No

Arch-Tech,
Unit B7,
Fair Oaks Airport,
Chobham,
Surrey

ARTICLE '4' No

WARD Abingdon

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 223

OBJECTIONS 0

SUPPORT 1

PETITION 0

Applicant Bremday Limited,

PROPOSAL:

Formation of ten self-contained flats together with the replacement of UVPC windows with traditional sash-style windows.

RBK&C Drawing No(s): PP/00/02429

Applicant's Drawing No(s): 810/01, 810/02, 810/03, 810/04A and 810/05A.

RECOMMENDED DECISION: Grant planning permission

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. **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)

3. **Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation 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 treatment of the open land within the site including hard and soft landscaping;**
 - (b) **any proposed walls, fences, or railings;**
 - (c) **the provision to be made for the storage and disposal of refuse.**

(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)

4. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation in writing. (C071)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

5. **The replacement windows hereby permitted shall be timber framed, double hung, sliding sashes, and so maintained. (C075)**
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

INFORMATIVES

1. I08

2. I10

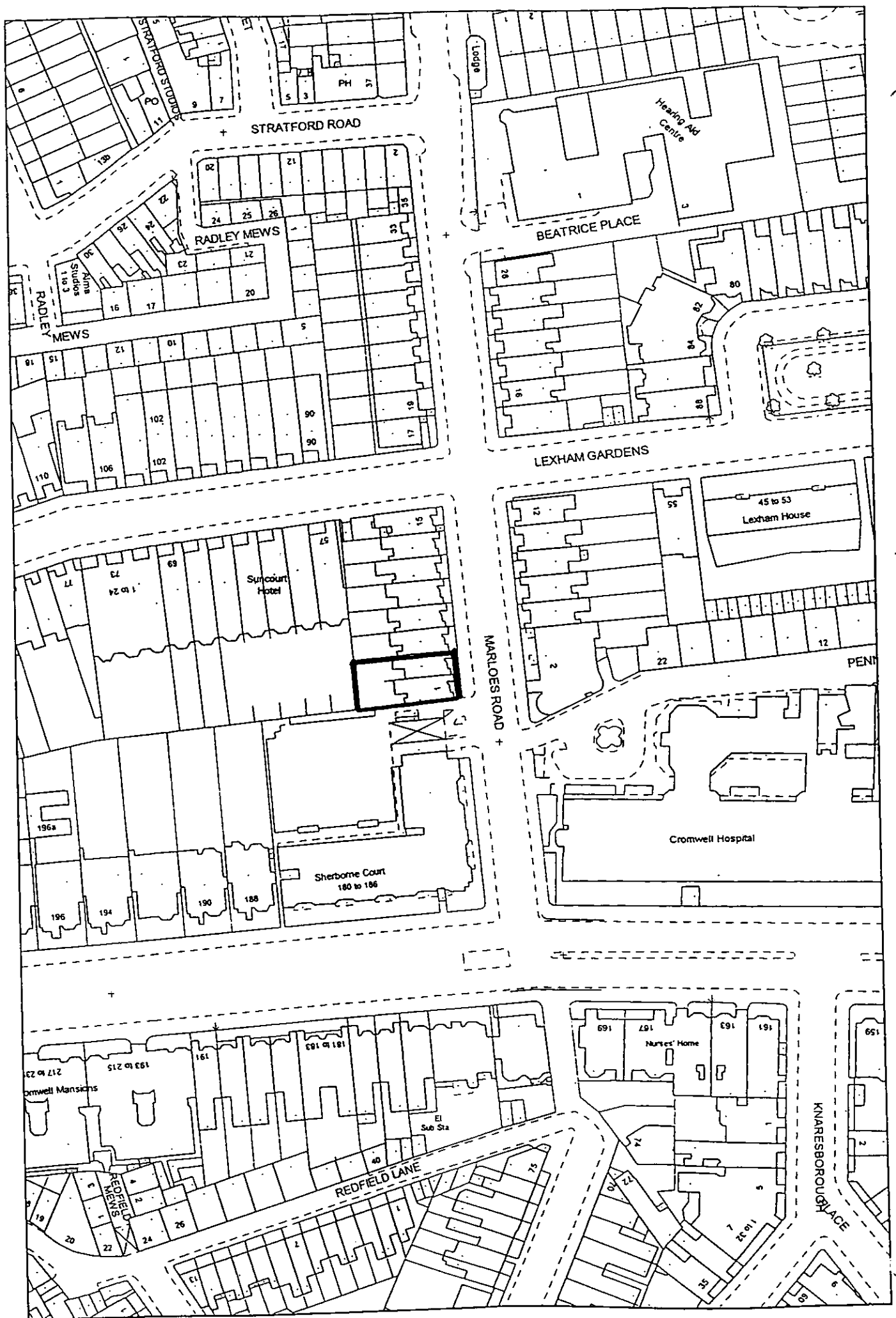
3. I09

4. I11

5. I21

6. I30

7. 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 STRAT2, STRAT14, STRAT16, CD25, CD28, CD30, CD41, CD42, CD52, CD53, H2, H3, TR39 and TR46. (I51)



1.0 THE SITE

- 1.1 Nos.1 and 3 Marloes Road are three storey plus basement, terraced properties located on the west side of the road, close to the junction with Cromwell Road. No.1 is located at the end of the terrace and is separated by an access road from Sherbourne Court.
- 1.2 The properties are currently vacant. They were last used as a residential hostel; however, the planning permissions for this use were personal and the current use is therefore nil use.
- 1.3 The properties are located within the Lexham Gardens Conservation Area. They are not listed.

2.0 THE PROPOSAL

- 2.1 There are two applications for planning permission with regard to Nos.1 and 3 Marloes Road.
- 2.2 The first application, considered by this report, is for the change of use of both buildings to form ten self-contained residential units, five to each building, together with the erection of basement extensions, ground floor conservatories, replacement windows and elevational alterations to both properties.
- 2.3 The second application, Ref. PP/00/2429, is for the change of use of both buildings to form ten self-contained residential units, five to each building together with the replacement of the existing UPVC windows with timber sliding sashes.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 17th July 1959 for the use of No.3 Marloes Road as a residential hostel. This permission was made personal and therefore would revert to nil use should the property become vacant or occupied by another person.
- 3.2 On 9th May 1962 planning permission was refused for the change of use of No.1 Marloes Road to a residential hostel, to be used in connection with the hostel at No.3 Marloes Road. An appeal against this decision was allowed on 17th October 1962 with a personal condition attached. The use of the property would revert to nil use should the property become vacant or occupied by another person.
- 3.3 Planning permission was granted on 1st November 1983 for the erection of a rear extension at basement and ground floor levels to No.1 Marloes Road together with steps from the ground floor to garden and the erection of fire escapes to both properties.

- 3.4 On 28th January 1987 planning permission was granted for the replacement of the timber sash windows to the front elevations of Nos.1, 3 and 7 Marloes Road with UPVC coated sash windows. An amendment to Condition 2 of this permission was granted on 10th June 1987 to allow the use of tilt-and-turn UPVC coated windows.
- 3.5 Planning permission was granted for the erection of a rear extension at second floor level to No.1 Marloes Road on 29th February 1988.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations relate to the principle of the change of use to residential together with the effect of the proposed development upon the character and appearance of the Conservation Area, upon the existing levels of amenity currently enjoyed by neighbouring occupiers and upon traffic congestion and on-street parking stress.
- 4.2 The relevant Policies are STRAT 2, STRAT 14 and STRAT 16, together with policies contained within the 'Conservation and Development', 'Housing' and 'Transportation' Chapters of the Unitary Development Plan, in particular Policies CD25, CD28, CD30, CD41, CD42, CD52, CD53, H2, H3, TR39 and TR46.
- 4.3 The properties were last in use as a residential hostel. This use was granted with a personal condition attached to each planning permission on both properties. The properties are currently vacant, therefore they have reverted to nil use, in light of the personal permissions. The principle of the use of the properties as self-contained residential units is therefore in accordance with STRAT2, STRAT14 and STRAT 16 together with the policies contained within the 'Housing' Chapter of the UDP. The size and layout of the units is in accordance with the Council's guidelines.
- 4.4 Policy TR46 normally requires the provision of one off-street car parking space for each self-contained unit created. Therefore, ten off-street car parking spaces should be provided to comply with Policy TR46. However, these are existing properties and it is not possible to provide any off-street car parking spaces on site. A recent parking survey, carried out in the evening, revealed on-street parking stress of 100% for Marloes Road and Lexham Gardens. There are no residents bays in Pennant Mews.
- 4.5 In order to address the lack of on-site parking the applicant has submitted a Unilateral Undertaking to covenant all the proposed flats to the effect that the leaseholders would not at any time apply for a resident's parking permit. Whilst concerns are raised over the enforceability of this Obligation, taking into account the existing nil use of the properties, together with limited number and size of units proposed, it is considered that the concerns raised with regard to the policies of the UDP can be addressed in the exceptional circumstances of this case.

- 4.6 The proposed rear extensions at basement level would be located within the existing lightwells and would be set back from the rear elevation of the back addition. The proposed conservatories would be located at ground floor level, on top of the proposed extensions, and would be set back further than the rear elevations of the proposed basement level extensions. The conservatories would be fully glazed and of a simple, traditional design.
- 4.7 The proposed windows to the front and rear elevations would be vertical timber sashes and would replace the existing turn-and-tilt UPVC windows.
- 4.8 The proposed works are considered in the main to preserve the character and appearance of the Conservation Area. The proposed replacement windows are considered to enhance the character and appearance of the Conservation Area.
- 4.9 Due to the location of the extensions and conservatories within the lightwells, and in the case of No.1 Marloes Road abutting an access road, they would not adversely affect the existing amenities of neighbouring occupiers.

5.0 PUBLIC CONSULTATION

- 5.1 A site notice has been displayed and two hundred and twenty one individual letters of notification have been sent to neighbouring occupiers in Cromwell Road and Marloes Road.
- 5.2 One letter has been received which is in support of the proposal. To date no further responses have been received.

6.0 RECOMMENDATION

- 6.1 Grant planning permission conditionally

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/00/01123 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: LR
Report Approved By: PK/LAWJ
Date Report Approved: 16/03/2001

PSC0301/LR.REP

PP/00/01123: 6



Appendix 8

St James Homes letter (26-3-01)



ST JAMES HOMES

Mr RECEIVED
28 MAR 2001

Our Ref: MS/vjr

Your Ref: App No. PP/01/00349
PP/01/00350

M. J. French
Executive Director of Planning and Conservation
Royal Borough of Kensington & Chelsea
Town Hall
Horton Street
London
W8 7NX

By Fax & Post

26th March 2001

Dear Mr French

Re: Campden Hill Reservoir Site, Section 73 Application

I refer to the meeting at your offices on 23rd March 2001 attended by your colleague Stan Logan, with myself and my colleague Tim Farrow.

We discussed the above application together with our application to convert no's 1 and 3 Marloes Road into ten flats. (Your application reference No's PP/00/01123/MAJD and PP/00/02429/MAJD) that is to be presented also to the 27th March planning committee.

I am writing to confirm that after further deliberation and discussion and in addition to providing the 24 apartment at Finborough House, we are prepared to offer also the 10 apartments at Marloes Road for use as affordable housing, in lieu of providing 17 apartments on site at Campden Hill.

We respectfully request that the members defer making a decision on all of the above mentioned applications to allow further discussion to take place before final determination is made. Both Finborough House and Marloes Road could be linked by way of a Section 106 agreement to secure the off-site provision.

Please find attached a copy of a letter sent to members of the planning committee and Ward Members outlining the reasons for our revised proposal.

Yours sincerely,

Martin Simms
Deputy Managing Director

Copy of attached letter went to the following:

Cllr Christopher Buckmaster
Cllr Tim Ahern
Cllr Barry Phelps
Cllr Robert Freeman
Cllr John Cox
Cllr The Lady Hanham
Cllr Stuart Shapro
Cllr Shireen Ritchie
Cllr Johnnie Seidler

Appendix 9

Sellwood Planning letter (24-5-01)



Sellwood Planning

24th May 2001

Ref: RMS/StJ/Mar/01016

M French
Executive Director Planning & Conservation
Royal Borough of Kensington & Chelsea
Town Hall
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London
W8 7NX

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Telephone (01279) 871799
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Email: Sellwood.Planning@
ukgateway.net

FAO : P Kelsey

Dear Sir,

St. James Homes Ltd: 1/3 Marloes Road

I refer to my recent telephone conversation with Mr Kelsey of your department who advised that officers were giving consideration to recommending the refusal of both of the current applications to convert 1/3 Marloes Road into ten flats. I expressed some surprise at the turn of events bearing in mind the fact that the officers report, which was placed on the Agenda for the meeting of Members on the 27th March 2001, had recommended approval.

Mr Kelsey advised that the officers reconsideration is linked to the use of 1/3 Marloes Road as a residential hostel until the late 1990's and the policy in the UDP which seeks to resist the loss of residential hostels. At the time of our conversation I agreed with Mr Kelsey that I would respond with the views of St James on the hostel issue.

I think that we both agree on the starting point. Both 1 & 3 Marloes Road had planning permissions (dating from 1959 and 1962) for their use as residential hostels. However, at that time both your Council and the Secretary of State were unwilling to grant a permanent and unfettered planning permission for this use. As a consequence, both permissions were subject to a personal planning condition, which stated that the use will not run with the land. In the late 1990's the occupier with the benefit of the personal condition vacated the buildings. In accordance with the condition the residential hostel use has now ceased and your view is that the buildings now have a 'nil use' in planning terms.

You will recall that the report to the Planning Services Committee of the 27th March reiterated your view that these properties now have a nil use ;

"The properties were last in use as a residential hostel. This use was granted with a personal condition attached to each planning permission on both properties. The properties are currently vacant, therefore they have reverted to a nil use, in the light of the personal conditions. The principle of the use of the properties as self contained residential units is therefore in accordance with STRAT2, STRAT14 & STRAT16 together with the policies contained within the "Housing" Chapter of the UDP (para. 4.3).

This conclusion of officers that the building has a nil use was not, however, a one off or isolated comment. For example, as long ago as the 27th January 2000 you wrote to the Agents acting for the previous owners;

"I note that the property is currently vacant, but that its previous use was as a residential hostel which was subject to a personal planning permission. Hence it is considered that the property has a nil use. I would advise you that therefore the conversion of the property to residential flats is likely to (be) acceptable in principle." (copy appended)

Thus it is apparent that for at least fifteen months since January 2000 the view of officers has consistently been that the properties have a nil use and a residential conversion is acceptable in principle. Since there have been no changes in the policy context surrounding this site since the early part of 2000, I can see no reason why officers are now contemplating changing their long held and consistent view. Indeed, it may be argued that in giving the clear advice in the January 2000 letter (which has been acted on in good faith by my client in acquiring the site) your Council is now effectively "estopped" from taking an entirely different view.

Putting aside the legal issues relating to your previous advice, it is also my view that a refusal based on the "loss" of a residential hostel is entirely flawed in its logic. By accepting that the premises have a nil use, you concede that the hostel use is now extinguished. Any future use of the buildings will therefore require a new planning permission. Thus by starting from a nil use position all planning applications will have to be assessed in accordance with S54A of the Town and County Planning Act 1990 and the adopted Development Plan. The only relevant Policy in the adopted UDP is H25 which states;

"To resist the loss of existing residential hostels, except in Earls Court"

In this case there is no existing residential hostel "to lose" since the buildings have been vacant for several years and there is no lawful residential hostel use to protect. On this basis, H25 is no longer applicable to 1/3 Marloes Road.

The correct approach to the granting of any planning permission at 1/3 Marloes Road, is to consider the use proposed by the applicant against the provisions of the development plan. For a proposal to convert 1/3 Marloes Road to ten flats from a nil use, the Development Plan could not be more supportive. For example the following policies all encourage housing on 1/3 Marloes Road;

- (a) STRAT2 - increase residential provision in the Borough.
- (b) STRAT13 - increasing the dwelling stock in the Borough.
- (c) STRAT14 - maximising residential capacity in the Borough.
- (d) STRAT16 - increase the amount and range of housing in the Borough.
- (e) H2 - seek the development of buildings for residential use.
- (f) H3 - to encourage the use of property for housing.
- (g) H6 - to encourage residential conversions to smaller self contained residential units.
- (h) H13 - the improvement and preservation of the housing stock.

In contrast it is my view that the existing UDP would not favour the re-establishment of a residential Hostel use at 1/3 Marloes Road. Policy H26 states that residential hostels will not be permitted if there is an adverse impact on the amenity of local residents or the "environment and safety of neighbouring areas and roads by way of "traffic congestion"

In the case of the applications for the conversion of 1/3 Marloes Road to 10 flats, the only caveat in the 27th March 2001 Committee report was that Marloes Road and Lexham Gardens have been assessed as having "100% parking stress". St James have sought to overcome this by offering a unilateral obligation which would prevent future residents seeking a residents parking permit. The report concludes;

"whilst concerns are raised over the enforceability of this obligation, taking into account the existing nil use of the properties, together with the limited number and size of units proposed, it is considered that the concerns raised with regard to the policies of the UDP can be addressed in the exceptional circumstances of this case" (para 4.5).

The existing floor plans show that 1/3 Marloes Road is subdivided into 25 individual bedrooms and four 'living rooms' with shared use of kitchens and bathrooms. If it is assumed that each bedroom has only one occupant, the premises have the potential to provide hostel accommodation to 25 adults. Reference to your Council booklet on the 'Residents Parking Scheme' discloses that an occupier can obtain a residents parking permit if he or she is registered as a Council tax payer. Since the residential hostels envisaged in policy H25 are for "medium to long term permanent residential occupancy" (para 5.16), it is clear that the hostel residents could be eligible for residents parking permits.

Given that your Councils initial view (4th August 2000) was that the parking stress position would limit the residential capacity of 1/3 Marloes Road to four dwellings, it is self evident that a new proposal to obtain planning permission for a residential hostel with 25 individual bedrooms would be contrary to policy H26 of the UDP because of the acknowledged problems of parking stress. Thus S54A considerations would not support a new planning permission for a residential hostel at 1/3 Marloes Road.

To summarise, Officers adopted the 'nil use' approach to the future of this site between January 2000 and the March 2001 Committee Report. At no time did letters from the Council indicate that there was a desire to restart the residential hostel use. Given the fact that the residential hostel use was extinguished, this is not surprising. Having given unequivocal advice that a residential conversion was likely to be acceptable, my clients acted on the advice in good faith in acquiring the premises.

Even if your Council had not given consistent advice that a residential hostel was acceptable in principle, the current applications need to be assessed on the planning merits of moving from a nil use to ten flats. The desire to re-establish a use which is now extinguished and would require its own new planning permission is irrelevant. However, it does appear to me that in view of the acknowledged problems of parking stress in Marloes Road, a new planning application for a residential hostel at 1/3 Marloes Road would be contrary to policy H26 of the adopted UDP. This contrasts with the strong support for a conversion to ten flats.

As you will be aware, St James Homes have already lodged an appeal in respect of one of the Marloes Road applications. Whilst it had been our initial view that this should be dealt with by written representations, we have now taken the precaution of asking the Planning

Inspectorate to arrange a public inquiry. This has been necessitated by your indication that your stance could change to opposing the principal of a residential conversion. We would wish this change of stance to be the subject to thorough cross examination. Clearly, thus turn of events is disappointing since it has always been our view that this was a case which is capable of being resolved at a local level.

Given all the above points I trust that you will now feel able to resubmit the 27th March Committee report to your Members on the 5th June 2001 with a recommendation for approval.

If you have any queries on the above or consider that a meeting would be useful, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R M Sellwood', with a long horizontal flourish extending to the right.

R M Sellwood

cc. P. Hull

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

RECEIVED

08 AUG 2000

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Peter Wood & Partners
22B Launceston Place
London
W8 5RL

Switchboard: 0207-937-5464
Extension: 2011
Direct Line: 0207-361-2011
Facsimile: 0207-361-3463
Email: plnr@rbkc.gov.uk



KENSINGTON
AND CHELSEA

04 August 2000

My reference: PCS/DCC/PP/00/ Your reference: 1285
01123

Please ask for: Ms W L Reid

Dear Sir

Town and Country Planning Act 1990
Re: 1 & 3 Marloes Road, W.8

I am writing with reference to the recent telephone conversation with Ms Reid regarding the planning application on the above mentioned properties.

The current application fails to provide any off-street car parking spaces for the proposed ten self-contained residential units, in an area which suffers from severe on-street parking stress, and is therefore contrary to the Councils policies as set out in the Unitary Development Plan and the Unitary Development Plan Alterations.

I recommend that this issue be addressed in one of the following ways; with amended drawings submitted where appropriate;

1. The change of use of the properties should be restricted to either two single dwelling houses or alternatively two residential units in each property only.
2. A minimum of six off-street car parking spaces should be provided within the immediate locality of the properties. Evidence would be required in order to confirm that the car parking spaces would be for the sole use of the residential units proposed by the current application.

To avoid further delay in the consideration of this application a prompt response would be appreciated.

Yours faithfully

Mr D Taylor
Area Planning Officer
Planning and Conservation

PLANNING AND CONSERVATION

THE TOWN HALL, MORNTON STREET, LONDON W8 7NX

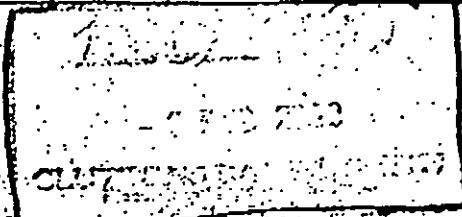
Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Mr. J. Field
Cluttons
45 Berkeley Square
London
W1X 5DB



Switchboard: 020 7937 5464
Extension: 2085
Direct Line: 020 7361 2085
Facsimile: 020 7361 3463

27 January 2000

020-7408-10105

My reference: DPS/DCC/TP/
History/AS/MG

Your reference:

Please ask for: Anne Salmon

Dear Sir,

Town and Country Planning Act 1990
1-3 Marloes Road, Kensington, W8

I refer to your letter dated 14th January 2000 concerning the above property.

I note that the property is currently vacant, but that its previous use was as a residential hostel which was subject to a personal planning permission. Hence, it is considered that the property has a nil use. I would advise that therefore the conversion of the property to residential flats is likely to be acceptable in principle. I would confirm that a mix of flat sizes would be preferred, with larger units having access to the garden.

I enclose the necessary forms which should be returned together with 4 copies of plans of the property as existing and as proposed.

If you have any further queries concerning the property, please contact my assistant, Miss Salmon.

Yours faithfully

M. J. French
Executive Director of Planning and Conservation

To: SIMON CHAPMAN
Fax: 01206 542121
From: CHARLES ANTHONY DWING
Date: 27.4.2000

(Handwritten signature: CHARLES ANTHONY DWING)

Appendix 10

Committee Reports (19-6-01)

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 19/06/2001

APP NO.PP/00/01123/MAJD
AGENDA ITEM NO. 2052

ADDRESS

1 & 3 Marloes Road, London,
W8 6LH

APPLICATION DATED 09/05/2000

APPLICATION COMPLETE 15/05/2000

APPLICATION REVISED N/A

APPLICANT/AGENT ADDRESS: CONSERVATION AREA Lexham Gardens CAPS No

Peter Wood &
Partners,
22B Launceston Place,
Kensington,
London
W8 5RL

ARTICLE '4' No

WARD

LISTED BUILDING No

HBMC DIRECTION N/A

CONSULTED 222

OBJECTIONS 0

SUPPORT 1

PETITION 0

Applicant The London Opportunity Fund PLC,

PROPOSAL:

Change of use and conversion to provide ten self-contained flats together with two extensions to rear basement level and two conservatories at ground floor level, replacement of windows and restoration of rear elevations.

RBK&C Drawing No(s): PP/00/01123 and PP/00/01123/A

Applicant's Drawing No(s): S01, S02, S03, S04, S05, P01A, P02A, P03, P04 and P05A.

RECOMMENDED DECISION: Refuse planning permission

REASONS FOR REFUSAL

1. The proposed change of use of the properties to ten self-contained flats is considered to be unacceptable in that it would result in the loss of premises suitable for continued hostel use, which the Council seeks to retain and protect, and therefore, would be contrary to Policy H25 of the Unitary Development Plan.
2. The proposed change of use of the properties to ten self-contained flats is considered to be unacceptable in that it would result in the formation of dwellings without making any associated provision for off-street parking. As a result the use would generate additional on-street car parking demand in an area that already experiences severe on-street parking stress, to the detriment of the amenities of existing residential occupiers. In this respect the proposal is contrary to Policy TR46 of the Unitary Development Plan.

1.0 THE SITE

- 1.1 Nos.1 and 3 Marloes Road are three storey plus basement, terraced properties located on the west side of the road, close to the junction with Cromwell Road. No.1 is located at the end of the terrace and is separated by an access road from Sherbourne Court.
- 1.2 The properties are currently vacant. They were last in use as a residential hostel for students. However, the planning permissions for this use were personal and the current use is therefore nil use.
- 1.3 The properties are located within the Lexham Gardens Conservation Area. They are not listed.

2.0 THE PROPOSAL

- 2.1 There are two applications for planning permission with regard to Nos.1 and 3 Marloes Road.
- 2.2 The first application, considered by this report, is for the change of use of both buildings to form ten self-contained residential units, five to each building, together with the erection of basement extensions, ground floor conservatories, replacement windows and elevational alterations to both properties.
- 2.3 The second application, Ref. PP/00/2429, is for the change of use of both buildings to form ten self-contained residential units, five to each building together with the replacement of the existing UPVC windows with timber sliding sashes. This application is the subject of an appeal on the grounds of non-determination.
- 2.4 Although not strictly relevant to the planning merits of these applications, Members should be aware that these properties are included as part of the suggested off-site provision for affordable housing in connection with the Campden Hill Reservoir Site. An application to provide affordable housing off-site has been refused planning permission and an appeal against that decision is due to be considered at a Public Inquiry in August 2001 along with the appeal on this application, should the Committee accept the recommendation on this report.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 17th July 1959 for the use of No.3 Marloes Road as a residential hostel. Prior to the implementation of this permission the property was in use as a boarding house, granted permission on 5th March 1937. The 1959 permission had a personal condition attached.
- 3.2 On 9th May 1962 planning permission was refused for the change of use of

hostel at No.3 Marloes Road. An appeal against this decision was allowed on 17th October 1962 with a personal condition attached. Prior to the implementation of this permission the property had been in use as a single dwelling house.

- 3.3 Planning permission was granted on 1st November 1983 for the erection of a rear extension at basement and ground floor levels to No.1 Marloes Road together with steps from the ground floor to garden and the erection of fire escapes to both properties.
- 3.4 On 28th January 1987 planning permission was granted for the replacement of the timber sash windows to the front elevations of Nos.1, 3 and 7 Marloes Road with UPVC coated sash windows. An amendment to Condition 2 of this permission was granted on 10th June 1987 to allow the use of tilt-and-turn UPVC coated windows.
- 3.5 Planning permission was granted for the erection of a rear extension at second floor level to No.1 Marloes Road on 29th February 1988.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations relate to the principle of the change of use to residential together with the effect of the proposed development upon the character and appearance of the Conservation Area, upon the existing levels of amenity currently enjoyed by neighbouring occupiers and upon traffic congestion and on-street parking stress.
- 4.2 The relevant Policies are STRAT 2, STRAT 14 and STRAT 16, together with policies contained within the 'Conservation and Development', 'Housing' and 'Transportation' Chapters of the Unitary Development Plan, in particular Policies CD25, CD28, CD30, CD41, CD42, CD52, CD53, H2, H3, H25, TR39 and TR46.
- 4.3 Nos. 1 and 3 Marloes Road were last used as a residential hostel, operated by The Zebra Trust from 1959 until 1998/9, which provided accommodation for students. Council records indicate that The Zebra Trust vacated the premises between 1998 and 1999, and that in 1999 a separate organization continued the hostel use until the end of 1999. Council records further indicate that no complaints regarding noise or disturbance were made in relation to the hostel use during the lengthy period of occupation by The Zebra Trust. Four complaints regarding noise were received during a three day period in August 1999 whilst the property was under the control of the new organization.
- 4.4 Both the 1959 and 1962 permissions for use of the two properties as a residential hostel had personal conditions attached, with The Zebra Trust as the named party. The properties are currently vacant, therefore, in light of the personal permissions, technically they have reverted to nil use. However, the properties were occupied as a residential hostel for students for a period in excess of 35 years. In light of this extensive period of continuous occupation it

- is considered that the use can be considered as de facto, a hostel use, and therefore should be considered in accordance with the Council's policies relating to residential hostels.
- 4.5 Policy H25 of the UDP resists the loss of existing residential hostels within the Royal Borough. The term "residential hostel" is defined within the UDP as;
- "Accommodation intended primarily for medium to long term residential occupancy catering for a wide range of socio-economic groups."
- 4.6 The justification for Policy H25 can be found within paragraph 5.15 of the UDP, which recognizes that there has been a decline in the amount of rented accommodation within the Borough, and that this has led to increasing difficulty in finding permanent housing for existing hostel residents. This in turn restricts the ability of hostels to release space for newcomers. The number of residential hostels has also been in decline and this will serve to restrict further the accommodation available to these groups within the Borough.
- 4.7 In light of Policy H25 it is considered that the de facto residential student hostel use of the properties should be protected. There is no evidence to suggest the absence of continuing demand for hostel accommodation within the Royal Borough. The properties have good access to public transport links and therefore are considered to be in a location suitable for continued residential student hostel use. Technically, the properties currently have nil use, therefore planning permission would be required for the continued use of the property as a residential students hostel.
- 4.8 STRAT2 and STRAT14 seek to maximize the provision of residential dwellings in the Borough, whilst STRAT 16 seeks to increase the amount and range and type of dwellings for permanent accommodation. The current proposal would contribute to the permanent dwelling stock, however it would result in the loss of accommodation suitable for continued use as a residential student hostel, which the Council seeks to protect with Policy H25 of the UDP. In light of the decline in this type of accommodation within the Borough the protection of the de facto residential student hostel use is considered to outweigh the provision of market housing.
- 4.9 Policy TR46 normally requires the provision of one off-street car parking space for each self-contained unit created. Therefore, ten off-street car parking spaces should be provided to comply with Policy TR46. However, these are existing properties and it is not possible to provide any off-street car parking spaces on site. A recent parking survey, carried out in the evening, revealed on-street parking stress of 100% for Marloes Road and Lexham Gardens. There are no residents' bays in Pennant Mews.
- 4.10 The use of the buildings as a residential student hostel is unlikely to have generated significant demand for on street parking in the locality. In order to be eligible for a parking permit within the Royal Borough the applicant must be a resident and full Council tax must be paid on their residence. There are a

number of other requirements that a resident of a student hostel would be extremely unlikely to meet. However, the proposed change of use to ten self-contained flats would allow parking permits to each adult able to prove permanent residence. The hostel use would have generated very little if any demand for on-street car parking, whereas the current proposal is likely to generate a demand for at least ten permits.

- 4.11 In order to address the lack of on-site parking and the effect of the proposed development on the severe on-street parking stress in the locality, the applicant has submitted a Unilateral Undertaking to covenant all the proposed flats to the effect that the leaseholders would not at any time apply for a residents' parking permit. Concern is raised over the enforceability of this Obligation and therefore it is not considered to sufficiently address the concerns raised with regard to the policies of the UDP.
- 4.12 The proposed rear extensions at basement level would be located within the existing lightwells and would be set back from the rear elevation of the back addition. The proposed conservatories would be located at ground floor level, on top of the proposed extensions, and would be set back further than the rear elevations of the proposed basement level extensions. The conservatories would be fully glazed and of a simple, traditional design.
- 4.13 The proposed windows to the front and rear elevations would be vertical timber sashes and would replace the existing turn-and-tilt UPVC windows.
- 4.14 The proposed works are considered in the main to preserve the character and appearance of the Conservation Area. The proposed replacement windows are considered to enhance the character and appearance of the Conservation Area.
- 4.15 Due to the location of the extensions and conservatories within the lightwells, and in the case of No.1 Marloes Road abutting an access road, they would not adversely affect the existing amenities of neighbouring occupiers.

5.0 PUBLIC CONSULTATION

- 5.1 A site notice has been displayed and two hundred and twenty one individual letters of notification have been sent to neighbouring occupiers in Cromwell Road and Marloes Road.
- 5.2 One letter has been received which is in support of the proposal. To date no further responses have been received.

6.0 **RECOMMENDATION**

6.1 Refuse planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/00/01123 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: LR
Report Approved By: PK/LAWJ
Date Report Approved: 07/06/2001

PSC0601/LR.REP



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 Planning Services Department using GGP 11/06/2001: Scale 1:1250



ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 19/06/2001

APP NO. PP/00/02429/MAJD
AGENDA ITEM NO. 2051

ADDRESS

1-3 Marloes Road, London,
W8 6LH

APPLICATION DATED 29/09/2000

APPLICATION COMPLETE 10/10/2000

APPLICATION REVISED N/A

APPLICANT/AGENT ADDRESS: CONSERVATION AREA Lexham Gardens CAPS No

Sellwood Planning
(Ref: RMS)

ARTICLE '4' No

WARD Abingdon

Highgate House
Barners Green

LISTED BUILDING No

Takeley
Bishops Stortford, Herts
CM22 6PE

HBMC DIRECTION N/A

CONSULTED 227

OBJECTIONS 0

SUPPORT 1

PETITION 0

Applicant Bremday Limited

PROPOSAL:

Change of use and conversion to provide ten self-contained flats together with the replacement of UVPC windows with traditional sash-style windows.

RBK&C Drawing No(s): PP/00/02429

Applicant's Drawing No(s): 810/01, 810/02, 810/03, 810/04A and 810/05A

RECOMMENDED DECISION: Minded to Refuse

REASONS FOR REFUSAL

1. **The proposed change of use of the properties to ten self-contained flats is considered to be unacceptable in that it would result in the loss of premises suitable for continued hostel use, which the Council seeks to retain and protect, and therefore would be contrary to Policy H25 of the Unitary Development Plan.**

2. **The proposed change of use of the property to ten self-contained flats is considered to be unacceptable in that it would result in the formation of dwellings without making any associated provision for off-street parking. As a result the use would generate additional on-street parking demand in an area that already experiences severe on-street parking stress, to the detriment of the amenities of existing residential occupiers. In this respect the proposal is contrary to Policy TR46 of the Unitary Development Plan.**

1.0 DETAILS

1.1 Details of this application are given in the report on application Ref. PP/00/01123, Agenda No. 2051.

2.0 RECOMMENDATION

2.1 Minded to refuse planning permission.

MLJ. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/00/02429 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: LR
Report Approved By: PK/LAWJ
Date Report Approved: 07/06/2001

PSC0601/LR.REP

Appendix 11

Committee Report

(4-7-01)

ROYAL BOROUGH OF KENSINGTON AND CHELSEA**PLANNING SERVICES COMMITTEE 4 JULY 2001****ADDENDUM REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND
CONSERVATION****1-3 MARLOES ROAD, W8**

Reference PP/00/1123 and 2429

This report relates to two planning applications at 1-3 Marloes Road which were considered at the Planning Services Committee on 19 June 2001. The Committee resolved that they were minded to grant planning permission for both applications but that they be deferred to allow further consultation.

FOR DECISION**1.0 BACKGROUND**

- 1.1 At their meeting on 19 June 2001 the Planning Services Committee considered two applications for 1-3 Marloes Road to convert the property to ten self-contained flats, together with external alterations. The original Committee reports are appended. One of the applications (Ref PP/00/2429) is the subject of an appeal on grounds of non determination.
- 1.2 The Committee resolved that they were minded to grant both applications but that they be deferred to allow further consultation to take place. Adjoining occupiers have been re-consulted and any representations will be reported at the Committee. It should be noted that there were no objections received when the applications were originally advertised.
- 1.3 Should the Committee still be minded to grant planning permission it is recommended that the following conditions be attached.

Application PP/00/01123

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. 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)

3. Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation, 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 treatment of the open land within the site including hard and soft landscaping;
- (b) any proposed walls, fences, or railings;
- (c) the provision to be made for the storage and disposal of refuse.

(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)

4. All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation, in writing. (C071)

Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

5. The replacement windows hereby permitted shall be timber framed, double hung, sliding sashes, and so maintained. (C075)

Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

6. The conservatory hereby permitted shall be timber framed, white painted, and so maintained. (C076)

Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

INFORMATIVES

- 1. I08
- 2. I09
- 3. I10

4. I11
5. I21
6. I29
7. I30
8. 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 STRAT2, STRAT14, STRAT16, CD25, CD28, CD30, CD41, CD42, CD52, CD53, H2, H3, TR39 and TR46. (I51)

Application PP/00/2429

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. **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)
3. **Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation, 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 treatment of the open land within the site including hard and soft landscaping;**
 - (b) **any proposed walls, fences, or railings;**
 - (c) **the provision to be made for the storage and disposal of refuse.**

(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)

4. All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation, in writing. (C071)
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)
5. The replacement windows hereby permitted shall be timber framed, double hung, sliding sashes, and so maintained. (C075)
Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)

INFORMATIVES

1. I08
2. I10
3. I09
4. I11
5. I21
6. I30
7. 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 STRAT2, STRAT14, STRAT16, CD25, CD28, CD30, CD41, CD42, CD52, CD53, H2, H3, TR39 and TR46. (I51)

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of file PP/00/01123 and PP/00/02429 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: LR
Report Approved By: PK/LAWJ
Date Report Approved: 07/06/2001

PSC0601/LR.REP

Appendix 12

Kensington & Chelsea UDP

(Extracts)

UDP

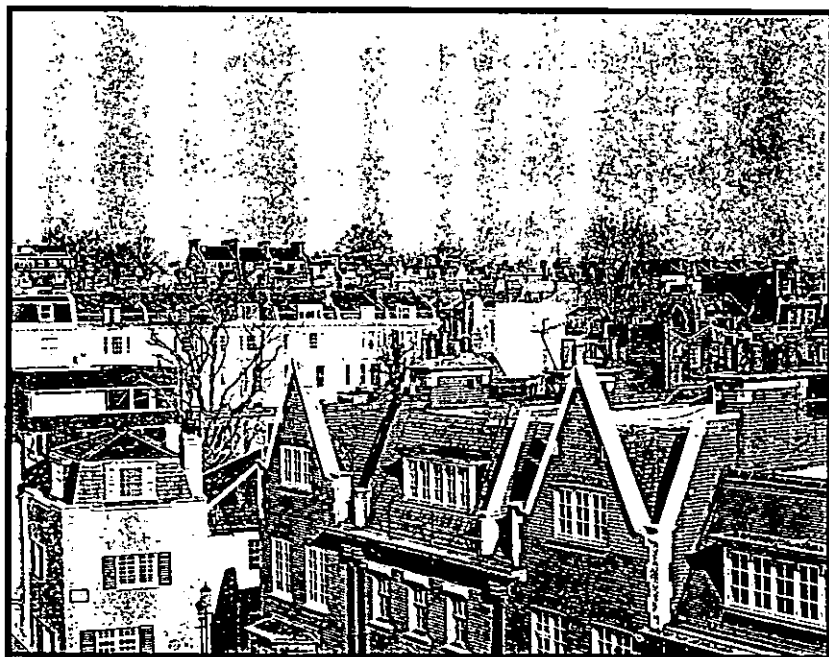
as adopted 28th August 1995

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

HOUSING



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GENERAL POLICIES

Part I Policies and Reasoned Justifications

Introduction

- i. Kensington and Chelsea is primarily a residential borough despite its commercial importance to London, particularly in shopping and tourism. The Council attaches the highest importance to meeting the needs of long-term residents.
- ii. The population of the Royal Borough, which fell rapidly during the seventies, has shown signs of stabilising in the late eighties and early nineties. This fall in population is common to most of inner London and is caused in part by a desire for better living standards. Whilst the Council cannot directly influence the size of its residential population, the policies in the Plan can prevent further reduction in population by resisting the loss of residential accommodation to other uses and requiring new residential development wherever possible and appropriate. A stable population may not in itself be sufficient to maintain and enhance the residential function of the Borough, but it is necessary in order to achieve economies of scale in service delivery, reduce unit costs and provide a resident population for local shops, services and facilities.
- iii. Housing activity of all sorts proceeded at a high rate in the Borough during the 1980's, but slowed down considerably at the beginning of the 1990's. The total net gain in dwellings through permissions either implemented or under construction for the years 1987-1991 (inclusive) was 1750.

Maintaining the Existing Stock

- iv. Given the historic decline in population, the reduced rate of conversions and very limited land availability, it is essential to protect the existing dwelling stock if the residential character and function of the Borough is to be maintained. Furthermore, the building of new dwellings will not be effective in meeting the growth in housing requirements (created by the increase in the number of small households) if the current stock is diminished without replacement. Consequently, there will be a general presumption by the Council against the loss of residential accommodation to other uses in line with Strategic Guidance for London (RPG3).

Increasing the Number of Dwellings

- v. A new housing capacity figure for the Borough will be included in revised Regional Planning Guidance 3 to be published in 1995. Whilst the Council will endeavour to ensure this level of additional provision is achieved, there are a number of constraints.

The number of sites with potential for residential development is declining, as is the number of properties suitable for conversion, and there is an increasing demand for limited on-street parking space. Kensington and Chelsea is already an intensively developed inner city borough with little available development land. If the housing capacity figure as proposed to be included in RPG3 is to be met, a high priority must be placed on allocating all available development land for residential use, except where there is a history of employment-generating uses and the site is unsuitable for housing. This is all the more necessary because of the diminishing number of suitable properties for conversion.

Maintaining and Promoting a Variety of Housing

- vi. Kensington and Chelsea has some of the highest residential rents and prices in the country. Accommodation is difficult to obtain for many people who have a need to live in the Borough because of their work or family contacts. RPG3 acknowledges the importance of providing housing for lower and middle income households in London. The Council's policies aim to maintain and increase the amount of affordable housing, family dwellings, small units and accommodation for special needs. The Council will seek to negotiate for a wide variety of housing within large development schemes, and will seek the provision of a substantial element of affordable housing.

STRAT 13

TO ENSURE THE CONTRIBUTION OF THE ROYAL BOROUGH TO THE DWELLING STOCK OF GREATER LONDON IS NOT DIMINISHED AND IS INCREASED WHEREVER APPROPRIATE.

STRAT 14

TO SEEK TO MAXIMISE THE RESIDENTIAL CAPACITY OF THE BOROUGH IN LINE WITH STRATEGIC GUIDANCE FOR LONDON.

STRAT 15

TO ENCOURAGE AN ADEQUATE AND CONTINUING SUPPLY OF LAND FOR NEW HOUSING THROUGH THE DEVELOPMENT OF VACANT AND UNDER-USED LAND FOR RESIDENTIAL USE IN APPROPRIATE LOCATIONS.

STRAT 16

TO SEEK AN INCREASE IN THE AMOUNT AND RANGE OF SIZES AND TYPES OF DWELLINGS TO MEET THE NEEDS OF THOSE SEEKING PERMANENT ACCOMMODATION IN THE ROYAL BOROUGH, WHILST MAINTAINING THE OVERALL QUALITY OF THE RESIDENTIAL ENVIRONMENT.

LOCAL POLICIES

1 OBJECTIVES

1.1 There are four overall objectives for housing in the Borough:

- (A) To protect permanent residential accommodation in order to maintain and enhance the residential function of the Borough.
- (B) To ensure that new residential development, including conversions and extensions, is of good quality in order to maintain and enhance the residential character of the Borough.
- (C) To increase the supply of housing in appropriate circumstances to help stem the decline of, and where possible to increase, the Borough's permanent residential population, subject to other policies of the Plan.
- (D) To provide and retain a range of housing types and sizes, of a satisfactory standard, to meet the varied physical and economic needs of Borough residents.

2 MAINTAINING AND ENHANCING THE RESIDENTIAL FUNCTION OF THE BOROUGH

2.1 Kensington and Chelsea experienced a decline in the level of population from the 1960's to 1981 despite an increase in the number of households since 1971. The 1991 Population Census showed the first increase in residential population for 30 years. The Borough has experienced considerable pressure from commercial uses to occupy residential property in conflict with the overall aim of the Plan. In order to protect the residential function of the Borough, it is considered that the only circumstances under which the change of use from residential accommodation might be acceptable are:

- (a) where the accommodation is statutorily unfit and could not be brought up to the standards laid down by the Housing Acts;
- (b) where the accommodation could not even with adaptation be incorporated into another unit; or
- (c) where an essential community facility requires accommodation.

The relocation of existing residential uses is acceptable providing there is no net overall loss and that a better overall disposition of land use can be achieved.

2.2 Under the Greater London Council (General Powers) Acts 1983 and 1984 the use of residential accommodation for temporary sleeping accommodation occupied by the same person for less than 90 consecutive nights, or for time-sharing schemes where a number of people each have the right to occupy a property for a set period each year, is a material change of use requiring planning permission. The Council will resist the loss of permanent residential accommodation through the provision of such temporary residential accommodation (see also Hotels Chapter, policy T4).

H1 TO RESIST THE LOSS OF PERMANENT RESIDENTIAL ACCOMMODATION IN ALL BUT THE MOST EXCEPTIONAL CIRCUMSTANCES.

2.3 The Borough is very densely developed and there are few vacant sites available for residential development. In line with government guidance, the Council will seek to maximise housing provision within the Borough by giving priority to the residential development of sites and buildings where appropriate (see also policy STRAT 2).

H2 TO SEEK THE DEVELOPMENT OF LAND AND BUILDINGS FOR RESIDENTIAL USE UNLESS:

- a) A SATISFACTORY RESIDENTIAL ENVIRONMENT CANNOT REASONABLY BE ACHIEVED BY REASON OF EXCESSIVE NOISE, INAPPROPRIATE LOCATION OR GROUND CONTAMINATION; OR
- b) THE LAND IS REQUIRED FOR THE PROVISION OF SOCIAL OR COMMUNITY FACILITIES TO MEET LOCAL NEEDS; OR
- c) THE DEVELOPMENT IS FOR THE REPLACEMENT ON THE SAME SITE OF EXISTING COMMERCIAL FLOORSPACE WHICH HAS NOT GIVEN RISE TO ENVIRONMENTAL OR TRAFFIC PROBLEMS.

2.4 The Council will have regard to the history of the use of the site and any known conflict with the amenity of the area through traffic or noise generation, hours of operation and any other material factors, including the considerations set out in the definition of the B1 Use Class. The Council will also have regard to the positive aspects of the existing use and its continuation or replacement by another non-residential use, such as its contribution to the vitality of the local economy. Where a site or building is not suitable or appropriate for residential use its residential use will not be sought.

Vacant Housing

2.5 Kensington and Chelsea suffers from a high level of vacant and under-utilised residential property. The numbers of vacant residential units above shops are of particular concern (see CD66 in Conservation and Development Chapter). To reduce the proportion of dwellings that are vacant would significantly increase the number of dwellings available to local residents. The Council attaches particular importance to the return to use of vacant residential property and will continue to identify vacant residential property, negotiate with the owners and where necessary, compulsorily purchase the property, following which it will be offered for sale to housing associations or sold on the open market. The Council requires that any such property be modernised and used solely for residential purposes.

2.6 Permissions for change of use of a property or part property to residential use, serve to maintain and enhance the function of the Borough as a residential area and will continue to be encouraged. Flats above shops or businesses can provide lower cost accommodation and contribute to the range of accommodation available, as well as enhancing the vitality of shopping areas (see also Shopping Chapter).

H3 TO ENCOURAGE THE USE OF PROPERTY, WHEREVER APPROPRIATE, FOR RESIDENTIAL PURPOSES AND, IN PARTICULAR, PROPERTY PURPOSE-BUILT FOR RESIDENTIAL ACCOMMODATION WHERE PRESENTLY IN ANOTHER USE.

2.7 Where a return to residential use is proposed, the Council will consider the location of the premises and the amenity of the area. Where no amenity space is available, small residential units will be preferred. In properties with potential for gardens, family-size units should be provided. The Council will assess the suitability of properties by having regard to their internal layout and immediate surroundings.

3 MAINTAINING AND ENHANCING THE RESIDENTIAL CHARACTER OF THE BOROUGH

Commercial Development in Residential Areas

3.1 Maintaining both the historic and residential character depends greatly on the uses to which buildings are put. The character of a residential listed building or of a residential building in a conservation area can best be safeguarded if residential use is maintained.

H4 TO RESIST THE ENCROACHMENT INTO RESIDENTIAL AREAS OF COMMERCIAL ACTIVITIES WHICH WOULD BE INAPPROPRIATE BY VIRTUE OF SIZE, SCALE, HOURS OF OPERATION, TRAFFIC GENERATION OR NATURE OF USE.

3.2 It is also important to prevent the further incursion of commercial uses into mews which are primarily in residential use.

3.3 The Council recognises that a certain amount of services or other commercial activity can be incorporated into residential areas without necessarily causing environmental conflict. Some local services and facilities provide important support for residential areas and contribute to their character. The provision of local services and facilities also reduces the need for trips by car (see also Offices and Industry, Shopping, and Social and Community Uses Chapters). The Council is also sympathetic to those who work in the artistic and craft professions and in certain circumstances will be willing to protect existing studios from change to residential use (see also Leisure and Recreation Chapter, policy LR31).

- H5** TO ENCOURAGE THE PROVISION, WHERE APPROPRIATE, AND TO RESIST THE LOSS, OF LOCAL SERVICES AND FACILITIES WHICH SUPPORT THE RESIDENTIAL CHARACTER OF THE AREA.

Conversions

3.4 Although there continues to be a steady increase in self-contained dwellings in the Borough, largely due to the conversion of buildings, there has been a large-scale loss of small, often not self-contained units. This process has made a significant contribution to the decline in population, due to the displacement of many long-term residents in small households. Conversions potentially could have an important part to play in meeting the overall housing provision envisaged by RPG3 and in providing suitable accommodation for the growing number of small households. These aims will only be realised if a higher proportion of units provided are designed to meet the needs of the Borough's permanent residents. In those cases where a proposed conversion is acceptable under H6, policies H18 and H19 will apply.

3.5 However, there are drawbacks to dwellings provided by conversions. Although conversions provide new, generally small, dwellings, they can result in the loss of accommodation suitable for families and certain forms of low cost housing such as bedsitting rooms (see also paragraphs 5.4 and 5.5). Conversions can lack privacy, have inadequate noise insulation, and be badly designed, although the Council ensures that conversion schemes requiring planning permission are of an adequate standard. The increase in number or size of dwellings associated with many conversion schemes puts extra pressure on existing facilities such as parking, due to the higher car ownership rates of the occupants (see also Planning Standards Chapter and consult with the Director of Building Control as appropriate).

H6 TO PERMIT PROPOSALS FOR THE CONVERSION OF SELF-CONTAINED RESIDENTIAL UNITS INTO SMALLER DWELLINGS, EXCEPT WHERE THEY WOULD RESULT IN :

- (a) EXCESSIVE LEVELS OF ON-STREET PARKING DEMAND;
- (b) THE UNACCEPTABLE LOSS OF OFF-STREET PARKING SPACES;
- (c) THE LOSS OF FAMILY-SIZED DWELLINGS OF FIVE HABITABLE ROOMS OR FEWER WHICH HAVE DIRECT ACCESS TO AMENITY SPACE.

3.6 It is considered that in circumstances (a) and (b), the character of residential areas may be harmed. The Council is concerned that existing private garage space which provides off-street car-parking is maintained. In the case of proposals to convert mews properties, the retention of at least one garage space will normally be required.

Development and Residential Amenity

3.7 Additional residential accommodation is encouraged in line with the aims of the Plan but it is also considered essential that a policy to attract additional housing in the Borough must not lead to a loss of residential amenity. The Council recognises the value to local amenity of retaining and, where practicable, providing further open spaces and trees within the Borough (see also Conservation and Development, and Leisure and Recreation Chapters).

H7 TO SEEK, WHERE APPROPRIATE, THE PROVISION OF SOME OUTDOOR SPACE IN ALL NEW DEVELOPMENT AND, IN PARTICULAR, THE PROVISION OF OPEN SPACE AND PLAY FACILITIES IN DEVELOPMENTS OF OVER TEN UNITS.

3.8 In order to retain a high standard of residential amenity, it is important that appropriate provision is made for the social and community needs of residents. Therefore the Council will require the provision of such facilities as are appropriate in association with major residential developments. As a general guide, a major development will be considered to be one which provides 150 or more residential units.

H8 TO REQUIRE THE PROVISION OF APPROPRIATE SOCIAL AND COMMUNITY FACILITIES WITHIN MAJOR RESIDENTIAL SCHEMES.

3.9 The form of social and community facilities to be provided will be dependent on the scale of the development, its location and its proximity to existing services (see also Social and Community Uses Chapter).

Density

3.10 If the housing capacity figure identified in RPG3 and sought through STRAT 14 of the UDP is to be met, it is necessary not only to place a high priority on allocating all identifiable land for residential use, but also to make the best use of that land. A balance has, however, to be struck between making the best use of residential land, ensuring new housing is of a good standard, and protecting the character and environment of surrounding areas.

3.11 Most of the existing housing in the Borough was built in the nineteenth century at densities which are very high by today's standards. Much of this is satisfactory in the accommodation and facilities it provides, and in the contribution it makes to the character and environment of the Borough. In most cases of new development, however, the Council's policy is to seek lower densities than in the past, in order that excessive pressure is not placed on existing facilities, particularly open space, that the quality of the existing environment is maintained, and, as appropriate, improved, and that new residential development offers facilities and a quality of environment acceptable today. It will be particularly important to design to lower densities, and make adequate provision for open space, in schemes suitable for occupation by families with children.

3.12 In considering both the quality of the environment proposed in a new housing scheme, and the effect of that scheme on the character and environment of the surrounding area, the density policies set out below will be followed, and regard will be had to the density ranges set out below. Schemes will also have to comply with other policies of the plan, particularly those relating to design, light, privacy, open space, and residential parking.

3.13 In applying the following policies the Council will have regard to the following well established density guidelines:

- VERY LOW: less than 70 habitable rooms per acre (hra) (175 habitable rooms per hectare (hrha))
- LOWER: between 70 hra and 100 hra (175-250 hrha)
- HIGHER: between 100 hra and 140 hra (250-350 hrha)
- VERY HIGH: above 140 hra (350 hrha)

Guidance on the calculation of residential density is given in the Planning Standards Chapter.

- H9** NORMALLY TO RESIST RESIDENTIAL DEVELOPMENT DESIGNED TO A VERY LOW DENSITY.
- H10** NORMALLY TO REQUIRE THAT HOUSING PREDOMINANTLY SUITABLE FOR OCCUPATION BY FAMILIES WITH CHILDREN IS DESIGNED TO A LOWER DENSITY.
- H11** NORMALLY TO RESIST HOUSING DESIGNED TO HIGHER DENSITIES EXCEPT WHERE IT:
 - (a) IS DESIGNED PREDOMINANTLY FOR OCCUPATION BY SMALL HOUSEHOLDS; OR
 - (b) ENABLES THE PROVISION OF SPECIAL NEEDS OR AFFORDABLE HOUSING ON APPROPRIATE SITES; OR
 - (c) IS AN INFILL SCHEME WHERE A HIGHER DENSITY DEVELOPMENT IS NECESSARY FOR TOWNSCAPE REASONS TO COMPLY WITH THE POLICIES OF THE CONSERVATION AND DEVELOPMENT CHAPTER.
- H12** NORMALLY TO RESIST HOUSING DESIGNED TO VERY HIGH DENSITIES UNLESS NECESSARY FOR TOWNSCAPE REASONS TO COMPLY WITH THE POLICIES OF THE CONSERVATION AND DEVELOPMENT CHAPTER.

Improving the Quality of the Housing Stock

3.14 There has been a welcome improvement in the housing conditions of the Borough over the last 20-30 years, as building activity has concentrated on replacing poorer, older housing by means of the conversion and redevelopment of existing property. However, housing conditions in certain parts of the Borough still compare unfavourably with those elsewhere in London.

H13 TO CONTINUE TO ENCOURAGE THE IMPROVEMENT AND PRESERVATION OF THE EXISTING HOUSING STOCK.

3.15 The Council continues to implement landscaping and playground schemes on its estates. Besides enhancing the physical condition of dwellings and the environment, these schemes aim to improve the security and to add to the amenities enjoyed by residents and their children (see also policy CD87 of the Conservation and Development Chapter).

H14 TO ENSURE THE ENHANCEMENT OF THE RESIDENTIAL ENVIRONMENT THROUGH STREET WORKS, LANDSCAPING AND IMPROVEMENTS TO HOUSING ESTATES.

3.16 Funds are available for environmental improvement under various Central Government programmes, such as the City Challenge Programme, and occasionally through negotiation with the private sector.

4 INCREASING THE SUPPLY OF HOUSING

New Development

4.1 There are few vacant sites remaining in the Borough and the provision of new housing, other than from conversion schemes, will mainly arise from smaller-scale redevelopment proposals. Policy STRAT 14 seeks to maximise the residential capacity of the Borough in line with RPG3. It is therefore important to ensure that, wherever possible, the development of vacant land and redevelopment of property currently in other uses is for residential purposes while seeking to maintain residential amenity. Where new residential development is proposed, and in appropriate locations, the Council will seek the provision of affordable housing for rent or for sale within the development. Section 5 deals with the provision of affordable housing.

H15 TO REQUIRE A SUBSTANTIAL PROPORTION OF HOUSING TO BE PROVIDED ON THOSE SITES TO WHICH THIS POLICY APPLIES AS IDENTIFIED IN THE SCHEDULE OF MAJOR SITES WITH DEVELOPMENT OPPORTUNITIES AND SHOWN ON THE PROPOSALS MAP.

H16 TO ENCOURAGE THE USE OF PUBLICLY OWNED LAND FOR THE PROVISION OF HOUSING, WHEREVER APPROPRIATE.

4.2 A number of sites have been identified on the Schedule of Major Sites with Development Opportunities and Proposals Map where redevelopments will be expected to provide housing on all or at least the major part of the site area or floorspace. Such housing provision must be carefully designed to achieve an acceptable level of amenity for residents with regard to the location of any proposed business uses. (See also Offices and Industry Chapter policy E3).

5 PROVIDING AND MAINTAINING A WIDE RANGE OF HOUSING

Housing Mix

5.1 The mix of accommodation in the Borough should be related to the range in household types existing or likely to exist and to deficiencies in the range of accommodation. Households are typically smaller than elsewhere in the capital. In response to market demand, the private sector already provides a substantial proportion of smaller units, mostly through conversion schemes and it is therefore important to retain existing provision. A large stock of small residential units is also important in order to: maintain the level of population by allowing a more intensive use of residential properties; maintain the number of adult households who, through their spending power, help support the ancillary services which underpin the residential function; and meet the overall housing provision envisaged by RPG3.

H17 TO RESIST THE LOSS OF EXISTING, SMALL, SELF-CONTAINED FLATS OF ONE OR TWO HABITABLE ROOMS.

5.2 However, it is important to ensure that a sufficiently wide range of dwellings is provided in terms of type and size in redevelopment, rehabilitation, extension and conversion schemes, to satisfy the needs of larger households and rising standards.

H18 TO SEEK THE INCLUSION OF SMALLER UNITS (OF ONE OR TWO HABITABLE ROOMS) AND LARGER UNITS (OF THREE HABITABLE ROOMS AND MORE) IN SCHEMES FOR RESIDENTIAL DEVELOPMENT.

H19 TO SEEK AN APPROPRIATE MIX OF DWELLINGS WITHIN A SCHEME, HAVING REGARD TO THE FOLLOWING FACTORS:

- (a) THE PHYSICAL CHARACTER OF THE SITE OR BUILDING AND ITS SETTING;
- (b) THE PREVIOUS OR EXISTING USE OF THE SITE OR BUILDING;
- (c) ACCESS TO PRIVATE GARDENS OR COMMUNAL GARDEN SQUARES FOR FAMILY UNITS;
- (d) THE LIKELY EFFECT ON DEMAND FOR CAR PARKING WITHIN THE AREA;
- (e) THE SURROUNDING COMPOSITION AND DENSITY OF POPULATION;
- (f) THE LOCATION OF SCHOOLS, SHOPS AND OPEN SPACES;
- (g) PROVISION OF ACCOMMODATION FOR SPECIAL NEEDS (see paragraphs 5.13 to 5.24); AND
- (h) BUSY ROADS OR RAILWAY LINES NEARBY.

- 5.3** Particular regard should be paid to providing accommodation suitable for families in acceptable locations and the Council will encourage the provision of larger units suitable for family occupation to be located in the lower floors with access to the garden.

Affordable Housing Provision

- 5.4** The private rented sector performs an important function in the housing market, especially in meeting a need for lower cost housing, but has experienced a rapid decline. Much of the decline in this sector in the Borough has resulted from the conversion, into flats for sale, of houses in multiple occupation (HMOs). There has also been a change in the types of lettings made. Whereas in the past, much of the privately rented sector had catered for lower income groups, an increasing proportion of this sector now consists of luxury furnished flats intended for short-term lets to mobile higher-income tenants.

- 5.5** Despite the decline, the Borough still has a greater proportion of private rented accommodation than anywhere else in the United Kingdom. The Council recognises that certain types of accommodation meet a specific need and will not normally consider favourably proposals which involve the loss of such accommodation. In particular, the Council is concerned that bedsit accommodation which is in compliance, or capable of complying, with building regulations and the standards laid down by the Housing Acts, should normally be maintained. However, there may be circumstances in which the loss of an HMO may be allowed, for example, in order to secure the essential restoration of a listed building where improvement is needed, and in which the existing HMO layout is harmful to the historic character of the building, or in appropriate locations having regard to the distribution of HMOs within the area.

- 5.6** Where existing HMOs and bedsitting rooms do not comply with the current Housing Acts, landlords should seek advice from the Council's Environmental Health Department.

H20 NORMALLY TO RESIST PROPOSALS FOR THE CONVERSION INTO SELF-CONTAINED ACCOMMODATION OF THOSE HOUSES IN MULTIPLE OCCUPATION AND INDIVIDUAL BEDSITTING ROOMS WHICH COMPLY WITH, OR ARE CAPABLE OF REACHING, THE STANDARDS LAID DOWN BY THE HOUSING ACTS.

- 5.7** Housing associations are now the major providers of affordable housing for rent in the Borough. They assist in the housing of the statutorily homeless and for people with special accommodation needs as well as hostel provision for groups such as people with a mental illness, the single homeless and people with physical disabilities. They also contribute towards improving the housing stock. The Council encourages the provision of rented accommodation (especially affordable accommodation) in any large residential or mixed-use developments and will look favourably upon arrangements to secure the transfer of ownership of a proportion of the site, or some of the dwellings created, to registered Housing Associations or other providers of affordable housing for this purpose. Where appropriate, the Council will seek Planning Obligations to secure and retain the provision

of affordable housing. Proposals for housing associations to convert properties into self-contained dwellings, in liaison with existing tenants, will be welcome where there is no significant reduction in accommodation in terms of bedspaces.

H21 TO WELCOME RESIDENTIAL OR MIXED-USE SCHEMES WITH A RESIDENTIAL ELEMENT WHERE A RANGE OF HOUSING IS TO BE PROVIDED INCLUDING AFFORDABLE HOUSING AND HOUSING FOR SPECIAL NEEDS.

5.8 The Council wishes to encourage an increase in the provision of affordable housing in the Borough, such as that provided by registered Housing Associations (affordable housing is that which is approximately equivalent in cost to the occupier as that provided by housing associations working in the Borough). The provision of affordable housing has been established as a material consideration for inclusion in the Plan.

5.9 The high cost of housing in London means that many households cannot afford even the smallest properties. Kensington and Chelsea was the most expensive London Borough in terms of house prices and private sector rents in 1991. The London Research Centre estimated that in 1990, in London as a whole, there was a need for 380,500 additional social dwellings to meet the needs of the homeless, potential households, overcrowded households and households in unsatisfactory accommodation. This Council estimates that at least 9,000 additional affordable residential units are required to satisfy the housing needs of households living in the Borough. In order to satisfy the need for affordable homes for rent in this Borough, the Council will seek the provision of an adequate supply of affordable housing on residential development sites throughout the Borough.

H22 TO SEEK WHERE APPROPRIATE THE INCLUSION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE RESIDENTIAL UNITS ON RESIDENTIAL DEVELOPMENT SITES OF OVER 0.05 HECTARES (0.12 ACRES) IN SIZE.

H23 TO SEEK THE PROVISION AND RETENTION OF AFFORDABLE HOUSING WHERE INDICATED IN THE SCHEDULE OF MAJOR SITES WITH DEVELOPMENT OPPORTUNITIES.

5.10 The Council will expect residential development on sites of over 0.05 hectares to contribute a significant proportion of dwellings on the site to the stock of affordable housing. Land available for development in the Borough is very scarce and for this reason sites over 0.05 hectares will be subject to the policy to provide affordable housing. The Council wishes to ensure that the present proportion of affordable housing in the Borough, about one third, is maintained (a figure of one third corresponds to the proportion of households living in affordable or lower cost housing at the time of the 1991 Population Census). It would be impracticable to require a third of all residential redevelopment on all sites to be in the form of affordable housing. However, if the affordable housing target is to be met, the large sites in the Schedule of Major Sites with Development Opportunities should provide a higher proportion (i.e. more than one third) of affordable housing in order to compensate for those smaller sites where affordable housing might not be practicable. In order to monitor the success of this policy, the Council will regularly assess the proportion of new affordable housing provided within the total new housing stock.

- 5.11** The Council will negotiate with developers on individual sites in order to establish the amount of affordable housing to be provided and the mix of dwelling type and unit size as is appropriate for the location. The Council will require information about the housing need that would be met by the proposal and will have to be satisfied that the proposal would meet a known housing need. Where appropriate, the Council will seek Planning Obligations to secure the future of the housing as affordable. Most commonly, the best way of ensuring that affordable housing will be enjoyed by successive as well as initial occupiers of property is by involvement of a registered Housing Association or other social body (e.g. a trust) providing housing for rent or shared ownership.
- 5.12** The Council has always been concerned about the plight of tenants whose homes are threatened by redevelopment and by conversion schemes, and information about the arrangements for rehousing these tenants will be sought.

Special Needs Accommodation

- 5.13** People with special housing needs include the single homeless, the elderly, those with physical or mental disabilities, people with mental health problems, women who have experienced domestic violence, students, people with a long-term debilitating illness, and travellers. The Council is aware of the special housing needs of these groups and is concerned that they should be adequately provided for in appropriate locations.

H24 TO WELCOME THE PROVISION OF HOUSING FOR PEOPLE WITH SPECIAL ACCOMMODATION NEEDS IN APPROPRIATE LOCATIONS, HAVING REGARD TO THE EXISTING DISTRIBUTION OF SIMILAR TYPES OF ACCOMMODATION WITHIN THE AREA.

- 5.14** The Council welcomes purpose-built accommodation which enables people with special needs to maintain an independent lifestyle and supports the work of housing associations in this respect. However, the Council wishes to maintain an appropriate balance between different kinds of residential uses within local areas. The Council will resist proposals which would lead to a concentration of special provision within an area.

(i) Residential Hostels

- 5.15** Groups such as the single homeless, people who are mentally ill or disabled, women who have experienced domestic violence and students, often rely upon the provision of residential hostel accommodation for their housing. The decline in the amount of rented accommodation, especially at the cheaper end of the scale, has led to increasing difficulty in finding permanent rehousing for existing hostel residents. This restricts the ability of hostels to release space for newcomers. The number of residential hostels has also been in decline and this trend seems likely to continue. This will serve to restrict still further the accommodation available to these groups.

5.16 The term 'residential hostel' is rigidly defined by the Council as accommodation intended primarily for medium to long term permanent residential occupancy catering for a wide range of socio-economic groups, sometimes providing an element of care and should not be confused with a 'tourist hostel' which is primarily for visitors (see Glossary). The Council wishes to resist the loss of residential hostels to hotels (see also Hotels Chapter, policy T1).

H25 TO RESIST THE LOSS OF EXISTING RESIDENTIAL HOSTELS, EXCEPT IN EARLS COURT WARD.

5.17 The Earls Court Ward is excepted from the above policy because of the abundance of both residential and tourist hostels in the area.

5.18 In those cases where the presence of a hostel has resulted in long-standing harm to the amenity of surrounding residential areas, permission may be granted for a change to residential use.

H26 TO PERMIT PROPOSALS FOR RESIDENTIAL HOSTELS ON BEHALF OF RECOGNISED PROVIDERS OF HOSTEL ACCOMMODATION, WHERE IT CAN BE SHOWN THAT THERE WOULD BE:

- (a) NO LOSS OF PERMANENT RESIDENTIAL ACCOMMODATION, UNLESS THE APPLICANTS CAN DEMONSTRATE A KNOWN AND ESTABLISHED LOCAL NEED FOR THAT TYPE OF HOSTEL ACCOMMODATION IN THAT LOCATION;
- (b) NO ADVERSE EFFECT UPON THE AMENITY ENJOYED BY LOCAL RESIDENTS. THE PROPOSALS WILL HAVE TO COMPLY WITH THE POLICIES FOR CONSERVATION AND DEVELOPMENT; AND
- (c) NO ADVERSE EFFECTS UPON THE ENVIRONMENT AND SAFETY OF NEIGHBOURING RESIDENTIAL AREAS AND ROADS BY WAY OF TRAFFIC GENERATION.

5.19 A recognised provider includes colleges, housing associations, charities and employers providing staff accommodation and other organisations which provide good quality accommodation for groups of people for whom there is a known and established need for accommodation.

(iii) Sheltered Housing

5.20 Many elderly people are living in accommodation that is either unsuitable for their needs or is in poor condition. The provision of sheltered housing allows those who wish to move to specially designed group accommodation to do so. Sheltered accommodation can also provide better facilities for people suffering long-term debilitating illness. The most pressing need in the Borough is currently for 'very' sheltered housing, which provides a higher level of care, catering for the frail elderly and people recovering from mental illness. The Council will continue to support the work of housing associations in this respect.

H27 TO WELCOME THE PROVISION OF SHELTERED HOUSING, IN PARTICULAR VERY SHELTERED HOUSING, IN APPROPRIATE LOCATIONS, HAVING REGARD TO THE EXISTING DISTRIBUTION OF SIMILAR TYPES OF ACCOMMODATION WITHIN THE AREA.

5.21 Housing that provides a secure environment in which to live is an important consideration for people who are vulnerable or subject to harassment and discrimination. Careful attention to the design of dwellings created in redevelopment schemes can go a long way towards improving the safety and security for the residents. In considering the merits of proposals for sheltered housing, the Council will pay particular regard to the design and security aspects of the development.

(iii) Access and Mobility

5.22 Disability, either temporary or permanent potentially affects every one at some stage in their lives. The likelihood of physical and /or sensory disability increases with age but such disabilities are also present in the younger population. The Borough's population has a higher than average proportion of people of 65 and over, and approximately 10% of the total population has a long term limiting illness, and is likely to require suitably designed new or converted housing.

5.23 People with disabilities, and those who are frail through long-term illness or old age, require appropriate housing that enables them to live in comfort and independence. The overwhelming majority of disabilities affect mobility in some way. The main requirement, therefore, is housing which is readily adaptable to meet the special mobility needs of people throughout their lives and allows ease of movement around the home and improvement in building access. Mobility and wheelchair standards in the form of supplementary planning guidance have been developed to achieve this. The location of mobility and wheelchair housing must take into account the location of amenities such as local shops and public transport facilities. It is not practical to seek mobility or wheelchair standard housing in all schemes. These will be sought only where dwellings are at ground floor level or reached by a lift. Car parking associated with the development should include bays of the appropriate width and should be suitably close to the dwelling, detailed standards are to be found in the Planning Standards Chapter.

H28 TO SEEK WHERE PRACTICAL THAT GROUND FLOOR DWELLINGS, OR THOSE REACHED BY A LIFT, IN HOUSING DEVELOPMENTS ARE BUILT TO MOBILITY STANDARD AND TO ENCOURAGE CONSTRUCTION TO WHEELCHAIR STANDARD.

(iv) Sites for Travellers

5.24 The accommodation needs for Travellers differ from other special needs groups in that serviced sites are required rather than dwellings. No suitable sites are available in the Borough but the Council jointly funds, with the London Borough of Hammersmith and Fulham, a site for Travellers in that Borough. Further provision for Travellers will be considered should suitable sites become available.

TR36 TO MAINTAIN THE NUMBER OF METERED PARKING SPACES IN AREAS WHERE ESSENTIAL OFF-STREET PARKING FOR VISITORS IS LIMITED.

5.12 Consideration may be given to the provision of additional public car parks, where there is a high demand for essential visitor parking (primarily adjacent to shopping centres). However, the scope for such provision is likely to be limited. Provision of new facilities will be strongly resisted in other areas, as it may encourage commuting into the Borough by car. When new off-street parking facilities are provided for visitor parking, or demand for on-street facilities is reduced, the Council will normally convert metered spaces to residents parking bays.

TR37 TO RESIST THE PROVISION OF ADDITIONAL PUBLIC CAR PARKS EXCEPT IN AREAS WITH PROVEN HIGH DEMAND FOR ESSENTIAL VISITOR PARKING.

5.13 The Council will seek Planning Obligations to control pricing mechanisms and use of existing and new off-street car parks. This will encourage short-stay use of the car parks by essential users and discourage long-term use by commuters.

TR38 TO ENSURE THAT PUBLIC OFF-STREET CAR PARKS ARE AVAILABLE FOR ESSENTIAL PARKING OR SHORT-STAY USE ONLY.

6 CONTROL OF DEVELOPMENT

6.1 The Department of Transport, the Traffic Director for London and the Council are concerned about the traffic generation effects of development. The identification in this Plan of Major Sites with Development Opportunities carries no guarantee that particular proposals submitted for planning permission will be accepted on transportation grounds. A detailed view on the transportation implications of individual applications can only be formed at the time when the application is submitted, in the light of known congestion and any available capacity on the relevant road and public transport networks and of any firm proposals for extending that capacity. The proposals must be in a committed programme for the relevant agency or be implementable as a result of a Planning Obligation linked to the permission being sought. Where proposed developments are likely to have a significant effect on the transportation system a full traffic impact assessment will normally be required (see policy E1 of the Offices and Industry Chapter and policy TR2).

TR39 TO RESIST DEVELOPMENT WHICH WOULD RESULT IN ANY SIGNIFICANT INCREASE IN CONGESTION, OR ANY SIGNIFICANT DECREASE IN SAFETY, ON THE ROADS OR ON PUBLIC TRANSPORT.

- 6.2** In assessing proposed developments, as well as the effects of congestion, regard will be paid to the nature of the proposed development, the character of the surrounding development, the effect of coaches on Local Roads and any local adverse impact on bus or Underground operations, or on-street parking facilities.

Financial Support for Public Transport Services

- 6.3** The Council has powers under the Transport Acts to provide financial assistance to public transport operators to support particular services or facilities. The Council will consider providing such financial assistance in accordance with the policies set out in this chapter. The Council will also seek to promote financial support by third parties, such as developers, by means of Planning Obligations.

TR40 TO SEEK DEVELOPER CONTRIBUTION FROM RELATED DEVELOPMENTS FOR IMPROVEMENTS TO PUBLIC TRANSPORT SERVICES.

Parking for Non-residential Development

- 6.4** In considering proposals for development, the Council will have regard to the sensitivity of the local environment, the scale of development, the likely traffic generation, the access of the site to public transport, parking impact and the capacity of nearby roads.

- 6.5** Parking control remains the most effective means of restraining traffic growth (see paragraph 4.5). As an integral part of the policy of traffic restraint, the Council will restrict to essential need the provision of private non-residential parking and service spaces in developments. Where appropriate, rates of provision of essential parking and servicing spaces are contained in the Planning Standards Chapter.

TR41 TO LIMIT THE NUMBER OF OFF-STREET PARKING SPACES PROVIDED IN NON-RESIDENTIAL DEVELOPMENT TO MEET ESSENTIAL NEED ONLY, IN ACCORDANCE WITH SPECIFIC STANDARDS AND CRITERIA.

(See Table 5.1, Planning Standards Chapter)

- 6.6** Essential need is defined as being for:
- (a) servicing vehicles essential for a site to function in its designated role, including both goods and non-goods vehicles, depending on the land use;
 - (b) site-based vehicle fleets;
 - (c) car parking facilities for those who cannot realistically use alternative (public) forms of transport, generally those with special mobility needs.

- 6.7** Essential need does not include provision for:
- (a) the journey-to-work trip;
 - (b) parking for visitor trips to the site, which could be provided by alternative forms of transport or on-street meter or off-street public parking.
- 6.8** Normally, the Council will require essential parking to be provided, up to the maximum rate, on site.
- 6.9** In some sites, such as hotels, taxis are likely to be a major way of getting to developments. To enable taxis to pick up and set down passengers, the provision of special facilities may be appropriate, especially where these activities may otherwise cause conflicts with other road users and pedestrians.

TR42 TO SUPPORT THE PROVISION OF SAFE AND CONVENIENT TAXI FACILITIES.

Access to non-Residential Development

- 6.10** Development in Local Areas can have a significant impact, particularly in the form of local congestion and noise, as a result of the additional traffic that may be generated on Local Roads. This is particularly the case with developments which can be expected to generate coach and Heavy Goods Vehicle traffic. Normally only small developments will be permitted where access to the site is from a Local Road. Some small developments in Local Areas, such as restaurants, may be resisted because of the adverse impact of generated traffic upon residential amenity.
- TR43** TO PERMIT ONLY SMALL-SCALE DEVELOPMENT ON SITES IN LOCAL AREAS OR WHERE ACCESS IS FROM A LOCAL ROAD.
- 6.11** Where appropriate, when a development is proposed adjacent to a Local Area, the Council will require that Planning Obligations are entered into in order to secure a contribution towards the provision of measures to limit the impact of traffic associated with the development, on the adjacent Local Area.
- 6.12** Where it is considered that a large development is acceptable in traffic terms, access should normally be directly from Major Roads via an appropriately designed junction. These junctions should be controlled by appropriate methods, such as traffic signals. The cost of these measures may be sought from the developer through Planning Obligations. The effects of large commercial developments generally are also discussed in the Offices and Industry, and Hotels Chapters.
- 6.13** The movement of vehicles and pedestrians gaining access to the large number of commercial and residential sites adjacent to Major Roads can create problems for the safe and smooth flow of traffic on these roads. For this reason the Department of Transport, the

Traffic Director for London, and the Council will strictly limit new vehicular access points to Major Roads. The Council is required to notify or consult the appropriate agency above concerning any significant development which affects a Trunk Road or a Priority Route or a Designated Road. When a new access is exceptionally permitted as a result of this process a high standard of design will be required by the appropriate agency. The Council will normally refuse permanent (footway) crossovers for frontage parking and other minor vehicle accesses on Major Roads within the Council's control for safety reasons.

TR44 NORMALLY TO RESIST THE FORMATION OF NEW ACCESSES ON THE MAJOR ROADS.

Servicing

6.14 The servicing of commercial developments from the street generally gives rise to traffic congestion, conflict with pedestrians, and creates disturbance particularly in or adjacent to residential areas. Redevelopment proposals for non-residential use will therefore normally be required to include, within the site, space for loading and unloading of goods and other essential servicing requirements.

TR45 NORMALLY TO REQUIRE DESIGNATED OFF-STREET SERVICE SPACE FOR DEVELOPMENT SCHEMES.

6.15 For small-scale developments, and in some other cases for townscape reasons, it may be impossible or undesirable to provide off-street servicing space. In other cases, if no off-street servicing is proposed, it will be necessary to demonstrate that the proposed development can function satisfactorily without the adverse effects described in paragraph 6.14. To ensure an off-street service space is retained for its intended purpose and not used for parking, such bays will be required to be clearly marked and conditions restricting its use will normally be applied.

Parking for Residential Development

6.16 The Council recognises the need and desire of residents to be able to park close to where they live. It is also recognised that the availability of on-street parking is necessarily limited and that many existing residential developments do not have off-street spaces. To increase the overall provision of residential parking, all redevelopments must have adequate off-street parking, where acceptable in townscape terms. The levels of provision are given in the Planning Standards Chapter.

TR46 TO REQUIRE ALL NEW RESIDENTIAL DEVELOPMENT TO INCLUDE ADEQUATE OFF-STREET PARKING UNLESS SUCH PROVISION WOULD BE UNACCEPTABLE IN TOWNSCAPE TERMS.

TR47 TO RESIST DEVELOPMENT WHICH WOULD RESULT IN THE LOSS OF OFF-STREET RESIDENTIAL PARKING.

- 6.17** The Council considers it vital to maintain the supply of on-street residents' parking, to ensure that residents have access to parking. The Council will therefore normally resist the loss of on-street residents' parking spaces.

TR48 NORMALLY TO RESIST DEVELOPMENT WHICH WOULD RESULT IN THE NET LOSS OF ON-STREET RESIDENTS' PARKING.

- 6.18** Proposals for access to residential off-street parking which results in a net increase in the number of spaces, may be permitted. Off-street parking must be able to accommodate all sizes of car and meet planning requirements, in particular those in the Conservation and Development Chapter. The additional demand for on-street parking spaces resulting from the conversion of houses into multiple units may also preclude the granting of planning permission for such development (see also Housing Chapter, policy H6).

- 6.19** Consent for permanent crossovers and new vehicle accesses is needed under highway legislation. In cases where an application for planning permission is required the Council may wish to defer consideration of the application under highway powers until the planning position is resolved. The Council will determine such planning applications by references to policy CD46 and to the paramount need for road safety on the public highway. In considering requests for crossovers under highway powers, the Council will likewise give particular attention to safety requirements. Any new crossover to a forecourt or garden will need to satisfy sight-line requirements between the emerging vehicles and all other road users, including pedestrians. The Council will refuse, under the highway legislation, footway crossovers if the proposal results in any diminution of safety for any road users, including pedestrians.

7 AIR TRANSPORT

- 7.1** The demand for air travel is forecast to grow, both for freight and passenger movement. The location of the Borough between central London and Heathrow means that many people pass through the Borough when travelling to or from the airport, both by road and on the Piccadilly underground line. In order to reduce congestion on these routes the Council supports the provision of the Heathrow Express Rail Link (see policy TR4).
- 7.2** The Council is aware of the benefits of Heathrow to the economy of West London and the Borough, and to residents who use this airport, but it is concerned about the pressures for further development that it creates in the Borough. It considers that the capacity of Heathrow should not be expanded beyond that presently permitted. The Council believes that further capacity should be provided at Stansted and regional airports in the U.K. and will oppose the provision of a fifth passenger terminal at Heathrow. It is not the Council's intention that the Secretary of State's decision on Terminal 5, Heathrow, will be fettered or pre-empted by policy TR49.

5.2 Off-Street Parking and Servicing Provision

Introduction

- 5.2.1** The policies and background to the standards are in paragraphs 6.1 to 6.19 of the Transportation Chapter. The standards for provision of parking and servicing are based on the requirement to restrain the growth in traffic by providing spaces for only those vehicles considered to require essential access to a site.
- 5.2.2** The Council is extending parking controls to all Borough roads. This creates an opportunity to treat parking and servicing provision for all non-residential developments throughout the Borough in the same way.
- 5.2.3** The standards are specific except where they are stated to be maximum or minimum. A maximum standard indicates the maximum number of spaces which will be permitted, a minimum standard indicates the minimum number of spaces which will be required.
- 5.2.4** The provision of more car parking than stipulated by the standard would be contrary to the restraint policies of the Plan. However, the provision of less car parking than stipulated could result in increased local demand for short term on-street parking at meters which would deny the facilities to neighbouring developments. This is particularly the case for some commercial developments. This could result in some illegal parking occurring at locations needed for movement with a consequent impact on the efficient operation of the road system.

Parking for Residential Development

- 5.2.5** Paragraph 6.16 of the Transportation Chapter outlines the background for the standards for residential development. With residential development it is normally considered essential to require off-street parking to supplement the restricted on-street provision. In all cases parking provision should be made available to, and permanently retained for use by, residents of the development. Provision of parking at the levels shown in Table 5.1 are considered minimum requirements. An exception is made in the case of conversions of premises above shops or conversions of houses into multiple units where it is acknowledged that the provision of off-street parking may not be possible. In such cases however, the additional demand for on-street parking spaces may preclude the granting of planning permission for such development.

Parking and Servicing Provision for Non-Residential Development

5.2.6 Standards for parking and servicing spaces for non-residential development are based on the need to restrain non-essential traffic. Paragraphs 6.4 to 6.9 of the Transportation Chapter outline the basis of provision which takes into account the general availability of public transport and on and off-street visitor parking. The number of spaces in non-residential developments will normally only allow for essential servicing and parking needs. Developers will be required to demonstrate evidence of additional need for spaces by specific occupiers before consideration will be given to further provision.

5.2.7 The rate of provision of spaces in office and studio developments which fall into use classes A2, B1(a) and B1(b) is set out in Table 5.1 and allows for 1 space per 1500 square metres. In exceptional circumstances where additional need can be demonstrated, taking into account the Council's stated policies of traffic restraint as set out in the Transportation Chapter, further spaces up to a maximum of 1 space per 750 square metres may be allowed. For developments of more than 5000 square metres it may be necessary to allocate service spaces for delivery by large goods vehicles from the off-street parking provision.

5.2.8 For some land uses (as indicated), standard rates of provision of spaces are not appropriate. In such cases each application will be treated individually, based on the predicted need for essential parking and servicing for the development. This assessment will take into account the Council's policies on traffic restraint as set out in the Transportation Chapter, as well as the following:

- (a) the existing and predicted levels of on-street day-time parking demand and night-time parking stress within the vicinity of the development;
- (b) the number of sites with unimplemented planning permission in the area;
- (c) the availability of convenient public off-street car parking spaces; and
- (d) the opportunities for dual use of parking provision.

5.2.9 For large retail developments and mixed development sites it will be essential to ensure that there are adequate facilities to accommodate servicing, particularly by goods vehicles. In these developments, service bays will be required to be marked out for use by service vehicles.

Table 5.1: Parking and Servicing Provision

Land Use	Provision	Disabled Provision	Special Considerations	Cycle Parking
A2, B1(a), B1(b) (Financial and professional services, Business - Offices or Research and Development)	1 space per 1500m ²	Minimum 1 or 10% of spaces	Development > 5000m ² at least 1 space reserved for G.V. delivery as part of the parking provision	Minimum 1 stand per 200m ²
A1, A3, B1(c), B2 - B8 (Shops, Food and Drink, Business - light Industrial, Other Industrial)	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Minimum 1 stand per 200m ²
C1 (Hotels)	1 space per 40 bedspaces	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V. 1 coach space per 200 bedrooms. Taxi demand see 5.2.13.	
Hostels	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	
C2, D1, D2 (Residential Institutions, Non-Residential Institutions, Leisure)	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Minimum 1 stand per 200m ²
Mixed Development Sites	Provision based on criteria in 5.2.8. Dual use of non-residential spaces considered	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Provision based on use of site.

Table 5.1: Parking and Servicing Provision

Land Use	Provision	Special Considerations
C3 Dwelling Houses i) Single family dwellings Up to 5 habitable rooms 5 or more habitable rooms	Minimum of 1 space per dwelling Prefer 2 spaces per dwelling	0.1 space per unit is required for visiting parking
ii) Purpose built flats Up to 5 habitable rooms 5 or more habitable rooms	Minimum of 1 space per dwelling unit Minimum of 1.5 spaces per dwelling unit	0.1 space per unit is required for visiting parking
iii) Converted flats	1 space per dwelling unit is desired	
iv) Public Housing Flats Houses	Minimum of 0.66 space per dwelling unit Minimum of 1 space per dwelling unit	0.1 space per unit is required for visiting parking
v) Sheltered Housing Flats Houses	Minimum of 0.3 space per dwelling unit Minimum of 0.5 space per dwelling unit	

Note: Disabled Parking Spaces should be provided for developments including flats at a rate of 10% of spaces, with a minimum of 1 space per development where parking spaces are provided.

GLOSSARY



ACCESS WAY: A road giving direct access to particular land or premises.

ACCESSIBLE: Able to be reached and fully used by all, particularly by people with special mobility needs.

ACCIDENT REMEDIAL MEASURES: Traffic management measures specifically aimed at alleviating or eliminating accident types at specific locations or areas.

ADULT EDUCATION AND TRAINING: Education for people above the statutory school age. May include academic and vocational subjects, language classes, and leisure time activities.

AMENITY: (i) A pleasant or advantageous aspect of the environment; in particular, a local feature such as shopping facilities or open space.

(ii) A desirable aspect of a dwelling such as a bath, W.C. or hot water supply.

ANCILLARY: A use which is subordinate to the primary use of the building, either functionally or in area. Its use could be changed without permission to use for the primary purpose of the undertaking, or for any other purpose ancillary to it, unless otherwise restricted.

A.O.D.: Above ordnance datum, i.e. above sea-level.

AREAS OF LOCAL CHARACTER: Areas inside or outside existing conservation areas which have a distinct character which the Council will seek to preserve or enhance.

AREAS OF METROPOLITAN IMPORTANCE: Areas considered to be of special character with an importance which extends beyond the Borough's boundary.

ARTICLE 4 DIRECTION: The Town and Country Planning (General Permitted Development) Order 1995 grants planning permission for a number of specific developments e.g. "The enlargement ... of a dwelling house". The Council can, in certain instances, issue an Article 4 Direction which removes the right to such permitted development.

BACKLAND DEVELOPMENT: Development of sites having only limited or no street frontage, such as gardens and private open space, that lie behind existing housing (and usually with access to a highway except through the existing frontage development).

BALUSTRADE: A row of posts or pillars with a top rail or coping.

BEDSITTING ROOM/BED-SIT: A room providing a combined living and sleeping area with access to shared bathroom/shower and W.C.

BUS FEEDER SERVICE: A local bus service which enables passengers from a given area to connect with long-distance bus (or rail) services.

BUS PRIORITY MEASURES: On-street traffic management measures (including traffic signal measures) designed to give buses priority over other road users on a given section of road or bus route.

BUS STOP CLEARWAY: A waiting restriction applied to an area of the kerbside reserved exclusively for buses to enable them to stop safely at bus stops.

BUSINESS USE: Use for all or any of the following purposes:

- (a) an office other than a use within Class A2; or
- (b) for research and development of products or processes; or
- (c) for any industrial processes, being a use which can be carried out in any residential area

without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit

(Part B of 1987 Use Classes Order).

CARE IN THE COMMUNITY: A Government initiative aimed at enabling people in need of care to lead, as far as possible, an independent life in the community

CARRIAGEWAY: That part of a highway which can be used by vehicles.

CELLULAR BUILDINGS: Buildings of a traditional construction whereby the interior form, scale and structure is integral to the exterior.

COACH AND LORRY PARKS: Off-street areas reserved exclusively for the use of coach and lorries to park (including overnight).

COMMERCIAL USE: RBKC definition is all uses involving trade of services or goods manufacturing, industrial processes or storage including business uses, lock-up garages and motor repairs

COMMERCIAL VEHICLES: Coaches and vehicles designed primarily for the carriage of goods.

COMPULSORY PURCHASE: The Council has the power to compulsorily purchase land under Section 226 of the Town and Country Planning Act 1990; it can also acquire listed buildings in need of repair under Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CONSERVATION AREA: An area of special architectural or historic interest designated by the local planning authority under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the character or appearance of which it is desirable to preserve or enhance.

CONSERVATION AREA PROPOSALS STATEMENT (CAPS): A document prepared under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990, defining the character of the area, giving guidance in respect of any proposed developments, and including proposals for enhancement.

CONTAMINATED LAND: Land which has been polluted over a certain period of time by the activities or processes which have been carried out above or below the land e.g. industrial, traffic movement, fly-tipping

CONTROLLED PARKING ZONE: Area(s) of the Borough where parking control(s) is/are in force

CONVENIENCE SHOPS: Shops selling everyday essential items e.g. food shops, post offices, chemists, off-licences and confectioners/tobacconists/newsagents.

CORE FRONTAGE: That part of a Principal Shopping Centre in which the main retail uses are concentrated and/or where retail activity is high.

CRECHE: A place where childcare is provided, such as in a sports centre or college, while parents are involved in activities in the same premises.

DEAD FRONTAGE: Shopping frontage generating minimal levels of shopping activity by reason of its use and/or physical appearance.

DESIGNATED ROADS: Borough roads which are designated as being part of the strategic road network of London. Boroughs need to gain approval from the Department of Transport in order to carry out traffic management schemes on such roads.

DEVELOPMENT: The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. (Town and Country Planning Act, 1990, Section 55 (1)). Permitted development is development, generally of a minor nature, which is permitted by virtue of the General Development Order; it is then not necessary to apply for permission to any local planning authority (see Article 4 direction).

DIPLOMATIC AND ALLIED USES: Diplomatic uses of an office kind such as embassies, legations, consulates, high commissions and other related diplomatic office and administrative premises (trade attaches, medical attaches and the like).

DISABLED PARKING BAY: Parking bay adopted and reserved for the use of a registered disabled vehicle.

DWELLING: A building or part of a building that forms a separate and self-contained set of premises designed to be occupied by a single family or household (although in fact it may be occupied by more than one family or household).

EAST THAMES CORRIDOR: An area of land occupying both sides of the River Thames stretching from inner east London to the estuary, identified by SERPLAN as an area of opportunity for economic growth.

EDWARDIAN BUILDINGS: Buildings constructed between 1901 and 1914.

EFFICIENCY OF MAJOR ROADS: The concept of an efficiently managed major road network in Kensington and Chelsea is one where:

- (a) At the most capacity-critical junctions on the network the full saturation flows are consistently achieved on each approach for the whole duration of the peak flows.
- (b) The signal-controlled junctions normally permit all users on foot or in vehicles to traverse the junction in one complete cycle of the signals.
- (c) The linked signals with the connecting roads provide smooth flows of traffic with a minimum of delay to vehicle occupants.
- (d) The most essential elements of the traffic flow are given priority wherever physically possible without prejudicing (a) to (c) above.

EGRESS: Right of going out; way out.

ENCROACHMENT: In planning terms, the gradual changing over of the primary land use of a certain area to another land use (e.g. from residential to hotels).

ENVIRONMENTAL POLICY STATEMENT: This document sets out the Council's environmental aims, policies and action plans.

ESSENTIAL TRAFFIC: Traffic which is required for a land use to function effectively in its designated role within the Borough.

ESTABLISHED NEED: A need for a service or facility which is known and can be proven.

FACADE: The front or face of a building.

FACILITIES: The land or buildings provided to ensure a use to take place.

FAMILY-SIZE RESIDENTIAL UNIT: Self-contained accommodation consisting of three or more habitable rooms.

FASCIA: In a shopfront, a horizontal band above the glazed area of the shopfront, often with an ornamental bracket at each end and containing signage.

FENESTRATION: The arrangement of windows in a building.

FOOTWAY: That part of the highway that can be used by pedestrians.

FORMAL FLANK ELEVATION: A side elevation of a similar design to the front.

FURTHER EDUCATION: Education for people over compulsory school age, often aimed at gaining access to, or progressing towards, higher education. Includes 'A' levels, foundation courses and some vocational qualifications.

GEORGIAN BUILDINGS: Buildings constructed between 1714 and 1830.

GREATER LONDON DEVELOPMENT PLAN (GLDP) 1976: The Strategic Plan for the whole of Greater London which will lapse when the Unitary Development Plan is adopted.

HABITABLE ROOM: Any room in a residential building excluding bathrooms, passages and kitchens less than 13m².

HIGHER EDUCATION: Education for 18 year-olds and above, usually at universities or polytechnics. Includes degree and diploma courses.

HIGHWAY: A way over which all members of the public have a right to pass (including the footway as well as the carriageway).

HOLIDAY LETTING: A dwelling occupied for the purposes of holiday accommodation by persons whose permanent homes are outside the Borough; the term can include the use of premises for 'temporary sleeping accommodation' as defined in the Greater London Council (General Powers) Acts, 1973 and 1984, which limit the use of accommodation for temporary sleeping purposes occupied by the same person to less than 90 consecutive nights, and time-share.

HOSTEL: There are many kinds of hostel use. The policies of the Plan distinguish between two main types.

- (i) Residential: accommodation intended primarily for medium to long-term permanent residential occupation catering for a wide range of socio-economic groups, sometimes providing an element of care.
- (ii) Tourist: normally short-stay accommodation for those whose normal residence is elsewhere. They are for holidays or short stays and are sometimes open to the general public. They resemble hotels except that the accommodation is usually of a lower standard.

HOUSE IN MULTIPLE OCCUPATION: Residential accommodation occupied by more than one household with shared rooms and circulation space.

HOUSEHOLD: Comprises either one person living alone or a group of people (not necessarily related) living at the same address with common housekeeping, i.e. sharing at least one meal a day or sharing a living or sitting room.

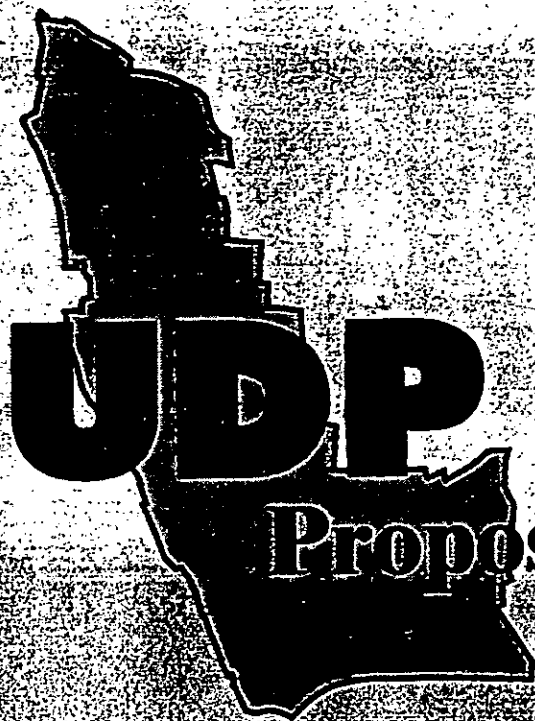
HOUSING ASSOCIATION: A non-profit making society or company established to improve or construct housing. A housing trust is a housing association whose expenditure is sanctioned by trustees.

HOUSING STRATEGY AND HOUSING INVESTMENT PROGRAMME: The annual statement of the Council's housing objective and financial bid to Central Government.

Appendix 13

Kensington & Chelsea UDP Alterations

(Extracts)



Proposed Alterations - REVISIONS

Unitary Development Plan Alterations

Deposit Stage
January 2000

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

CHAPTER 5

HOUSING

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GENERAL POLICIES

Part I Policies and Reasoned Justifications

Introduction

- i. Kensington and Chelsea is primarily a residential borough despite its commercial importance to London, particularly in shopping and tourism. The Council attaches the highest importance to meeting the needs of long-term residents.
- ii. The population of the Royal Borough, which fell rapidly during the seventies, has shown signs of stabilising in the late eighties and early nineties. This fall in population is common to most of inner London and is caused in part by a desire for better living standards. Whilst the Council cannot directly influence the size of its residential population, the policies in the Plan can prevent further reduction in population by resisting the loss of residential accommodation to other uses and requiring new residential development wherever possible and appropriate. A stable population may not in itself be sufficient to maintain and enhance the residential function of the Borough, but it is necessary in order to achieve economies of scale in service delivery, reduce unit costs and provide a resident population for local shops, services and facilities.
- iii. Housing activity of all sorts proceeded at a high rate in the Borough during the 1980's, but slowed down considerably at the beginning of the 1990's. ~~The total net gain in dwellings through permissions either implemented or under construction for the years 1993-1997 (inclusive) was 1800~~ The total number of completions in the Borough between 1992 and mid 1998 has resulted in a net gain of 3,319 dwellings!

Maintaining the Existing Stock

- iv. Given the historic decline in population, the reduced rate of conversions and very limited land availability, it is essential to protect the existing dwelling stock if the residential character and function of the Borough is to be maintained. Furthermore, the building of new dwellings will not be effective in meeting the growth in housing requirements (created by the increase in the number of small households) if the current stock is diminished without replacement. Consequently, there will be a general presumption by the Council against the loss of residential accommodation to other uses in line with Strategic Guidance for London (RPG3).

Increasing the Number of Dwellings

- v. ~~A housing capacity figure for the Borough is included in revised Regional Planning Guidance 3, published in 1996. Whilst the Council will endeavour to ensure this level of additional provision is achieved, there are a number of constraints~~ Strategic Guidance for London Local Authorities (RPG3, 1996) proposes, that the Council should ensure that a minimum of 7,750 net additional dwellings are completed between 1992 and 2006, or an average of 517 net additional dwellings per year! The number of sites with potential for residential development is declining, as is the number of properties suitable for conversion, and there is an increasing demand for limited on-

street parking space. Kensington and Chelsea is already an intensively developed inner city borough with little available development land. If the housing capacity figure included in RPG3 is to be met, a high priority must be placed on allocating nearly all available development land for residential use, except where there is a history of employment-generating uses and the site is unsuitable for housing. This is all the more necessary because of the diminishing number of suitable properties for conversion.

Maintaining and Promoting a Variety of Housing

- vi. Kensington and Chelsea has some of the highest residential rents and prices in the country. Accommodation is difficult to obtain for many people who have a need to live in the Borough because of their work or family contacts. RPG3 acknowledges the importance of providing housing for lower and middle income households in London. The Council's policies aim to maintain and increase the amount of affordable housing, family dwellings, small units and accommodation for special needs. The Council will seek to negotiate for a wide variety of housing within large development schemes, and will seek the provision of a substantial element of affordable housing.

STRAT 13

TO ENSURE THE CONTRIBUTION OF THE ROYAL BOROUGH TO THE DWELLING STOCK OF GREATER LONDON IS NOT DIMINISHED AND IS INCREASED WHEREVER APPROPRIATE.

STRAT 14

TO SEEK TO MAXIMISE THE RESIDENTIAL CAPACITY OF THE BOROUGH IN LINE WITH STRATEGIC GUIDANCE FOR LONDON.

STRAT 15

TO ENCOURAGE AN ADEQUATE AND CONTINUING SUPPLY OF LAND FOR NEW HOUSING THROUGH THE DEVELOPMENT OF VACANT AND UNDER-USED LAND FOR RESIDENTIAL USE IN APPROPRIATE LOCATIONS.

STRAT 16

TO SEEK AN INCREASE IN THE AMOUNT AND RANGE OF SIZES AND TYPES OF DWELLINGS TO MEET THE NEEDS OF THOSE SEEKING PERMANENT ACCOMMODATION IN THE ROYAL BOROUGH, WHILST MAINTAINING THE OVERALL QUALITY OF THE RESIDENTIAL ENVIRONMENT.

LOCAL POLICIES

1 OBJECTIVES

1.1 There are four overall objectives for housing in the Borough:

- (A) To protect permanent residential accommodation in order to maintain and enhance the residential function of the Borough.
- (B) To ensure that new residential development, including conversions and extensions, is of good quality in order to maintain and enhance the residential character of the Borough.
- (C) To increase the supply of housing in appropriate circumstances to help stem the decline of, and where possible to increase, the Borough's permanent residential population, subject to other policies of the Plan.
- (D) To provide and retain a range of housing types and sizes, of a satisfactory standard, to meet the varied physical and economic needs of Borough residents.

2 MAINTAINING AND ENHANCING THE RESIDENTIAL FUNCTION OF THE BOROUGH

2.1 Kensington and Chelsea experienced a decline in the level of population from the 1960's to 1981 despite an increase in the number of households since 1971. The 1991 Population Census showed the first increase in residential population for 30 years. The Borough has experienced considerable pressure from commercial uses to occupy residential property in conflict with the overall aim of the Plan. In order to protect the residential function of the Borough, it is considered that the only circumstances under which the change of use from residential accommodation might be acceptable are:

- (a) where the accommodation is statutorily unfit and could not be brought up to the standards laid down by the Housing Acts;
- (b) where the accommodation could not even with adaptation be incorporated into another unit; or
- (c) where an essential community facility requires accommodation.

The relocation of existing residential uses is acceptable providing there is no net overall loss and that a better overall disposition of land use can be achieved.

2.2 Under the Greater London Council (General Powers) Acts 1973 as amended and 1984 the use of residential accommodation for temporary sleeping accommodation occupied by the same person for less than 90 consecutive nights, or for time-sharing schemes where a number of people each have the right to occupy a property for a set period each

year, is a material change of use requiring planning permission. The Council will resist the loss of permanent residential accommodation through the provision of such temporary residential accommodation (See also Hotels Chapter, Policy T4).

H1 TO RESIST THE LOSS OF PERMANENT RESIDENTIAL ACCOMMODATION IN ALL BUT THE MOST EXCEPTIONAL CIRCUMSTANCES.

- 2.3 The Borough is very densely developed and there are few vacant sites available for residential development. In line with government guidance, the Council will seek to maximise housing provision within the Borough by giving priority to the residential development of sites and buildings where appropriate (see also Policy STRAT 2).

H2 TO SEEK THE DEVELOPMENT OF LAND AND BUILDINGS FOR RESIDENTIAL USE UNLESS:

- a) **A SATISFACTORY RESIDENTIAL ENVIRONMENT CANNOT REASONABLY BE ACHIEVED BY REASON OF EXCESSIVE NOISE, INAPPROPRIATE LOCATION OR GROUND CONTAMINATION; OR**
- b) **THE LAND IS REQUIRED FOR THE PROVISION OF SOCIAL OR COMMUNITY FACILITIES TO MEET LOCAL NEEDS; OR**
- c) **THE DEVELOPMENT IS FOR THE REPLACEMENT ON THE SAME SITE OF EXISTING COMMERCIAL FLOORSPACE WHICH HAS NOT GIVEN RISE TO ENVIRONMENTAL OR TRAFFIC PROBLEMS.**

- 2.4 The Council will have regard to the history of the use of the site and any known conflict with the amenity of the area through traffic or noise generation, hours of operation and any other material factors, including the considerations set out in the definition of the B1 Use Class. The Council will also have regard to the positive aspects of the existing use and its continuation or replacement by another non-residential use, such as its contribution to the vitality of the local economy. Where a site or building is not suitable or appropriate for residential use its residential use will not be sought.

Vacant Housing

- 2.5 Kensington and Chelsea suffers from a high level of vacant and under-utilised residential property. The numbers of vacant residential units above shops are of particular concern (see CD66 in Conservation and Development Chapter). To reduce the proportion of dwellings that are vacant would significantly increase the number of dwellings available to local residents. The Council is particularly concerned to prevent vacant property from falling into disrepair. The Council attaches particular importance to the return to use of vacant residential property and will continue to identify vacant residential property, negotiate with the owners and where necessary, compulsorily purchase the property, following which it will be offered for sale to housing associations

or sold on the open market. The Council requires that any such property be modernised and used solely for residential purposes.

- 2.6 Permissions for change of use of a property or part property to residential use, serve to maintain and enhance the function of the Borough as a residential area and will continue to be encouraged. Flats above shops or businesses can provide lower cost accommodation and contribute to the range of accommodation available, as well as enhancing the vitality of shopping areas (see also Shopping Chapter).

H3 TO ENCOURAGE THE USE OF PROPERTY, WHEREVER APPROPRIATE, FOR RESIDENTIAL PURPOSES AND, IN PARTICULAR, PROPERTY PURPOSE-BUILT FOR RESIDENTIAL ACCOMMODATION WHERE PRESENTLY IN ANOTHER USE.

- 2.7 Where a return to residential use is proposed, the Council will consider the location of the premises and the amenity of the area. Where no amenity space is available, small residential units will be preferred. In properties with potential for gardens, family-size units should be provided. The Council will assess the suitability of properties by having regard to their internal layout and immediate surroundings.

3 MAINTAINING AND ENHANCING THE RESIDENTIAL CHARACTER OF THE BOROUGH

Commercial Development in Residential Areas

- 3.1 Maintaining both the historic and residential character depends greatly on the uses to which buildings are put. The character of a residential listed building or of a residential building in a conservation area can best be safeguarded if residential use is maintained.

H4 TO RESIST THE ENCROACHMENT INTO RESIDENTIAL AREAS OF COMMERCIAL ACTIVITIES WHICH WOULD BE INAPPROPRIATE BY VIRTUE OF SIZE, SCALE, HOURS OF OPERATION, TRAFFIC GENERATION OR NATURE OF USE.

- 3.2 It is also important to prevent the further incursion of commercial uses into mews which are primarily in residential use.
- 3.3 The Council recognises that a certain amount of services or other commercial activity can be incorporated into residential areas without necessarily causing environmental conflict. Some local services and facilities provide important support for residential areas and contribute to their character. The provision of local services and facilities also reduces the need for trips by car (see also Offices and Industry, Shopping, and Social and Community Uses Chapters). The Council is also sympathetic to those who work in the artistic and craft professions and in certain circumstances will be willing to protect existing studios from change to residential use (see also Leisure and Recreation Chapter, Policy LR31).

H5 TO ENCOURAGE THE PROVISION, WHERE APPROPRIATE, AND TO RESIST THE LOSS, OF LOCAL SERVICES AND FACILITIES WHICH SUPPORT THE RESIDENTIAL CHARACTER OF THE AREA.

Conversions

- 3.4 Although there continues to be a steady increase in self-contained dwellings in the Borough, largely due to the conversion of buildings, there has been a large-scale loss of small, often not self-contained units. This process has made a significant contribution to the decline in population, due to the displacement of many long-term residents in small households. Conversions potentially could have an important part to play in meeting the overall housing provision envisaged by RPG3 and in providing suitable accommodation for the growing number of small households. These aims will only be realised if a higher proportion of units provided are designed to meet the needs of the Borough's permanent residents. In those cases where a proposed conversion is acceptable under H6, policies H18 and H19 will apply.
- 3.5 However, there are drawbacks to dwellings provided by conversions. Although conversions provide new, generally small, dwellings, they can result in the loss of accommodation suitable for families and certain forms of low cost housing such as bedsitting rooms (see also paragraphs 5.4 and 5.5). Conversions can lack privacy, have inadequate noise insulation, and be badly designed, although the Council ensures that conversion schemes requiring planning permission are of an adequate standard. The increase in number or size of dwellings associated with many conversion schemes puts extra pressure on existing facilities such as parking, due to the higher car ownership rates of the occupants (see also Planning Standards Chapter and consult with the Director of Building Control as appropriate). The Council will ensure that the conversion of self-contained residential units into smaller dwellings does not generate unacceptable levels of on-street parking demand or exacerbate severe problems of restricted on-street provision. On-street parking pressure in an area is considered to be unacceptable when the legal parking space (see Glossary for definition) occupied exceeds 90% of the legal space available. In cases where off-street parking provision is not possible, the Council will not grant planning permission unless means can be agreed to avoid any increase in on-street parking demand (see section 7 of the Transportation Chapter).

H6 TO PERMIT PROPOSALS FOR THE CONVERSION OF SELF-CONTAINED RESIDENTIAL UNITS INTO SMALLER DWELLINGS, EXCEPT WHERE THEY WOULD RESULT IN :

- a) **UNACCEPTABLE LEVELS OF ON-STREET PARKING DEMAND OR ADD TO ALREADY UNACCEPTABLE LEVELS;**
- b) **THE UNACCEPTABLE LOSS OF OFF-STREET PARKING SPACES;**

- c) **THE LOSS OF HOUSES OR FLATS OF 100 SQUARE METRES (GROSS) OR LESS WHICH HAVE ACCESS TO AMENITY SPACE;**
- d) **THE CREATION OF UNDERSIZED DWELLINGS WHICH ARE CONTRARY TO COUNCIL STANDARDS.**

3.6 It is considered that in circumstances (a) and (b), the character of residential areas may be harmed. The Council is concerned that existing private garage space which provides off-street car-parking is maintained. In the case of proposals to convert mews properties, the retention of at least one garage space will normally be required.

Development and Residential Amenity

3.7 Additional residential accommodation is encouraged in line with the aims of the Plan but it is also considered essential that a policy to attract additional housing in the Borough must not lead to a loss of residential amenity. The Council recognises the value to local amenity of retaining and, where practicable, providing further open spaces and trees within the Borough (see also Conservation and Development, and Leisure and Recreation Chapters).

H7 TO SEEK, WHERE APPROPRIATE, THE PROVISION OF SOME OUTDOOR SPACE IN ALL NEW DEVELOPMENT AND, IN PARTICULAR, THE PROVISION OF OPEN SPACE AND PLAY FACILITIES IN DEVELOPMENTS OF OVER TEN UNITS.

3.8 In order to retain a high standard of residential amenity, it is important that appropriate provision is made for the social and community needs of residents. Therefore the Council will require the provision of such facilities as are appropriate in association with major residential developments. As a general guide, a major development will be considered to be one which provides 150 or more residential units.

H8 TO REQUIRE THE PROVISION OF APPROPRIATE SOCIAL AND COMMUNITY FACILITIES WITHIN MAJOR RESIDENTIAL SCHEMES.

3.9 The form of social and community facilities to be provided will be dependent on the scale of the development, its location and its proximity to existing services (see also Social and Community Uses Chapter).

Density

3.10 If the housing capacity figure identified in RPG3 and sought through STRAT 14 of the UDP is to be met, it is necessary not only to place a high priority on allocating all identifiable land for residential use, but also to make the best use of that land. A balance has, however, to be struck between making the best use of residential land, ensuring new housing is of a good standard, and protecting the character and environment of surrounding areas.

3.11 Most of the existing housing in the Borough was built in the nineteenth century at densities which are very high by today's standards. Much of this is satisfactory in the accommodation and facilities it provides, and in the contribution it makes to the character and environment of the Borough. In most cases of new development, however, the Council's policy is to seek lower densities than in the past, in order that excessive pressure is not placed on existing facilities, particularly open space, that the quality of the existing environment is maintained, and, as appropriate, improved, and that new residential development offers facilities and a quality of environment acceptable today. It will be particularly important to design to lower densities, and make adequate provision for open space, in schemes suitable for occupation by families with children.

3.12 In considering both the quality of the environment proposed in a new housing scheme, and the effect of that scheme on the character and environment of the surrounding area, the density policies set out below will be followed, and regard will be had to the density ranges set out below. Schemes will also have to comply with other policies of the plan, particularly those relating to design, light, privacy, open space, and residential parking.

3.13 In applying the following policies the Council will have regard to the following well established density guidelines:

VERY LOW: less than 70 habitable rooms per acre (hra) (175 habitable rooms per hectare (hrha))

LOWER: between 70 hra and 100 hra (175-250 hrha)

HIGHER: between 100 hra and 140 hra (250-350 hrha)

VERY HIGH: above 140 hra (350 hrha)

Guidance on the calculation of residential density is given in the Planning Standards Chapter.

H9 NORMALLY TO RESIST RESIDENTIAL DEVELOPMENT DESIGNED TO A VERY LOW DENSITY.

H10 NORMALLY TO REQUIRE THAT HOUSING PREDOMINANTLY SUITABLE FOR OCCUPATION BY FAMILIES WITH CHILDREN IS DESIGNED TO A LOWER DENSITY.

H11 NORMALLY TO RESIST HOUSING DESIGNED TO HIGHER DENSITIES EXCEPT WHERE IT:

- a) **IS DESIGNED PREDOMINANTLY FOR OCCUPATION BY SMALL HOUSEHOLDS; OR**
- b) **ENABLES THE PROVISION OF SPECIAL NEEDS OR AFFORDABLE HOUSING ON APPROPRIATE SITES; OR**
- c) **IS AN INFILL SCHEME WHERE A HIGHER DENSITY DEVELOPMENT IS NECESSARY FOR TOWNSCAPE REASONS**

TO COMPLY WITH THE POLICIES OF THE CONSERVATION AND DEVELOPMENT CHAPTER.

H12 NORMALLY TO RESIST HOUSING DESIGNED TO VERY HIGH DENSITIES UNLESS NECESSARY FOR TOWNSCAPE REASONS TO COMPLY WITH THE POLICIES OF THE CONSERVATION AND DEVELOPMENT CHAPTER.

Improving the Quality of the Housing Stock

- 3.14 There has been a welcome improvement in the housing conditions of the Borough over the last 20-30 years, as building activity has concentrated on replacing poorer, older housing by means of the conversion and redevelopment of existing property. However, housing conditions in certain parts of the Borough still compare unfavourably with those elsewhere in London.

H13 TO CONTINUE TO ENCOURAGE THE IMPROVEMENT AND PRESERVATION OF THE EXISTING HOUSING STOCK.

- 3.15 The Council continues to implement landscaping and playground schemes on its estates. Besides enhancing the physical condition of dwellings and the environment, these schemes aim to improve the security and to add to the amenities enjoyed by residents and their children (see also Policy CD87 of the Conservation and Development Chapter).

H14 TO ENSURE THE ENHANCEMENT OF THE RESIDENTIAL ENVIRONMENT THROUGH STREET WORKS, LANDSCAPING AND IMPROVEMENTS TO HOUSING ESTATES.

- 3.16 Funds are available for environmental improvement under various Central Government programmes, such as the City Challenge Programme, and occasionally through negotiation with the private sector.

4 INCREASING THE SUPPLY OF HOUSING

New Development

- 4.1 There are few vacant sites remaining in the Borough and the provision of new housing, other than from conversion schemes, will mainly arise from smaller-scale redevelopment proposals. Policy STRAT 14 seeks to maximise the residential capacity of the Borough in line with RPG3. It is therefore important to ensure that, wherever possible, the development of vacant land and redevelopment of property currently in other uses is for residential purposes while seeking to maintain residential amenity. Where new residential development is proposed, and in appropriate locations, the Council will seek the provision of affordable housing for rent or for sale within the development. Section 5 deals with the provision of affordable housing.

- 4.1a The Borough is currently on course to meet the minimum housing provision target of 7,750 identified in RPG3 (Table 4.1). In an area such as Kensington and Chelsea which is already densely developed, the housing capacity will be determined by the following factors for the period 1997-2006 (the last two 5 year tranches of the RPG3 period): the availability of development sites; the potential to convert the existing stock of buildings into dwellings; and the nature of the local housing market.
- 4.1b The Council has identified a number of new large residential opportunities as part of the review of the Plan (See Schedule of Major Development Sites). These sites are expected to provide the largest single source of additional dwellings (up to 3,000 units). Large "windfall" sites are also expected to provide up to 1,000 dwellings. Smaller sites (providing under 10 dwellings each) are likely to yield up to 600 dwellings. Conversion activity (from all sources) is likely to provide up to 1,500 dwellings even though the significance of this sector has declined in recent years.
- 4.1c Kensington and Chelsea has the most expensive housing market in the UK and is subject to intense regional, national and international demand. It is also a magnet for speculative investment activity and company lettings. It is likely that its locational advantage will continue into the foreseeable future resulting in a buoyancy which is virtually unrivalled anywhere in the country. Overall, a housing capacity of over 6,000 dwellings has been identified for the years 1997 to 2006 in addition to the 3,000 or so dwellings already completed between 1992 and 1998. Given the high implementation rate (currently about 90%) for planning approvals in the Borough, there is every prospect that Kensington and Chelsea will exceed the minimum housing target of 7,750 included in RPG3. The UDP will subsequently be amended to reflect the housing provision policies of the Mayor's Spatial Development Strategy for London.
- 4.1d The sources of future housing beyond 2006 and up to 2016 will rely far less on large identified sites (since these are subject to greater uncertainty) and more on "windfall" sites and conversions. Overall there is likely to be a reduced capacity for additional dwellings in the Borough over the period 2006 - 2016 compared to the period 1997 - 2006 because of the increasing difficulty in identifying suitable development opportunities and the need to protect the distinctive character of the Borough. The residential function of the Borough needs to be supported by essential local commercial and community uses in order to maintain a sustainable balance of land uses.

H15 TO REQUIRE A SUBSTANTIAL PROPORTION OF HOUSING TO BE PROVIDED ON THOSE SITES TO WHICH THIS POLICY APPLIES AS IDENTIFIED IN THE SCHEDULE OF MAJOR DEVELOPMENT SITES AND SHOWN ON THE PROPOSALS MAP.

H16 TO ENCOURAGE THE USE OF PUBLICLY OWNED LAND FOR THE PROVISION OF HOUSING, WHEREVER APPROPRIATE.

- 4.2 A number of sites have been identified on the Schedule of Major Development Sites and Proposals Map where redevelopments will be expected to provide housing on all or at least the major part of the site area or floorspace. Such housing provision must be carefully designed to achieve an acceptable level of amenity for residents with regard to the location of any proposed business uses. (See also Offices and Industry Chapter Policy E3).

5 PROVIDING AND MAINTAINING A WIDE RANGE OF HOUSING

Housing Mix

- 5.1 The mix of accommodation in the Borough should be related to the range in household types existing or likely to exist and to deficiencies in the range of accommodation. Households are typically smaller than elsewhere in the capital. In response to market demand, the private sector already provides a substantial proportion of smaller units, mostly through conversion schemes and it is therefore important to retain existing provision. A large stock of small residential units is also important in order to: maintain the level of population by allowing a more intensive use of residential properties; maintain the number of adult households who, through their spending power, help support the ancillary services which underpin the residential function; and meet the overall housing provision envisaged by RPG3.

H17 TO RESIST THE LOSS OF EXISTING, SMALL, SELF-CONTAINED FLATS OF ONE OR TWO HABITABLE ROOMS.

- 5.2 However, it is important to ensure that a sufficiently wide range of dwellings is provided in terms of type and size in redevelopment, rehabilitation, extension and conversion schemes, to satisfy the needs of larger households and rising standards.

H18 TO SEEK THE INCLUSION OF SMALLER UNITS (OF ONE OR TWO HABITABLE ROOMS) AND LARGER UNITS (OF THREE HABITABLE ROOMS AND MORE) IN SCHEMES FOR RESIDENTIAL DEVELOPMENT.

H19 TO SEEK AN APPROPRIATE MIX OF DWELLINGS WITHIN A SCHEME, HAVING REGARD TO THE FOLLOWING FACTORS:

- a) **THE PHYSICAL CHARACTER OF THE SITE OR BUILDING AND ITS SETTING;**
- b) **THE PREVIOUS OR EXISTING USE OF THE SITE OR BUILDING;**
- c) **ACCESS TO PRIVATE GARDENS OR COMMUNAL GARDEN SQUARES FOR FAMILY UNITS;**

- d) **THE LIKELY EFFECT ON DEMAND FOR CAR PARKING WITHIN THE AREA;**
- e) **THE SURROUNDING COMPOSITION AND DENSITY OF POPULATION;**
- f) **THE LOCATION OF SCHOOLS, SHOPS AND OPEN SPACES;**
- g) **PROVISION OF ACCOMMODATION FOR SPECIAL NEEDS (See paragraphs 5.13 to 5.24); AND**
- h) **BUSY ROADS OR RAILWAY LINES NEARBY.**

5.3 Particular regard should be paid to providing accommodation suitable for families in acceptable locations and the Council will encourage the provision of larger units suitable for family occupation to be located in the lower floors with access to the garden.

Houses in Multiple Occupation (HMOs)

5.4 The private rented sector performs an important function in the housing market, especially in meeting a need for lower cost housing, but has experienced a rapid decline. Much of the decline in this sector in the Borough has resulted from the conversion, into flats for sale, of houses in multiple occupation (HMOs). There has also been a change in the types of lettings made. Whereas in the past, much of the privately rented sector had catered for lower income groups, an increasing proportion of this sector now consists of luxury furnished flats intended for short-term lets to mobile higher-income tenants.

5.5 Despite the decline, the Borough still has a greater proportion of private rented accommodation than anywhere else in the United Kingdom. The Council has undertaken research which demonstrates the continuing high demand for HMO accommodation in the Borough and the valuable role the existing HMO stock makes towards meeting housing need and supporting the local economy. Consequently, the Council recognises that certain types of accommodation meet a specific need and will not normally consider favourably proposals which involve the loss of such accommodation. In particular, the Council is concerned that bedsit accommodation which is in compliance, or capable of complying, with building regulations and the standards laid down by the Housing Acts, should normally be maintained. However, there may be circumstances in which the loss of an HMO may be allowed, for example, in order to secure the essential restoration of a listed building where improvement is needed, and in which the existing HMO layout is harmful to the historic character of the building, or in appropriate locations having regard to the distribution of HMOs within the area. Proposals from Registered Social Landlords (RSLs) to convert properties into self-contained dwellings, in liaison with existing tenants, will be assessed in relation to how long the RSL has owned the property and whether there is a significant reduction in the number of bedspaces. RSLs, in liaison with the Council, will be encouraged to manage existing HMOs for the benefit of lower and middle income workers who have a need to live close to their place of work in the Borough.

- 5.6 Where existing HMOs and bedsitting rooms do not comply with the current Housing Acts, landlords should seek advice from the Council's Environmental Health Department.

H20 NORMALLY TO RESIST PROPOSALS FOR THE CONVERSION INTO SELF-CONTAINED ACCOMMODATION OF THOSE HOUSES IN MULTIPLE OCCUPATION AND INDIVIDUAL BEDSITTING ROOMS WHICH COMPLY WITH, OR ARE CAPABLE OF REACHING, THE STANDARDS LAID DOWN BY THE HOUSING ACTS.

- 5.7 RSLs are now the major providers of affordable housing for rent in the Borough. They assist in the housing of the statutorily homeless and for people with special accommodation needs as well as hostel provision for groups such as people with a mental illness, the single homeless and people with physical disabilities. They also contribute towards improving the housing stock. The Council encourages the provision of rented accommodation (especially affordable accommodation) in any large residential or mixed-use developments and will look favourably upon arrangements to secure the transfer of ownership of a proportion of the site, or some of the dwellings created, to RSLs or other providers of affordable housing for this purpose. Where appropriate, the Council will seek Planning Obligations to secure and retain the provision of affordable housing.

H21 TO WELCOME RESIDENTIAL OR MIXED-USE SCHEMES WITH A RESIDENTIAL ELEMENT WHERE A RANGE OF HOUSING IS TO BE PROVIDED INCLUDING AFFORDABLE HOUSING AND HOUSING FOR SPECIAL NEEDS.

Affordable Housing Provision

- 5.8 Planning Policy Guidance Note 3: Housing (PPG3) has established the need for affordable housing as a material consideration which may properly be taken into account in formulating development plan policies. More detailed advice is contained in the Government Circular 6/98: Planning and Affordable Housing. Paragraph 4 of this circular defines affordable housing as both low-cost market and subsidised housing that will be available to people who cannot afford to rent or buy houses generally available on the open market. Kensington and Chelsea has the most expensive residential property market in the country and affordability (as defined by the relationship between prices and incomes) has probably worsened since the adoption of the UDP in 1995. The housing market, generally, cannot provide residential accommodation for those on low or middle incomes. The most recent price information indicates that the average purchase cost and rent of a one bedroom property in the Borough is £168,000 and £269 per week respectively (London Research Centre Bulletins, 2nd and 1st Qtrs. respectively, 1998). Consequently, the concept of affordable low cost market housing (except for HMOs) is not relevant to the circumstances of Kensington and Chelsea.

- 5.9 The Council carries out a broad analysis of housing need each year to inform the Housing Strategy and Housing Investment Programme. This takes into account a number of factors including: incomes, rent levels, house prices, stock condition, and applications on the Council's Common Housing Register (CHR). This analysis produces projections of future housing need based on trends in the rate of new applications on the CHR and projected supply data. At the beginning of July 1999, there were over 8,413 applicants on the Common Housing Register. There were 3,392 applicants assessed as having high priority, and of these 924 had the highest priority due to an acute need for rehousing. Current information also indicates that 1,539 applicants (17% of the total) on the Council's Common Housing Register have recorded an interest in low cost home ownership. However social housing lettings available to the Council, and referrals to low cost home ownership properties, are limited to approximately 600 homes each year. At current rates of application and assuming lettings levels remain the same, even those in the highest priority will increase in number. The shortfall between high priority households and supply is approximately 4,900 by April 2005.
- 5.10 The development of affordable housing within the Borough is extremely difficult and, therefore, the Council has continued to work with RSLs and other local authorities to develop housing out-of-borough. However, success in out-of-borough development is contingent upon the Council continuing to support affordable housing within its boundaries. Given the current and projected lack of available sites in the Borough, it is reasonable to assume that, based on experience to date, approximately 50% of all future new supply of affordable housing will continue to be developed by RSLs outside the Borough. Accordingly approximately 2,400 homes needed to meet high need are expected to be provided outside the Borough. Therefore, it is proposed that the UDP target for affordable housing should be set at 2,500 homes over the ten year life of the Plan. If achieved, this number of homes would meet the higher levels of housing need in the Borough, but would not provide sufficient accommodation for every household in priority need for rehousing.
- 5.10a The Council wishes to ensure that the present proportion of affordable housing in the Borough, about one third, is maintained (a figure of one third corresponds to the proportion of households living in affordable housing or HMOs at the time of the 1991 Population Census). The application of the Council's policies will in practice exclude a large number of small sites and proposals, which do not have sufficient capacity, from the requirement to provide affordable housing. However, if the affordable housing target is to be met, the large sites in the Schedule of Major Development Sites should provide a higher proportion (i.e. more than one third) of affordable housing in order to compensate. In order to assess the success of this policy, the Council will regularly monitor the proportion of new affordable housing provided within the total new housing stock.
- 5.10b It is likely that the use of planning powers will continue to be a key mechanism for providing the majority of all identified affordable housing programmes in Kensington and Chelsea, especially if RSLs, such as housing associations, can no longer compete effectively in the local housing market for sites and properties. The supply of adequate finance is necessary but not sufficient for development to proceed. The main resource

issue is an inadequate supply of land for development. Therefore, where a requirement for an element of affordable housing is appropriate, there will be a presumption that it should be provided on-site as part of the proposed development.

5.10c When a residential proposal (which is acceptable in principle) is affected by the Council's affordable housing policy (i.e. the site is considered to have a suitable dwelling capacity) a minimum proportion of one third of the housing should be affordable. There may be exceptional instances when it will not be possible to provide affordable housing on site, and in these cases provision of affordable housing on a suitable identified site within the Borough (to be supplied by the developer) will be required. If an alternative site is not possible, only then will the Council seek a payment to provide affordable housing elsewhere in the Borough. There are three ways that this requirement can be fulfilled:

- ~~(a) provision of affordable housing on site (this is the strongly preferred option); or~~
- ~~(b) provision of affordable housing on an alternative site supplied by the developer within the Borough; or~~
- ~~(c) payment to provide affordable housing elsewhere in the Borough.~~

5.10d Where provision on-site or on an alternative site is proposed, this can be achieved by the developer, RSL or both. The preferred approach is the provision of affordable housing on-site, included within the facilitating private development. Where it can be demonstrated by the developer that this is not possible (for example, because the proposal is a conversion of an existing building and joint management cannot be arranged), an alternative site will be sought for the provision of affordable housing. If the alternative site route is followed, an amount equivalent to 33% of affordable housing on the "donor" site will be sought plus the equivalent amount which would have been provided on the "recipient" site, subject to further detailed assessment and compliance with planning policies. Finally, it is only where this is also considered unachievable that an in-lieu payment to secure affordable housing elsewhere in the Borough will be negotiated. The payment should reflect the high land values in the Borough and the cost of providing a significant amount of affordable housing.

H22 TO NEGOTIATE THE PROVISION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE HOUSING ON SITES SUITABLE FOR RESIDENTIAL USE WITH A CAPACITY OF 15 DWELLINGS OR MORE.

H23 TO NEGOTIATE THE PROVISION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE HOUSING WHERE INDICATED IN THE SCHEDULE OF MAJOR DEVELOPMENT SITES.

5.10e The Council will ~~expect~~ require residential development on sites with a capacity of 15 dwellings or more to contribute a significant proportion of dwellings (see Glossary for definition) on the site to the stock of affordable housing. The capacity of a site will be

assessed against its size, a dwelling mix which reflects the demographic profile of the Borough and UDP residential density policies. Larger sites which involve phased or piecemeal development will also be expected to contribute to the provision of affordable housing in line with UDP policies. Land available for development in the Borough is very scarce and suitable sites will be subject to the policy to provide affordable housing in line with Government Guidance. Proposals for such suitable sites which do not provide a satisfactory amount of affordable housing on the site will be resisted by the Council.

- 5.11 The Council will negotiate with developers on individual sites in order to establish the amount of affordable housing to be provided and the mix of dwelling type and unit size as is appropriate for the location. Inevitably, each case will be dealt with on its merits. An integrated and corporate approach to the implementation of policy will be used by the Council which is consistent with PPG3. The Council will require information about the housing need that would be met by the proposal and will have to be satisfied that the proposal would meet a known housing need. Where appropriate, the Council will seek Planning Obligations to secure the future of the housing as affordable. The Council has a duty to provide affordable housing to meet the most pressing housing needs and the Council will use the rents set by RSLs working in the Borough as a basis for affordable rental levels in order to meet the most pressing housing needs housing to meet this obligation. Affordability will be assessed to take into account all relevant costs in order to keep outgoings of occupiers at an affordable level. Another aim of the Council's Housing Strategy is to support the development of balanced communities in the Borough. In order to achieve this objective, new approaches to the provision of affordable ~~lower cost home~~ shared ownership will be considered by the Council. ~~In the case of such developments, housing costs should not exceed one third of a household's net monthly income.~~ Eligibility will be restricted to applicants who are registered on the Council's Common Housing Register (CHR) or Shared Ownership Register the Housing Initiatives Team's Shared Ownership database. Most commonly, the best way for ensuring that affordable housing will be enjoyed by successive as well as initial occupiers of property is by involvement of a RSL providing housing for rent or shared ownership. However, alternative means of securing such provision will be considered on their merits. The Council will determine the balance between affordable housing for rent and for shared ownership in each scheme depending on current housing need.

- 5.12 The Council has always been concerned about the plight of tenants whose homes are threatened by redevelopment and by conversion schemes, and information about the arrangements for rehousing these tenants will be sought.

Special Needs Accommodation

- 5.13 People with special housing needs include the single homeless, the elderly, those with physical or mental disabilities, people with mental health problems, women who have experienced domestic violence, students, people with a long-term debilitating illness, and Travellers. The Council is aware of the special housing needs of these groups and is concerned that they should be adequately provided for in appropriate locations.

H24 TO WELCOME THE PROVISION OF HOUSING FOR PEOPLE WITH SPECIAL ACCOMMODATION NEEDS IN APPROPRIATE LOCATIONS, HAVING REGARD TO THE EXISTING DISTRIBUTION OF SIMILAR TYPES OF ACCOMMODATION WITHIN THE AREA.

- 5.14 The Council welcomes purpose-built accommodation which enables people with special needs to maintain an independent lifestyle and supports the work of housing associations in this respect. However, the Council wishes to maintain an appropriate balance between different kinds of residential uses within local areas. The Council will resist proposals which would lead to a concentration of special provision within an area.

(i) Residential Hostels

- 5.15 Groups such as the single homeless, people who are mentally ill or disabled, women who have experienced domestic violence and students, often rely upon the provision of residential hostel accommodation for their housing. The decline in the amount of rented accommodation, especially at the cheaper end of the scale, has led to increasing difficulty in finding permanent rehousing for existing hostel residents. This restricts the ability of hostels to release space for newcomers. The number of residential hostels has also been in decline and this trend seems likely to continue. This will serve to restrict still further the accommodation available to these groups.

- 5.16 The term "residential hostel" is rigidly defined by the Council as accommodation intended primarily for medium to long term permanent residential occupancy catering for a wide range of socio-economic groups, sometimes providing an element of care and should not be confused with a "tourist hostel" which is primarily for visitors (see Glossary). The Council wishes to resist the loss of residential hostels to hotels (see also Hotels Chapter, Policy T1).

H25 TO RESIST THE LOSS OF EXISTING RESIDENTIAL HOSTELS, EXCEPT IN EARLS COURT WARD.

- 5.17 The Earls Court Ward is excepted from the above policy because of the abundance of both residential and tourist hostels in the area.
- 5.18 In those cases where the presence of a hostel has resulted in long-standing harm to the amenity of surrounding residential areas, permission may be granted for a change to residential use.

H26 TO PERMIT PROPOSALS FOR RESIDENTIAL HOSTELS ON BEHALF OF RECOGNISED PROVIDERS OF HOSTEL ACCOMMODATION, WHERE IT CAN BE SHOWN THAT THERE WOULD BE:

- a) NO LOSS OF PERMANENT RESIDENTIAL ACCOMMODATION, UNLESS THE APPLICANTS CAN DEMONSTRATE A KNOWN AND ESTABLISHED LOCAL NEED

FOR THAT TYPE OF HOSTEL ACCOMMODATION IN THAT LOCATION;

- b) NO ADVERSE EFFECT UPON THE AMENITY ENJOYED BY LOCAL RESIDENTS. THE PROPOSALS WILL HAVE TO COMPLY WITH THE POLICIES FOR CONSERVATION AND DEVELOPMENT; AND**
- c) NO ADVERSE EFFECTS UPON THE ENVIRONMENT AND SAFETY OF NEIGHBOURING RESIDENTIAL AREAS AND ROADS BY WAY OF TRAFFIC GENERATION.**

5.19 A recognised provider includes colleges, housing associations, charities and employers providing staff accommodation and other organisations which provide good quality accommodation for groups of people for whom there is a known and established need for accommodation.

(ii) Sheltered Housing

5.20 Many elderly people are living in accommodation that is either unsuitable for their needs or is in poor condition. The provision of sheltered housing allows those who wish to move to specially designed group accommodation to do so. Sheltered accommodation can also provide better facilities for people suffering long-term debilitating illness. The most pressing need in the Borough is currently for 'very' sheltered housing, which provides a higher level of care, catering for the frail elderly and people recovering from mental illness. The Council will continue to support the work of housing associations in this respect.

H27 TO WELCOME THE PROVISION OF SHELTERED HOUSING, IN PARTICULAR VERY SHELTERED HOUSING, IN APPROPRIATE LOCATIONS, HAVING REGARD TO THE EXISTING DISTRIBUTION OF SIMILAR TYPES OF ACCOMMODATION WITHIN THE AREA.

5.21 Housing that provides a secure environment in which to live is an important consideration for people who are vulnerable or subject to harassment and discrimination. Careful attention to the design of dwellings created in redevelopment schemes can go a long way towards improving the safety and security for the residents. In considering the merits of proposals for sheltered housing, the Council will pay particular regard to the design and security aspects of the development.

(iii) Access and Mobility

5.22 Disability, either temporary or permanent potentially affects every one at some stage in their lives. The likelihood of physical and /or sensory disability increases with age but such disabilities are also present in the younger population. The Borough's population has a higher than average proportion of people of 65 and over, and approximately 10% of the total population has a long term limiting illness, and is likely to require suitably designed new or converted housing.

5.23 People with disabilities, and those who are frail through long-term illness or old age, require appropriate housing that enables them to live in comfort and independence. The overwhelming majority of disabilities affect mobility in some way. The main requirement, therefore, is housing which is readily adaptable to meet the special mobility needs of people throughout their lives and allows ease of movement around the home and improvement in building access. Mobility and wheelchair standards in the form of supplementary planning guidance have been developed to achieve this. The location of mobility and wheelchair housing must take into account the location of amenities such as local shops and public transport facilities. It is not practical to seek mobility or wheelchair standard housing in all schemes. These will be sought only where dwellings are at ground floor level or reached by a lift. Car parking associated with the development should include bays of the appropriate width and should be suitably close to the dwelling, detailed standards are to be found in the Planning Standards Chapter.

H28 TO SEEK WHERE PRACTICAL THAT GROUND FLOOR DWELLINGS, OR THOSE REACHED BY A LIFT, IN HOUSING DEVELOPMENTS ARE BUILT TO MOBILITY STANDARD AND TO ENCOURAGE CONSTRUCTION TO WHEELCHAIR STANDARD.

(iv) Sites for Travellers

5.24 The accommodation needs for Travellers differ from other special needs groups in that serviced sites are required rather than dwellings. The Council jointly funds, with the London Borough of Hammersmith and Fulham, a site for Travellers in the Borough.

H29 TO RESIST THE LOSS OF THE WESTWAY TRAVELLERS' SITE AND RESIST THE PROVISION OF NEW TRAVELLERS' SITES ELSEWHERE IN THE BOROUGH.

5.25 The Council recognises the special housing needs of Travellers and will resist the loss of the Westway Travellers' Site which is located between the elevated sections of the M41 motorway (see Proposals Map). However, further provision for Travellers in the Borough is considered inappropriate because of the densely built-up nature of the Borough and the lack of suitable sites.

Parking for Residential Development

6.16 The Council recognises the need and desire of residents to be able to park close to where they live. Many existing residential developments do not have off-street spaces and the availability of on-street parking is limited. The Council will normally require residential development to include adequate off-street parking to accommodate the demand for parking from residents of a development, in order to supplement the restricted on-street provision. Where off-street parking is provided to the Council's maximum minimum standards, enough spaces this should be made available to, and permanently retained for use by, residents of the development and their visitors. Any excess parking spaces should be made If the number of spaces provided exceeds the Council's minimum standards, a Planning Obligation may be required to ensure that the additional spaces are only available to residents qualifying for parking permits and living within a short walking distance. The levels of provision are given in the Planning Standards Chapter.

~~6.16a In some instances, the provision of off-street parking may not be considered necessary. For example, where the development is close to public transport and/or convenient car hire or car sharing schemes, and where means can be agreed for avoiding any increase in on-street parking demand from the development. The Council will consider ways of overcoming potential on-street parking pressures. These could involve restricting the issue of residents' parking permits to new or future occupants of a development, or seeking opportunities for the use of alternative off-street parking away from the development. The additional demand for on-street parking spaces resulting from the conversion of self-contained residential units into smaller dwellings may also preclude the granting of planning permission unless means can be agreed for avoiding any increase in on-street parking (see also Housing Chapter, policy H6).~~

~~6.16a The Council recognises that in some cases, proposals for the change of use of properties to residential development use will not include be unable to provide off-street parking, or adequate off-street parking to accommodate the demand for parking from residents. This may be for townscape reasons, or because the building is of architectural or historic interest, or because the inclusion of off-street parking would reduce a scheme's viability.~~

~~6.16b In those circumstances, where no, or inadequate off-street parking is proposed the Council will wish to ensure that such development does not generate unacceptable levels of on-street parking demand or exacerbate already severe problems of restricted on-street provision (see Policies TR39 and H6). It will consider ways of avoiding any increase in on-street parking pressures, through the use of Planning Obligations (see Policy MI1). For example, the Council will consider making more effective use of existing alternative off-street parking where there is spare capacity. The Council will resist inappropriate development unless means can be agreed to avoid any increase in on-street parking demand.~~

TR46 NORMALLY, TO REQUIRE ALL RESIDENTIAL DEVELOPMENT TO INCLUDE ADEQUATE OFF-STREET PARKING.

For the avoidance of doubt, policy TR46 refers to all forms of residential development: new build; redevelopment; changes of use; and conversions.

and paragraphs 5.3.1 to 5.3.20 relate to the geometric design of the parking layouts and any consequential provision of access roads and highways.

5.2 Off-Street Parking and Servicing Provision

Introduction

5.2.1 The policies and background to the standards are in paragraphs 6.1 to 6.19 of the Transportation Chapter. The standards for provision of parking and servicing are based on the requirement to restrain the growth in traffic by providing spaces for only those vehicles considered to require essential access to a site.

5.2.2 The Council has extended parking controls to all Borough roads. This creates an opportunity to treat parking and servicing provision for all non-residential developments throughout the Borough in the same way.

~~5.2.3 The standards are specific except where they are stated to be maximum or minimum. A maximum standard indicates the maximum number of spaces which will be permitted, a minimum standard indicates the minimum number of spaces which will be required.~~

5.2.4 The provision of more car parking ~~for non-residential development~~ than stipulated by the standard would be contrary to the restraint policies of the Plan. However, the provision of less car parking than stipulated could result in increased local demand for short term on-street parking at meters which would deny the facilities to neighbouring developments. This is particularly the case for some commercial developments. This could result in some illegal parking occurring at locations needed for movement with a consequent impact on the efficient operation of the road system.

Parking for Residential Development

5.2.5 Paragraph 6.16 of the Transportation Chapter outlines the background for the standards for residential development. With residential development it is normally considered essential ~~necessary~~ to require off-street parking to supplement the restricted on-street provision. ~~In all cases~~ Parking provision should be made available to, and permanently retained for use by, residents of the development. Provision of Parking at the levels shown in Table 5.1 are considered ~~minimum requirements~~ ~~maximum provision~~. ~~An exception is made~~ ~~The Council recognises that in some the cases, proposals for residential development, of conversions of premises above shops or such as conversions of houses into multiple units, where it is acknowledged that proposals the provision of will not include off-street parking, or adequate off-street parking to accommodate the demand for parking from residents may not be possible.~~ In such cases however the additional demand for on-street parking spaces may preclude the granting of planning permission ~~unless means can be agreed for such development or may require a planning obligation with the Council as to a way of avoiding to avoid any increase in on-street parking demand resulting from the development.~~ (See paragraph 6.16b of the ~~Transportation Chapter~~ ~~Monitoring and Implementation Chapter~~).

Cycling

5.2.5a Space suitable for the storage of at least 1 bicycle per household should be provided.

Parking and Servicing Provision for Non-Residential Development

5.2.6 Standards for parking and servicing spaces for non-residential development are based on the need to restrain traffic. Paragraphs 6.4 to 6.9 of the Transportation Chapter outline the basis of provision which takes into account the general availability of public transport and on and off-street visitor parking. The number of spaces in non-residential developments will normally only allow for essential servicing and parking needs. Developers will be required to demonstrate evidence of additional need for spaces by specific occupiers before consideration will be given to further provision.

5.2.7 The rate of provision of spaces in office and studio developments which fall into use classes A2, B1(a) and B1(b) is set out in Table 5.1 and ~~allows for~~ sets a maximum of 1 space per 1500 square metres. In exceptional circumstances where additional need can be demonstrated, taking into account the Council's stated policies of traffic restraint as set out in the Transportation Chapter, further spaces up to a maximum of 1 space per 750 square metres may be allowed. For developments of more than 5000 square metres it may be necessary to allocate service spaces for delivery by large goods vehicles from the off-street parking provision.

5.2.8 For some land uses (as indicated), standard rates of provision of spaces are not appropriate. In such cases each application will be treated individually, based on the predicted need for essential parking and servicing for the development. This assessment will take into account the Council's policies on traffic restraint as set out in the Transportation Chapter, as well as the following:

- (a) the existing and predicted levels of on-street day-time parking demand and night-time parking stress within the vicinity of the development;
- (b) the number of sites with unimplemented planning permission in the area;
- (c) the availability of convenient public and private off-street car parking spaces;
- (d) the opportunities for dual use of parking provision; and
- (e) the predicted demand for parking from diverted car-borne shopping and leisure trips.

5.2.8a On-street parking pressure in an area is considered to be unacceptable when the legal parking (see glossary for definition) occupied exceeds 90% of the legal space available. The Council will inspect the parking conditions within the vicinity of a development and assess the occupancy ratio for on-street parking spaces.

Table S.1: PARKING AND SERVICING PROVISION

Land Use	Provision	Disabled Provision	Special Considerations	Cycle Parking
A2, B1(a), B1(b) (Financial and Professional Services, Business - Offices or Research and Development)	1 space per 1500m ²	Minimum 1 or 10% of spaces	Development > 5000m ² at least 1 space reserved for G.V. delivery as part of the parking provision	Minimum 1 stand per 200m ²
A1, A3, B1(c), B2-B8 (Shops, Food and Drink, Business - Light Industrial, Other Industrial)	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Minimum 1 stand per 200m ²
C1 (Hotels)	1 space per 40 bedspaces	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V. 1 coach space per 200 bedrooms. Taxi demand see 5.2.13.	
Hostels	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	
C2, D1, D2 (Residential Institutions, Non-Residential Institutions, Leisure)	Provision based on criteria in 5.2.8.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Minimum 1 stand per 200m ²
Mixed Development Sites	Provision based on criteria in 5.2.8. Dual use of non-residential spaces considered.	Minimum 1 or 10% of spaces	Large development at least 1 space reserved for G.V.	Provision based on use of site.

Land Use	Maximum Provision	Special Considerations
C3 Dwelling Houses		
i) Single Family Dwellings Up to 5 habitable rooms	Minimum of 1 space per dwelling	0.1 space per unit is required for visiting parking
5 or more habitable rooms	Prefer 2 spaces per dwelling	
ii) Purpose-built Flats Up to 5 habitable rooms	Minimum of 1 space per dwelling unit	0.1 space per unit for visiting parking
5 or more habitable rooms	Minimum of 1.5 space per dwelling unit	
iii) Converted Flats	1 space per dwelling unit is desired	
iv) Public Housing Flats	Minimum of 0.66 space per dwelling unit	0.1 space per unit for visiting parking
Houses	Minimum of 1 space per dwelling unit	
v) Sheltered Housing Flats	Minimum of 0.3 space per dwelling unit	
Houses	Minimum of 0.5 space per dwelling unit	
<p>Note: Disabled Parking Spaces should be provided for developments including flats at a rate of 10% of spaces, with a minimum of 1 space per development where parking spaces are provided.</p>		