

**ROYAL BOROUGH OF
KENSINGTON AND
CHELSEA**

DOCUMENT TYPE

PLANNING APPLICATIONS

PUBLIC INQUIRY TP/98/2017

Site at
19, Pembridge Mews, W11.

RBK&C Ref:
DPS/DCSW/TP/98/2017/MC

D.E.T.R. Ref:
APP/K5600/A/99/1023262
APP/K5600/C/99/1023267

**Statement and
Documents**

19th October 1999

Informal Hearing

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN AND COUNTRY PLANNING ACT 1990

19 PEMBRIDGE MEWS, KENSINGTON W11

1. Appeal by Robin Bryer BA MRTPI on behalf of Mr Paul Priestman under Section 78 of the Town and Country Planning Act 1990 against the decision of the Royal Borough of Kensington and Chelsea to refuse planning permission for the variation of planning permission dated 04/02/93 (Ref: TP/92/1837) by the relaxation of Condition 5 in relation to the provision and retention of an integral garage.

RBKC Ref: TP/98/2017

PLANNING INSPECTORATE REF: APP/K5600/A/99/1023262

2. Appeal by Robin Bryer BA MRTPI on behalf of Mr Paul Priestman under Section 174 of the Town and Country Planning Act 1990 against the Enforcement Notice issued by the Royal Borough of Kensington and Chelsea requiring:

(i) The cessation of use of part of the ground floor for living/working accommodation.

(ii) The formation of an integral garage, to be made available for car parking at all times.

RBKC Ref: E/95/055

PLANNING INSPECTORATE REF: APP/K5600/C/99/1023267

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1.0 **SITE DESCRIPTION**

- 1.1 No.19 Pembridge Mews is a two storey mid-terrace mews house, situated on the East side of Pembridge Mews.
- 1.2 The property is in use as a single family dwelling house and is within the Pembridge Conservation Area.
- 1.3 Pembridge Mews is a cobbled mews cul-de-sac, accessed from Pembridge Villas. The properties in the mews date from the mid-nineteenth century and are generally in residential use.
- 1.4 The mews has a 'dog leg' form with a narrow 7 metre wide roadway that is covered by single yellow lines. Controlled hours of parking operate in the mews between the hours of 08.30 - 18.30 Mondays to Fridays, and 08.30 - 13.30 on Saturdays.

2.0 **SUMMARY OF THE PROPOSAL AND THE REASON FOR REFUSAL AND ISSUE OF THE ENFORCEMENT NOTICE**

2.1 A retrospective planning application for the conversion of the garage area into living accommodation, to relax condition 5 of the planning permission Ref: TP/92/1837 dated 4 February 1993, was submitted to the Council on 26 October 1998.

2.2 The Planning Services Committee considered the proposal on 9 February 1999 and resolved that planning permission should be refused and an Enforcement Notice issued.

2.3 The reason for the refusal of the planning permission and the issue of the Enforcement Notice is:

"The continuing loss of an off-street residential car parking space would lead to traffic congestion in Pembridge Mews and beyond, and be prejudicial to the residential amenity of occupiers of the properties thus affected, contrary to the Council's policies as set out in the Unitary Development Plan, in particular Policy TR47."

2.4 The breach of planning control alleged in the Enforcement Notice is:

"On 4 February 1993, planning permission was granted for the conversion of the property to a single family dwelling with integral garage involving alterations to ground floor front elevation, installation of rooflights to main rear roofslope, rebuilding rear extension roof and creation of a rear courtyard, subject to conditions. One of those conditions is that the garage accommodation shall not be adapted for living, commercial or other purposes and shall be available at all times for car parking. It appears to the Council that the condition has not been complied with, because the ground floor of the house is currently an open-plan living room/home office, with no partitioning around the area that should be the integral garage."

2.5 The Enforcement Notice requires:

(i) Cessation of use of part of the ground floor for living/working accommodation.

(ii) The formation of an integral garage, to be made available for car parking at all times.

2.6 The time for compliance is six calendar months from the date that the Notice takes effect (27 May 1999).

3.0 **RELEVANT PLANNING HISTORY**

3.1 Planning permission was granted on 4 February 1993 for the conversion to a single family dwelling with integral garage involving alterations to the ground floor front elevation, installation of rooflights to main rear roofslope, re-building rear extension roof and creation of a rear courtyard.

3.1.2 Condition No. 5 of this permission states:

“The garage accommodation shall not be adapted for living, commercial or other purposes and shall be available at all times for car parking”

The reason for its imposition is:

“To avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises”

3.2 The Council received a complaint that no garage had been provided in relation to this 1993 planning permission which has been implemented.

3.3 A Planning Enforcement Officer investigated this complaint and subsequently, a planning application was received seeking to relax Condition No.5 (see paragraph 2.1).

4.0 PLANNING POLICY BACKGROUND

- 4.1 On 28 August 1995, the Council's Unitary Development Plan was formally adopted and this is the statutory development plan for the Borough.
- 4.2 Other relevant documents are Circulars, Planning Policy Guidance Notes 1, 3 and 13, and the statutory framework provided by the Town and Country Planning Act 1990. The White Paper on Transport (July 1998) is also relevant.
- 4.3 Attention is drawn to Section 54A of the Town and Country Planning Act 1990 as inserted by Section 26 of the Planning and Compensation Act 1991, which stipulates that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.4 The revised Planning Policy Guidance Note 1 (General Policy and Principles, February 1997) reiterates the emphasis on the Development Plan in paragraph 54:

"If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan."

- 4.5 Planning Policy Guidance Note 13 (Transportation) includes general advice on car parking in paragraph 4.6:

"A certain level of off-street parking provision may be necessary for a development to proceed without causing traffic problems, but in order to realise the potential of locational policies and to avoid disadvantaging urban areas through added congestion or because of their poorer level of car access, local planning authorities should:

- adopt reduced requirements for parking for locations which have good access to other means of travel than the private car;

- be flexible in the requirements for off-street residential parking space and reduce or waive them where necessary in order to provide quality and affordable high density development in areas of good access to other means of travel;

- ensure parking requirements in general are kept to the operational minimum;

- not require developers to provide more spaces than they themselves wish unless there are significant road safety or traffic management implications....”

- 4.6 The recent Public Consultation Draft of Planning Policy Guidance Note 3 (Housing) March 1999 includes guidance on parking standards. Paragraph 42 of this guidance states:

“..car parking provision in any development should not exceed an average of 1.5 - 2 car parking spaces per dwelling and should normally be less, often significantly so.”

- 4.7 The foreword of the White Paper on Transport (July 1998) states in Section 7:

“....the car will remain important to the mobility of millions of people and the numbers of people owning cars will continue to grow.”

It is worthy of note that the White Paper does not seek to address the issue of residential parking. Instead, it concentrates on workplace parking (Paragraphs 4.105 - 4.112), which it concludes accounts for a significant proportion of peak hour congestion (paragraph 4.105).

4.8 Unitary Development Plan Policies

- 4.8.1 Policy STRAT 1 of the Unitary Development Plan is :

“To give priority to the protection and enhancement of the residential character and amenity of the Royal Borough”

- 4.8.2 Paragraph 6.16 of the “Transportation” Chapter of the Unitary Development Plan is:

“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..”

- 4.8.3 Policy TR46 of the Unitary Development Plan is:

“To require all new residential development to include adequate off-street parking unless such provision would be unacceptable in townscape terms.”

4.8.4 Policy TR47 of the Unitary Development Plan is:

"To resist development which would result in the loss of off-street residential parking."

4.8.5 Chapter 13 of the Unitary Development Plan refers to planning standards. Concerning parking for residential development, paragraph 5.2.5 states:

"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..."

4.8.6 Table 5.1 in chapter 13 sets down the requirement for a minimum of 1 space per single family dwelling of up to 5 habitable rooms. Table 5.2 contains the relevant minimum car space dimensions of 2.4m x 4.8m.

4.9 Previous Policies

4.9.1 The Royal Borough's District Plan (adopted June 1982), was the statutory plan at the time of the 1993 planning permission. This plan included similar policies in relation to off street parking provision. Paragraph 10.7.8, of part (C) of the Parking section of the "Movement" Chapter of the District Plan is:

"When new dwellings are built, or result from conversion, it is desirable that an off-street car parking space is provided for each dwelling.

The Council will ensure that where possible off-street parking spaces are provided with new residential developments or conversions.."

4.9.2 Paragraph 17.15.1 of the Design and Planning Standards Chapter of the District Plan provided that:

"A minimum standard of one off-street car parking space or garage should be provided"

5.0 PLANNING CONSIDERATIONS

5.1 The Planning and Enforcement Notice appeals are linked and the contents of this statement relates to both appeals.

5.2 The main considerations in this case are the omission/loss of the off-street garage space and the resulting impact upon parking conditions in the mews and beyond, together with the effect on the amenities of occupiers of neighbouring residential properties.

5.3 The 1993 planning permission (Ref: TP/92/1837) has been implemented, and the property is in use as a single family dwelling house. This scheme also included the provision of an integral garage, as evidenced by the application form which sought:

intention to provide integral garage.

“A. Change of use from garage and residential upper part to single dwelling with integral garage”.

Further evidence is provided by the submitted plan which clearly shows an enclosed integral garage, the protection of which is provided by Condition No.5 (see paragraph 3.1.2). Whilst the existing garage doors at the property have been retained, the internal walls of the garage have never been constructed. The ground floor is currently in use as open plan living accommodation with an ancillary home office in the garage area. Therefore, it is considered that Condition No.5 of the 1993 planning permission has been breached.

(2)

5.4 The clear intention of Condition No.5 of the 1993 planning permission is to ensure that the garage accommodation is available for car parking at all times. It is considered that this condition is necessary because on-street parking in Pembridge Mews and the surrounding streets is severely restricted; the mews is very narrow and covered by single yellow lines. Furthermore, this part of the Borough is subject to severe parking stress, with high demand for on-street parking spaces. The purpose of the Condition is essentially to curb demand for on-street parking generated by the property, and therefore decrease the likelihood of congestion, which would help to safeguard residential amenity.

purpose of condition
(1)

5.5 The Borough is very densely developed. Much of the development dates from the Victorian and Edwardian periods and lacks off-street parking facilities. Consequently, there is heavy demand for the limited number of on-street car parking spaces available.

5.6 The whole Borough is now within a Controlled Parking Zone. Parking permits are issued to residents, but at present there are some 42,000 resident permits on issue, competing for only 26,500 residents' spaces. The serious shortfall in on-street spaces is not conducive to residential

permits
(3)

amenity and the Council is obliged to implement a balanced set of policies to deal effectively with the problem. These include;

- A policy to introduce as many on-street spaces as possible (TR35)
- A policy to provide off-street spaces in housing development where appropriate (TR46)
- A policy to retain as many existing off-street spaces as possible (TR47); and
- A Policy to protect existing on-street residents parking (TR48)

5.7 The Borough has a stock of buildings in the form of mews properties which were built/converted to house vehicles. It is considered that off-street parking spaces in mews are a unique, valuable and increasingly rare resource that contribute to easing traffic congestion by reducing on-street parking demand, and thereby help to protect residential amenity. Furthermore, the Council is particularly concerned not to set a precedent with regard to the loss of garage spaces because of the inevitable increase in on-street parking demand which would result if such a practice became widespread. In some cases the Council has no control over the loss of a garage, but where possible, the Council will strongly resist their loss.

precedent
4

5.8 It is understood that the appellants do not own a car. However, it is considered that future occupiers of the property who may own a car would not be able to use the garage area for car parking in its present state. Therefore, it is considered that the Condition is also necessary to ensure that the garage accommodation is available for car parking for future occupiers of the property. Furthermore, it is understood that the Appellants do own a moped which could be housed in the garage.

future occupiers

5.9 Schedule 1, Part B (fire safety), Section 8 of the Building Regulations 1991 states that:

"If a domestic garage is attached to (or forms an integral part of) a house, the garage should be separated from the rest of the house.."
(paragraph 8.12)

5.10 Therefore, in order to comply with the Building Regulations the partition walls would need to be constructed around the integral garage area so that it can be used for car parking. Nevertheless, it is considered that the "garage accommodation" includes both the area shown on the approved plan and as enclosed by partition walls. Therefore, even if the partitions are not constructed, failure to make this area available for car parking is still a breach of Condition 5.

partition walls

- 5.11 It is considered that the omission/loss of the off-street parking space will add to traffic congestion in the mews and the surrounding streets and is prejudicial to the residential amenity of occupiers of the properties thus affected.
- 5.12 It is considered that the appeal proposal is contrary to policy TR47 of the Unitary Development Plan which seeks to resist the loss of off-street residential parking. Furthermore, there are no material planning considerations which justify an exception to Unitary Development Plan Policy in this case.

concl

6.0 **RELEVANT APPEAL DECISIONS**

6.1 Two relevant decisions predate the Unitary Development Plan but were made in the context of similar Policies contained within the District Plan.

6.2 **11 Pembroke Gardens Close W8 - Appeal dismissed 10.1.90**

Planning Inspectorate Ref: T/APP/C89/K5600/00051-52/P6

The Inspector commented as follows at paragraph 12:

"The loss although small would occur against a background of an increasing imbalance between the number of parking permit holders within the Borough and the on-street parking permit and meter spaces available, and the need to keep as many vehicles off the highway as possible. Thus removal of the disputed condition would prejudice one of the Council's principal objectives for maintaining the existing character and quality of the residential areas by the loss of an off-street parking space, and could well lead progressively to further losses within the same area."

6.3 **4 Clareville Grove Mews SW5 - Appeal dismissed 9.7.90**

Planning Inspectorate Ref: T/APP/K5600/A/90/146950/P5

The Inspector commented in paragraph 7:

"There has been a long standing policy by the Council and its predecessor, The London County Council, to retain a garage space within converted mews premises"

She considered that the proposal **"would run counter to a well founded policy which has been consistently applied over a long period."** She further commented:

"..I believe the Council is right to resist the loss of an off-street parking space in an area of parking stress. If your scheme were to be allowed I consider it would be more difficult for the Council to resist other garage conversions which would add further to on-street congestion." (para 8)

6.4 **21, 24, 25, 26 Albert Mews, Victoria Grove W8 - Dismissed 17.11.96**

Planning Inspectorate Ref: T/APP/C/95/K5600/640750-6 and 640757-8

This appeal decision post-dated the adoption of the Unitary Development Plan.

The Inspector commented at paragraph 18 upon the **“critical need for off-street parking space, as identified in the U.D.P. My conclusion on this issue is that the continuation of the use would have a materially adverse effect on the parking situation in the surrounding area, contrary to policy TR57 (sic) of the U.D.P.”**

7.0 COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL

7.1 *The Planning Appeal*

7.1.1 *Paragraph 1*

The Council considers that the appellants suggested Condition would be overly complex and unenforceable, requiring the Council to monitor car ownership on a property by property basis. It would set an unfortunate precedent, and introduce a qualification which would lead to uncertainty in the application of parking standards, and weaken the Council's ability to impose the adopted parking standards.

7.1.2 *Paragraph 2*

The Council considers that Condition No.5 is necessary. It is a standard planning condition imposed by the Council at the time of the 1993 planning permission and is still used today for similar proposals. The Policies of the District Plan from 1982 are also relevant, in particular paragraph 10.7 of the "Movement" Chapter. Pembridge Mews and the surrounding streets experience a high level of demand for on-street parking spaces. Therefore, it is considered necessary that, where new residential developments/conversions are proposed (and it is acceptable in townscape terms), off-street parking spaces should be provided in order to ease traffic congestion and protect residential amenity. The policies of the Unitary Development Plan, which post date PPG13, also reflect this view. It is considered necessary to maintain the Borough's limited supply of off-street parking spaces. Further, it is feasible that the applicant or a future occupant may subsequently own or have access to a car.

7.1.3 *Paragraph 3*

The appellants appear to be suggesting that the Council initiate an enforcement monitoring scheme involving planning enforcement officers seeking out information with regard to property ownership and residents parking permits. The Council considers that the Appellants suggestion would be complicated by legal ramifications in the form of cross-department agreements, privacy and access to information, which would make such a Condition impossible to enforce and impractical. Furthermore, someone using a car for work could cope without a permit.

7.1.4 *Paragraphs 4 and 5*

The Unitary Development Plan Policies post-date the advice in PPG13. Whilst PPG13 does post-date the 1993 permission, the Policies of the Unitary Development Plan are very similar to those of the District Plan

in relation to off-street parking provision. There is no specific advice in paragraph 1.8 of PPG13 on residential parking standards. The guidance relates to general parking standards and advocates that these standards should be implemented in a manner which best suits prevailing conditions and local transport needs. One of the needs of the Borough is to maintain the present levels of off-street parking, given the finite amount of kerbside space for on-street parking. Furthermore, the Unitary Development Plan standards are less than those given in paragraph 42 of the public consultation draft of PPG3 (March 1999). It is considered that off-street parking provision is necessary in this locality, so as not to cause traffic congestion. This is in line with paragraph 4.6 of PPG13.

7.1.5 *Paragraphs 6 - 9*

The Council supports the trend but this has to be effected through the application of policy. Furthermore, "garage free" development is not the same as "car free"

Part 7 of the Transport White Paper (July 1998) states that "...the car will remain important to the mobility of millions of people and the numbers of people owning cars will continue to grow"

The government's initiative to reduce reliance on the private car does not extend to imposing restrictions on private domestic car use. It is contended that the more sustainable issues relate to establishing a realistic modal alternative in respect of work and associated trips.

7.1.6 *Paragraphs 10 and 11*

necessary

It is considered that the clear intention of Condition No.5 is to ensure that the garage accommodation is available for car parking at all times. It is considered that this Condition is necessary because on-street parking in the mews and surrounding streets is severely restricted and this part of the Borough is subject to severe parking stress. Therefore, the purpose of the Condition is to curb demand for on-street parking generated by the property and therefore decrease the likelihood of congestion, which would help to safeguard residential amenity. It is considered that future occupiers of the property who may own a car would not be able to use the garage area for car parking in its present state. Therefore, it is considered that the Condition is necessary to ensure that the garage accommodation is available for car parking for future occupiers of the property.

It is considered that the provision of an integral garage within the house is a reasonable and necessary requirement given that the property is in a mews that is ideally suited for integral garage provision in townscape terms and in which on-street parking is severely

~~Condition~~ Condition

- Standard condition
good condition

Circ
11/95

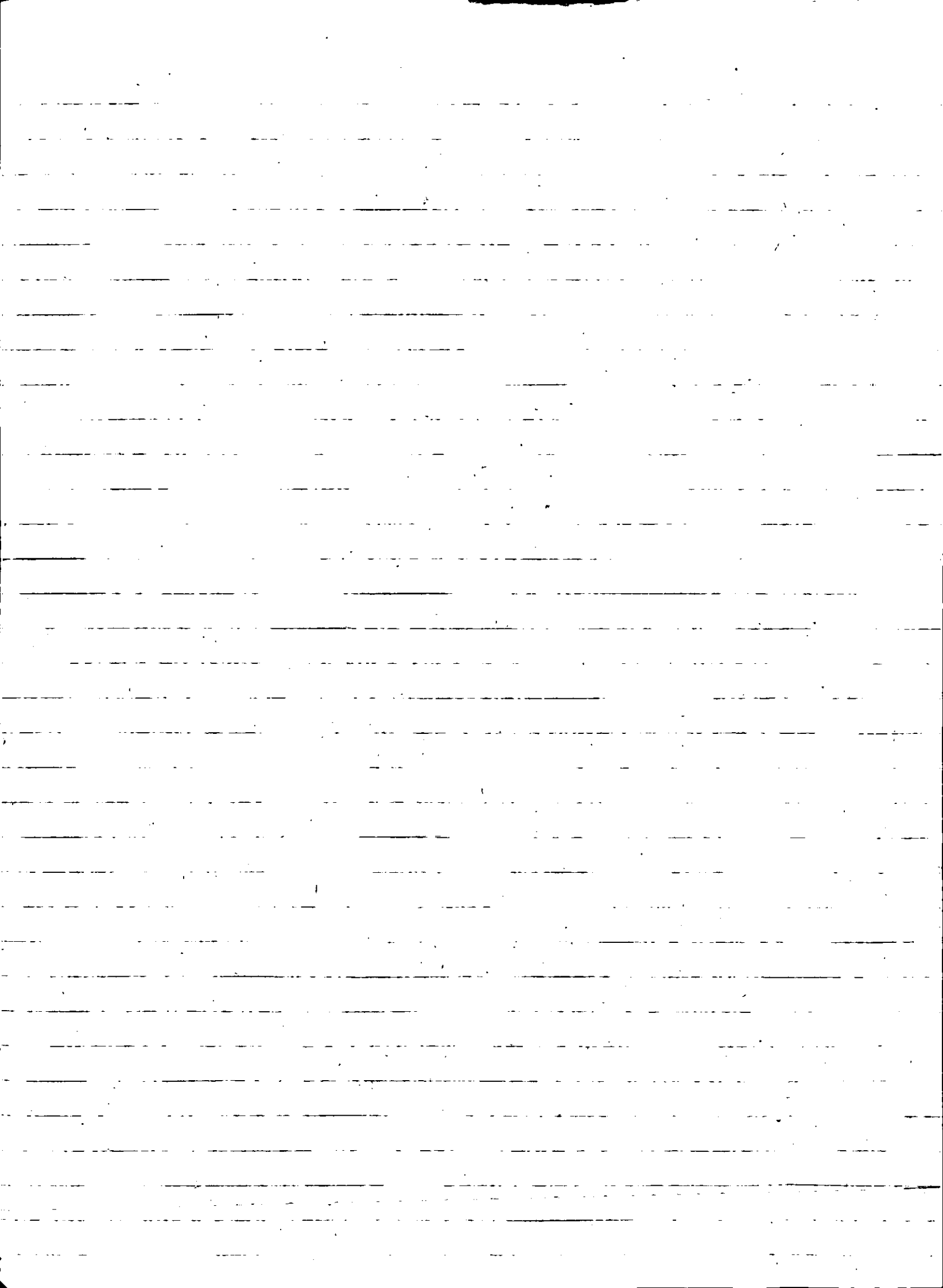
Condition - reasonable, precise
relevant, necessary
enforceable.

W

Enforcement - Intention of cond clear.

Para 12 of Counsel's advice

8-13, 14, 15



Unilateral Obligation

Fourth schedule

Unenforceable

Impossible to check on whether they have a car.

They may keep a car without a ^{residential} permit
Requires pro-active enforcement.

Main obligation

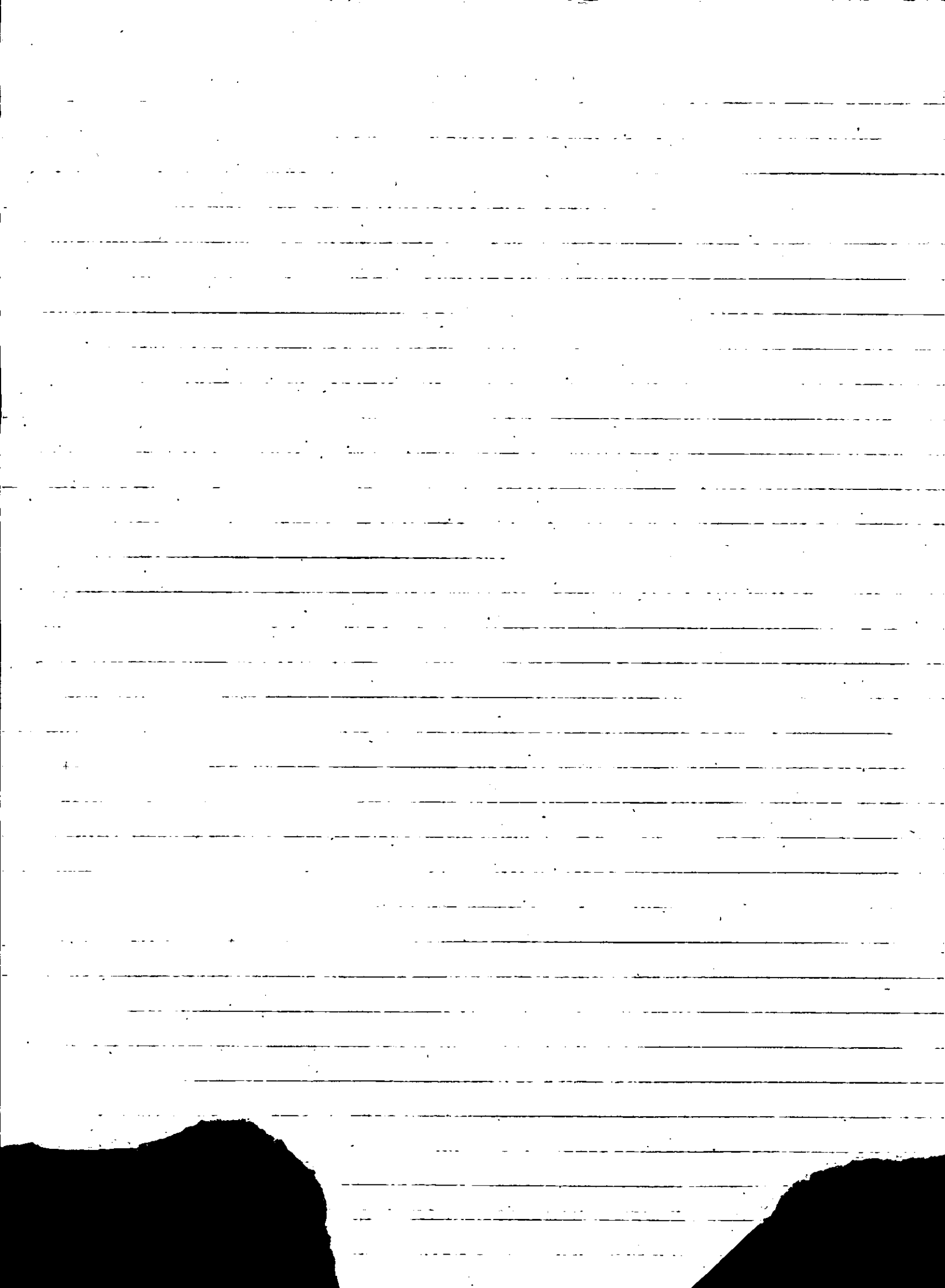
Third schedule - meaningless not acceptable
The property has permission for a house + garage
'domestic' not clear.
Conflict with permission.

incomplete document

defects in the drafting

Title needs to be established
3rd schedule not relevant can be same

Imp will consider document &
will take a couple of days to consider it
- formal consultation.



If gauge completed then condition lawful
omission of condition re: property not occupied
is -



restricted. The requirement for the garage is in line with District and Unitary Development Plan policy.

7.2 *The Enforcement Notice Appeal*

7.2.1 *Ground (b)*

The Council considers that Condition No.5 of the 1993 planning permission requires the garage accommodation to be available for car parking at all times. It is considered that "the garage accommodation" includes both the area shown on the plan and as enclosed by partitions. Therefore, even though the partition walls have not been constructed, failure to make this area available for car parking is a breach of Condition 5. It is also clearly the intention of the Condition to require the garage accommodation to be provided and maintained.

valid
to
enforceable

7.2.2 *Ground (f)*

The prevailing on-street parking situation in the area has been described in this statement. It has been identified that this part of the Borough is subject to severe parking stress, with high demand for on-street parking spaces. Pembridge Mews is very narrow, and subject to daytime parking control. In order to curb demand, ease parking stress, and ultimately protect residential amenity, there can be no other reasonable step required other than to cease using the relevant part of the ground floor for living/working accommodation.

It is considered that any other steps would not ensure that the garage space is made available for parking. This is not a case where under enforcement would be a viable alternative.

It is unrealistic to expect the occupant of the property to use part of the ground floor for garage accommodation without some form of physical demarkation or separation. Otherwise the domestic enjoyment experienced by the residents would be compromised by noise, fumes and visual incompatibility. Furthermore, the approved plan in 1993 clearly shows the garage separated from the remainder of the ground floor by some form of partition.

Moreover, the Council considers that in order to comply with the Building Regulations 1991, the partition walls would need to be constructed around the integral garage area so that it can be used for car parking. Finally, it is considered that the clear intention of Condition No.5 is to ensure that the garage accommodation is available for car parking at all times.

partitioning

7.0 CONCLUSION

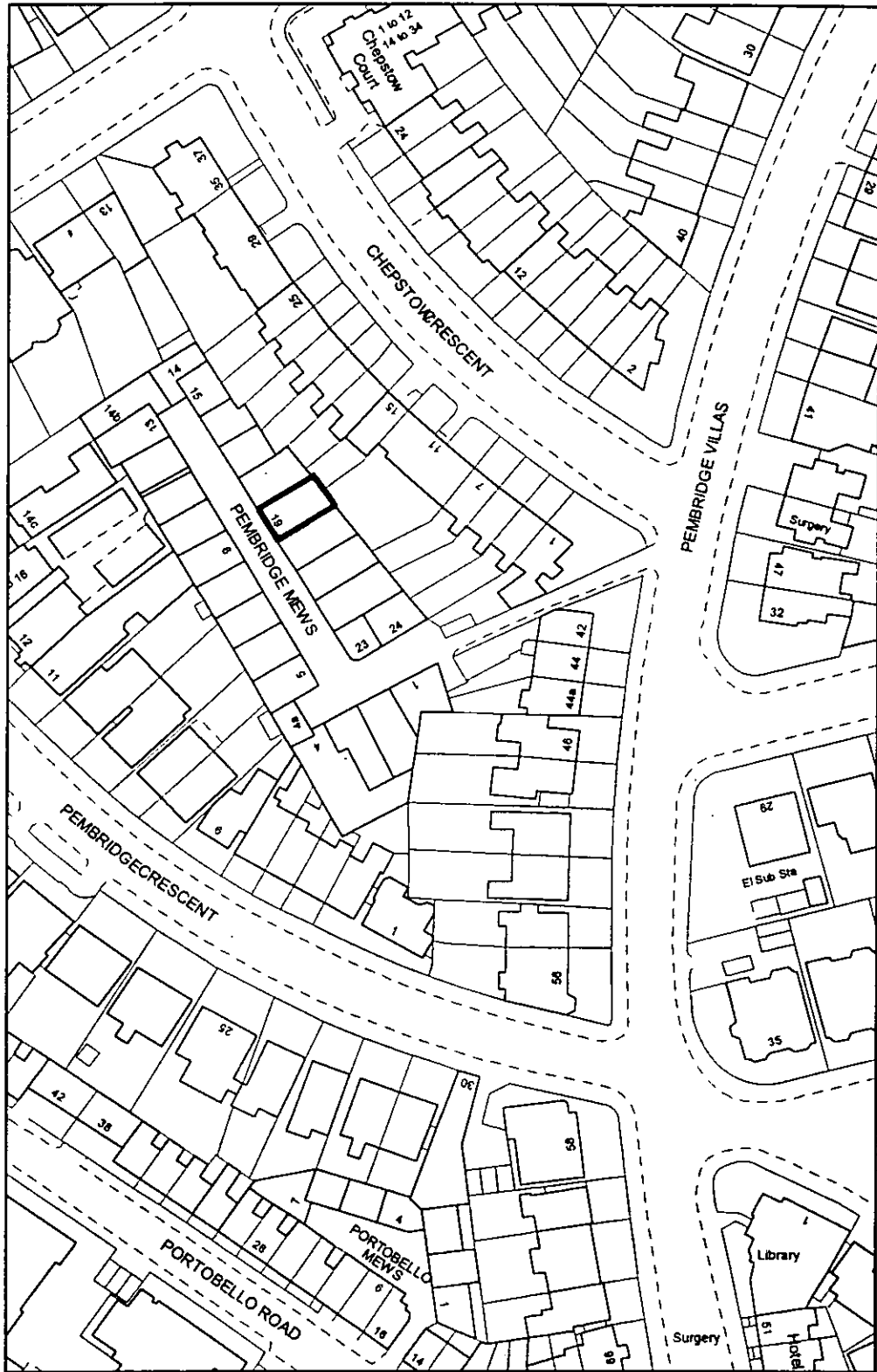
- 7.1 The Council considers that Condition No.5 of the 1993 planning permission requires the garage accommodation to be available for car parking at all times. It is considered that "the garage accommodation" includes both the area shown on the plan and as enclosed by partitions. Therefore, even though the partition walls have not been constructed, failure to make this area available for car parking is a breach of Condition 5. However, in order to comply with the Building Regulations, the partition walls would need to be constructed for this area to be used for car parking.
- 7.2 The Council considers that this part of the Borough is subject to severe parking stress, with high demand for on-street parking spaces. Therefore, the purpose of Condition No.5 of the 1993 planning permission is essentially to curb demand for on-street parking generated by the property, and therefore decrease the likelihood of congestion, which would help to safeguard residential amenity.
- 7.3 The Council considers that the omission/loss of the off-street parking space would add to traffic congestion in the mews and the surrounding streets and would be prejudicial to the residential amenities of the occupiers of the properties thus affected.
- 7.4 The Council considers that the appeal proposal is contrary to policy TR47 of the Unitary Development Plan which seeks to resist the loss of off-street residential parking. Furthermore, there are no material planning considerations which justify an exception to Unitary Development Plan Policy in this case.
- 7.5 For the reasons set out in this statement, the Council respectfully requests that the appeals are dismissed.

APPENDICES

1. **Location Plan**
2. **Copy of Refusal Notice dated 12 February 1999**
3. **Copy of Enforcement Notice dated 26 March 1999**
4. **Copy of Committee Report to the 9 February 1999 Planning Services Committee**
5. **Copy of Extracts from the Councils Unitary Development Plan 1995, "Transportation" and "Planning Standards" Chapters**
6. **Copy of Relevant Extracts from the Councils District Plan 1982 "Movement" and "Design and Planning Standards" Chapters**
7. **Copy of Decision Notice dated 4 February 1993**
8. **Copy of Application Forms and Approved Plans for 4 February 1993 Planning Permission**
9. **Relevant Appeal Decisions**
10. **Copy of Relevant Extract from Schedule 1, Part B (fire safety), Section 8 the Building Regulations 1991**



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PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Director of Planning Services



Mr. P. Priestman,
19 Pembridge Mews,
London W11 3EQ

Switchboard: 0171-937 5464
Direct Line: 0171-361 3266

Facsimile: 0171-361 3463

12 FEB 1999

KENSINGTON
AND CHELSEA

My reference:

Your reference:

Please ask for: North Area Team

DPS/PA/TP/98/2017/M/44/19

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Refusal of permission to develop (TP8)

The Borough Council, in pursuance of their powers under the above-mentioned Act and Order, hereby refuse to permit the development referred to in the under-mentioned Schedule, as shown on the plans submitted. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Pursuant to Section 73 of the Town and Country Planning Act 1990, variation of planning permission dated 04/02/93 (Ref. TP/92/1837) by removal of Condition 5 relating to provision and retention of integral garage, at 19 PEMBRIDGE MEWS, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/98/2017, Applicant's drawing(s) No(s). 1 and 2, in accordance with your application dated 26/10/98, completed 29/10/98.

/ REASON FOR REFUSAL ...

TP/98/2017 : 2

REASON FOR REFUSAL

The continuing loss of an off-street residential car parking space would lead to traffic congestion in Pembridge Mews and beyond, and be prejudicial to the residential amenity of occupiers of the properties thus affected, contrary to the Council's policies as set out in the Unitary Development Plan, in particular Policy TR47.

Yours faithfully,



Executive Director, Planning & Conservation

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M E M O R A N D U M

**To: Executive Director,
Planning & Conservation
Local Land Charges**

From: Director of Legal Services

Your Ref: Pat Abdelrahman, Ian Williams,
Lloydon McBarnette, John Stevens

My Ref: SK
Ext: 2184

Date: 26 March 1999

**Re: Section 171A(1)(b) Town & Country Planning Act 1990
Enforcement Notice - 19 Pembridge Mews, Kensington, London, W11 3EQ**

I write to advise you that the above Notice has been issued and copies served on all interested parties. I set out below details of the Notice for insertion in the Enforcement Register:-

- (a) Address of property: 19 Pembridge Mews, Kensington, London, W11 3EQ
- (b) Issuing Authority: RBK&C
- (c) Date of issue: 26 March 1999
- (d) Service of copies

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SW	SE	ENF	AO ACK	
110		29 MAR 1999							
FEE	IC	REC	ARR	FWD PLN	CON DES	FEES			

<u>Name</u>	<u>Address</u>	<u>Date of service</u>
The Owner	19 Pembridge Mews, Kensington, London, W11 3EQ	26 March 1999
The Occupier	19 Pembridge Mews, Kensington, London, W11 3EQ	26 March 1999
Paul Dominic Priestman	19 Pembridge Mews, Kensington, London, W11 3EQ	26 March 1999
Tessa Boo Mitford	19 Pembridge Mews, Kensington, London, W11 3EQ	26 March 1999

(e) Summary of alleged breach and requirements: On 4 February 1993 planning permission was granted for the conversion of the property to a single family dwelling with integral garage involving alterations to ground floor front elevation, installation of rooflights to main rear roofslope, rebuilding rear extension roof and creation of a rear courtyard, subject to conditions. One of those conditions is that the garage accomodation shall not be adapted for living, commercial or other purposes and shall be avaiilable at all times for car parking. It appears to the Council that the condition has not been complied with, because the ground floor of the house is currently an open-plan living room/home office, with no partitioning around the area that should be the integral garage.

Cessation of use of part of the ground floor for living/working accomodation as identified with the attached plan and the formation of an integral garage, to be made available for car parking at all times.

(f) Date on which Notice takes effect: 27 May 1999.

(g) Time for Compliance: six calendar months after this notice takes effect.

A copy of the notice is attached hereto.


Satvinder Kanth
for Director of Legal Services

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE
(Breach of Condition)

ISSUED BY: The Royal Borough of Kensington and Chelsea ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(b) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at 19 Pembridge Mews, Kensington, London, W11 3EQ , shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

On 4 February 1993 planning permission was granted for the conversion of the property to a single family dwelling with integral garage involving alterations to ground floor front elevation, installation of rooflights to main rear roofslope, rebuilding rear extension roof and creation of a rear courtyard, subject to conditions. One of those conditions is that the garage accommodation shall not be adapted for living, commercial or other purposes and shall be available at all times for car parking. It appears to the Council that the condition has not been complied with, because the ground floor of the house is currently an open-plan living room/home office, with no partitioning around the area that should be the integral garage.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The continuing loss of an off-street residential car parking space would lead to traffic congestion in Pembridge Mews and beyond, and be prejudicial to the residential amenity of

occupiers of the properties thus affected, contrary to the Council's policies as expressed in the Unitary Development Plan, in particular Policy TR47.

5. WHAT YOU ARE REQUIRED TO DO.

- (i) Cessation of use of part of the ground floor for living/working accomodation as identified with the attached plan.
- (ii) The formation of an intergral garage, to be made available for car parking at all times.

Time for compliance: six calendar months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 27 May 1999 unless an appeal is made against it beforehand.

Dated: 26 March 1999

Signed: *Alex Phillip*
Director of Legal Services
(The Officer appointed for the purpose).

On behalf of the Royal Borough of Kensington and Chelsea of The Town Hall, Hornton Street, London, W8 7NX

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 27 May 1999. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The second is to be returned to the Council at the same time. The third is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 27 May 1999 and you must the ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE 09/02/1999 APP NO. TP/98/02017/M/40
AGENDA NO. 19

ADDRESS/SUBJECT OF REPORT:

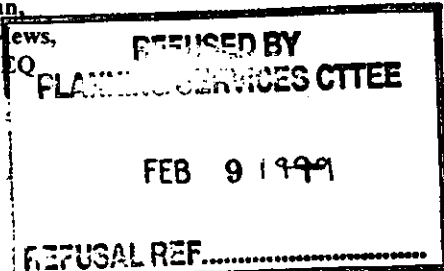
19 Pembridge London, W11 3EQ APPLICATION DATED 26/10/1998
Mews,

APPLICATION REVISED

APPLICATION COMPLETE 29/10/1998

APPLICANT/AGENT ADDRESS:

Mr. P. Priestman,
19 Pembridge Mews,
London, W11 3EQ



CONS. AREA Pembridge CAPS Yes
ARTICLE '4' WARD Pembridge

LISTED BUILDING NO

HBMC DIRECTION NO

CONSULTED 32 OBJ. 0

SUPPORT PET.

RECOMMENDED PROPOSAL:

Variation of planning permission dated 04/02/93 (Ref: TP/92/1837) by the removal of Condition 5 relating to the provision and retention of integral garage.

RBK&C DRAWING NO(S): TP/98/2017
Applicant's drawings No. 1 and 2



RECOMMENDED DECISION:

1. Refuse Planning Permission for the variation of planning permission dated 04/02/93 (Ref: TP/92/1837) by the removal of Condition 5 relating to the provision and retention of integral garage.
2. Instruct the Director of Legal Services to issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 in respect of no provision of integral garage and use of the space as living/working accommodation, contrary to Condition No. 5 of Planning Permission Ref: TP/92/1837 dated 04/02/93 and to take all necessary steps to secure compliance.

REASONS FOR REFUSAL

The continuing loss of an off-street residential car parking space would lead to traffic congestion in Pembridge Mews and beyond, and be prejudicial to the residential amenity of occupiers of the properties thus affected, contrary to the Council's policies as set out in the Unitary Development Plan, in particular Policy TR47.

1.0 The Site

- 1.1 No.19 Pembridge Mews is a two storey mid-terrace Mews house situated on the East side of Pembridge Mews.
- 1.2 The property is in use as a single family dwelling house.
- 1.3 The property is not Listed, but is within the Pembridge Conservation Area.

2.0 The Proposal

- 2.1 The proposal is for the removal of condition No.5 of planning permission Ref:TP/92/1837 dated 4 February 1993. This planning permission was for the conversion of the property to a single family dwelling with an integral garage and associated alterations. Condition No.5 states:

"The garage accommodation shall not be adapted for living, commercial or other purposes and shall be available at all times for car parking."

The reason for the imposition of this condition is:

"To avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises"

3.0 Relevant Planning History

- 3.1 As stated above, planning permission was granted on the 4 February 1993 for the conversion of the property to a single family dwelling with an integral garage. This permission also included alterations to the ground floor front elevation, the installation of rooflights to main rear roofslope, rebuilding the rear extension roof and the creation of a rear courtyard.
- 3.2 The Council received a complaint that no garage had been constructed in relation to this 1993 planning permission, which has been implemented.
- 3.3 An enforcement officer investigated this complaint, and subsequently, a planning application was received seeking to remove Condition 5 of the 1993 permission. This application is now the subject of this report.

4.0 Planning Considerations

- 4.1 The main consideration in this case is the loss of the off-street garage space and impact upon the parking in the mews.
- 4.2 The relevant planning policy of the Unitary Development Plan is:
 - TR47 (to resist the loss of off-street residential parking)

- 4.3 The garage doors of the property have been retained. However, the ground floor of the house is currently an open-plan living room/home office, with no partitioning around the area that should be the integral garage. Therefore, the 1993 planning permission has not been fully implemented and the internal partition walls, shown on the approved plans, would need to be constructed in order for the garage to be formed.
- 4.4 Condition No.5 of the 1993 permission is considered to be necessary because on-street parking along the Mews is severely restricted (it is covered by single yellow lines). Furthermore, Pembridge Mews is very narrow and there are already a number of houses without off-street parking spaces. This part of the Borough is also subject to severe parking stress, with high demand for on-street parking spaces. Therefore, the requirements of the condition are essentially to curb demand for on-street parking generated by the property and therefore decrease the likelihood of congestion, which would help to safeguard residential amenity.
- 4.5 The proposal is contrary to Policy TR47 of Unitary Development Plan which seeks to resist the loss of off-street residential parking. The Transportation Officer also raises objection to the proposal. The applicants state that they do not own a car and do not require a garage, that the existing garage doors are operational and the area in question can still be used as a garage, that the appearance of the building is not harmed, and that only 4 of the mews properties retain a garage. Nevertheless, it is considered that, even if they did own a car, they would not be able to use this space as a garage as it is currently un-available for car parking (because of the missing partitioning). Furthermore, future occupiers of the property, who may own a car, would not be able to use this area as a garage in its present state. Therefore, it is considered that the planning Condition is also necessary to secure that the garage accommodation is available for car parking for future occupiers of the property.
- 4.6 It is considered that there are no particular exceptional circumstances in this case which justify a departure from Unitary Development Plan Policy. Furthermore, it is recommended that enforcement proceedings are begun, to secure the construction of the integral garage.

5.0 Public Consultation

- 5.1 Occupiers of thirty two neighbouring properties in Pembridge Mews and Pembridge Crescent were notified of this application.
- 5.2 To date, no objections have been received. The applicants have appointed an agent who has written in support of the application and has also suggested that the Condition be re-worded to exclude occupiers who do not own a car. More specifically, the agent suggests that the current condition is retained with the added clause: "except at such times as the occupiers do not keep a four wheeled motor vehicle in the Borough, parked on the public highway." However, this approach is considered to be highly problematic in terms of enforcement.

6.0 Recommendation

6.1 Refuse planning permission.

6.2 Instruct the Director of Legal Services to Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 and to take all necessary steps to secure compliance.

6.3 Breach of Planning Control No provision of an integral garage and use of the space as living/working accommodation, contrary to Condition No. 5 of planning permission TP/92/1837 dated 04/02/93.

6.4 Steps to be Taken (Enforcement Notices only)

Cessation of use of part of the ground floor for living/working accommodation and the formation of an integral garage in accordance with the approved ^{plans} to be made available for car parking.

6.5 Period for Compliance

6 months.

6.6 Reasons for Issue of Notice

As reason(s) for refusal.

6.7 Notices/Summons to be served on

Mr. P. Priestman
19 Pembridge Mews,
Kensington,
London W11 3EQ

and any other person having a relevant legal interest.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

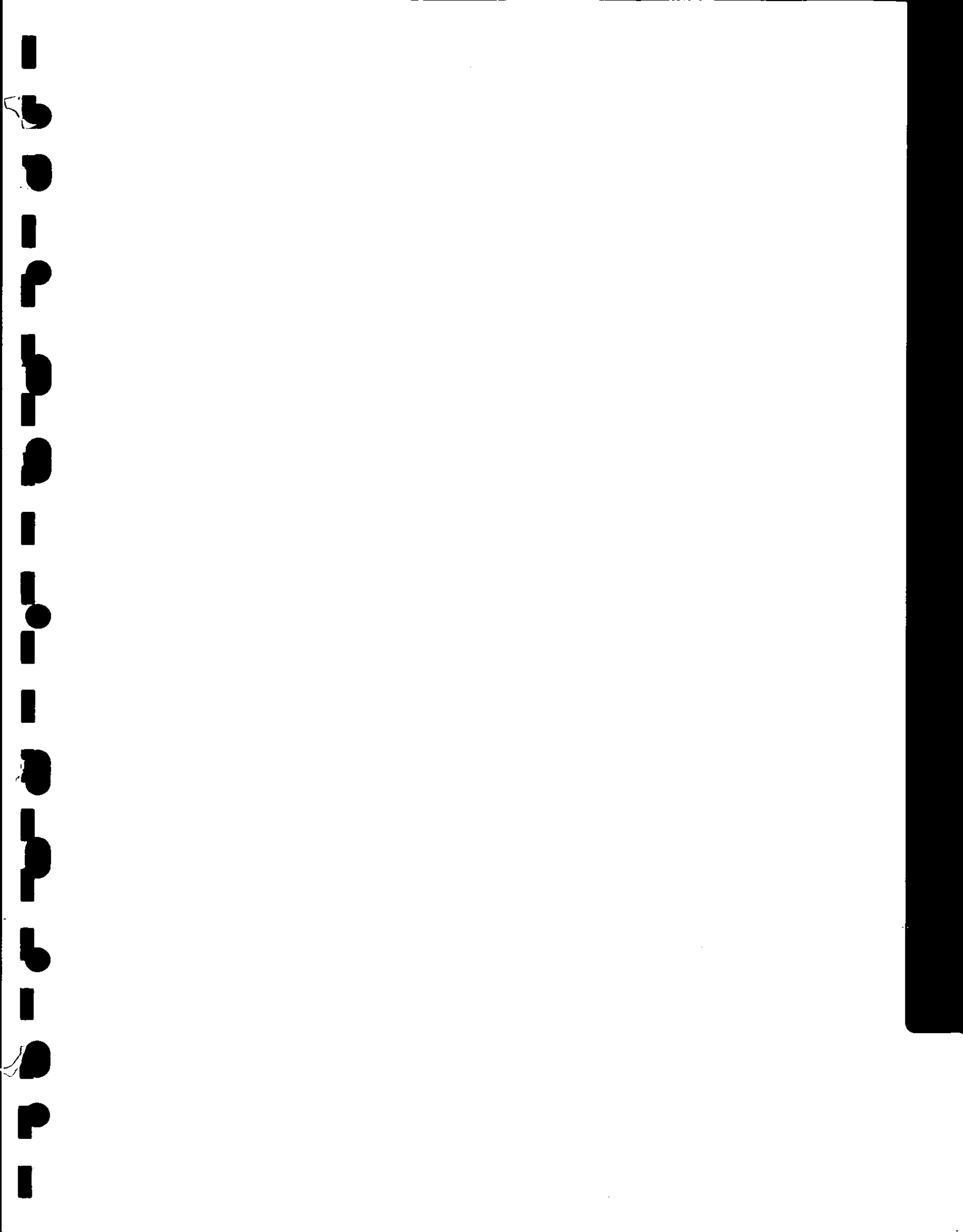
List of Background Papers:

The contents of file TP/98/02017 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: MC
Report Approved By: RT/LAWJ
Date Report Approved: 22/01/1999

PSC9902/MC.REP





TRANSPORTATION



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GENERAL POLICIES

Part I Policies and Reasoned Justifications

- i. An effective and efficient transport system is essential to meet the economic and development needs of London and the South East. It is also a major contributory factor in improving the accessibility and overall quality of life for people living or working in, or visiting London. This requires a co-ordinated, strategic approach to the planning of London's transport system. The Royal Borough of Kensington and Chelsea, whilst a residential area with residential constraints, is part of this strategic transport system. Many of the transport-related issues affecting the Royal Borough, therefore, must be viewed and tackled in a London-wide context.
- ii. The effective movement of people in and around a major metropolitan area as densely populated and congested as London requires an efficient public transport system. An improved public transport system would encourage more people who currently use private transport to travel by public transport. The Council therefore welcomes Government support for substantial investment in London's public transport system, as expressed in Strategic Guidance for London (RPG3).
- iii. For many people, walking is the most convenient and pleasant way of getting about London. It is the cheapest of all modes of transport. Therefore, it is important to encourage walking by ensuring that pedestrian environments are made as safe and attractive as possible.
- iv. Traffic has an adverse effect on the environment, therefore the Council will generally support measures aimed at restraining the growth in traffic levels, including the control of parking. This must be addressed at the metropolitan level in order to be effective.
- v. The Council considers that a greater emphasis should be given to directing transport investment towards environmental improvement. Developments should also be planned in such a way that the necessity to travel is reduced.
- vi. RPG3 points to the use of the Strategic London Road Network as a means of directing traffic away from residential streets. The Council supports the Strategic London Road Network and will liaise with neighbouring authorities to secure the most effective use of the Network.
- vii. Most freight within inner London is carried by road. Heavy lorries travelling in and around London create significant environmental nuisance, a problem amplified at night and at weekends when roads are generally less busy. While recognising that alternative modes of transporting freight are difficult for some commercial activities, the Council will support moves to transfer freight flows to rail and water.

- viii. The need to lessen the impact of vehicles on London's environment is linked with the need to address the whole issue of 'global warming'. Vehicle emissions from London's congested roads must be reduced as they not only have adverse effects for Londoners but, as a contributor to 'global warming', have implications for the world as a whole.
- ix. As well as reducing the number of vehicles on the road, the Council supports alternative means of travelling. Cycling is a clean and efficient mode of transport, particularly in an inner London location. The Council therefore welcomes the support for the principle of a strategic cycle route network set out in RPG3.
- x. In order to contribute to the overall improvement of London's transport system, the Council proposes the following strategic policies:

STRAT 20

TO SUPPORT AND ENCOURAGE THE IMPROVEMENT OF THE PUBLIC TRANSPORT NETWORK FOR THE METROPOLITAN AREA.

STRAT 21

TO SEEK THE REDUCTION OF NON-ESSENTIAL TRAFFIC MOVEMENT WITHIN THE METROPOLITAN AREA.

STRAT 22

TO SEEK AN IMPROVEMENT IN ACCESS AND MOVEMENT FOR ESSENTIAL TRAFFIC.

STRAT 23

TO SEEK TO PROMOTE A SAFE AND EFFICIENT TRANSPORT NETWORK FOR ALL MODES OF TRAVEL INCLUDING WALKING.

STRAT 24

TO SUPPORT THE MAINTENANCE OF A STRATEGIC LONDON ROAD NETWORK AND TO ENSURE A CONSISTENT ROAD HIERARCHY BETWEEN THE ROYAL BOROUGH AND ADJOINING BOROUGHES.

STRAT 25

TO SUPPORT MEASURES TO REDUCE THE IMPACT OF VEHICLE EMISSIONS.

STRAT 26

TO SUPPORT THE DEVELOPMENT OF A STRATEGIC CYCLE NETWORK.

STRAT 27

TO ENCOURAGE THE APPROPRIATE USE OF RAIL AND WATER FOR CROSS-LONDON PASSENGER AND FREIGHT TRANSPORT.

STRAT 28

TO SUPPORT AN EFFECTIVE LONDON-WIDE CONTROL OF NIGHT-TIME AND WEEKEND LORRY MOVEMENT.

LOCAL POLICIES

1 OBJECTIVES

- 1.1** The Council's policies for transport reflect the overall aim of the Plan, which is "to maintain and enhance the character and function of the Borough as a residential area and to ensure its continuing role within the metropolitan area as an attractive place in which to live and work". The Borough is heavily developed, it is therefore inappropriate to expect any real increases in road capacity. Because of this, great reliance is placed on the provision of public transport. There will be consideration of pedestrians in all proposals. In this context, the following four overall objectives have been adopted for transport in the Borough:
- (A) To improve public transport so it is more convenient to use and is better able to meet demand.
 - (B) To reduce levels of non-essential road traffic, thus allowing better access and movement for essential traffic.
 - (C) To minimise the adverse effects of traffic on residential areas, both on the environment and road safety.
 - (D) To ensure appropriate access to all land uses through the efficient use of the transport network.

2 THE ROLE OF TRANSPORT IN THE BOROUGH

- 2.1** Transport is essential to the functioning of the Borough, and influences the location and the range of activities. However, movement in the Borough comes both from trips serving the Borough's needs and from through-trips by people travelling to and from other parts of London and beyond.
- 2.2** Many trips in the Borough are short, some of these are made on foot or by bicycle. Others, particularly those which begin or end outside the Borough, are made by car, goods vehicle or public transport. It is these motorised trips which are the cause of many of the problems associated with movement and parking in the Borough such as congestion, noise and accidents.

- 2.3** Private transport provides great flexibility for the movement of people and goods. It can provide a door-to-door service available at any time, and gives a high level of convenience and comfort for those who use it. However, in urban areas space for roads, parking and servicing is very limited, and must be used efficiently, with preference given to those vehicles whose users have the greatest need. Examples of vehicles which will be given priority include:
- (a) buses;
 - (b) vehicles conveying goods to, or from, or within, the Borough;
 - (c) vehicles used by people with special mobility needs which preclude their use of public transport;
 - (d) vehicles used by people for essential journeys at times when public transport is not available.
- 2.4** Often, private transport is not available to many people in the community, either at any time, or for parts of the day. Public transport, therefore, has an increasingly important role as the main means of travel in, or through, the Borough.
- 2.5** The policies contained in this chapter seek to achieve the objectives set out in paragraph 1.1 above by measures to improve:
- (a) the reliability and attractiveness of public transport in order to encourage the transfer of trips by car onto public transport;
 - (b) the control and safety of road traffic, whilst reducing or restraining unnecessary road movements;
 - (c) facilities for safe and convenient movement of pedestrians and cyclists.

Constraints Imposed by other Authorities

- 2.6** The Borough's transportation policies are subject to a number of constraints and influences imposed upon the Borough by the role of other authorities and the need to consult with such authorities when appropriate. The principal authorities who influence the Borough's transport network are:

A Department of Transport

- 2.7** The Department of Transport (DoT) implements the transport policies of central government and determines the framework within which all regional and local decisions are made. The DoT works through legislation and also through guidance on highway matters. In addition to its roles in regulating public transport, road vehicles and drivers, the DoT impinges on the Borough through the Strategic London Road Network, Traffic Management and Parking Guidance, the Transport Policies and Programme, and the general oversight of traffic control techniques.

- 2.8** The Strategic London Road Network was determined by the Secretary of State and is made up of Trunk Roads, Priority Routes (Red Routes), and Designated Roads. The DoT is the highway authority for the Trunk Roads. The DoT has a right to direct refusal or impose conditions on any application for development along a Trunk Road and must be consulted when a development has a significant traffic impact on a Trunk Road in the vicinity. There are few Trunk Roads in the Borough. The major Trunk Road is the elevated Westway from which no access for development is possible.

B The Traffic Director for London

- 2.9** The Traffic Director for London is appointed by the Secretary of State and has a specific responsibility for Priority Routes (Red Routes). The Traffic Director for London is to be consulted on all applications for development which may affect the Priority Route or Designated Road networks, although the Director does not possess a power of direction. While the Council is the highway authority for Priority Routes and Designated Roads, the use of any highway or traffic power on or near these roads that would adversely affect such roads is subject to the scrutiny of the Traffic Director. In addition the Traffic Director is responsible for the network plan for Priority Routes and ensuring that local plans which must be drawn up by the Council for Priority Routes are in accordance with the network plan and the Secretary of State's Traffic Management Guidance.

C The Home Office

- 2.10** The Home Office influences transport through the setting of fines for motoring offences and through the control of the Metropolitan Police and its Traffic Wardens. The limited number of Traffic Wardens is confined to parking enforcement on the busiest roads with the Council responsible for all other parking enforcement as a result of the Road Traffic Act 1991. The use of removal and clamping powers by the Metropolitan Police is likewise concentrated on the busiest roads with similar enforcement activity by the Council on all other roads.

D Emergency Services

- 2.11** The London Fire Brigade and the London Ambulance Service are both concerned to maintain quick access to all streets in the Borough. They are consulted on all significant traffic management schemes and their needs will influence and occasionally determine the form of such schemes.

E Traffic Control Systems Unit

- 2.12** The Traffic Control Systems Unit (TCSU) is responsible for the management of London's traffic signals, including new schemes and systems of linked signals under Urban Traffic Control. The organisation is at present managed by the DoT, in the absence of an agreement between the London Boroughs. In addition to implementing traffic signal schemes, TCSU offers technical advice on signalling proposals. Programmes of signal schemes are developed within the Unit's annual budget after individual consultations with the Boroughs and the Department of Transport.

F London Transport

2.13 Public transport within London, which is not part of British Rail, is currently supervised by London Transport. The two major bodies within London Transport are London Underground Ltd and London Transport Buses. Although London Transport no longer owns the London Transport bus companies operating in the Borough, London Transport has responsibility for the planning of services on both the Underground and London Transport buses.

G Other Transport Agencies

2.14 There are a number of other transport related agencies that provide specific services for particular needs and these will occasionally have a role in relation to proposed developments.

The principal ones include:

1. London and South East Regional Planning Conference
2. London Planning Advisory Committee
3. The Port of London Authority
4. Parking Committee for London.

3 PUBLIC TRANSPORT

Introduction

3.1 Public transport services in, or leading to, the Borough comprise:

- (a) British Rail services;
- (b) London Underground services;
- (c) bus services;
- (d) taxi services;
- (e) River Bus services.

3.2 Access to, and use of, public transport services in the Borough is determined by:

- (a) location of stations and bus stops;
- (b) type and cost of service;
- (c) frequency of service;
- (d) reliability of service;
- (e) capacity and overcrowding;
- (f) safety.

- 3.3** Good access to public transport services is necessary to increase the attractiveness of the services for all potential users. Paragraph 3.2 indicates the factors which affect access to, and use of public transport services within the Borough. Poor access to public transport services leads to higher levels of car use on the roads within the Borough, and greater pressure for less restrictive parking standards in new commercial developments in some areas of the Borough. Policies relating to commercial developments are set out in the Offices and Industry and Planning Standards Chapters.
- 3.4** The current network of public transport services means that movement north/south in the Borough is more difficult than movement east/west. The Council will seek the improvement and introduction of services to help overcome this problem. North Kensington and the south west of Chelsea, in particular, are areas where the Council considers current service provisions are not adequate.
- 3.5** The Council will seek improved levels of service on existing routes, better reliability of services and the provision of new routes. Any proposed changes to existing services, or provision of new routes, will be considered by the Council having identified the needs of residents in the Borough. The benefits of any changes, for the whole Borough, will be taken into account, for example, the reduction of road traffic.
- TR1** TO SEEK A GENERAL IMPROVEMENT IN BUS, TRAIN AND BOAT PASSENGER SERVICES IN THE BOROUGH.

People with Special Mobility Needs

- 3.6** People with special mobility needs, including some elderly people, people with physical disabilities and/or sensory impairment, and those with young children or carrying heavy loads, have very specific transport requirements. Public transport is often the only means of transport available. However, many people find it very difficult to use public transport for a number of reasons which include restricted access to stations and to certain vehicles and problems in obtaining travel information. Consequently, the Council will have particular regard for the needs of such people when considering proposals to change public transport services and facilities. The Council will also seek to improve facilities that help people with special mobility needs to use public transport more easily. (See policy CD36 of the Conservation and Development Chapter).

British Rail and Underground Services

- 3.7** The Council recognises the importance of rail services as the main means of high capacity travel for people travelling in the Borough at peak times. Overcrowding on existing rail services is of particular concern to the Council, which is encouraging improved services on existing routes. The Council is supportive of the provision of new rail proposals and routes, including the proposals for West London included in the Central London Rail Study report. New routes would relieve overcrowding on existing services and stations, and

encourage a greater movement of people from road to rail to make their journeys. The provision of new routes and services would improve the opportunity to travel by public transport in areas of the Borough such as South West Chelsea and North Kensington which are currently poorly served by rail services. The Council is particularly keen that Westbourne Park area be served by rail links, possibly using the local service between Paddington and Ealing. Any additional rail capacity would help to minimise the traffic generation of new developments in the Borough (see policy E1 of the Offices and Industry Chapter and TR39 of this Chapter). The design of new routes will be carefully examined to minimise environmental impacts and visual intrusion

- TR2** TO SEEK NEW AND IMPROVED SERVICES FOR LOCAL PASSENGERS AND WHEN CONSIDERING PROPOSALS FOR DEVELOPMENT TO HAVE REGARD TO ANY ASSOCIATED IMPROVEMENTS WHICH WOULD ASSIST TRANSPORT SERVICES.

The Chelsea/Hackney Line

- 3.8** The Department of Transport has safeguarded a new line running between Fulham and Leytonstone (see Proposals Map for alignment of the route). This will benefit some areas identified in paragraph 3.4 above. The line will also assist in relieving traffic congestion generally and help reduce overcrowding on existing services. The new underground line is proposed as a bored tunnel for the whole of its route through Chelsea. The safeguarding is needed primarily to control the construction of deep foundations and basement to new development which might prevent the tunnelling of the line at its planned depth. Some additional safeguarding is needed for stations, ventilation shafts, other ancillary works, and working spaces during construction. The Council will seek to maximise the benefits for the Borough by supporting a proposed station near Chelsea Old Town Hall and a further station in South West Chelsea. It will also use its highway and traffic powers to ensure that safe and convenient access to these stations is secured for rail passengers. Interchange with the West London Line resulting in improved access to developments such as the Chelsea and Westminster Hospital, Chelsea Harbour and Stamford Bridge football stadium is seen as a requirement.

- TR3** TO SUPPORT THE DEVELOPMENT OF THE CHELSEA/HACKNEY LINE, INCLUDING THE PROVISION OF STATIONS WEST OF SLOANE SQUARE IN THE BOROUGH.

Crossrail

- 3.9** The Department of Transport authorised the preparation of a British Rail/London Underground proposal for a new route between Paddington and Liverpool Street, linking British Rail suburban services east and west of London. Approval for this scheme has not been given by Parliament in its current form. It is likely that the promoters of the Crossrail project will apply for an order under the Transport Works Act 1994 for an amended scheme to be considered by Parliament. The Council continues to support in principle the aims of such a proposal which should relieve congestion on the Central Line and help in reducing road traffic generally.

The Heathrow Express Link

3.10 British Rail together with the British Airports Authority have proposed an express rail link between Paddington and Heathrow Airport, using existing rail lines through North Kensington. The Council supports this proposal because of the benefits it will bring to the Borough, i.e. reducing overcrowding on some underground services, helping to ease congestion on roads, and particularly by reducing the number of taxis which use the Boroughs roads for access to and from the airport.

TR4 TO SUPPORT THE PROPOSAL FOR THE HEATHROW EXPRESS LINK.

The West London Line

3.11 This line provides services between Kensington Olympia and Clapham Junction. This allows the opportunity to improve links between areas to the north of the Borough, the Borough and South London as a whole, and also assist north/south journeys in the Borough. Improvements to the service would help to reduce traffic on the roads within the Borough generally. The Council is working with British Rail, the Department of Transport and other West London Boroughs on a proposal for local passenger services from Willesden Junction to Clapham Junction. The Council will encourage the provision of additional stations, in particular an interchange station between the West London Line and the proposed Chelsea/Hackney Line.

TR5 TO SUPPORT AND ENCOURAGE THE IMPROVEMENT OF LOCAL PASSENGER SERVICES ON THE WEST LONDON LINE, INCLUDING THE PROVISION OF NEW STATIONS.

3.12 The Council is concerned that proposals to use this rail corridor for trains serving the Channel Tunnel may preclude the improvement of local passenger services. In particular the Council supports the development of the East London (Stratford) approach into London for Channel Tunnel rail traffic, so that the proposed use of the West London Line for Channel Tunnel trains (serving long distance passenger and freight traffic) can be minimised. The Council will wish to see the released track capacity given over to an improved local passenger service between Clapham Junction and Willesden Junction in particular, or as part of an orbital service.

TR6 TO SUPPORT THE DEVELOPMENT OF NEW DEDICATED RAIL LINKS FOR CHANNEL TUNNEL PASSENGER TRAINS AND INTERNATIONAL FREIGHT BETWEEN KENT, CENTRAL LONDON AND THE MAIN LINES NORTH OF THE THAMES.

Station Improvements

3.13 The Council will support the provision of new stations, and the redevelopment and improvement of existing stations, to achieve improvements in the accessibility, attractiveness and safety of rail services. In particular, support will be given to measures

that make rail services easier to use for people with special mobility needs. Special consideration should be given to station layout, lighting and other aspects of design to achieve a pleasant and secure environment for all passengers. Designs should also seek to minimise distances which passengers need to walk when changing lines or types of transport. Features such as stairs, and other changes of level, should be avoided wherever possible. The Council will also seek street-level improvements (e.g. to improve interchange facilities) when stations are redeveloped.

TR7 TO SUPPORT PROPOSALS FOR THE IMPROVEMENT OF EXISTING STATIONS AND FOR THE PROVISION OF NEW STATIONS.

Bus Services

3.14 Bus services provide for both local and long-distance trips. Alterations to routes, provision of new routes and service improvements can be achieved in a shorter timescale when compared to other improvements such as the construction of new Underground lines. The Council will seek to encourage greater use of buses in the Borough by alterations in, and improvements to, services which are closely related to the needs of people who live and work in the area. Support will also be given, where practical, to providing shelters with seats at bus stops.

3.15 The frequency and reliability of bus services in the Borough needs to be improved to retain existing users and to encourage people to transfer from other types of motorised road travel (see paragraph 4.39). Bus operators will be encouraged to match the capacity and frequency of their services more closely with passenger demand. This can be done through a review of routes, the introduction of high frequency mini-bus services on some routes, and greater use of telecommunications to improve the control and information relating to bus movements. There are, however, still many Local Roads in the Borough where any type of bus is deemed inappropriate (see also paragraph 4.20).

TR8 TO SEEK IMPROVEMENTS TO THE QUALITY AND RELIABILITY OF EXISTING BUS SERVICES AND WHERE APPROPRIATE, NEW SERVICES, THROUGH IMPROVED TRAFFIC MANAGEMENT ON BUS ROUTES AND CLOSE LIAISON WITH LONDON TRANSPORT AND BUS OPERATORS

New Services

3.16 Mini-bus services can be used not only on existing routes but also on roads not suited to standard-sized vehicles. They can provide improved public transport provision. The higher frequency and greater reliability of these services has been shown to encourage greater use of public transport. Conversion of existing routes to mini-buses will be resisted if they are considered to have an adverse effect on the level of service. For routes on Major Roads at peak times, the Council will seek the retention of larger buses and bus conductors to minimise delays and maintain efficient traffic flow.

- 3.17** Innovative bus services can also provide improved access for people with special mobility needs and can provide services at times of low demand, e.g. night and weekend buses. Financial support will be considered in appropriate cases (referred to in paragraph 6.3).

Deregulation of Bus Services

- 3.18** Following consultation on the possible deregulation of operation of bus services in London, the Secretary of State has postponed the proposal. Bus services have already been deregulated outside London and it is possible that such proposals for London may be reconsidered in the future. The privatisation of London Buses and its operating companies will continue to take place. From 1995 all buses and bus crews will be provided by private sector companies, although all bus services will continue to be controlled by London Transport.

Interchange between Services

- 3.19** During public transport journeys, passengers often change between services or from one type of transport to another. There are some places in the Borough where many people make such interchanges. The Council considers that, at these locations, it is important that adequate interchange facilities are provided and access between bus stops and rail stations is made easier. This can be done, for example, by altering:

- (a) the layout of the parts of stations used for access;
- (b) the highway (by providing adequate pedestrian facilities);
- (c) signs indicating direction; and
- (d) travel information facilities.

Changes of these types can often be achieved during development at locations where interchange takes place. The Council may require that Planning Obligations are entered into in order to secure such improvements.

TR9 TO SEEK IMPROVEMENTS IN FACILITIES AT LOCATIONS WHERE PUBLIC TRANSPORT USERS INTERCHANGE BETWEEN TYPES OF TRANSPORT.

Taxi Services

- 3.20** Taxis can perform an important role in providing public transport, particularly in areas poorly served by bus or rail or at times when other public transport does not operate. They are particularly useful for visitors to shops, offices, restaurants and hotels and their use helps to reduce the demand for parking spaces at such places. They are often the most convenient form of public transport available to people with special mobility needs, a fact recognised by the Council's support for 'Taxi-card' schemes.

Coach Services

3.21 Coaches serve three main markets:

- (a) Express coaches: generally, scheduled services catering for selected long-distance routes or commuters, and typically compete with rail services. The numbers of vehicles involved are relatively small and most services pass through the Borough, making few stops. Such services should only use Major Roads in the Borough.
- (b) Tourist coaches: cater for visitors to London and use the Borough's Major and Minor Roads in large numbers. They cause problems picking up and setting down passengers, especially at the many hotels in the Borough, creating congestion and being very environmentally intrusive in the predominantly residential character of the Minor Roads. This is referred to in the Hotels Chapter. Problems also occur near museums and exhibition centres.
- (c) Education coaches: provide economical transport for groups of pupils and students to the museums and exhibition centres. The activity has its own peak during the education year and is highly concentrated on the most educationally attractive locations.

Measures to reduce the impact of coaches on roads in the Borough are discussed in paragraphs 4.40 to 4.42. In assessing these measures, the efficiency of coaches in conveying large numbers of people will be taken into account.

River and Canal Transport Services

3.22 The River Thames is a valuable transport artery between the south of the Borough, other riparian Boroughs and the Docklands. The Council supports scheduled passenger services between central London and the two piers with convenient access to Chelsea (Cadogan Pier and Chelsea Harbour) which can provide a useful supplement to rail and bus services. Passenger services, where operationally possible, need to be fast, frequent and reliable; they should also be integrated where possible with the rest of the public transport system through ticketing, timetabling and information. The Council also supports the increased use of the river for freight movement subject to other planning and traffic implications. Likewise the Grand Union Canal in the north of the Borough has potential as a freight transport artery in addition to its other uses.

TR10 TO ENCOURAGE INCREASED USE OF THE RIVER THAMES AND GRAND UNION CANAL FOR PUBLIC TRANSPORT AND FREIGHT MOVEMENT.

4 THE RESTRAINT AND CONTROL OF ROAD TRAFFIC

Introduction

4.1 The Council's policies supporting public transport will be complemented by policies that seek to reduce the adverse effects of road traffic on the Borough by encouraging safer and more efficient use of the Borough's roads. There are six main elements to the Council's policies in this respect. These are:

- (a) general reduction of traffic volumes;
- (b) designation of a hierarchy of roads in the Borough;
- (c) improvement of traffic efficiency on Major Roads in the Borough;
- (d) restriction and slowing of traffic flows on Minor Roads;
- (e) restriction of the number and availability of car parking spaces;
- (f) improvement of facilities for pedestrians and cyclists.

Each of these elements is discussed in turn.

General Traffic Restraint

4.2 Motorised traffic in the Borough has many adverse effects on its predominantly residential character. The Borough's roads are unable to meet the unrestricted demands made on them by road users without these effects being considerably worsened. The problems associated with high traffic volumes in the Borough are:

- (a) deterioration in the environment in residential areas and shopping streets;
- (b) traffic noise and vehicle emissions, a health hazard for people using or living near busy roads;
- (c) congestion, resulting in less convenience for people making local trips, by bus and by car;
- (d) restrictions on the movement of cyclists, pedestrians and people with special mobility needs, as well as severance of local communities, through the presence of roads and heavy traffic;
- (e) road safety problems for residents, drivers and other road users;
- (f) shortage of essential parking and loading space.

This situation is unacceptable and needs to be restrained.

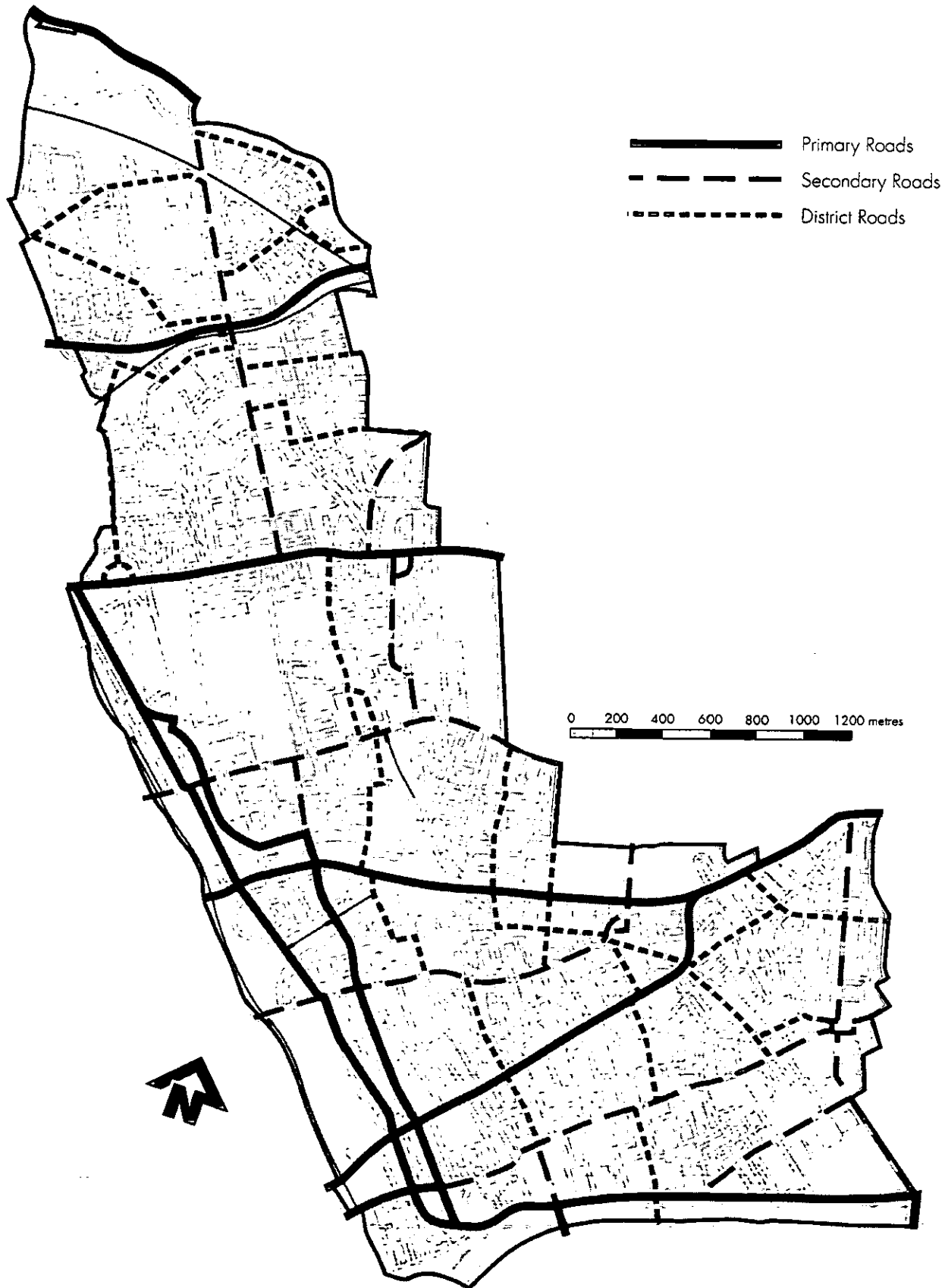
- 4.3** Unplanned restraint of road traffic already occurs in the Borough (and elsewhere in central and Inner London) through congestion. The Council considers that a level of planned restraint is required. The policies for public transport enhancement, detailed in Section 3, seek to encourage further transfer of trips away from private transport. The Council considers that an even greater level of planned and controlled restraint of traffic is necessary to ensure that the Borough's roads are available to those who have the greatest need to use them.
- 4.4** The Council supports the concept of applying strategic measures to restrict traffic. To be effective, such measures need to be implemented over areas larger than a single borough and the Council therefore supports the concept of applying strategic measures in central and Inner London generally. Such measures are likely to include direct charges to road users or limitations on vehicle access over wide areas. The Council will ensure that Borough residents are not unduly penalised by restraint policies and will examine closely any new restraint proposals to ensure that they are directed against the least essential and most intrusive trips. These trips are likely to be longer distance radial journeys from outer London to the centre which cause congestion at numerous locations and which can transfer to public transport with the least inconvenience. The Council recognise that there are still many problems about traffic restraint to be resolved but notes and welcomes the major study that the Department of Transport intends to publish in 1995 into causes and possible cures of congestion in urban areas.
- 4.5** If they are fully accepted, London-wide traffic restraint policies will take several years to implement. In the shorter term, parking control remains the most effective means of restraining traffic volumes. Policies to restrain traffic, through parking control, are contained in Section 5.

The Road Hierarchy in the Borough

- 4.6** RPG3 stresses the importance of the strategic road network in managing traffic throughout London. The elements in the Borough's road hierarchy, and their principal roles, are as follows:
- (a) Major Roads comprise:
- Primary Roads, which are Trunk Roads, Priority Roads (Red Routes), and Designated Roads. (The Council is the highway authority for the Priority Routes and the Designated Roads in the Borough, but they have been designated by the Department of Transport as part of the strategic London road network.)
 - Secondary Roads, which are the links between Primary Roads and District Roads (see below) and which form the main bus routes.

MAP 6

The Royal Borough's Road Network Hierarchy



(b) Minor Roads comprise:

- District Roads, also known as local distributors, which are the links between Secondary Roads (see above) and Local Roads (see below). These consequently have an important traffic distribution function. The capacity of District Roads in the Borough varies considerably. Most District Roads are able to be used for bus routes.
- Local Roads are all the roads in the Borough which do not fall into the above categories. These provide direct access to residential and commercial properties.

The Borough's road network hierarchy is illustrated in Map 6 and shown on the Proposals Map, and a schedule of the network is included as Appendix III at the end of the plan.

TR11 TO ADOPT A HIERARCHY FOR THE ROAD NETWORK AS DESCRIBED IN PARAGRAPH 4.6 AND THE SCHEDULE AT APPENDIX III, AND TO KEEP IT UNDER REVIEW.

- 4.7** The Council considers that most of the Designated Roads in the Borough are not suitable for use as part of London's strategic network, and that they are more appropriately classified as Secondary Roads. However, without acceptance by the Department of Transport of the need for traffic restraint, policy changes to the 'designated' network are unlikely to be agreed. If and when restraint is adopted as a policy for London, the Council will press the Department of Transport to reduce the number of roads designated by the Department of Transport as Priority or Strategic Routes. Those roads with predominantly residential frontages, in close proximity to the carriageway, at ground or upper levels are considered the higher priority for change to Secondary Road status.

New Roads

- 4.8** The Council considers that, given its restraint policies and the predominantly residential character of the Borough, it is inappropriate to propose any significant construction of new roads.

TR12 TO RESIST ANY HIGHWAY PROPOSAL WHICH WOULD LEAD TO AN INCREASE IN THE TOTAL VOLUME OF TRAFFIC IN THE BOROUGH.

- 4.9** Consideration may be given to limited additional highway provision where there will be no overall opportunity to increase the volume of traffic passing through the Borough. Actual proposals are likely to be limited but where proposals are advanced it will be essential to ensure that complementary traffic management schemes are designed to limit the possibility of adding to traffic volumes.

TR13 TO SUPPORT PROPOSALS WHICH, WITHOUT LEADING TO AN INCREASE IN THE TOTAL VOLUME OF TRAFFIC, HELP TO RELIEVE THE EARLS COURT ONE-WAY SYSTEM.

- 4.10** The Council, however, has supported, for a long time, road proposals that could provide some relief to the Earls Court one-way system. The Council supports means of improving the access to Earls Court Exhibition Centre, including where necessary construction of new link roads, where they remove some commercial vehicles and coaches from the residential areas around Earls Court.

Traffic Management in the Borough

- 4.11** The strategy for the management of traffic on the Borough's roads is to:
- (a) reduce the adverse impact of traffic on the Borough's Major Roads, especially shopping streets;
 - (b) improve the environment for residents and to improve conditions for pedestrians, cyclists and people with special mobility needs;
 - (c) identify local areas in the Borough where measures will be adopted to discourage inappropriate traffic and where environmental considerations will be given priority over the use of vehicles;
 - (d) improve road safety on all roads in the Borough.
- 4.12** To implement this strategy, the Council is developing and carrying out a programme of works based on the following:
- (a) measures to make the use of Major Roads safer and more efficient;
 - (b) traffic calming and restraint measures on Minor Roads;
 - (c) accident remedial measures on all roads.
- 4.13** To implement the proposals in the programme efficiently, and with the minimum of inconvenience, it is proposed that, when possible, they will be carried out as an integral part of the Council's continuing programme of highway maintenance.

Traffic Management on Major Roads

- 4.14** Major Roads in the Borough are intended to carry the main traffic flows and longer-distance movements. Heavy goods vehicles and coaches in particular should use these roads, unless they need access to specific premises in the Borough. As discussed in paragraph 4.2 to 4.7, the long-term objective of the Council is to secure a reduction in the flow of traffic on these Major Roads within the Borough.
- 4.15** In the short term, the capacity of the complete road network needs to be maintained. It is only by action from the relevant highway authority and parking enforcement agencies in improving the efficiency of the Major Roads that measures to deter traffic from using the Minor Roads in the Borough can be effective. Such deterrent action by this Council on Minor Roads is normally subject to approval by the Department of Transport or the Traffic Director for London when it transfers traffic to the Primary Roads (as defined in paragraph 4.6).

4.16 The Council will seek to co-operate with the Department of Transport, the Traffic Director for London, and the Metropolitan Police in the preparation and implementation of 'local plans' for changes to the Priority Routes. These 'local plans' are statements of proposals with respect to the operation of Priority Routes to be prepared by the Council after receipt of the Secretary of State's Traffic Management Guidance and the Traffic Director's network plan (Section 54, Road Traffic Act 1991). On these routes the Council will be specifically seeking for each individual route that the following objectives are demonstrably achieved:

- (1) reduced average journey time;
- (2) improved journey time reliability;
- (3) improved bus reliability;
- (4) reduced casualties;
- (5) improved conditions for cyclists;
- (6) improved conditions for pedestrians;
- (7) satisfying the genuine needs of business;
- (8) consistency with the Government's objective of not encouraging further car commuting into central London or across it.

4.17 The Council will seek to improve the efficiency of the Major Roads (see Glossary) for which it is the Highway Authority, to achieve a smoother flow of traffic, by balancing the capacity of the main junctions with the capacity of links between them. This will require the consideration of the layout of junctions and the traffic signal timings to optimise the flow of vehicles, together with regularly spaced and convenient pedestrian crossing facilities and a high level of enforcement of waiting and loading regulations. Changes to these Major Roads will involve the use of highway and traffic powers which will be subject to the scrutiny of the Department of Transport or the Traffic Director for London. This scrutiny arises from the categorisation of the more strategic of these roads as Priority Routes or Designated Roads. The remainder are Secondary Roads. Changes on these may also be subject to scrutiny where any adverse effects on the two higher categories of road may result.

4.18 In developing and implementing these policies, full use will be made of the services provided by the Traffic Control Systems Unit, which supplies and operates traffic signals in London. In particular, a computer programme offers increased efficiency by continuously adjusting and co-ordinating signal timings to the actual flow of traffic in the network. This will assist in providing improved pedestrian crossings facilities.

4.19 Improvements in traffic flow and safety on the Major Roads will also be sought by reducing the number of Minor Road accesses, or improving the control of traffic at junctions with Minor Roads, or both, subject to the procedure for Designated Roads.

TR14 TO IMPROVE THE EFFICIENCY OF THE MAJOR ROADS WITHIN THE BOROUGH FOR ESSENTIAL TRAFFIC IN CO-OPERATION WITH THE TRAFFIC DIRECTOR FOR LONDON AND THE METROPOLITAN POLICE THROUGH THE FOLLOWING MEANS:

- (a) REVIEWING AND ENFORCING CONTROLS ON PARKING, WAITING AND LOADING;
- (b) IMPROVING JUNCTION LAYOUT;
- (c) OPTIMISING TRAFFIC SIGNALS;
- (d) CONTROLLING ACCESS TO AND FROM MINOR ROADS.

Traffic Management on Minor Roads

4.20 The Borough's Minor Roads are intended to provide access to residential and commercial premises. They are typically in local areas bounded by Major Roads or other significant barriers. Local areas contain only Minor Roads. District Roads (i.e. the more important Minor Roads) provide links between Local Roads and the Major Roads. The inadequacy of many of the Major Roads to carry the traffic which is currently generated and attracted by West London results in overspill onto the District and Local Roads. This is undesirable but is particularly the case for many District Roads running north/south. District Roads often form part of the bus route network but many are only suitable for use by smaller buses.

4.21 On Minor Roads the Council considers that traffic not connected with the local area should be restrained or discouraged and that traffic speeds should be appropriately limited, to minimise the adverse effects that traffic has especially when areas are residential. The gains to the environment and in road safety will enable and encourage the freer use of these roads by pedestrians and cyclists. However these roads must continue to cater fully for local vehicle movements.

4.22 The introduction of environmental management measures may be considered for local areas encompassing the minor road network within each area. The priority for action will be to reduce personal injury accidents through various measures aimed at concentrations of accidents at specific locations and dispersed accidents at various sites within local areas. Care will be taken so that traffic management measures in a local area does not lead to an increase in traffic activity in a neighbouring local area.

4.23 In particular restrictions on the use of Minor Roads by coaches and heavy goods vehicles with no access needs will form part of the environmental management. The same measures may also be used to limit the routes available to traditional sized buses, though the use of such measures would be after full consultation with London Transport or other operators. The traffic management measures to be used would aim to ensure that drivers' speeds on Local Roads are limited to values in the low 20's (in miles per hour) and on District Roads to the high 20's. The range of measures used must constitute good urban design (see also Conservation and Development Chapter) and will include the following:

- (a) design to limit speeds to 20 mph;
- (b) reduction of carriageway widths (and widening of footways);
- (c) introducing curves into road alignments to reduce speeds;
- (d) speed humps or speed tables;
- (e) rearrangement of on-street parking facilities;
- (f) improving pedestrian crossing facilities;
- (g) introducing facilities for cyclists.

4.24 In order to introduce these measures, it will be necessary to identify Local Areas and then prioritise each one, to enable the Areas with the greatest need for measures to be established first. To undertake this in a consistent way, a standard set of criteria will be applied to assess each Local Area in the Borough.

TR15 TO IDENTIFY LOCAL AREAS WITH PARTICULAR ENVIRONMENTAL/SAFETY DEFICIENCIES TO ESTABLISH PRIORITIES FOR ACTION AND TO IMPLEMENT SCHEMES TO GAIN AREA-WIDE BENEFITS FROM MEASURES WHICH RESTRICT AND SLOW DOWN TRAFFIC.

4.25 Technology now exists to allow certain drivers with 'route guidance systems' to by-pass congested areas by means of the Minor Road network. The Council does not consider the use of this technology appropriate for Local Areas. However, it may be considered acceptable if use is confined to Major Roads.

TR16 TO OPPOSE PROPOSALS WHICH MAY ENCOURAGE UNNECESSARY TRAFFIC TO USE MINOR ROADS.

Road Safety

4.26 An important objective in all traffic management measures, outlined above, is the reduction of the number and severity of road accidents. This is monitored through extensive use of the accident statistics prepared by the London Accident Analysis Unit. In addition, and in line with Government guidance, the Borough uses these statistics to carry out an annual programme of accident investigation and prevention (AIP). This identifies locations where the accident rates are high and low cost traffic measures are produced that can be implemented quickly to reduce the accident rate. The Council will produce annually, a Road Safety Plan which will be included in the Transport Policies and Programme submission and will encompass the current Accident Investigation and Prevention and educational work being undertaken.

TR17 TO CONTINUE TO IMPLEMENT A PROGRAMME OF ACCIDENT REMEDIAL MEASURES ON ALL THE BOROUGH'S ROADS.

4.27 The Borough's accident statistics are broadly in line with national and London trends, but Inner London has an above-average proportion of accidents to vulnerable road users such as cyclists and pedestrians. Traffic management proposals will concentrate particularly on the needs of vulnerable road users.

- 4.28** The Council will also continue to extend its programme of education, training and publicity on road safety matters to all members of the community but especially to pedestrians, cyclists and motor-cyclists.

Pedestrians

- 4.29** The Council recognises the importance of pedestrian access and the need to improve the quality of the pedestrian environment.

TR18 TO MAINTAIN AND IMPROVE FACILITIES FOR PEDESTRIANS.

- 4.30** The Borough's Major Roads and some Minor Roads create barriers to pedestrian movement. The heavy flows of traffic and the width of many roads require pedestrians to divert from their most direct route in order to use crossing facilities or may deter them from crossing the road at all. This is particularly true for people with special mobility needs. The Council recognises the need for pedestrians to have safe and convenient facilities to enable them to cross busy roads. However, in considering the provision of such facilities, the Council will have regard for the extent to which they may adversely affect movement by other modes of travel.

- 4.31** Signal control is generally provided at intersections between Major Roads, and pedestrian crossing facilities will normally be incorporated at all these junctions. Elsewhere, traffic signals, pelican crossings, zebra crossings and pedestrian refuges will be provided where appropriate, taking into account levels of pedestrian activity and traffic flows. Particular consideration will be given to the needs of people with special mobility needs in designing pedestrian facilities, and measures such as tactile and audible features associated with signal-controlled crossings will be introduced. Such facilities will be located as conveniently as possible for pedestrians. Guard-railing will be installed where additional encouragement to use designated crossing places is essential for road safety.

TR19 TO DEVELOP SAFE AND CONVENIENT FACILITIES FOR PEDESTRIANS AT INTERSECTIONS BETWEEN MAJOR ROADS, AND AT REGULAR INTERVALS ON MAJOR ROADS BETWEEN JUNCTIONS.

- 4.32** On Minor Roads, facilities that assist pedestrians to cross roads, such as zebra crossings and pedestrian refuges, will be introduced, subject to sites meeting Department of Transport criteria. In designing such facilities, the Council will take into account the needs of people with special mobility needs and features such as textured paving to indicate the location of crossings for people with impaired sight may be introduced. It is the Council's intention that such facilities will encourage people to make local trips on foot rather than by car or public transport.

TR20 TO INTRODUCE PEDESTRIAN FACILITIES ON MINOR ROADS.

4.33 Footways alongside many streets in the Borough are narrow. In busy areas, such as shopping streets, large numbers of people sometimes make it difficult to walk. In addition, illegally parked cars, street furniture and high kerbs add to the problems that pedestrians can encounter. This is particularly the case for people with special mobility needs. The Council will site street furniture to ensure that it does not create additional difficulties or hazards for pedestrians. Bollards or other approved measures may be introduced where necessary to protect pedestrians on the footway from vehicles.

TR21 TO MAINTAIN, PROTECT AND WHERE NECESSARY IMPROVE FOOTWAYS TO PROVIDE A SAFE ENVIRONMENT FOR PEDESTRIANS.

4.34 One of the pleasant features of the Borough is the existence, in many areas, of pedestrian routes away from roads. Using these, pedestrians can move safely, free from traffic fumes and noise (see paragraph 3.5, Leisure and Recreation Chapter). When considering applications for development, the Council will have particular regard to the access needs of pedestrians. Maintenance of access for pedestrians will be required on all existing rights of way and opportunities sought for additional routes.

TR22 TO CONSIDER PEDESTRIAN ACCESS NEEDS WHEN ASSESSING ALL DEVELOPMENT AND HIGHWAY PROPOSALS.

TR23 TO PROTECT EXISTING AND ENCOURAGE PROVISION OF NEW DIRECT PEDESTRIAN ROUTES THROUGHOUT THE BOROUGH.

Cyclists

4.35 On the Borough's congested roads, it is often quicker to cycle than to travel by car. Cyclists, particularly when travelling at peak times, tend to prefer using Major Roads as these are usually the most direct routes. However, the heavy traffic on these roads makes them relatively dangerous for cyclists. This is reflected in statistics that show cyclists account for up to 14% of traffic casualties but only make up some 4% of traffic volumes (1985-1990).

TR24 TO MAINTAIN AND SEEK IMPROVED FACILITIES FOR CYCLISTS.

4.36 The Council will co-operate with the Traffic Director and neighbouring Boroughs in seeking to establish strategic cycle routes based on the LPAC-recommended 1000 Mile Strategic Cycle Route Network. This network in the Borough is formed predominantly from Minor Roads in the hierarchy (see paragraph 4.6) with limited use of parts of some Major Roads. The cycle network should provide better and safer routes for cyclists who are making longer distance journeys and are not familiar with the local road network. Where the cycle network uses or crosses major roads that are also Priority Routes (Red Routes) the Traffic Director has a particular responsibility for approving and funding implementation. Where the Major Roads are designated as part of the Strategic London Road Network the Traffic Director has a control over any new provision. Where the Cycle Network is on all other roads the Traffic Director has a control only if an adjoining

designated road would be adversely affected. The resources for new facilities are limited through the TPP system to schemes that would reduce accidents in a cost effective way. The routes would consist predominantly of a signed network on the District and Local Roads with some exemptions from traffic prohibitions and a limited number of Major Roads crossing points or junction facilities for cyclists.

TR25 TO INVESTIGATE AND INTRODUCE, WHERE APPROPRIATE, SAFER CYCLE ROUTES TO FORM PART OF A LONDON-WIDE STRATEGIC NETWORK ON ROADS WHICH ARE WITHIN THE CONTROL OF THE COUNCIL.

4.37 The Council considers that it is undesirable to encourage the more intensive use of Primary Roads by cyclists, except when some very specific provision for their movement has been made. This is because the heavy volumes of traffic make conditions dangerous for them. However, it is also recognised that many cyclists will continue to use Major Roads and that provisions should be made to improve their safety. This is particularly true at junctions and other crossing points on Primary Routes. The needs of cyclists will therefore, be considered by the Council in conjunction with the Traffic Director for London when formulating proposals for Primary Roads. In other cases the Council will seek to encourage cyclists to use safer routes on Minor or Secondary Roads and will provide for the safe crossing of cyclists at junctions with major roads where necessary.

TR26 TO CO-OPERATE WITH THE TRAFFIC DIRECTOR IN THE PROVISION OF MEASURES TO ASSIST CYCLISTS ON PRIMARY ROADS WHEN ALTERNATIVE ROUTES ON MINOR OR SECONDARY ROADS ARE NOT AVAILABLE.

4.38 The Council considers that parking facilities for cycles should be provided in association with developments and at locations such as stations and shopping streets, in order to encourage cycling, as well as to protect pedestrian footways and improve safety (see Section 5 of Planning Standards Chapter).

TR27 TO SEEK THE PROVISION OF CYCLE PARKING FACILITIES IN DEVELOPMENTS AND AT OTHER APPROPRIATE LOCATIONS.

Buses

4.39 Paragraphs 3.14 to 3.18 describe the importance of bus services in improving public transport. However the efficiency of bus services is seriously affected by traffic congestion. To improve bus movement, improved traffic management on bus routes, including bus priority measures in specific locations or to serve a particular route, will be introduced by the Council where appropriate. Individual measures may include the provision of bus stop clearways to improve access to bus stops, allowing buses to make movements prohibited by other vehicles; and the introduction of bus lanes where bus flows are high and the road layout permits. In assessing such schemes, the much greater numbers of people carried by buses, compared with private vehicles, will be taken into consideration.

TR28 TO IDENTIFY AND INTRODUCE, WHERE APPROPRIATE, TRAFFIC MANAGEMENT SCHEMES, INCLUDING BUS PRIORITY MEASURES.

Coaches

- 4.40** Paragraph 3.21 identifies the main coach markets in the Borough. Express coaches generally only cause traffic problems when they divert from Major Roads. This may be resolved by referring to the operator; in other cases, local bans, such as that in Beauchamp Place, can be imposed. The same traffic powers can also be used to control tourist coaches by regulating the means of access to destinations in local areas.
- 4.41** The main traffic problems caused by coaches occur at tourist hotels and near museums and exhibition centres in the Borough. The problems stem from the lack of, or misuse of, off-street facilities for setting down and picking up passengers, and the use of unsuitable local Roads. The Council will seek the provision and use of off-street facilities for coaches at these locations, and where possible regulate on-street coach stops for the dropping off and picking up of passengers only, so that the limited number of stops can provide an essential facility for various coach operators.
- TR29** TO ENCOURAGE THE PROVISION OF COACH PARKING AT OFF-STREET LOCATIONS SUFFICIENTLY CONVENIENT FOR LOCAL HOTELS AND MAJOR PUBLIC ATTRACTIONS.
- 4.42** Unrestricted access to local areas for coaches can often lead to a significant loss of environmental quality. Where such impact is deemed to occur the Council will restrict access on specific routes and at particular times and days. The restrictions are subject to the limitations of the 1984 Road Traffic Regulation Act and the Council would not seek to deny essential access to premises for the major part of the day.

Heavy Goods Vehicles

- 4.43** Goods vehicles are essential to the prosperity of the Borough but they are also very intrusive in Local Areas and on most roads at night and weekends. Restrictions already apply to goods vehicles on some Minor Roads and these restrictions will be extended where required.
- 4.44** Movement of goods vehicles is also restricted at night. The Council supports the operation of the London-wide night and weekend ban on heavy goods vehicles, which has the appropriate exemptions to allow goods vehicle movements for essential deliveries in the restricted hours. The Council will continue to press for the full and effective enforcement of the London-wide night and weekend ban on heavy goods vehicles. The Council also operates a restriction on night use of the Earls Court one-way system by medium and heavy goods vehicles.
- TR30** TO SUPPORT RESTRICTIONS ON GOODS VEHICLE MOVEMENTS AT NIGHT AND WEEKENDS.

- 4.45** Coaches and goods vehicles (other than light vans) are prohibited from parking on roads in the Borough at most times. During weekdays, this restriction is imposed by the controlled parking regulations. At night and at weekends specific parking bans apply to these vehicles. Off-street coach and lorry parks are provided at certain locations in the Borough and elsewhere in London, and these must be maintained.

TR31 TO RESIST THE LOSS OF OFF-STREET COACH AND LORRY PARKING.

Pollution from Vehicles

- 4.46** Vehicle emissions are recognised as a major contribution to air pollution. The Council regularly monitors the concentrations of the more noxious emissions at various locations to compare pollution at the busiest sites with the guide and limit values as set by The European Union. The Council will support initiatives to set tighter emission standards for all vehicles and would encourage additional roadside spot checks on heavy goods vehicles. Noise from vehicles, including noise emitted by air brakes, is particularly intrusive in densely populated urban areas. A method of reducing noise intrusion is to limit the movement of lorries in the urban area through schemes such as the Earls Court night-time lorry ban and the London-wide night-time and week-end ban.

TR32 TO SEEK A REDUCTION IN NOISE AND POLLUTANTS FROM VEHICLE EXHAUSTS BY LIMITING THE MOVEMENTS OF HEAVY GOODS VEHICLES.

- 4.47** In addition, the Council will support measures to encourage vehicle operators to use quieter, less environmentally-intrusive vehicles.

5 PARKING

Introduction

- 5.1** The aims of the Council's strategy for car parking provision are to:
- (a) restrict access to the Borough by non-essential vehicles, by limiting the number of car parking spaces available;
 - (b) provide parking spaces on-street for residents;
 - (c) provide for essential visitor parking.

Parking Controls

- 5.2** To achieve traffic restraint through the control of parking spaces the Council has imposed restrictions on the use of on-street parking spaces. The Council will also restrict the number of off-street parking spaces provided in new non-residential developments. (See TR4.1)

5.3 On-street parking in the Borough is controlled by waiting and loading restrictions, and the provision of parking meters and residents' parking spaces. The whole Borough, with the exception of the area in the north, is currently subject to such controls. The Council intends to extend the controlled parking zone to cover the whole of the Borough. The details and timing of the introduction of controlled parking to the uncontrolled area, either completely or partially, will depend on local circumstances subject to the levels of parking stress and public consultation.

TR33 TO EXTEND THE CONTROL OF ON-STREET PARKING OVER THE WHOLE BOROUGH.

5.4 On Major Roads, on-street parking and servicing can make traffic congestion worse by reducing efficiency. This can lead to greater traffic flows on Minor Roads because of rat-running, resulting in the worsening of the environment in local residential areas. The responsibility for the control of this congestion is now shared between the Traffic Director for London, for the Priority Routes within the Borough, and the Council on the remainder of the major roads.

5.5 For some land uses and in many parts of the Borough it is not possible to provide dedicated off-street loading and waiting facilities. In such cases the Council can control servicing by appropriate use of on-street loading and waiting restrictions. It is necessary for the Council to review regularly such restrictions to ensure they accurately reflect changing land-use patterns and the changing requirements of road users, including bus operators. The review will ensure that on-street parking and servicing is only permitted at appropriate locations.

TR34 TO REVIEW THE EXTENT OF WAITING AND LOADING PROVISIONS ON LONDON PRIORITY ROUTES IN CONJUNCTION WITH THE TRAFFIC DIRECTOR FOR LONDON, AND ON THE OTHER MAJOR ROADS AND IMPLEMENT APPROPRIATE MEASURES.

5.6 On Minor Roads, the general policy is to provide the maximum number of car parking spaces consistent with satisfactory and safe movement for traffic requiring access and the maintenance of a good residential environment. On these roads, the needs of residents for car parking spaces will be the primary consideration of the Council in allocating parking spaces. The layout of car parking facilities will be reviewed in some areas to examine the possibility of increasing the number of spaces. Additional car parking spaces may also be provided as part of the measures to reduce road space and slow traffic speeds.

TR35 TO REVIEW, AND INCREASE WHERE APPROPRIATE, THE PROVISION OF ON-STREET PARKING FOR RESIDENTS ON MINOR ROADS.

Parking Enforcement

- 5.7** To be effective, parking controls have to be enforced. Enforcement, therefore, is considered by the Council to be particularly important. The Council has welcomed the provisions in the Road Traffic Act 1991 (RTA) which will allow the Borough to enforce permitted parking regulations and obtain special parking area approvals to cover restrictions on all but the most important Major Roads. It will also permit the finite resources of the traffic warden service under the Metropolitan Police to be concentrated on the most important Major Roads.
- 5.8** The parking of vehicles on footways in the Borough is illegal and can reduce safety for both pedestrians and drivers. The Borough has shared the responsibility for enforcing this legislation with the Metropolitan Police and will be in a stronger position to act under the new enforcement powers of the RTA 1991. There are no footways in the Borough that are exempt from this prohibition and the Council anticipates being able to take yet more effective action to secure compliance with the ban. At appropriate locations, the provision of bollards, raised kerbs and other physical barriers to deter such parking will be considered by the Council. However, such measures will not be used if they restrict pedestrian movement or transfer the problem elsewhere (see paragraph 4.33). Consideration will also be given to installing bollards at appropriate locations at the expense of the owners of adjacent property.

Parking for Residents

(See also paragraphs 6.16 to 6.19)

- 5.9** Controlled parking is divided, for administrative purposes, into six zones. Unlike controlled parking schemes in other parts of London and elsewhere, residents' parking permits are valid for parking in all zones, not just the zone in which they live. This can create some additional traffic and may increase demand for residents' parking spaces near main shopping centres and underground stations. Nevertheless, it is a valuable facility to residents, enabling them to move freely in the Borough and encouraging them to conduct business in the Borough.
- 5.10** Residents with special mobility needs and who require on-street parking facilities are entitled to a parking restriction exemption permit. In addition, exclusive disabled parking bays are provided for those with serious mobility difficulties.

Parking for Visitors

- 5.11** Visitors who have an essential requirement for parking should be catered for. The Council recognises that in many areas the provision of off-street parking facilities is limited. In these areas the Council will maintain the supply of metered spaces to ensure parking is available to meet essential needs.

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.

TR49 TO OPPOSE ANY INCREASED CAPACITY AT HEATHROW AIRPORT UNLESS ASSOCIATED IMPROVEMENTS TO THE PUBLIC TRANSPORT NETWORKS ARE DEVELOPED TO RELIEVE INCREASED PRESSURE ON THE NETWORKS WITHIN THE BOROUGH.

7.3 If a decision is made in the national interest to permit an additional terminal, the Council will press for improved public transport access to the airport so as not to increase congestion on any existing transport network in the Borough.

7.4 There is increasing pressure for the provision of further helicopter facilities in central London. The Council is concerned that helicopters flying over the Borough could lead to an increased nuisance from noise. While recognising the demand for helicopter services, the Council believes that these should be restricted to keep noise at an acceptable level. The Council will therefore consider any proposal for additional helicopter facilities in central London in line with its policies on development, but with particular emphasis given to noise and environmental pollution, traffic generation and all other appropriate policies.

TR50 TO RESIST THE DEVELOPMENT OF HELIPORTS WHICH MAY RESULT IN INCREASED PRESSURE ON THE TRANSPORT NETWORKS WITHIN THE BOROUGH AND INCREASED NOISE OVER THE BOROUGH.

PLANNING STANDARDS



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1 INTRODUCTION

1.1 This Chapter sets out the Council's planning standards which will be used to assess whether particular development proposals (including conversions, alterations and extensions to existing buildings), meet the Plan's policies, and to monitor the achievement of the policies of the Plan over the Plan period. The standards show how particular policies will be applied and implemented, and help to provide additional clarity and certainty for users of the Plan. They help to interpret the policies in specific circumstances, and to measure the extent to which a proposal meets the objectives of a policy. They will therefore, in appropriate cases, provide the basis for deciding planning applications and for determining conditions to be attached to planning permissions. As standards, they will always be applied flexibly, in the light of all the circumstances of a particular development.

1.2 In most of the Royal Borough land is already intensively developed, and, on some measurements, the levels of amenity, for example of light or privacy, are less than those found in other parts of London. Against this must be set the other attractions of the Borough, particularly its special historic character and appearance, which partly derives from the density of development. The application of standards found in less intensively developed areas would, therefore, not only be unreasonable in most cases, but would also be likely to detract from that special character. On the other hand, because some standards of amenity, like light and privacy, are lower, any significant worsening of existing standards, below the level prevailing in the area, even by a relatively small amount, will be more noticeable, and will as a result rarely be acceptable. In some cases, it will be appropriate to take the opportunity offered by development to raise the amenity standards of adjoining properties, standards which were often set for historic reasons, in times of different amenity expectations.

1.3 Applicants for planning permission are encouraged to follow the standards set out in this Chapter in preparing their applications, as their proposal will, as a result, be more likely to accord with the policies of the Plan. Early discussions with Council officers will also help in the interpretation of policies and standards and help to save time and resources.

1.4 The Council has included the following policy in the Conservation and Development Chapter, which is applicable to all proposals for development:

CD37 TO HAVE REGARD TO THE STANDARDS SET OUT IN THE PLANNING STANDARDS CHAPTER IN DETERMINING APPLICATIONS FOR DEVELOPMENT.

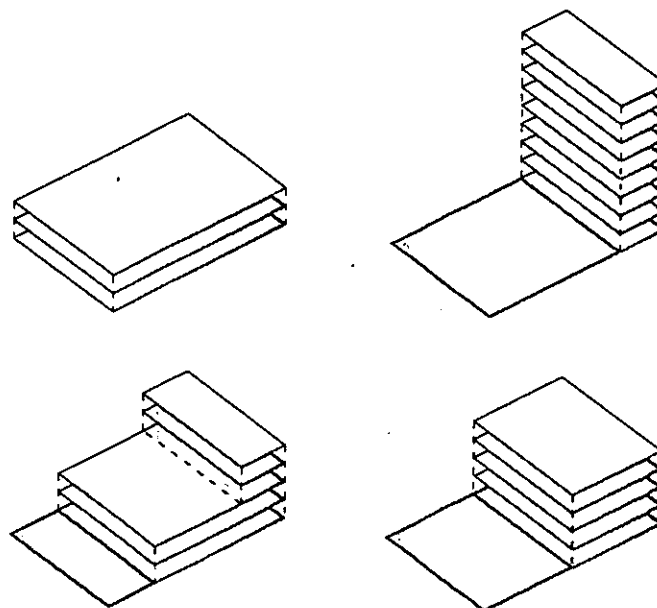
2 CONSERVATION AND DEVELOPMENT STANDARDS

2.1 Plot Ratio for Non-Residential Development

- 2.1.1** Paragraph 3.6 of the Conservation and Development Chapter refers to plot ratios which are likely to be acceptable within the Borough. In assessing non-residential proposals, plot ratio will be calculated as follows.
- 2.1.2** Plot ratio is calculated by measuring the total floor area of a building (including wall thickness) and relating it to the area of land within the curtilage of the building site (excluding surrounding roads, pavements, etc.). Thus a two storey building covering the whole site on each level has a plot ratio of 2:1. So has a four storey building covering half the site (see Fig. 2.1).
- 2.1.3** Plot ratio will be calculated on the gross floorspace of the proposal with the exclusion of vehicular parking and servicing areas.

Figure 2.1 Plot Ratio

Examples of Buildings at Plot Ratio 2:1 (Diagrammatic)



2.2 Light

Introduction

2.2.1 Kensington and Chelsea is characterised by a unique concentration of high quality historic buildings which cover the major part of the Borough (see paragraph 1.10 of the Context Chapter). This predominantly nineteenth century character manifests itself in taller than average (for London) buildings constructed in terraces with relatively narrow road widths. The overall effect is to reduce the amount of daylight and sunlight some properties receive and to emphasise the importance of including policies and standards in the Plan to protect the amenity of residents. Daylight and sunlight are matters which arise in the majority of applications for development in the Borough. This section of the Standards Chapter therefore provides guidance on the application of daylight and sunlight standards in the special circumstances of the Royal Borough of Kensington and Chelsea. CD28 and CD29 in the Conservation and Development Chapter set out the Council's policies for the protection of light in the environment. In assessing proposals for development, the Council will normally have regard to 'Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice', published by the Building Research Establishment (BRE) in 1991.

2.2.2 In considering development proposals the Council will not be looking to see that they meet any particular minimum or maximum objective standard. The likely impact of proposed development, including extensions to existing buildings, on existing buildings and spaces will normally be assessed by a planning officer on site, taking into account all the circumstances of the case. In those cases where it appears that the loss may be significant, (in appropriate cases) the guidance set out in the BRE will be used to measure the impact. Within new developments, the light conditions to be achieved by the layout of buildings will be assessed, in the context of conditions in the surrounding area, using the relevant BRE guidelines.

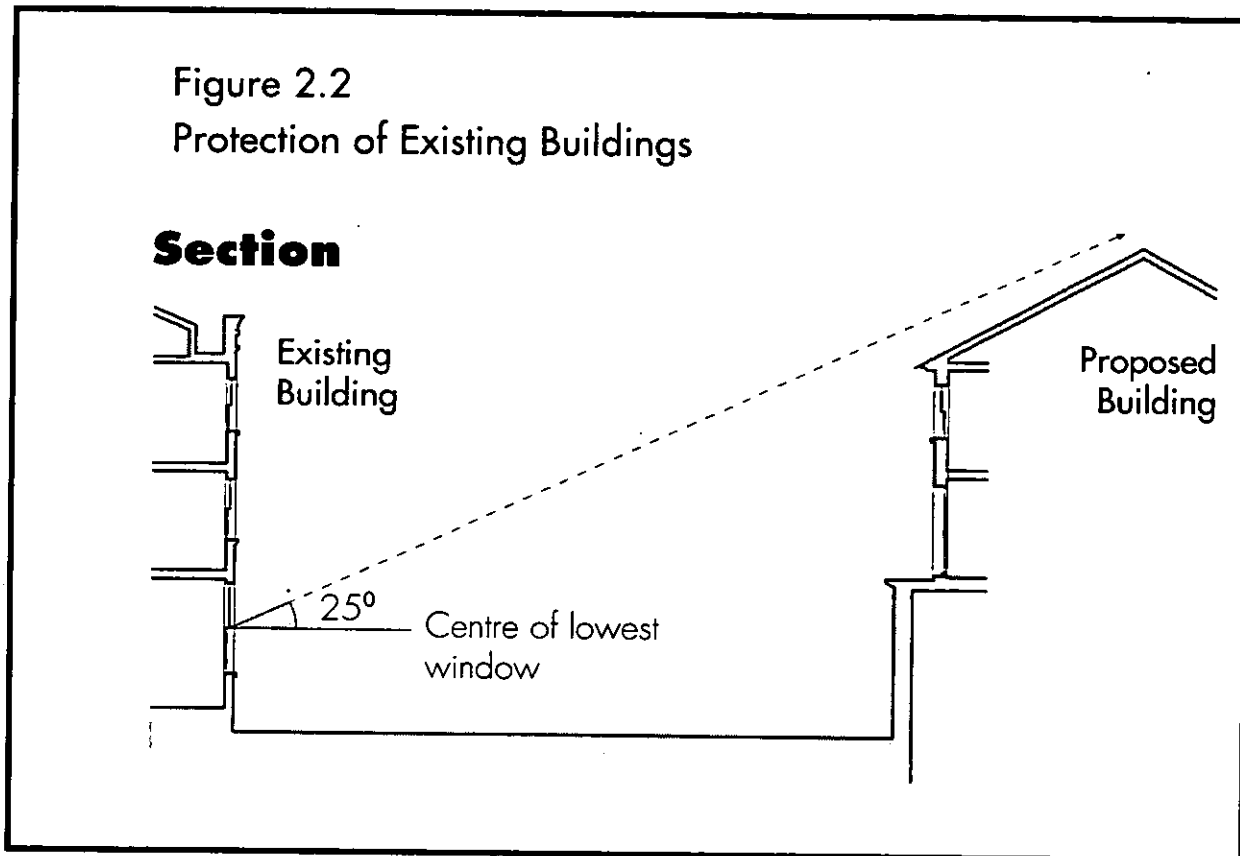
2.2.3 The following paragraphs summarise the most relevant parts of the guidance contained in the BRE document, but applicants are referred for further assistance to the full text of that publication. Where necessary, additional explanations of how the guidelines will be applied in the Borough are given in *italic*.

Application of the BRE Guidelines

PROTECTION OF EXISTING BUILDINGS

2.2.4 *Daylight: Access to daylight for existing dwellings and for non-domestic buildings where appropriate will be assessed as follows. (Section 2.2 BRE Report)*

- 2.2.5** As a first check, draw a section in a plane perpendicular to each affected main window wall of the existing building (Figure 2.2). If none of the new building or extension, subtends an angle to the horizontal (measured from the centre of the lowest window) greater than 25° to the horizontal, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building.



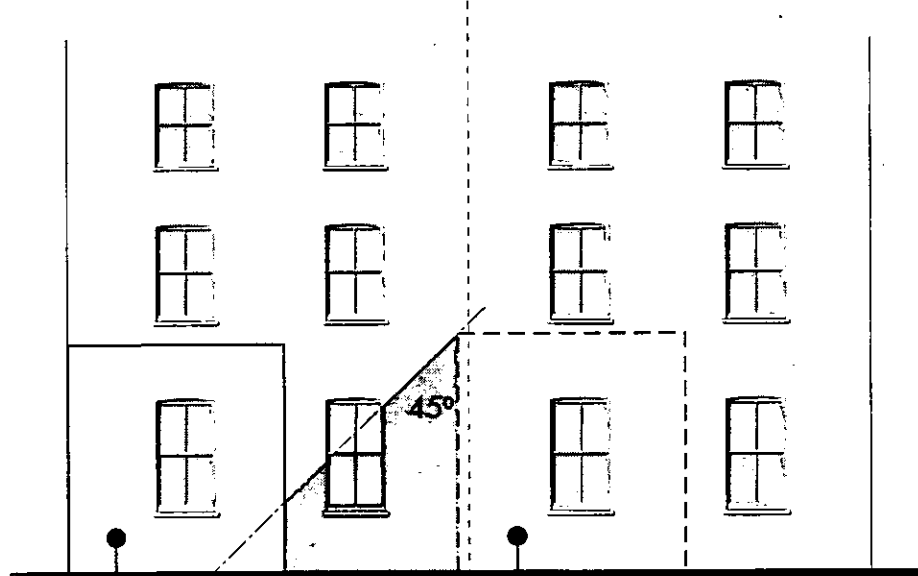
- 2.2.6** Any reduction on the total amount of skylight can be calculated by finding the vertical sky component at the centre of each main window. If this is greater than 27%, then enough daylight should still be reaching the window. Any reduction below this level should be kept to a minimum. If the vertical sky component, with the new development in place, is both less than 27% and less than 0.8 times its former value, then the loss of light is likely to be noticeable.
- 2.2.7** The impact on daylight distribution in the existing building can also be found by plotting the no-sky line in each of the main rooms. This is described in Section 2.2 page 5 and Appendix D of the BRE report.
- 2.2.8** These guidelines need to be applied sensibly and flexibly. One important issue will be the position of the existing building: whether it is itself a "good neighbour", standing a reasonable distance from the boundary and taking no more than its fair share of light.

2.2.9 For domestic extensions which adjoin the front or rear of a house, the '45° approach' can be used as a quick method of assessment, but normally to indicate whether further tests should be applied (see Figure 2.3).

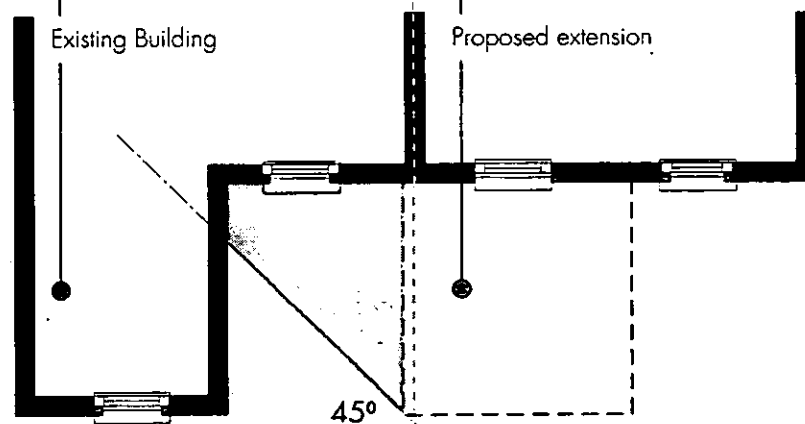
In Kensington and Chelsea where terraces of narrow fronted buildings are common, many typical extensions would not meet the 45° guideline, but would be historically acceptable ways of extending dwellings. In these circumstances angles between 45° and 25° are likely to be acceptable. Extensions involving an angle of less than 25° will not normally be acceptable (see Figure 2.4).

Figure 2.3

45° Test - ELEVATION



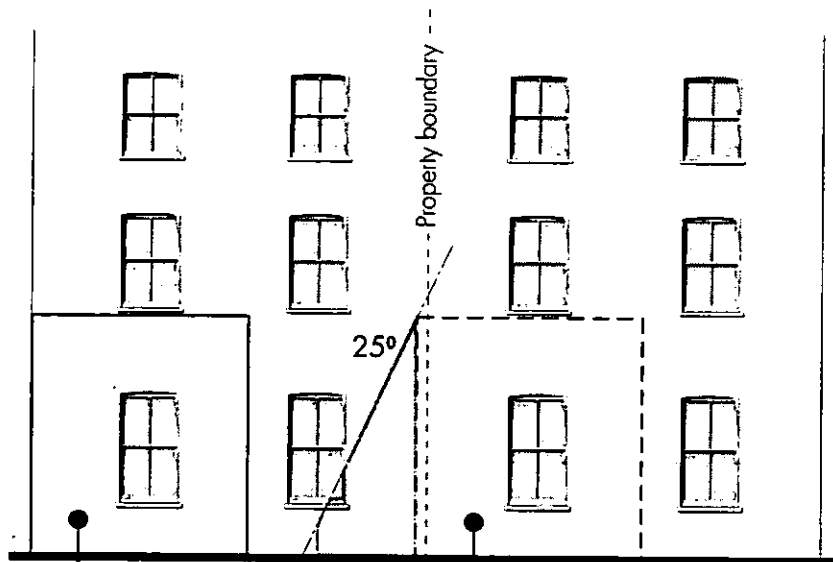
45° Test - PLAN



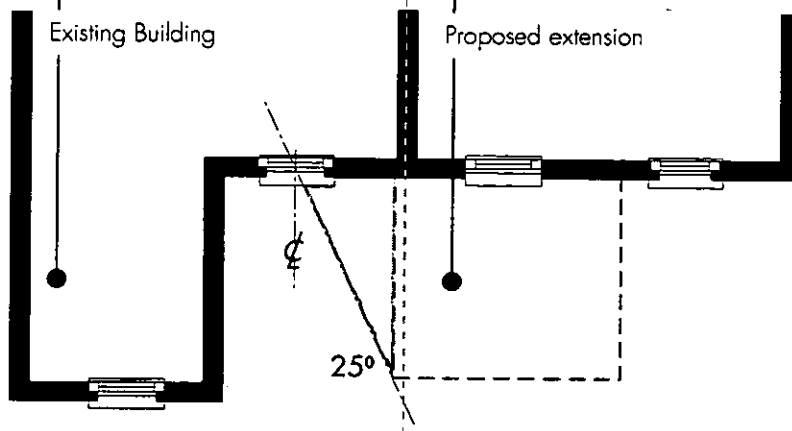
A significant amount of light is likely to be blocked if the centre of the window on the existing building lies within the 45° lines on both elevation and plan

Figure 2.4

25° Test - ELEVATION



25° Test - PLAN



Historically acceptable extensions to narrow fronted buildings may not meet the 45° test, but the centre of the window lies outside the 25° angle.

2.2.10 Sunlight: Access to sunlight for existing dwellings, and for non-domestic buildings where there is a particular requirement for sunlight, will be assessed as follows. (Section 3.2 BRE Report)

2.2.11 Obstruction to the sunlight received by existing buildings may become an issue if some part of a new development lies within 90° of due south of a main window wall of an existing building, and, in the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25° to the horizontal measured from a point 2m above the ground. To find out whether an existing building still receives enough sunlight, the British Standard can be used. This is described in Section 3.2, page 11 and Appendix G of the BRE report (see Figure 2.5).

2.2.12 This British Standard recommendation is met provided either the window wall faces within 90° of due south and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25° to the horizontal, or the window wall faces within 20° of due south and the reference point has a vertical sky component of 27% or more. If the available sunlight hours are both below the BS criterion level and less than 0.8 times their former value then the loss will be noticeable.

LIGHT CONDITIONS WITHIN NEW BUILDINGS AND DEVELOPMENT

2.2.13 *Light conditions within new developments, both residential and non-residential will be assessed as follows. The requirement for sunlight in non-domestic buildings will vary according to the type of building, the aims of the designer and the extent to which the occupants can control their environment. Applicants for non-residential development will be asked to supply information on these points so that the appropriate assessment can be made.*

2.2.14 *The relevant guidelines for daylight and sunlight within new developments are set out in Sections 2.1, 3.1 and 3.3 BRE report.*

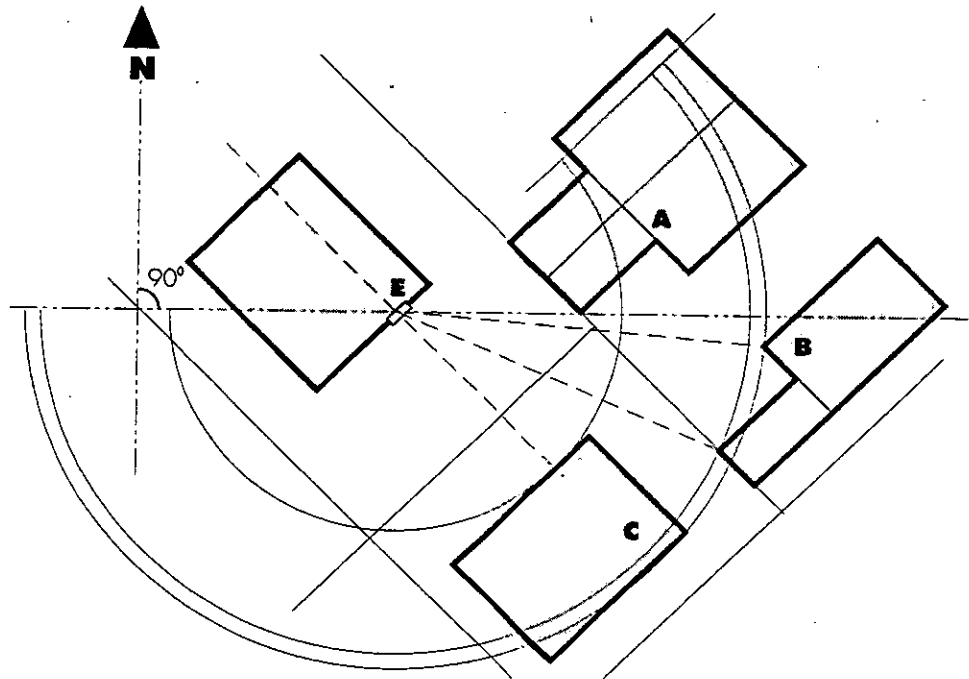
PROTECTION OF ADJOINING DEVELOPMENT LAND

2.2.15 *The effect of new development on adjoining undeveloped land, including both future non-residential development as well as residential development, will be assessed using the guidelines in Section 2.3 BRE Report.*

2.2.16 **Daylight:** A well designed building will stand a reasonable distance back from the boundaries so as to enable future nearby developments to enjoy similar access to daylight. By doing so it will also keep its own natural light when the adjoining land is developed. The guidelines do not however apply when no main window wall, either of the current new development or any probable future development on the adjoining site, will face over the boundary. The guidance does not therefore apply to a boundary next to a windowless flank wall of a new house where any future housing next door should also present a flank wall without windows; nor need it apply to an industrial estate where new development or any future development is either windowless or solely rooflit.

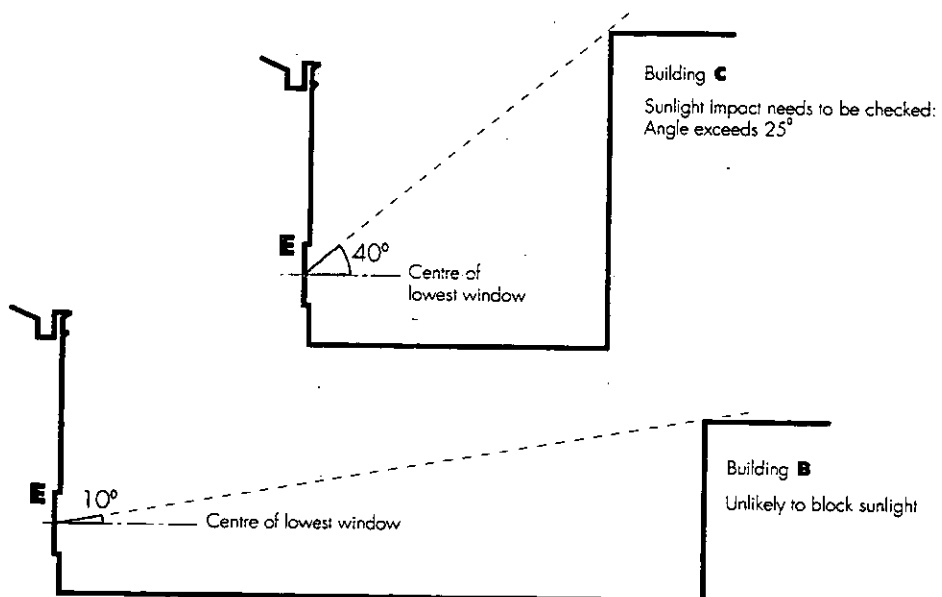
Figure 2.5

Sunlight Impact - PLAN



- A is wholly north of window E in the existing building
- B & C are both south. Their impact should be checked if they subtend an angle of more than 25° to the horizontal

Sunlight Impact - SECTIONS



- 2.2.17** If the angle to the horizontal subtended at a point 2m above the boundary by the proposed new buildings is less than 43° then there will normally still be the potential for good daylighting on the adjoining development site. If this is not the case the BRE guidelines give an alternative vertical sky component test. These guidelines should not be applied too rigidly or be used as a form generator to produce a building which slopes or steps down towards the boundary.

LIGHT CONDITIONS IN GARDENS AND OPEN SPACES

- 2.2.18** *Proposed developments, including extensions to existing buildings, will be assessed for their effect on adjoining existing gardens and open spaces, and, within new developments, for the quality of the light which will be achieved. Sunlight is particularly important in gardens to encourage plant growth, to dry out the ground and dry clothes, and to make outdoor activities more pleasant. The assessment of the effects of a particular proposal on adjoining residential gardens will be affected by consideration of existing conditions, the presence of high walls, large trees and different garden levels. The assessment will normally be made as follows (Section 3.3 of the BRE Report).*
- 2.2.19** The worst situation in gardens is to have significant areas on which the sun does not shine for a large part of the year. These areas will in general be damp, chilly and uninviting. The equinox (21 March) is a good date for assessment. It is suggested that no more than two-fifths and preferably no more than a quarter of amenity areas should be prevented by buildings from receiving any sunlight at all on 21 March.
- 2.2.20** Generally only the main back garden will be analysed, and driveways and hardstandings for cars not assessed. Normally trees and shrubs will be ignored as their shapes are impossible to predict and some tree shade can be desirable. Fences and walls cast deeper shade and, where more than 1.5 metres high, can usually be assessed. If any existing garden or space is already heavily obstructed, then any further loss of sunlight should be kept to a minimum. If as a result of new development, the area which can receive direct sunlight on 21 March is reduced to less than 0.8 times its former size, then this further loss will be significant.
- 2.2.21** The guideline should be used sensibly. There is little point in leaving a tiny gap between buildings so that a thin shaft of sunlight penetrates through to a gloomy amenity area on 21 March.

RIGHTS OF LIGHT

- 2.2.22** An existing building may have statutory Rights of Light over adjoining land. It would be prudent for anyone considering carrying out a development, including a domestic extension, to examine the implication of any such Rights of Light for their proposals. Statutory Rights of Light are separate from the assessment for compliance with CD28 and CD29.

2.3 Design of Additional Storeys

2.3.1 Policies CD38 and CD39 in the Conservation and Development Chapter set out the Council's policies on additional storeys and roof alterations. The Council will use the principles set out in Figures 2.6 and 2.7 in the consideration of such proposals.

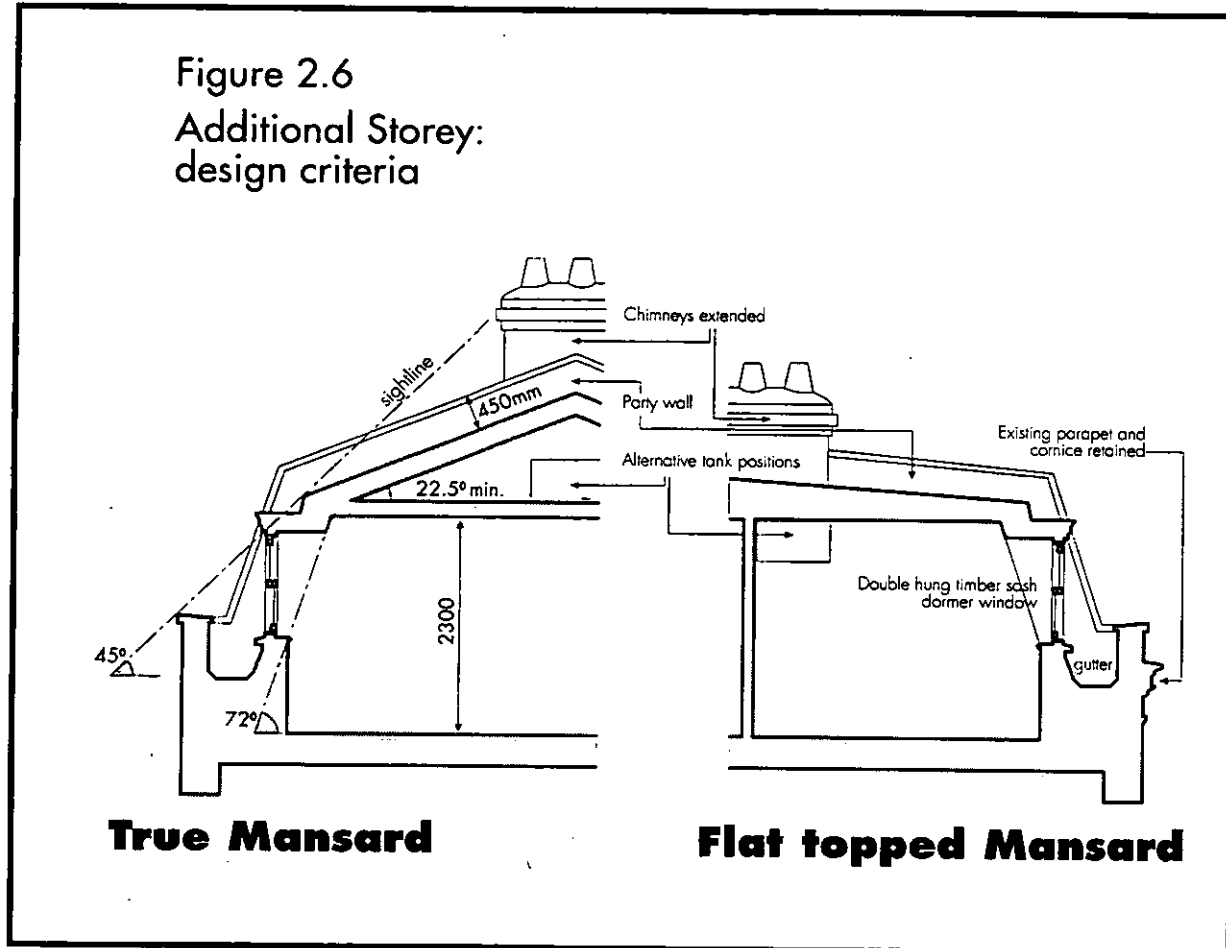
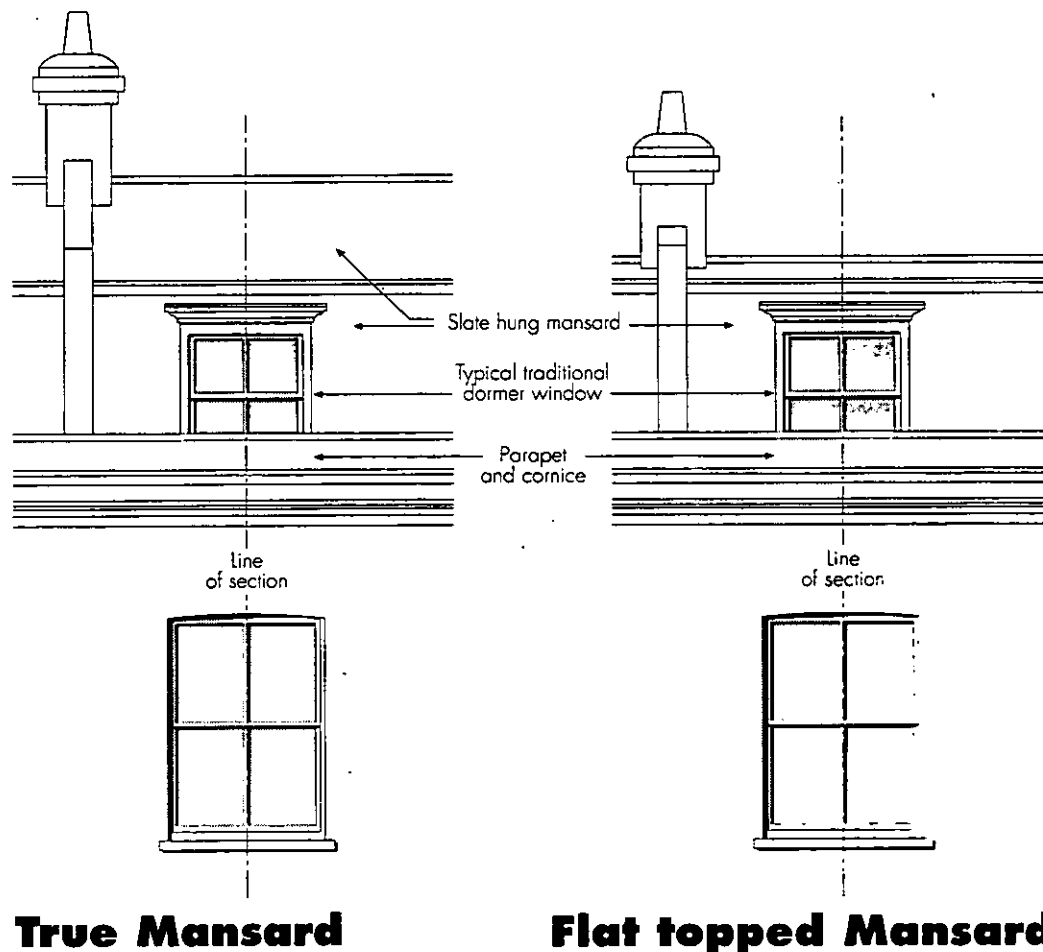


Figure 2.7
Additional Storey:
design criteria for windows



2.4 Trees

- 2.4.1** Policy CD76 in the Conservation and Development Chapter sets out the Council's policy to ensure the protection of trees during development. Developments on sites where there are existing trees to be retained should be carried out so as to ensure against any damage to the trees during construction. In considering proposals and the attachment of appropriate conditions to planning permission for development, the Council will have regard to the standards set out in Table 2.1.

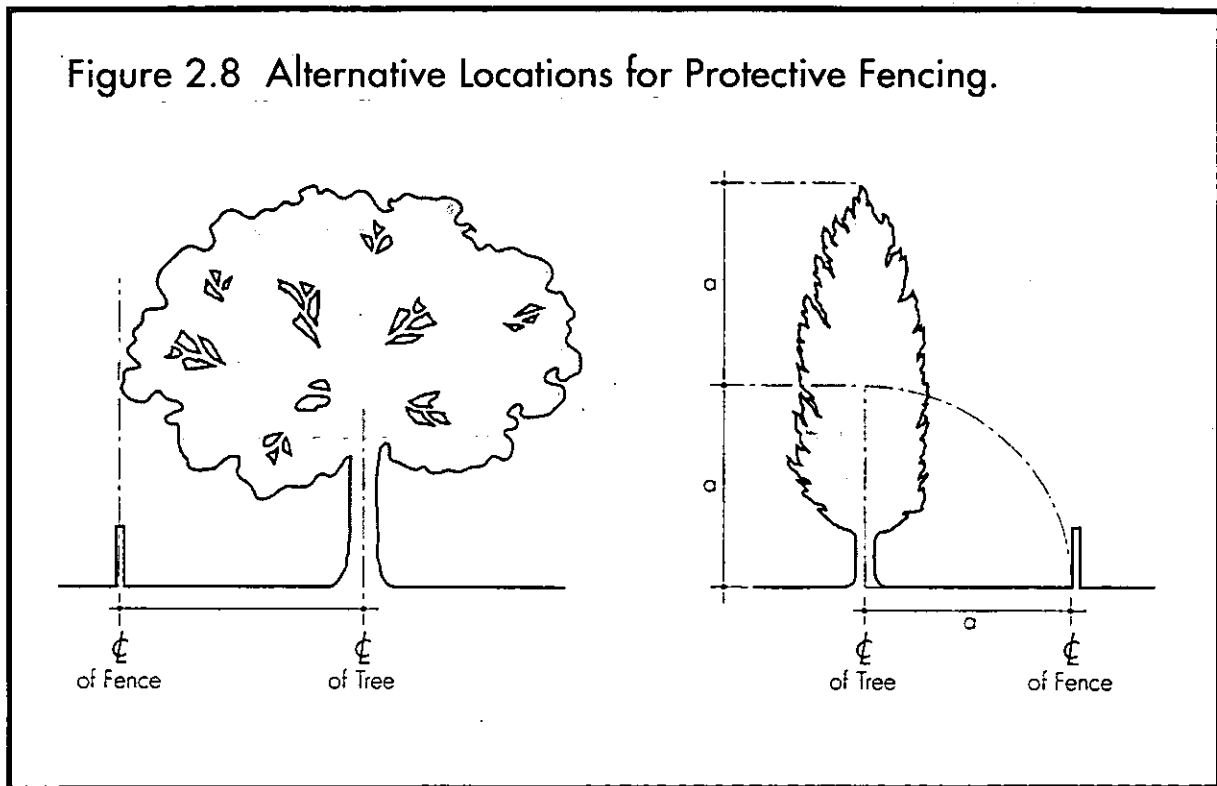
Table 2.1 Distance of Protective Fencing around Trees

Tree condition	Trunk Diameter (mm)	Minimum Distance (mm)
Young trees (age less than 1/3 life expectancy), normal vigour	<200	2.0
	200-400	3.0
	>400	4.0
Young trees, low vigour	<200	3.0
	200-400	4.5
	>400	6.0
Middle age trees, (1/3 to 2/3 life expectancy), normal vigour	<250	3.0
	250-500	4.5
	>500	6.0
Middle age trees, low vigour	<250	5.0
	250-500	7.5
	>500	10.0
Mature trees, normal vigour	<350	4.0
	350-750	6.0
	>750	8.0
Mature trees of low vigour and over-mature trees	<350	6.0
	350-750	9.0
	>750	12.0

Note: This table relates to distances from tree trunk to protective fencing. Other considerations, particularly the need to provide adequate space around the tree including allowances for future growth (and also working space), will usually indicate that structures should be further away.

- 2.4.2** Where an assessment of the age and vigour of the tree is not possible, the fencing may be erected below the outermost limit of the branch spread or at a distance equal to half the height of the tree, whichever is the further from the tree (see Figure 2.8 below). This distance will usually be significantly greater than the distances advocated in Table 2.1.

Figure 2.8 Alternative Locations for Protective Fencing.



2.5 Access and Mobility

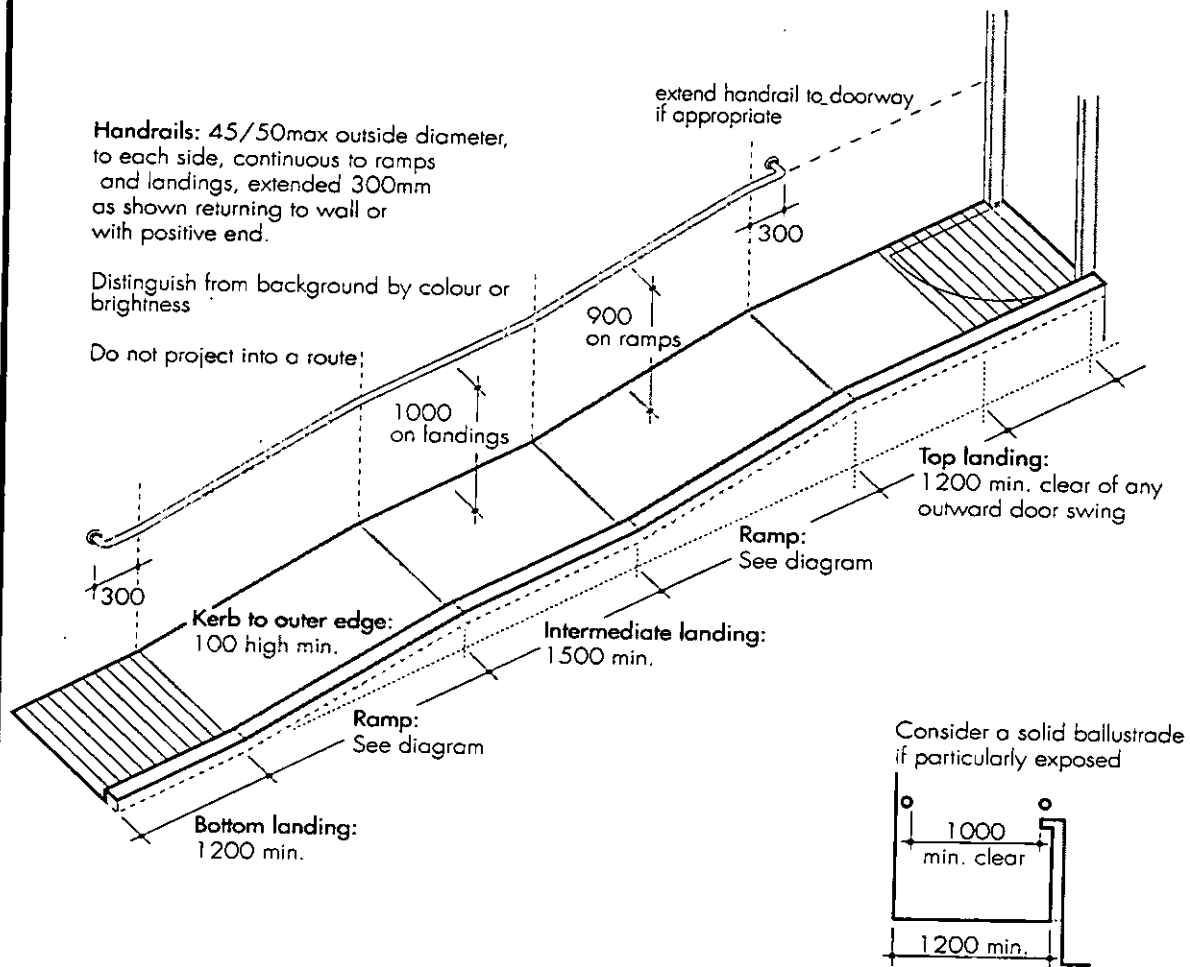
2.5.1 Policies CD36 and H28 set out the Council's policies on access for people with disabilities. Comprehensive design guidance on providing buildings that are accessible to the widest range of users, including people with mobility and sensory impairments, is available in the form of Supplementary Planning Guidance from the Council. Mobility and wheelchair standards for housing have also been developed in the form of Supplementary Planning Guidance. Legislation currently provides for access for people with disabilities to be available to places of employment, shops, educational establishments, hotels, places of entertainment and buildings to which the public have access (see the Chronically Sick and Disabled Persons Act 1970 as amended in 1976, the Disabled Persons Act 1981 and the 1991 Building Regulations, Part M). The Council's Access Officer and the Director of Building Control have an important role in ensuring that appropriate provisions are made for disabled people and other people with special mobility needs.

2.5.2 The following standards will be used in the consideration of proposals in accordance with the relevant policies. Reference should also be made to standards for car parking, kerbs and crossings, and pavements (see Section 5 of this Chapter). Further guidance on access for people with disabilities will be published in the Council's design guidance notes.

2.5.3 Ramps

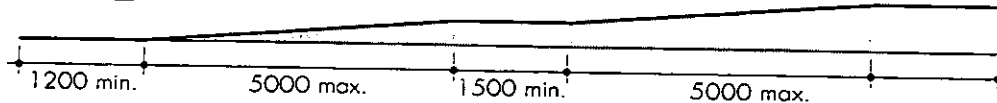
- (a) Ramped approaches should aim to achieve a gradient of 1:20 to 1:15. Where this is not achievable, a gradient of up to 1:12 is acceptable.
- (b) All ramps should achieve a minimum surface width of 1200mm.
- (c) Level landings are required at the bottom and top of all ramps, minimum length 1200mm, clear of any door swing.
- (d) Intermediate landings or rest platforms, minimum length 1500mm clear of any door swing, are required subject to the following criteria:
 - every 10 metres for ramps between 1:15 and 1:20 slope
 - every 5 metres for ramps between 1:12 and 1:15.
- (e) The surface of the ramp should be non-slip, but should not impede the smooth progress of a wheelchair.
- (f) Handrails must be provided on both sides, 900mm above the ramp surface or the pitch line of stairs and 1000mm above landing and platform levels.
- (g) A kerb, not less than 100mm high, must be placed on the exposed edge of the ramp.

Figure 2.9 Access Ramp

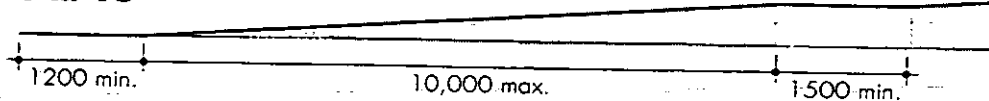


Suggested ramp length in relation to gradient (1 in 20 or shallower: "LEVEL")

1 in 12



1 in 15



2.5.4 Steps

- (a) Steps should be suitable for those who can walk but with difficulty. See design guidance notes for details.
- (b) The edges of steps must be clearly marked, and landings must have a tactile, corduroy surface.
- (c) Continuous handrails must be placed on both sides of flights and to landings.

Figure 2.10 Handrail

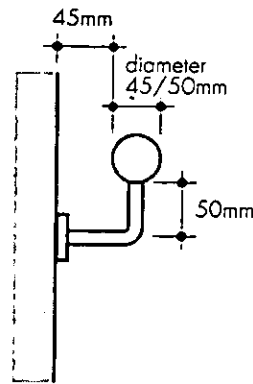
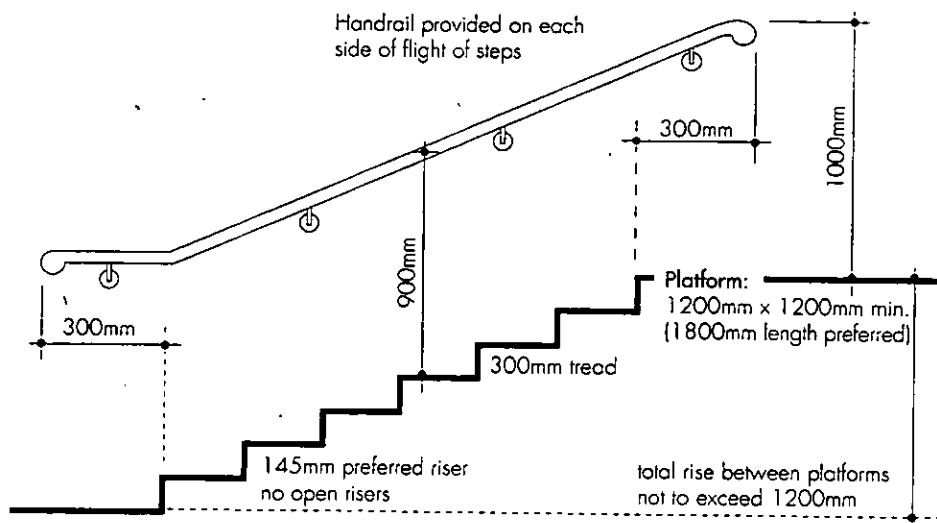


Figure 2.11 Steps



3 HOUSING STANDARDS

3.1 Residential Density

3.1.1 Policies in the Housing Chapter and the Conservation and Development Chapter set out the Council's policies for the maintenance and enhancement of the residential character and function of the Borough. This section sets out standards relevant to the consideration of proposals for the provision of housing in new buildings or in conversions, and for the protection of existing housing with shared facilities.

3.1.2 In applying the Council's policies on residential density, density will be calculated as follows. Residential density is measured in habitable rooms per net residential hectare/acre. Habitable rooms exclude bathrooms, passages and kitchens of less than 13 square metres. Net residential area includes gardens, incidental open space and half the width of surrounding roads up to a maximum of 6 metres. Method of calculation is as follows:

$$\text{No. of habitable rooms} \times \frac{10,000 \text{ m}^2}{\text{net site area (m}^2\text{)}} = \text{habitable rooms per hectare}$$

3.1.3 In mixed use proposals, where non-residential and residential uses are combined on one site, the method of calculation will depend on the size and configuration of the site, and the scheme layout.

3.2 New Housing

3.2.1 In assessing proposed residential developments, including conversions, the space to be provided for individual dwellings will be an important factor in the quality of the accommodation to be provided, and in the impact of the proposed development on the character and amenity of the surrounding area. The Council will have regard to the standards set out in Table 3.1, which are considered relevant to the Borough and likely to achieve the relevant policy objectives.

Table 3.1

Type of House	Number of habitable rooms					
	6	5	4	3	2	1
3 storey house	98	94	-	-	-	-
2 storey central terrace	92.5	85	74.5	-	-	-
2 storey semi or end	92.5	82	72	-	-	-
Maisonette	92.5	82	72	-	-	-
Flat	86.5	80.5	70	57	44.5	30
Single storey house	84	75.5	66	57	44.5	30

Figures refer to net floor area in square metres (minimum)

3.3 Conversions

- 3.3.1** Each unit should be completely self-contained except in the case of housing that, by its nature, contains communal rooms (e.g. sheltered housing). Where family-sized units are being provided by the conversion of large houses into flats and where amenity space exists within the curtilage of the property, family-sized dwellings should be located on the lower floors to enable direct access to that space.
- 3.3.2** The Council will expect conversions to be adequate and suitable in size for occupation. Clear guidance on room sizes and arrangements that would normally be acceptable will be found in Supplementary Planning Guidance.
- 3.3.3** In all conversion schemes, particular attention should be given to the necessity for stacking potentially noisy rooms in vertically adjoining dwellings, one above the other, in order to reduce nuisance from sound transmission, especially where separating floors are of timber construction. Bathrooms and w.c.'s for each dwelling should be designed one above the other so as to reduce the noise nuisance.

3.4 Multiple Occupancy

- 3.4.1** Houses in multiple occupation (HMOs) perform an important function in the housing market, especially in meeting a need for lower-cost housing. The Council is concerned that existing unfit HMOs should be brought up to standard in line with the Housing Acts, but not at the expense of losing valuable habitable rooms, i.e. bedsitting rooms. In order to minimise this potential loss through upgrading, the following standards have been agreed with the Environmental Health Department and will be applied to proposals which involve an internal reorganisation or a loss of bedsitting rooms accommodation and to proposals for new HMO accommodation.
- 3.4.2** Personal Washing Facilities: a readily accessible bathroom or shower room should be provided not more than one floor distance from any user and at a ratio of no more than one bath or shower per 3 bedsitting rooms. This standard will be regarded as a maximum if, by further provision, any habitable room would be lost.
- 3.4.3** Drainage and Sanitary Conveniences: a readily accessible w.c. should be provided not more than one floor distance from any user and at a ratio of no more than one w.c. per 3 bedsitting rooms. At least half of the w.c.'s must be situated other than in shared bathrooms or shower rooms. (External w.c.'s must be discounted from this calculation). This standard will be regarded as a maximum if, by further provision, any habitable room would be lost.

- 3.4.4** Landlords and developers are advised to contact the Council's Environmental Health Department and the Planning Department prior to altering the internal layout of HMOs. Environmental Health standards require the provision of personal washing facilities and drainage and sanitary conveniences at a minimum rate of not less than one each per 5 persons irrespective of age.

4 OFFICES AND INDUSTRY STANDARDS

4.1 Design of Light Industrial Buildings

- 4.1.1** Policies E17 and E20 in the Offices and Industry Chapter set out the Council's policies for the retention and provision of light industrial premises as part of appropriate business developments in North Kensington. The aspects of design set out in this section are those which would enable use of such developments by the range of light industrial uses operating in the Borough or seeking accommodation here. Without these standards, buildings might only be suitable for specific types of light industrial use or as offices.
- 4.1.2** The Council is concerned that light industrial premises should be as accessible to people with disabilities as they are to able-bodied people, as far as is reasonable. Attention is drawn to the 'Access and Mobility' Section of this chapter.

Access to Buildings

- 4.1.3** Light industrial buildings generally need larger doors and wider passageways than premises used as offices, to enable the transfer of goods and materials. Similarly, every floor of the building to be used for light industrial purposes should be served by a suitable goods lift. Typical goods lifts required by modern industry carry up to 1000 kilograms and have a clear internal width of 1.4m (4ft 7ins), depth of 1.65m (5ft. 5ins.), and height of 2.0m (6ft. 7ins.).
- 4.1.4** Every part of a new light industrial building (excluding ancillary areas such as toilets and management offices), should have at least one route to it from the outside where all passageways and doors are no less than 1.5m (5ft.) wide and 2.1m (7ft.) high. Upper floors to be used by light industry should be provided with a suitable lift.

Location within Building

- 4.1.5** Light industrial premises in the central and inner areas of cities may often be located on upper floors; this is the case in Kensington and Chelsea. However, in practice it is preferable to locate new light industrial premises on the ground floor for easier access.
- 4.1.6** Proposals for new B1 buildings in North Kensington should allow for the flexibility of uses envisaged by the Business Use Class of the 1987 Town and Country Planning (Use Classes) Order and encouraged by Strategic Guidance for London (paragraph 21), by including at least one floor designed for light industrial use, preferably located on the ground floor.

Floor-to-Ceiling Height

- 4.1.7** There has been a lessening of the difference between the floor-to-ceiling heights required by some types of offices and industry. However, offices generally require a minimum internal clear height of 2.4m to 3.0m (7ft. 10ins. to 9ft. 10ins.), from top of office floor to underside of ceiling finish.
- 4.1.8** Existing industrial uses in Kensington and Chelsea and those firms seeking light industrial premises in the Borough include those which require room for hoists and raising vehicles (such as some vehicle workshops), and those uses which could operate adequately without such a large headroom. New light industrial developments should have an internal clear height of at least 3.35m (11ft.) to cater for the range of local industrial uses.

Floor Loading

- 4.1.9** The Council is concerned that light industrial buildings should be able to withstand the range of floor loadings that are likely to be imposed by the Borough's light industrial uses. It would be particularly expensive to alter this aspect of a building after its construction. Generally, offices require a minimum of 2.5kN/sq.m. (50lb/sq.ft.), whilst factory and workshop premises need to withstand a distributed load of at least 2.5 - 5.0kN/sq.m. (50-100 lb/sq.ft.). Storage and machinery, in areas such as motor rooms, may exert more intensive loads.
- 4.1.10** Given both the nature of existing industrial uses in Kensington and Chelsea and the work of those firms seeking premises in the Borough, new light industrial developments should be able to withstand a floor loading of at least 5.0kN/sq.m. (100 lb/sq.ft.), on all floors to be used by light industry.

Natural Light

- 4.1.11** Many of the Borough's light industrial activities involve the comparison of colour so that the quality of available light is important. Local uses such as some types of printing uses, clothing manufacture, art and furniture restoration, require or benefit greatly from natural light. Any new, adjacent development will need to be controlled to take into account industry's need for natural light.
- 4.1.12** The availability of natural light will be an important factor in the Council's consideration of both the design of new light industrial developments themselves (so that appropriate fenestration will be required) and in the consideration of new development adjacent to industrial uses.

Supply of Utilities

- 4.1.13** Generally, workshops require 415 volt, 3-phase power in the production area of each unit. Many light industrial uses, for example those which involve printing, cooking, milling or lathe operation are likely to require such a facility.
- 4.1.14** New light industrial developments should provide 415 volt, 3-phase power to all production areas, as well as a 240 volt, single phase supply.

5 TRANSPORTATION STANDARDS

- 5.1** All development proposals requiring planning permission need to include appropriate provision for the parking of vehicles and the servicing of non-residential premises, which can be used effectively, in accordance with the Council's standards. Paragraphs 5.2.1 to 5.2.13 relate to off-street parking and servicing provision 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 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.		

Table 5.2: Geometric Design

Land Use	Land Use Class	Parking Bay or Hardstanding Dimension (min.)	Disabled Bay (b) Width (min.)	Off-street Service Bay Dimension (where required)	Off-street Bay Headroom (min.)	Distance from junction to Access (min.)	Carriage Access Width (min.)	Ramp Gradient (min.)	Internal Circulation Dimensions
Retail Development	A1-23	2.4 x 4.8m	3.3m	15 x 3.5(c)	5.0m	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Commercial and General Development	B1-B8	2.4 x 4.8m	3.3m	15 x 3.5(c)	5.0m	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Hotel	C1	2.4 x 4.8m	3.3m	12 x 3m (coaches) 13 x 3.5(c)	5.3m (h)	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Single family Dwelling	C3	2.4 x 4.8m (a)	3.3m	n/a	2.1m	Normally 10m (exceptionally local roads 8m)	Crossover 2.5m (maximum)	1 in 7	n/a
Purpose-built flat	C3	2.4 x 4.8m	3.3m	n/a	2.1m	10m	3.0 - 5.1m (d) (e)	1 in 7	2.5 - 3.5m (d) 4.0 - 5.7m (e)
Small Residential Site	C3	2.4 x 4.8m	3.3m	n/a	2.1m	10m	3.0 - 5.2m (d) (e)	1 in 7	2.5 - 3.5m (d) 4.0 - 5.7m (e)
Large Residential Site	C3	2.4 x 4.8m	3.3m	12 x 3.5m(c)	5.0m	12m	3.0 - 5.2m (d) (e)	1 in 10	2.5 - 3.5m (d) 4.0 - 5.7m (e)
Leisure etc.	D	2.4 x 4.8m	3.3m	15 x 3.5m(c)	5.3m (h)	12m	6.1 - 6.7m (d) (e)	1 in 10	3.5 - 5.1m (d) 6.1 - 6.7m (e)
Commercial Car Park	-	2.4 x 4.8m	3.3m	n/a	2.5m	12m	4.8 - 5.7m (d) (e)	1 in 10	3.5 - 5.1m (f) 5.8 - 6.1m (g)

Note: (a) This refers to hardstanding
 (b) For a single stand-alone bay
 (c) For refuse and delivery vehicles
 (d) One-way
 (e) Two-way
 (f) One-way parallel or echelon parking bays
 (g) Two-way 90° or end-on parking bays
 (h) Where coach parking is provided

Additional Considerations Affecting the Provision of Spaces

Dual Use

5.2.10 Opportunities for dual use of non-residential spaces will be encouraged wherever possible. The provision of spaces available for use during the working day will be limited to 'restraint' standards for the development(s), but where a development has a number of complementary uses, especially at different times of the day, then dual use may be appropriate. Dual use will not be appropriate for residential spaces.

Special Mobility Needs

5.2.11 The Borough has a commitment to people with special mobility needs, which includes adequate parking provision in non-residential developments. Where parking provision is provided, 10% of spaces, with a minimum of 1 space in each development, must be designed and marked out for use by people with special mobility needs (see Figure 5.1). The space(s) must be located so that they are capable of use by wheelchair users and must be in close proximity to main access routes and, where appropriate, internal lifts.

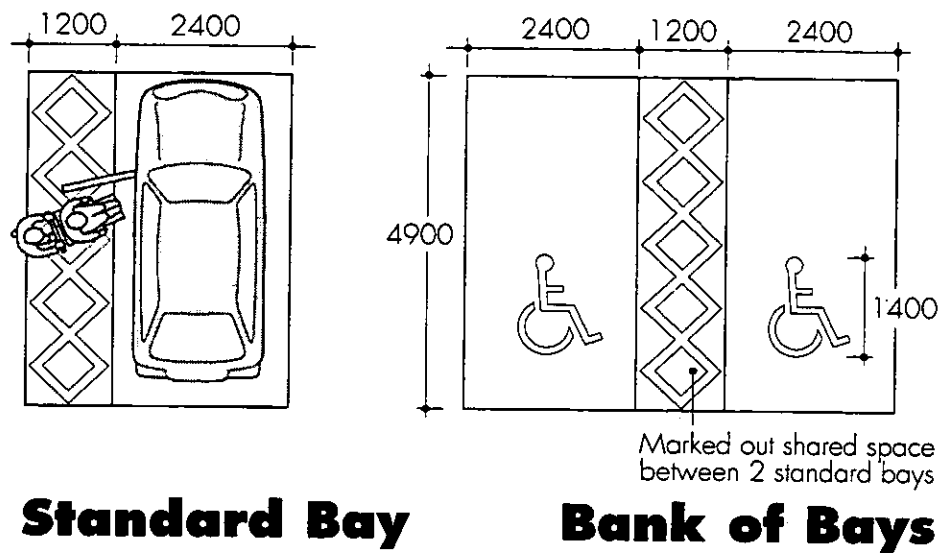
Cycling

5.2.12 In applications for non-residential development the Council will seek to secure adequate cycle parking facilities. The standards for the provision of cycle parking facilities for employees is to be a minimum 1 stand per 200m² of floorspace. Additional cycle parking for visitors may be required for certain uses (see Table 5.1).

Taxis

5.2.13 Taxis are classified as public transport and therefore provision for their use is required in commercial and hotel developments. In large commercial development provision should be made for the use of taxis in line with their peak period of use. In hotel developments, applications will normally be refused unless adequate provision is made for taxis, off the public highway. Generally this will be in the form of a taxi rank or bay, within the curtilage of the hotel development. Provision of a taxi rank or bay will depend on the type of hotel use but normally any such rank should be able to accommodate 50% of peak taxi demand.

Figure 5.1 Parking Bays for People with Special Mobility Needs



5.3 Geometric Design

5.3.1 These standards relate to developments which need to accommodate vehicular movement or parking as part of their overall design. The standards as outlined in Table 5.2 are minima, except where stated, and will normally be applied to all new developments and major redevelopment of a site. The following paragraphs should be read in conjunction with Table 5.2.

Parking Space Dimensions

5.3.2 The dimensions for car parking spaces allows for the width of the car, near side clearance and the opening of the door. For those with special mobility needs additional width is required for ease of access. The width of such spaces should be marked out (See Figure 5.1). The manoeuvring space for, or aisle width between, parking spaces will need to be appropriate to:

- the size of vehicles needing access;
- the angle and width of parking bay;
- the location of any pillars, posts or doorways on the side of the bays; and
- the location of any walls or posts opposite the bays.

The maximum gradients to be used on vehicle access ways are shown in Table 5.2 and are presumed to be frost protected. Less steep gradients will be appropriate if such protection is not guaranteed. Gradients of 1 in 10 or steeper on vehicle access ways will need vertical transitions with appropriate adjustment to headroom and a nearly level section for a vehicle's length before joining a highway or crossing a footway.

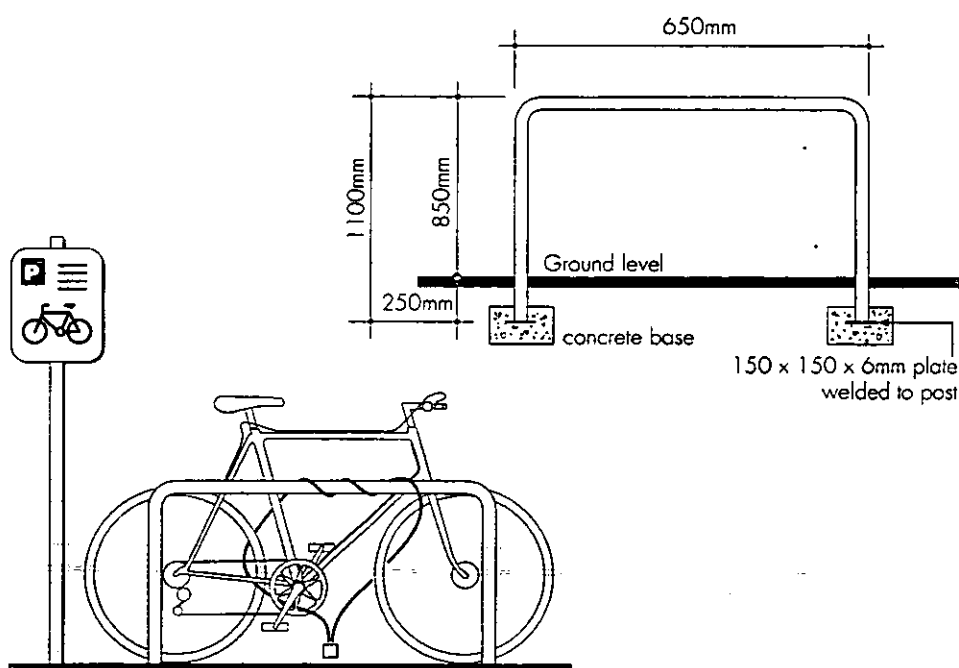
5.3.3 Other vehicles are accommodated as indicated in Table 5.2. In most cases the requirement will be to accommodate emergency, delivery and refuse vehicles, but for hotels and other leisure sites, requirements are given, to allow for when the provision of coach standing areas is required. The minimum headroom of 5.3m reflects the need to accommodate these larger vehicles.

5.3.4 Cycle stands should be provided in visible and accessible locations where they will be well used, either inside or outside of developments. The basic requirement of cycle parking is that it:

- (a) provides security against theft;
- (b) does not endanger pedestrians (especially those who are blind or partially sighted);
- (c) is visually acceptable; and
- (d) supports cycles without damaging them.

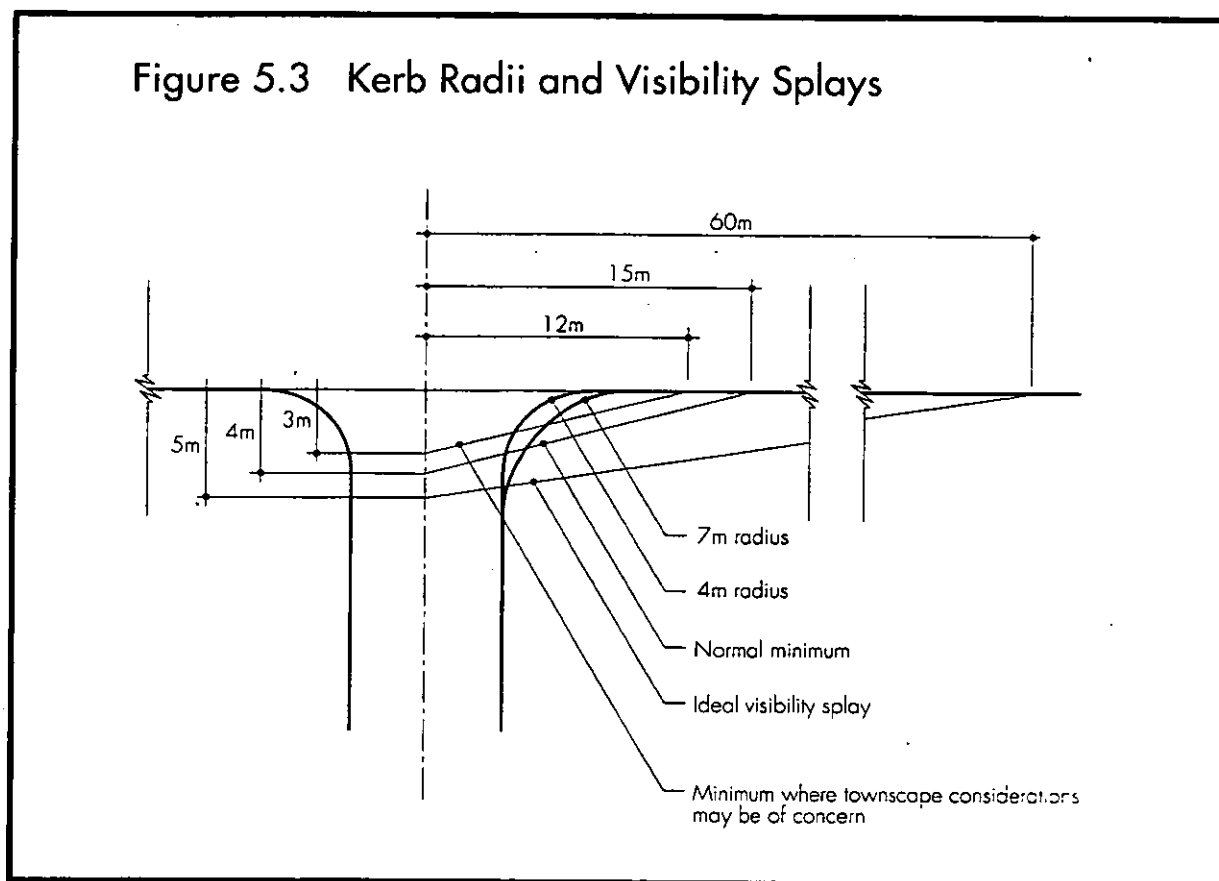
Although there are several types of parking stands, the Sheffield Stand is normally accepted as appropriate for use by the public (see Figure 5.2).

Figure 5.2 The Sheffield Bicycle Stand



Vehicle Access Considerations

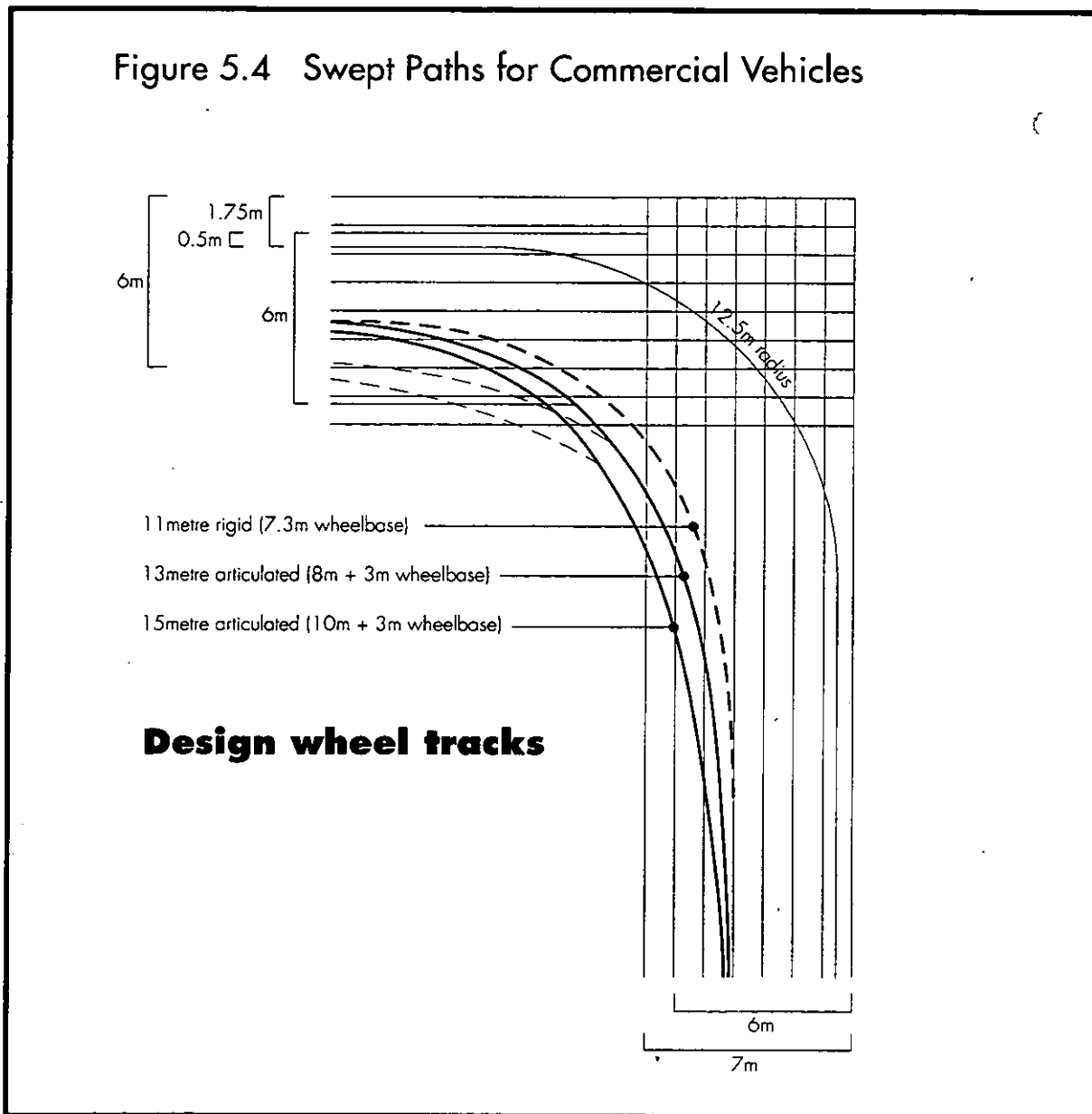
5.3.5 Dimensions of accesses vary according to the type of development. However all accesses must meet road safety and highway design standards, minimise the disruption to the footway and accord with policies set out in the Transportation Chapter. The minimum acceptable distance from a junction to an access is given in Table 5.2. Figure 5.3 shows the required kerb radii and visibility splays for accesses.



- 5.3.6** Where access is proposed to or from a Major Road, whether by way of a priority, or signal controlled junction, the design of the access should be considered at the earliest stage in consultation with the Directorate of Highways and Traffic.
- 5.3.7** For single family dwellings, access will normally be via a pavement crossover. Access to other sites will normally be formed to minimise works to the footway, as well as impediment to pedestrians.
- 5.3.8** Access for emergency vehicles will be the same as for refuse and goods vehicle requirements.
- 5.3.9** Access to internal parking and servicing will often include ramps. The minimum ramp gradients are given in Table 5.2 and differ between types of development. Table 5.3 sets out the widths and radii of ramped accesses. Access ramps should not emerge straight onto the public highway and should be level from the back of the footway.

Internal Circulation

5.3.10 Vehicles should be able to manoeuvre within sites safely. Where appropriate on larger sites, traffic calming measures will be required to ensure safety. The widths of carriageway within sites are given in Table 5.2. The dimensions given for commercial car parks allows for end-on and echelon parking. Applicants are requested to provide evidence of swept paths on submitted drawings. For guidance, Figure 5.4 shows examples of the swept paths for certain commercial vehicles.



5.3.11 To ensure that vehicles, especially goods vehicles, do not need to reverse into the public highway, it will be necessary in some sites to provide a vehicle turning area. Examples of acceptable turning area layouts are given in Figures 5.5, 5.6 and 5.7.

Figure 5.5 Vehicle Turning Points in Highways

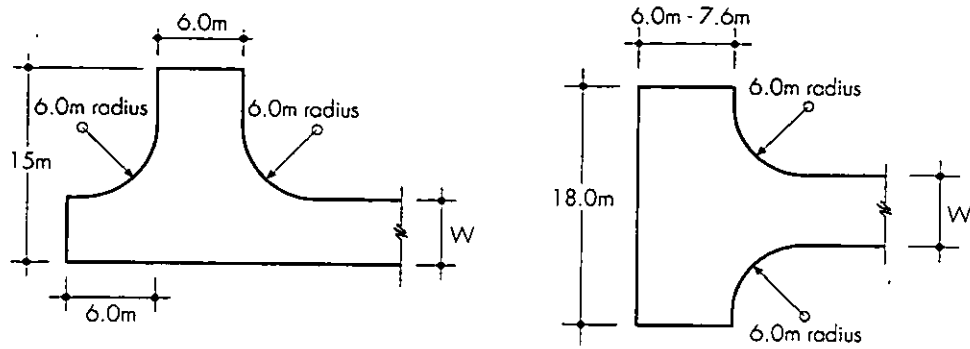
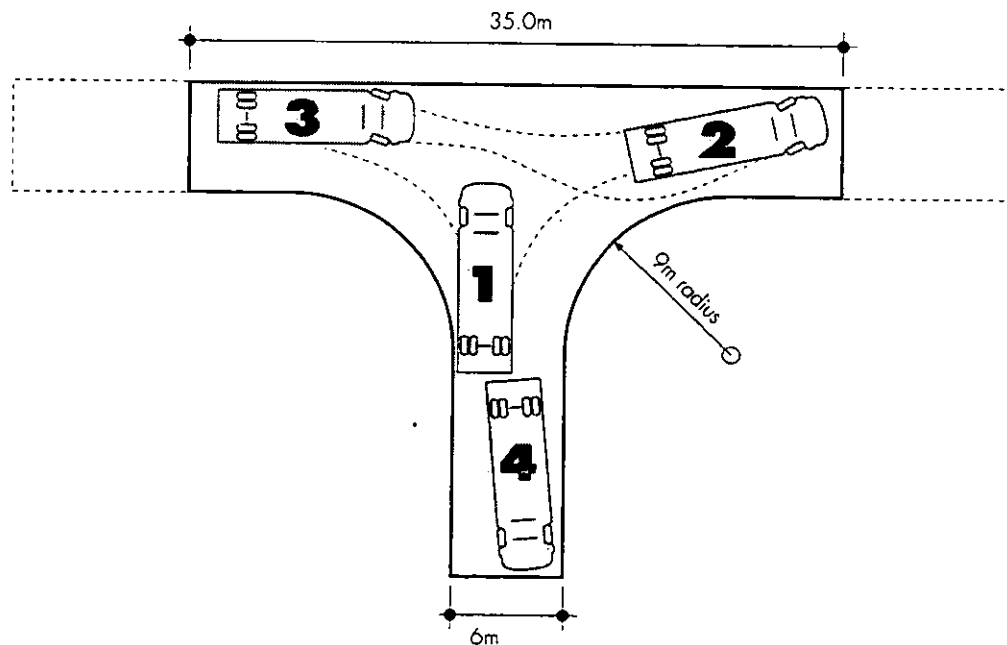


Figure 5.6 Vehicle Turning Points in Highways

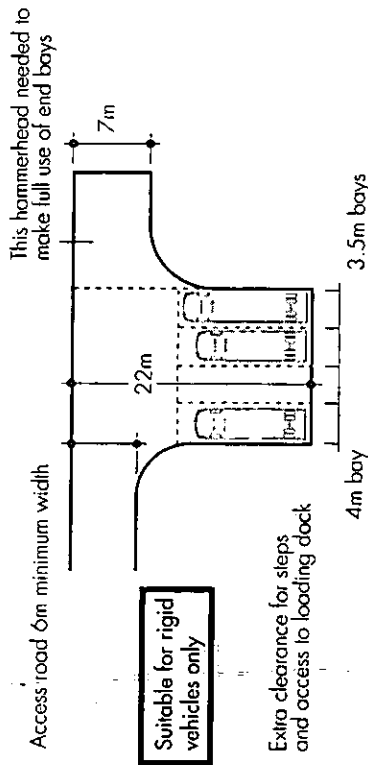
Note: If a 35m hammerhead is used, articulated vehicles cannot be accommodated



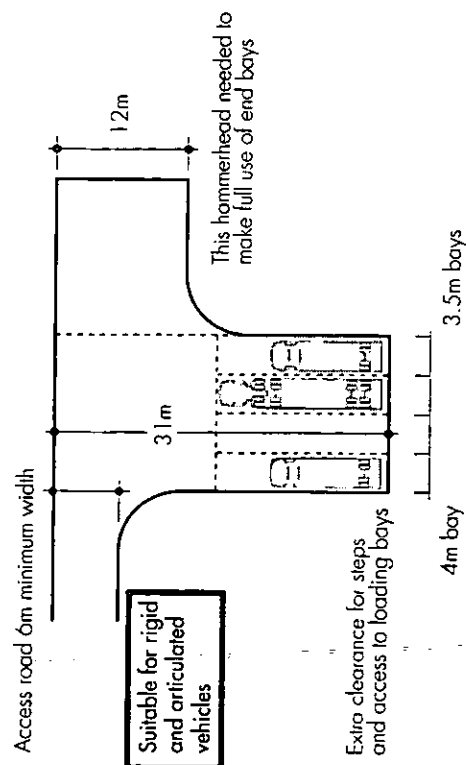
T-Turning area for "design" rigid vehicles only

Figure 5.7 Loading Bays for Heavy Goods Vehicles

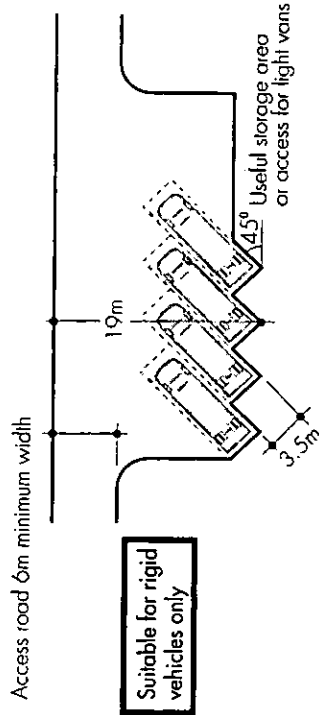
90° Loading Bays



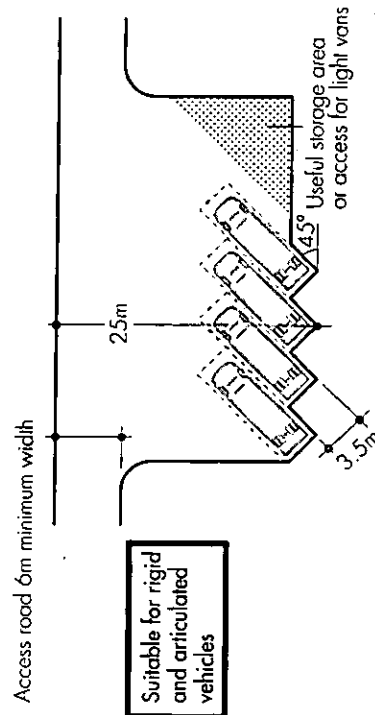
Note: These designs can be reversed left to right but drivers would be reversing in clockwise and blind to obstructions - a second person would be needed



45° Loading Bays



Note: These designs can be reversed left to right but drivers would be reversing blind
Other angles can be used (for example 60° or 50°) with proportional increases in the clearance provided



Source: 'Designing for Deliveries' © FA (1983)

Refuse, Storage and Collection

- 5.3.12** The Council has produced a code of practice, available from the Highways and Traffic Department, covering all aspects of refuse handling. Consultation is strongly advised before proposals are submitted, for both new buildings and the conversion of existing buildings.
- 5.3.13** Service roads should, wherever possible, allow for refuse vehicles to operate through a development without the need to reverse. Where the refuse vehicle must reverse into the development, provision at the entrance to it should allow for this without hindering the flow of traffic on the highway. The distance that a refuse vehicle has to reverse should not generally exceed its own length. The walking distance between the collection vehicle and dustbins to be emptied should not exceed 23m.

Pedestrian Requirements

- 5.3.14** The safety of pedestrians, both within developments and on the roads surrounding, is of primary importance to the Council. Thus, the aim is to minimise the number of breaks in the footway for vehicle crossings. Ideally, vehicles and pedestrians should have separate access facilities. Where this is not possible, the points of possible conflict between pedestrians and vehicles should be kept to a minimum. Any new footway should be a minimum of 1.5m, or 1.7m where street furniture has to be accommodated.
- 5.3.15** The doors and passageways of developments should not open onto vehicle routes unless adequate paving and sightline markings are provided. Ideally, designs should ensure that goods are not loaded or unloaded across a footway.

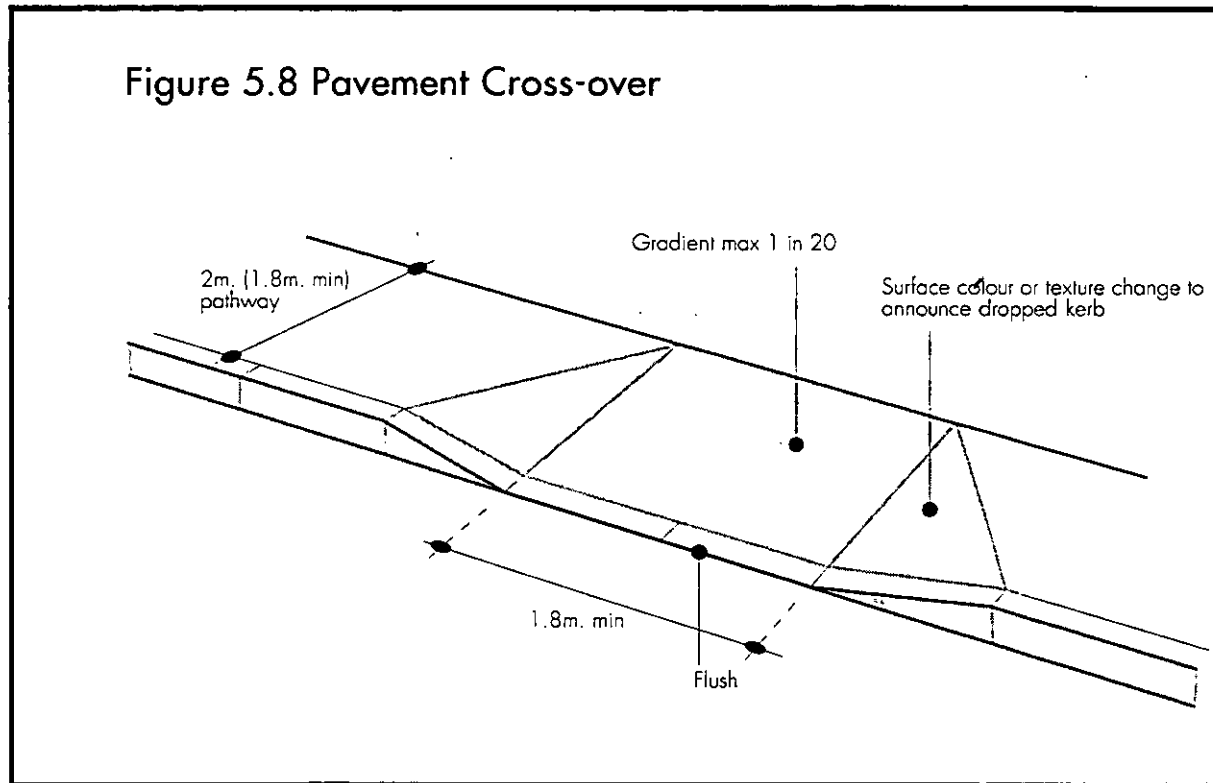
Transportation needs of people with special mobility requirements

- 5.3.16** The Borough has a commitment to people with special mobility needs. Consideration of the needs of people with special mobility requirements is necessary in the design and implementation of parking spaces, pavements and kerbs and crossings.
- 5.3.17** Where parking provision is provided, 10% of spaces, with a minimum of one space in each development, must be designed and marked out for use by people with special mobility needs (see Figure 5.1). The spaces must be located so that they are capable of use by wheelchair users and must be in close proximity to main access routes and, where appropriate, internal lifts.
- 5.3.18** Car parking spaces for those with special mobility needs require additional width for ease of access. The width of such spaces needs to be clearly marked out (Figure 5.1).

5.3.19 Kerbs and Crossings

- (a) At all places where pedestrians are crossing roads or other vehicle carriageways, the kerb must be ramped flush to the carriageway, but constructed to a gradient not steeper than 1:10.
- (b) The crossings should be identified by a blister type tactile surface, in a colour which contrasts with the pavement for pedestrians with impaired sight.
- (c) Crossing ramps must be directly opposite one another and preferably at right angles to the carriageway.

Figure 5.8 Pavement Cross-over



5.3.20 Pavements

- (a) All 'high use' routes must be at least 1800mm wide to allow people with prams and wheelchairs to pass without difficulty. Other routes must not be less than 1200mm wide.
- (b) Where possible, items of street furniture must be placed near the edge of pedestrian areas whilst leaving adequate space for people to walk in front of buildings.
- (c) Items of street furniture must be at least 500mm high.

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chapter 10

movement

- (b) co-operate with the G.L.C. in the provision of additional crossings at other sites where links for pedestrians are needed; and
- (c) continue to press the G.L.C. for improved timings for pedestrian phases at signal-controlled junctions where necessary.

Other Pedestrian Facilities

- 10.6.7 The Council recognises that it is vital to allow easy pedestrian circulation within residential areas and between local facilities such as shops, parks and schools.
- 10.6.8 Subject to other policies in the Plan, the Council will widen footways and will provide ramped kerbs during routine maintenance where appropriate, particularly in shopping streets, at junctions and at pedestrian crossings.
- 10.6.9 The Council will maintain footways to a safe standard.
- 10.6.10 The Council will, using its own inspectors and the legal powers available to it, serve summonses on those who park their vehicles on the footway, thereby causing danger and inconvenience to pedestrians [9]. The Council will continue to seek via the London Boroughs Association more satisfactory powers to prevent footway parking.
- 10.6.11 The Council will install, or request the installation of, pedestrian guard railings or bollards on the footway in locations where this will improve pedestrian safety. For those roads which are within the Council's jurisdiction, any installation, especially to prevent footway parking, will normally be in accordance with the Council's established guidelines.
- 10.6.12 Where no rights exist, the Council will enforce the removal of goods displayed for sale on the footway and will not permit such displays in new developments.

10.7 PARKING

(For detailed standards see "Design and Planning Standards": Levels of provision – sections 17.15 and 17.16; layout – section 17.17)

- 10.7.1 The way in which traffic serves the functions of the Borough, both as a residential area, with local services, and in its wider function as part of Inner London has already been discussed (Sections 10.1 and 10.2). The ability to park at or near one's destination is an essential requirement for any journey made by private car or goods vehicle. This is constrained by a lack of space in the Borough, and so the Council must identify its priorities, and

provide parking space accordingly. The Council believes that because the Borough is a predominantly residential area, as much parking space as possible must be provided for residents.



Hans Place, SW1 – heavy demand for parking spaces.

Residents' Parking

- 10.7.2 Although the population of the Borough has fallen during the last decade, the demand for residents' parking spaces at the kerbside has increased.
- 10.7.3 It has been projected that the number of cars owned by residents will increase by approximately 15% between 1977 and 1991 [10]. There is already a significant shortfall of residents' parking spaces, that is, there are more permits issued than there are spaces available. The capacity of the heavily parked areas to accept additional cars is clearly limited and is likely to act as a constraint on further car ownership.

(A) Existing System

- 10.7.4 At present, parking is controlled in all but the northern area of the Borough as shown on Map 10.4. Residents apply for a free permit, which is displayed at all times, to park on the street. They then have the choice of buying a parking season ticket valid for 3, 6 or 12 months or displaying a

[9] Section 72, 1835 Highways Act.

[10] "Future Car Ownership Levels in the Royal Borough and Implications", R.B.K.C. Works Committee report, 27/6/77.

calendar card on which daily parking tokens can be attached. The Council has recently introduced a reduced-rate season ticket for resident solo motorcyclists.

10.7.5 The Council will for the time being:

- (a) continue not to limit the number of parking permits available to residents; and
- (b) increase residents' parking charges in line with the general rate of inflation.

(B) Providing More Residents' Spaces

10.7.6 It is the Council's aim that residents should, where possible, be able to park their cars reasonably close to their homes.

10.7.7 Some space along the kerb is needed for loading and unloading, and parking bays cannot be situated where parking may cause danger or obstruction, for example close to junctions. In addition, it is not possible to provide more residents' parking spaces at the expense of metered spaces as these are needed by visitors, residents and the business community. However, if off-street car parks can be provided in appropriate locations, it will be possible to convert metered spaces to residents' spaces.

The Council will designate more residents' parking spaces where possible.

(C) New Residential Developments and Conversions

10.7.8 When new dwellings are built, or result from conversion, it is desirable that an off-street car parking space is provided for each dwelling.

The Council will ensure that where possible off-street parking spaces are provided with new residential developments or conversions in accordance with the standards set out in "Design and Planning Standards", Section 17.15 and "Conservation and Development", Section 4.12.

(D) Extension of the Area of Control

10.7.9 The increasing demand for parking spaces in the north of the Borough means that there may be a need to extend parking control to this area. The Council has approved such a scheme but it is unlikely to be implemented until parking control enforcement becomes more effective.

10.7.10 The Council will review the need for the extension of parking control to include the north of the Borough when the levels of enforcement are improved.

(E) Improving Enforcement of Parking Control

10.7.11 Police and traffic warden manpower shortages mean that existing parking controls are not adequately enforced. This results in widespread illegal parking, especially in those areas where demand for parking space is greatest, causing considerable inconvenience to residents (see also paras. 10.3.4(B)(iii), 10.3.5. and 10.3.6).

The Council will:

- (a) continue to press for more effective enforcement of parking controls; and
- (b) make representations via the London Boroughs Association for manning levels in the police force and the warden service to be increased.

(F) Interavailability

10.7.12 The controlled area (all except the north of the Borough) is divided into six zones for administrative purposes. Residents' permits issued for any one of these zones enable the resident to park in any of the other zones. This gives residents the advantage of paying for a day's parking and being able to park in any residents' parking space in the Borough. However, this causes additional traffic and increases demand for residents' parking spaces in zones with a high demand, e.g. near shops, and causes parking problems for the residents of those zones. Nevertheless, at present it is felt that the advantages to residents of interavailability of parking permits outweigh the disadvantages.

The Council will retain the interavailability of parking permits.

(G) Finance

10.7.13 Residents are charged a fee for parking which is intended to cover the cost of the administration of the system.

10.7.14 The Council will review residents' parking charges so that they do not fall below the general level of inflation, and so that the scheme continues to be self-financing.

Visitor Parking

10.7.15 The Council is responsible for the operation of all controlled parking in the Borough. The enforcement of the regulations is carried out by the warden service, for which the Council pays. At present there is considerable under-manning in the warden service which means that parking enforcement is not fully effective. Full enforcement of parking controls is an important part of the Council's policy.

10 movement

for traffic restraint, (see para. 10.3.4(B)). The levels of parking charges are controlled by the G.L.C. on application from the Council.

- 10.7.16 There are approximately 5,000 metered spaces in the Borough and 4,000 off-street spaces available in 23 public car parks (see Map 10.4). The distribution of visitor parking spaces meets the needs of:
- residential areas – for social parking and tradesmen;
 - local shopping areas – for tradesmen and shoppers; and
 - major shopping and employment areas – for shoppers and businessmen.

In addition, there are 7,800 private non-residential (predominantly workplace) parking spaces.

10.7.17 Any parking facility for general use will be considered on its merits. The Council will encourage the provision of new public off-street car parks, where the following criteria can be satisfied.

- There must be no substantial detrimental effect on the road network or the environment.
- It must allow the replacement of existing metered car parking spaces with residents' parking spaces.
- It must serve the adjacent shopping, residential or employment areas by being located near to areas where pedestrian movement is concentrated.

When considering proposals for new developments the Council will have regard to the effect on the demand for visitor parking.

10.7.18 The provision of parking or garage spaces to be let or hired out in residential developments should be sufficient to discourage on-street parking; the level of provision should be agreed with the Borough Planning Officer and will be reviewed at least every two years.

10.7.19 The Council will seek to ensure that private non-residential parking is firmly limited by the application of the standards set out in "Design and Planning Standards", Section 17.16, and in Table 4 of the G.L.D.P. The normal maximum provision for offices, shops, showrooms and restaurants will be one space per 1100 sq. metres of floorspace, except in areas of poor public transport provision where the standard will be one space per 750 sq. metres (see Map 17.2).

10.7.20 The Council will consider proposals for new off-street car parks where these will reduce demand for on-street spaces and allow residents' spaces to be provided. This will be subject to other policies in the Plan, particularly those for traffic restraint and townscape.

10.7.21 The Council will consider providing off-street car parking spaces itself if finance becomes available from the parking fund towards the latter part of the Plan period.

Parking Standards

10.7.22 The Council's standards for the provision of parking space are set out in "Design and Planning Standards", Sections 17.15-17.18. The Council will review its parking standards every two years and revise them when necessary to take into account changing patterns of car ownership, parking demand and traffic restraint policies. These standards may be reduced where the Council decides that other policies of the Plan, e.g. those relating to townscape, landscaping and tree-planting should prevail.

Extension of Controlled Hours

10.7.23 Visitors coming into the Borough in the evenings and at weekends for shopping, entertainment and other activities can cause inconvenience to residents by parking in residents' parking spaces. The extension of parking control hours is impractical at the moment because of police manpower shortages, although it will be possible to review the situation once manning levels improve. Furthermore, the extension of parking control is sometimes against the interests of residents, because there is a shortage of residents' spaces, and they would not be able to park on yellow lines in the evenings or at weekends. However, there are areas which would benefit from the extension of the hours if parking control due to the pressures created by major attractions, such as shopping centres or the Exhibition Halls at Earls Court.

10.7.24 The Council will determine those areas which would benefit from extended parking control, once police manning levels are improved.

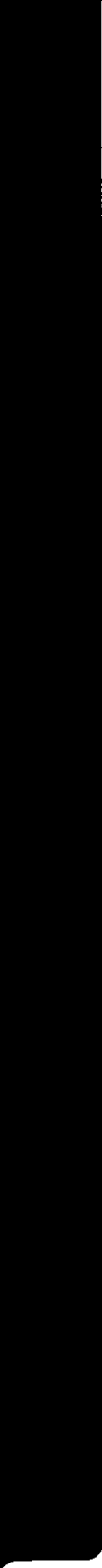
Non-Residential Parking Charges

10.7.25 In consultation with the G.L.C., the Borough continually assesses the demand for parking spaces. The charges are increased from time to time in order to stabilise parking demand and maximise income. Short-term meters are found in high demand areas as part of this policy. The G.L.C. consider the wider strategic aspects of meter charges and provide guidelines for parking charge increases.

10.7.26 The Council will continue to apply for increases in non-residential parking charges to stabilise the level

chapter 17

design and
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standards

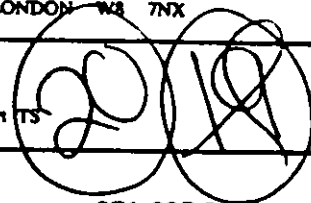


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PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

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Extension: 2081

Facsimile: 071-376 1130

- 4 FEB 1993



My reference:

Your reference:

Please ask for:

DPS/PV/TP/92/1837/G/2 /66 120/P

Miss P. Vallely

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Permission for development (Conditional) (TP6a)

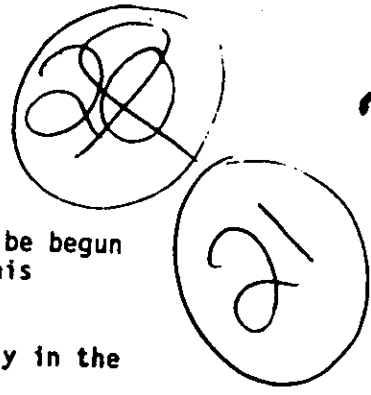
The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Conversion to a single family dwelling with integral garage involving alterations to ground floor front elevation, installation of rooflights to main rear roofslope, rebuilding rear extension roof and creation of a rear courtyard, at 19 PEMBRIDGE MEWS, KENSINGTON, W.11, as shown on submitted drawings Nos. TP/92/1837/A, Applicant's drawings Nos. 120/10/A and 120/11/A, in accordance with your application dated 09/11/92, completed 16/11/92, revised 13/01/93.

/ CONDITIONS ...



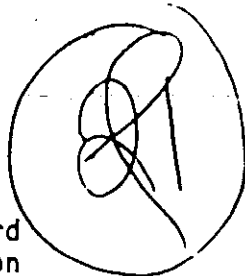
CONDITIONS

1. The development to which this permission relates shall be begun before the expiration of five years from the date of this permission. (C.22)
2. All elevational alterations shall be carried out exactly in the manner indicated on drawings hereby approved. (C.50)
3. All new or replacement external work shall be carried out in materials that resemble, as closely as possible, in colour and texture, those of the existing building, and as listed on the drawings hereby approved. (C.9)
4. No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building. (C.11)
5. The garage accommodation shall not be adapted for living, commercial or other purposes and shall be available at all times for car parking. (C.14)
6. No further additions, extensions or enlargements shall, at any future time, be erected or constructed to any part of the premises without the prior permission of the Council. (C.20)
7. The premises subject of this permission shall not be used at any time for any purpose specified in Section 4 of the Greater London Council (General Powers) Act, 1983, shall not be used for any purpose specified in Section 5 of the Greater London Council (General Powers) Act, 1984, and shall not be used at any time for the purpose of holiday lettings (explanatory note : this condition prohibits the use of the premises for the purposes of temporary sleeping accommodation for periods of less than 90 days, and prohibits use for time sharing and holiday lettings). (C.48)
8. No lift motor room, tank enclosure, flue or other structure shall be erected on or above the roof of the building or its additions, and any proposals shown on the drawings now approved which would necessitate such a structure do not form part of this permission. (C.52)

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To prevent an accumulation of permissions which have not been acted upon, and as required by Section 91 of the Town and Country Planning Act, 1990. (R.13)

/2. To ensure that....



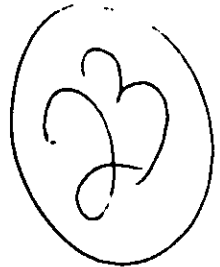
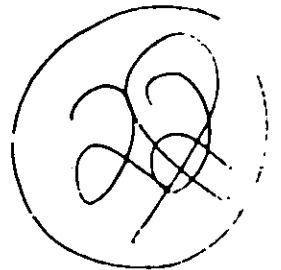
2. To ensure that the proposed work is carried out exactly in accord with the intentions shown on the approved drawings. Any variation from those drawings may not be acceptable to the Council. (R.28)
3. To ensure that the external appearance of the building is satisfactory. (R.5)
4. It is considered that external plumbing would seriously detract from the appearance of the building and injure visual amenities. (R.6)
5. To avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises. (R.9)
6. The erection of any further additions or extensions would result in an overdevelopment of this restricted site. (R.11)
7. To ensure the permanent retention of the accommodation for normal residential purposes. (R.21)
8. To ensure that the external appearance of the building is satisfactory. (R.5)

INFORMATIVES

1. Refuse storage accommodation and access thereto must be provided to the Council's satisfaction. You are therefore advised to consult with the Director of Cleansing and Recycling, Council Offices, 37 Pembroke Road, W8 6PW (01-373-6099) who has a code of practice available. Advice can also be given on certain aspects of industrial and commercial waste, as well as household waste. The Council operates a trade refuse service on a rechargeable basis. (I.3)
2. Your attention is drawn to the Building Act, 1984, the Building Regulations, 1985, and, insofar as they are applicable, the London Building Acts, 1930-39. The Council's District Surveyors, at 102-108 Warwick Road, London, W.8 6PW, (071-373-6099), must be consulted in these respects.

In the case of new residential accommodation (or works to existing residential premises) attention is drawn also to S.604 (Fitness for Human Habitation) of the Housing Act 1985. The Director of Environmental Health, (071-373-6099) can advise on requirements necessary to satisfy this legislation. (I.12)

/3. This permission....



3. This permission is given without prejudice to the Council's powers under Section 35 the London Building Acts (Amendment) Act 1939. (as regards means of escape in case of fire) in which respect the Council's officers should be consulted at an early date. Any proposals for external fire escapes or roof walkways or safety railings will need to be the subject of a further application for planning permission. The District Surveyor will advise on the Building Regulations, 1985, which are operative in Inner London from 1st January, 1986. (I.18)
4. The development hereby approved must be carried out in strict compliance with the plans referred to in this permission. Any alteration to the approved scheme resulting either from the requirements of the District Surveyor, or for any other cause, must not take place except with the written agreement of the Council as local planning authority. (I.36)
5. The premises subject of this permission are within a Conservation Area designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The Council accordingly request that every care be taken to ensure that new external facing work and detailed (elevational) treatment be carried out in a manner sympathetic to the external treatment and appearance of the existing building. A schedule of detailed requirements is set out below. You should consult with the Council's Officers before commencing works, if these requirements (where appropriate) cannot be met. This is particularly so as the design and architectural detailing on many buildings is often all important to the character of a Conservation Area. Proposals for alteration, extension and other external changes must therefore be clearly indicated on drawings submitted for planning permission.

1. The following is a schedule of items to be retained. They must not be removed or altered in any way without the prior agreement of the Council's Planning and Conservation Department, unless their removal or alteration has been approved by the Council, either in writing or by a specific written reference on approved plans.

- (a) roof and ridge covering
- (b) chimney stacks and pots
- (c) parapets
- (d) cornices
- (e) windows (including mullions, transoms and glazing bars)

/(f) window jambs....

TP/92/1837:

5

- (f) window jambs, reveals, soffits, sills, arches or heads
- (g) external door reveals, architraves
- (h) railings or balustrading to balconies and boundary walls
- (i) boundary walls and gate piers
- (j) decorative features or embellishments

2. The following items of work should only be carried out after prior consultation with the Council's officers responsible both for the administration of the Town and Country Planning Acts, 1990, and the London Buildings Acts, 1930/39.

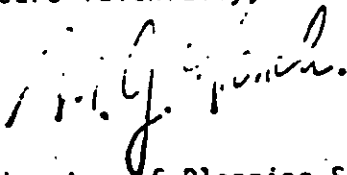
- (a) the concreting or paving of front gardens
- (b) the construction of front garden dustbin enclosures

(Dustbin enclosures should also be agreed with the Director of Cleansing and Recycling at the Council Offices, 37 Pembroke Road, W8 6PW).

Should the above requirements be infringed in any way the Council will vigorously pursue enforcement action, in the appropriate circumstances, to ensure facsimile reinstatement of any items removed or altered. (I.31)

6. Your attention is drawn to the provisions of Section 60 of the Control of Pollution Act, 1974 which imposes requirements as to the way in which building works are implemented, including the hours during which the work may be carried out. This Act is administered by the Director of Environmental Services, Central Depot, 37 Pembroke Road; London W.8 6PW, and you are advised to consult with that Department at an early stage. (I.44)

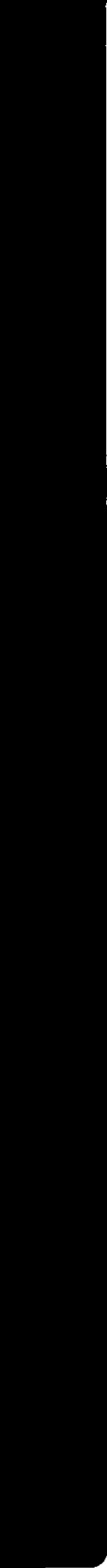
Yours faithfully,



Director of Planning Services

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TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP LAND AND/OR BUILDINGS IN GREATER LONDON

FOR OFFICE USE ONLY

Fee £ 110
 Cheque/Postal Order/Cash 100140
 Receipt No. Issued 1020053

APPLICATION COMPLETE

PLEASE READ THE GENERAL NOTES BEFORE FILLING IN THE FORM

16 NOV 1992

PART ONE

To be completed by or on behalf of all applicants as far as applicable.
FEE (where applicable)

1. APPLICANT (in block capitals) AGENT (if any) to whom correspondence should be sent
 Name PAUL PRIESTMAN Name MATTHEW PRIESTMAN
 Address 20 DUNCAN TERRACE Address GATE 27
 LONDON N1 HARIS CORNER
SMITHFIELD MARKET ECHAQNA
 Tel. No. Tel. No. 071-236 7316 Ref. 120/P

2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT

(a) Full address or location of the land to which this application relates
 19 PENBRIDGE MEWS LONDON W11

(b) Site area 82 m² hectares

(c) Give details of proposal indicating the purpose for which land/buildings are to be used and including any change(s) of use.
 A. CHANGE OF USE FROM GARAGE AND RESIDENTIAL UPPER PART TO SINGLE DWELLING WITH INTEGRAL GARAGE
 B. ALTERATIONS TO GROUND FLOOR FRONT ELEVATION
 C. NEW REAR ROOF WITH PROVISION OF OPEN COURT
 D. NEW 'VELUX' ROOFLIGHTS
 E. INTERNAL ALTERATIONS

(d) State whether applicant owns or controls any adjoining land and if so, give its location.
 No

(e) State whether the proposal involves:-

(i) New building(s) or extension(s) to existing building(s)	State Yes or No	<input checked="" type="checkbox"/> NO	▶ If "Yes" state gross floor area of proposed building(s).	<input type="text" value=""/>
			▶ If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats.	<input type="text" value=""/>
(ii) Alterations	<input checked="" type="checkbox"/> YES			
(iii) Change of use	<input checked="" type="checkbox"/> YES			
(iv) Construction of a new access to a highway	} vehicular... pedestrian	<input type="checkbox"/> NO	▶ If "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use).	<input type="text" value="82"/>
(v) Alteration of an existing access to a highway		<input type="checkbox"/> NO		

* Strike out whichever is inapplicable

3. PARTICULARS OF APPLICATION

- State whether this application is for
- (i) Outline planning permission NO YES
 - (ii) Full planning permission YES NO
 - (iii) Renewal of a temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted. YES NO
 - (iv) Consideration under Section 72 only (Industry) YES NO

If Yes strike out any of the following which are not to be determined at this stage.

1 sitting	4 external appearance
2 design	5 means of access
3 landscaping	

If Yes state the date and number of previous permission and identify the particular condition

Date: _____ Number: _____

The condition: _____

4. PARTICULARS OF PRESENT AND PREVIOUS USE OF BUILDINGS OR LAND

- State:-
- (i) Present use of building(s)/land **GARAGE + RESIDENTIAL UPPER PART**
 - (ii) If vacant the last previous use and period of use with relevant dates. **N/A.**

5. LIST ALL DRAWINGS, CERTIFICATES, DOCUMENTS ETC; forming part of this application

DRAWING NOS: 120/10, 120/11
PHOTOGRAPH OF FRONT ELEVATION.

6. ADDITIONAL INFORMATION

- State Yes or No
- (a) Is the application for non-residential development NO YES If Yes complete **PART THREE** of this form (See **PART THREE** for exemptions)
 - (b) Does the application include the winning and working of minerals NO YES If Yes complete **PART FOUR** of this form
 - (c) Does the proposed development involve the felling of any trees YES NO If Yes state numbers and indicate precise position on plan
 - (d) (i) How will surface water be disposed of? **RWP'S TO EXISTING**
 (ii) How will foul sewage be dealt with? **SUP TO EXISTING**
 - (e) Materials - Give details (unless the application is for outline permission) of the colour and type of materials to be used for:
 - (i) Walls **MATCHING STOCK BRICKWORK**
 - (ii) Roof **CEMENTITIOUS COMPOSITE 'SLATES' - BLUE/GREY**
 - (iii) Means of enclosure **N/A.**

I/We hereby apply for (strike out whichever is inapplicable)

- OR
- (a) planning permission to carry out the development described in this application and the accompanying plans in accordance therewith.
 - (b) ~~planning permission to retain the building(s) or work(s) already constructed or carried out, or a use of land already instituted as described on this application and accompanying plans.~~

Signed [Signature] on behalf of **PAUL PRIESTMAN** Date **9 NOVEMBER '92**

AN APPROPRIATE CERTIFICATE MUST ACCOMPANY THIS APPLICATION (See General Notes)

If you are the ONLY owner of ALL the land at the beginning of the period 20 days before the date of the application, complete Certificate A. If other wise see **PART TWO** of this form

CERTIFICATE A

Certificate under Section 27 of the Town and Country Planning Act 1990

I hereby certify that -

- 1 No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application
- 2 None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- 3 ~~The applicant has given the requisite notice to every person other than myself who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz -~~

Name and Address of Tenant: _____

*strike out whichever is inapplicable

Date of Service of Notice: _____

Signed _____ on behalf of _____ Date _____

IF 20 DAYS BEFORE MAKING THE APPLICATION YOU ARE THE ONLY OWNER OF ALL THE LAND AND HAVE SIGNED CERTIFICATE A ON PART ONE OF THE FORM THEN DO NOT COMPLETE PART TWO OF THE FORM. For definition of 'owner' see General Notes.

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PART TWO

TOWN AND COUNTRY PLANNING ACT 1990 CERTIFICATE UNDER SECTION 27

PLEASE READ THE NOTES OVERLEAF BEFORE FILLING IN PART TWO.

CERTIFICATE B

I hereby certify that:

1. I have/the applicant has* given the requisite notice to all persons, who 20 days before the date of the accompanying application, were owners of any part of the land to which the application relates, viz:

Name of owner: MARY HOLDINGS LTD Address: 1 CARLTONS, PALACE GARDEN TERRACE, LONDON W8 Date of service of notice

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

~~3. I have/the applicant has* given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:~~

Name and Address of Tenant

Date of Service of Notice

Signed

MR

on behalf of

PATL PRIESTMAN

Date

9 NOVEMBER '97

* see note (a) to Certificate A

*strike out whichever is inapplicable

CERTIFICATE C

I hereby certify that:

1. (i) I am/the applicant is* unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 27 (1) of the Act, in respect of the accompanying application dated

(ii) I have/the applicant has* given the requisite notice to the following persons who, 20 days before the date of the application, were owners of any part of the land, to which the application relates, viz:

Name of owner Address Date of service of notice

(iii) I have/the applicant has* taken the steps listed below, being steps reasonably open to me/him*, to ascertain the names and addresses of the other owners of the land or part thereof and have/has* been unable to do so:

(a)

(iv) Notice of application as set out below has been published in the (b) on (c)

Copy of notice as published.

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. I have/the applicant has given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed

on behalf of

Date

(a) Insert description of steps taken.

(b) Insert name of local newspaper circulating in the locality in which the land is situated.

(c) Insert date of publication (which must not be earlier than 20 days before the application).

* see note (a) to Certificate A.

*strike out whichever is inapplicable

CERTIFICATE D

I hereby certify that:

1. (i) I am/the applicant is* unable to issue a certificate in accordance with Section 27(1) (a) of the Act in respect of the accompanying application dated and have/has* taken the steps listed below, being steps reasonably open to me/him*, to ascertain the names and addresses of all the persons who, 20 days before the date of the application were owners of any part of the land to which the application relates and have/has* been unable to do so:

(a)

(iii) Notice of application as set out below has been published in the (b) on (c)

Copy of notice as published.

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or

3. I have/the applicant has given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

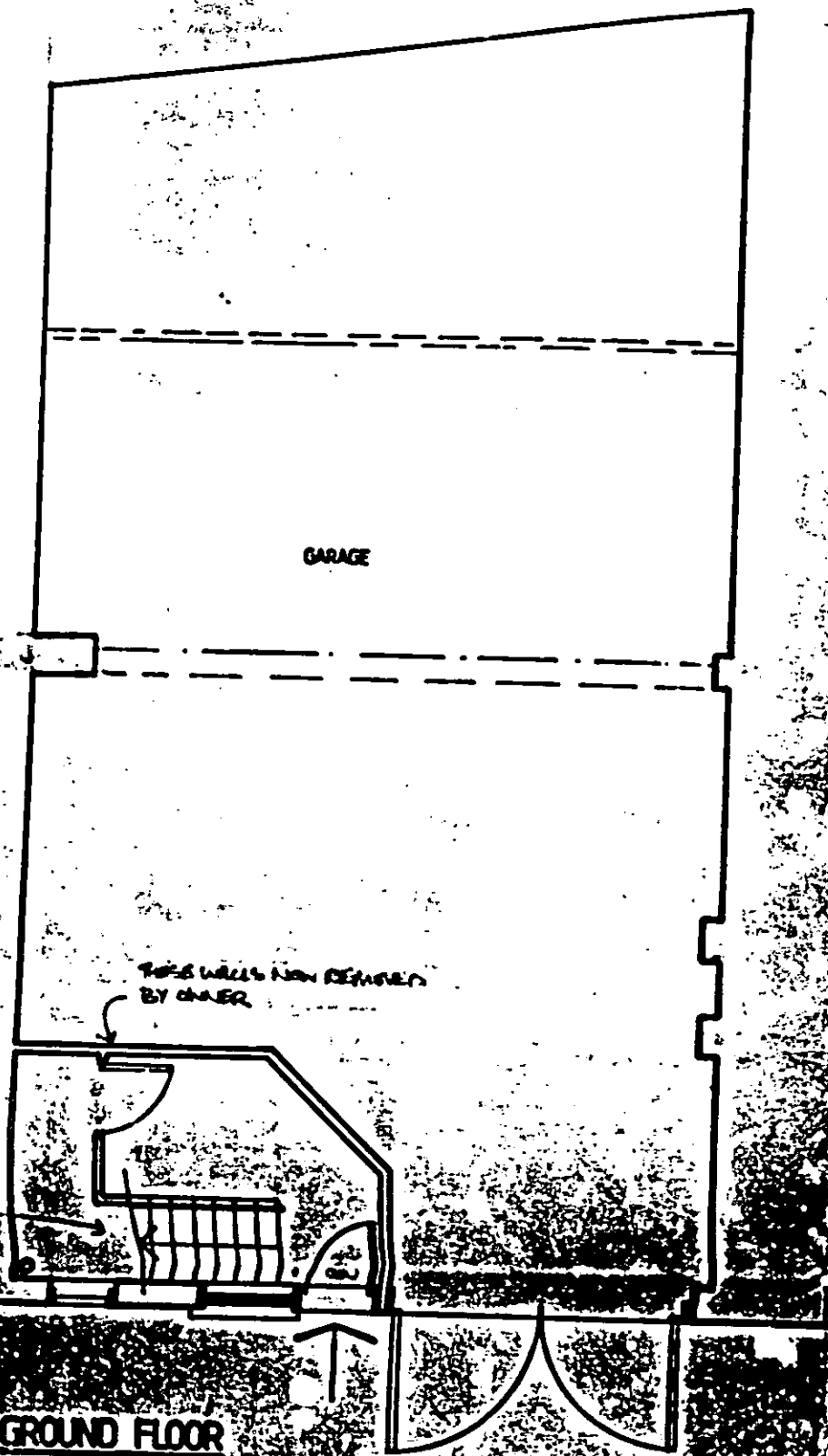
Date of Service of Notice

Signed

on behalf of

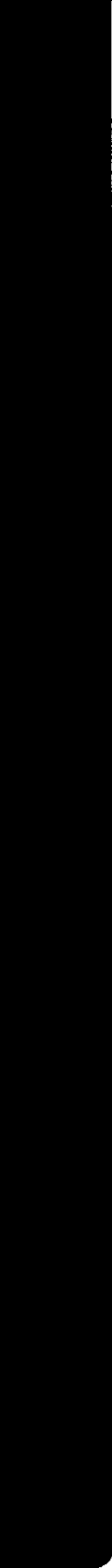
Date

EXISTING



NOTES TO BE DEVELOPED BY OWNER AS TO REMOVE OR

GROUND FLOOR



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Planning Inspectorate

Department of the Environment

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 936

Switchboard 0272-218811

GTN 1374

Council's ref: TP/APPEAL/85-2299/DT

J and S Eger
Architects
61 Camberwell Grove
LONDON
SE5 8JE

Your reference
E124

Our reference
T/APP/C89/K5600,00051-52/P6

Date
10 JAN 90

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY: MR M L McCULLAGH
LAND AND BUILDINGS AT 11 PEMBROKE GARDENS CLOSE, LONDON W8

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against an enforcement notice issued by the Royal Borough of Kensington and Chelsea Council, concerning the above mentioned land and buildings. I have considered the written representations made by you and by the Council and also those made by interested persons and I inspected the site on 28 November 1989.

2. a. The date of the notice is 23 June 1989.

b. The breach of planning control alleged in the notice is failure to comply with condition No 5 subject to which planning permission was granted.

c. The permission (No TP/85/299) was granted on 11 February 1986 and was for the conversion of the 2 properties known as 11 and 12 Pembroke Gardens Close, W8 (including one of the garages) to a single dwelling.

d. The condition which is alleged not to have been complied with is as follows:-

The garage accommodation shall not be adopted for living, commercial or other purposes and shall be available at all times for car parking.

e. It is alleged that the condition has not been complied with in that the development has not been carried out exactly in the manner indicated by condition 5 of the planning permission of 11 February 1986 reference TP/85/299.

f. The requirements of the notice are the formation of a garage car parking space 5 m in length, 2.4 m in width and 2.5 m in height to comply with condition 5 of the planning permission of 11 February 1986 reference TP/85/299.

g. The period for compliance with the notice is 6 calendar months.

h. The appeal was made on the grounds set out in Section 88(2)(a) of the 1971 Act as amended.

3. No 11 is a detached house, formerly occupied as 2 semi-detached dwellings (Nos 11 and 12) on the west side of the private cul-de-sac Pembroke Gardens Close, near the turning circle at its head. The Close is a comparatively modern post-war

development of well designed dwellings within a high quality residential area of South Kensington, consisting of 2-storey detached and semi-detached houses on the west side and at the head of the cul-de-sac, with integral garages and hard standings in front, set back from the edge of the footway. The houses on the east side are set back further behind high brick walls along the frontage, where individual garages open directly on to the footway. At the appeal site the integral garage of the former semi-detached house No 12 has been incorporated into the dwelling but the hardstanding in front, about 4.5 m deep, remains, as does that to the garage of No 11. The latter however has been reduced to a storage area some 2 m deep and 2.4 m wide, the rest of the original garage space having been incorporated into a large reception room within the dwelling. I observed at the inspection 2 saloon cars parked at the end of the cul-de-sac, 4 on the east side and 2 on the west side, all on the carriageway. 4 more were parked on hardstandings in front of the dwellings and not every dwelling on the west side appears to have a garage.

4. The appeal site is stated by the Council to be within the Edwardes Square, Scarsdale and Abingdon Conservation Area. Although I have not been advised of any particular characteristics of this area which it is desired to preserve, it appears from my inspection of the surroundings that the pleasing appearance of the street scene in the Close derives from the well proportioned details and attractive design of the dwellings on the west side and at the southern end. It also appears that the main points at issue in the appeal are what effect non-compliance with the condition in dispute would have on the Council's objective of creating and retaining off-street parking spaces within the Borough, and whether it would preserve or enhance the character of the surrounding Conservation Area.

5. In objecting to the loss of the garage of the former dwelling No 12 as an effective off-street parking space, due to be retained under the approved conversion scheme, the Council's arguments are based on policy grounds only, and not to any particular adverse consequences to the residents in the immediate locality. Their concern arises basically from one of the principal aims of the District Plan, which is to maintain the Borough as an attractive place in which to live and work, and this inevitably involves the creation and preservation of off-street parking places. The fact that the latest figures show 45,000 residents with parking permits and only 22,000 on-street parking spaces and 2,500 meter bays makes it important in the Council's view that when a new dwelling is built or results from conversion, an off-street parking space is provided with it. This is one of the policies of the adopted District Plan, and is the reason for the imposition of the condition under dispute on the planning permission for conversion of 2 houses to a single dwelling.

6. The current standard of one off-street parking space per dwelling is set against a background of increasing demand within the last decade for residents parking spaces, so that the position in the Borough is now more acute than when the appeal condition was imposed, and the justification for its retention even greater than when permission was granted in 1986.

7. Your client not unexpectedly does not challenge the need for the car parking policies of the Local Plan but points out that their requirements are expressed in the relevant documents as "off-street parking or garage space". The 2 spaces in front of the former garages of Nos 11 and 12 Pembroke Gardens Close are available for off-street parking and the new development of a single dwelling at No 11 therefore in your client's view more than complies with this policy. The condition was therefore unnecessary to ensure compliance with the policy and in any event could not ensure that the internal garage was used for parking by your client since it is inadequate (being too narrow) for either of his 2 vehicles or those of a future occupier. Extra space was needed within the main downstairs room of No 11 for business entertaining, and in using part of his garage for other purposes your client is only following some of the other residents.

8. No parking problems have been created within the Close where there is sufficient room and no through traffic, since residents on the south and west sides park off the highway in front of their houses and on the east side on the carriageway itself. Further reasons in favour of discharging the condition under appeal are the fire risk of keeping a car with 50 litres of petrol in its tank within the house beneath a bedroom, and fact that modern vehicles are designed and protected to withstand outside weather conditions and do not need garages.

9. If the appeal is allowed, the result will be that both the garages constructed as an integral part of the 2 original semi-detached houses at the appeal site will no longer be available for their original purpose, notwithstanding that under the Scheme of Management for the Estate the property is subject to a condition that the garages shall not be used otherwise than as a private garage. The existence of this condition is not in itself a planning consideration, but the fact that any succeeding occupier at No 11 would be deprived of the use of the garage is, since I do not share your client's belief that the garage is too small for this to be a possibility. I can well envisage a future occupier of the property requiring a garage for a smaller car used for domestic and personal activities in central London.

10. I accept the logic of your client's view that even without the garages the single dwelling at No 11 more than complies with the minimum off-street parking requirements of the Local Plan. However this has always been the case with the properties on the south and west side of the Close as originally constructed because each has had an integral garage with an open space in front. If your arguments for loss of all garage space at the appeal site on account of it not being necessary for compliance with the policy were accepted, they would apply also to the other properties in the cul-de-sac, and could be used to justify a net loss of off-street garage parking space.

11. However this approach ignores the part of the local plan parking policy which states "Normally the maximum provision which can be achieved should be provided". It seems to me that in view of the on-street car parking situation which obtained at the time the approval was granted for conversion of Nos 11 and 12 to a single dwelling the Council reasonably and necessarily imposed a condition for retaining an off-street garage parking facility which had originally been provided in the development. If the condition were removed the effect would certainly be the loss of one off-street parking space as described in paragraph 9 and could lead to further losses of the kind referred to in paragraph 10.

12. The loss although small would occur against a background of an increasing imbalance between the number of parking permit holders within the borough and the on-street parking permit and meter spaces available, and the need to keep as many vehicles off the highway as possible. Thus removal of the disputed condition would prejudice one of the Council's principal objectives for maintaining the existing character and quality of the residential areas by the loss of an off-street parking space, and could well lead progressively to further losses within the same area.

13. So far as the conservation issue is concerned, permission to occupy No 11 without complying with the condition would mean that that parking spaces in front of the dwelling would be more likely to be occupied continuously than they were previously, even if your client ceases to occupy the premises. While the difference from the previous situation might not be very marked, I do not think the change would in any way enhance or preserve the attractive residential character of the surroundings and pleasant appearance of this part of the Conservation Area.

14. The appeal on ground (a) therefore fails on both issues and the condition will be retained. I have taken into account all the other matters raised in the written representations, including those by interested persons, but they are not such as to affect the matters that have led to my decision.

FORMAL DECISION

15. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under Section 88B(3) of the Act.

RIGHT OF APPEAL AGAINST DECISION

16. This letter is issued as the determination of the appeal before me. Particulars of the right of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir and Madam
Your obedient Servant



A H T CLAYTON MA(Oxon)
Inspector

ENC



Planning Inspectorate
Department of the Environment
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line—0272-218927
Switchboard 0272-218811
—GTN 1374

Mr A Trevillion
JSP Architects
49-53 Kensington High Street
LONDON W8 7RB

YOUR REFERENCE
1440
OUR REFERENCE
T/APP/K5600/A/90/146950/P5

DATE - 9 JUL 1990

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY PATRICK SEFTON
APPLICATION NO:-TP/89/0916/G

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Royal Borough of Kensington and Chelsea Council to refuse planning permission for the conversion of the existing garage space into extended living accommodation at 4 Clairville Grove Mews, London SW5. I have considered the written representations made by you and by the Council and also those made by other interested persons. I inspected the site on 29 May 1990.

2. From my inspection of the site and its surroundings and from the representations made, I consider the main issues in this case are whether, in the context of the prevailing planning policies, the development would result in an unacceptable loss of off street parking and whether the proposal would preserve or enhance the character of the Queen's Gate Conservation Area.

3. The site lies on the east side of the Clairville Grove Mews which comprises a small courtyard of five dwellings leading from the north east corner of Clairville Street. The appeal premises comprise a mews dwelling on two floors with integral garage. It falls within the Queen's Gate Conservation Area.

4. I have had regard to the planning history of the site. Permission was granted in 1962 for the conversion of the premises into a dwelling with built in garage subject to a condition that the garage shall not be adapted for living purposes and that the garage shall be retained and not used for the accommodation of business vehicles.

5. The planning framework is provided by the Greater London Development Plan and the District Plan for the Borough. The principal aim of the District Plan is to maintain and enhance the character and function of the borough as an attractive place in which to live and work. Policies aim to ensure that off street parking spaces are provided with new residential developments or conversions. Within Conservation Areas the aim is to maintain and enhance the character of each Conservation Area. In all areas of character the Council wishes to see the protection and enhancement of any elements which contribute to the special character of the area. Specific guidance for the control of development in the Queen's Gate Conservation Area is provided within the



With reference to the first issue you argue that the mews is a private mews and that No 4 has two external off street parking places apart from the garage. Adequate off street parking exists and a precedent has been established as both Nos 2 and 3 have been given permission to convert a double garage into living accommodation. Your client needs additional living accommodation. I observed that the garage is used for storage and for washing and at the time of my visit your client's car was parked diagonally outside the premises. The mews is a very small courtyard with gated access. The approach leads through a sharp bend between Nos 1 and 5, about 4m wide, to the main courtyard which is approximately 9m wide by 9m in length to the flank wall of No 5. Nos 1, 4 and 5 have integral garages and Nos 2 and 3 share a car port at the northern end of the mews with space for three small cars. Clairville Street has waiting restrictions in force and residents' parking bays on the highway, which were all full at the time of my visit.

7. The freehold of the courtyard is owned by No 1 and I understand that one of the other dwellings have the automatic right to park in the courtyard. The mews has very small dimensions and although I saw that one car parked outside No 4 did not block the entrance to the courtyard it did narrow the space to which three other dwellings require access for manoeuvring into their garages or car ports. There has been a long standing policy by the Council and its predecessor, the London County Council, to retain a garage space within converted mews premises. It was put to me that there has been an increasing demand for residents parking spaces in the last decade. At April 1989 there were 45,000 parking permit holding residents chasing 22,000 residents parking spaces and 2500 meter bays. Projections by the Council's Works Committee predict that the number of residents cars will increase by some 15 per cent between 1977 and 1999.

8. I believe the parking of one or two vehicles outside No 4 would reduce accessibility to other dwellings in the courtyard and increase the difficulties of manoeuvring vehicles in a small place. Consent for the conversion of garage space at Nos 2 and 3 was granted under different circumstances with the retention of alternative off street parking spaces and to my mind does not justify your proposal. In my opinion your proposal would run counter to a well founded policy which has been consistently applied over a long period. Demand for off street parking spaces is said to have intensified since the planning condition was first imposed and I believe the Council is right to resist the loss of an off street parking space in an area of parking stress. If your scheme were to be allowed I consider it would be more difficult for the Council to resist other garage conversions which would add further to on street congestion. I conclude, therefore, that your scheme would involve an unacceptable loss of an off street parking space.

I now turn to the second issue. I have had regard to the provisions of section 277(8) of the 1971 Act as amended and Circular 8/87. The Council has adopted specific policies for the control of development in Conservation Areas in general and in Queen's Gate Conservation Area in particular. No specific policies are indicated for Clairville Grove Mews but the document emphasises the essential character of mews streets and says that the Council will seek to preserve and enhance their original character. Elevational alterations must respect the character of the mews and where mews properties are being converted to residential use one garage at least should be retained for each dwelling.

Mews are a characteristic feature of the Conservation Area and although this mews is unusual due to its small size and courtyard form, it displays the typical features of a mews. To my mind it presents a pleasing appearance, enhanced by its intimate character and flower boxes and plant pots. Your

scheme would replace the existing garage door with a deep window to match the existing ground floor window to the sitting room. Although I acknowledge that the size of the proposed window reflects the scale of the garage doors it is my opinion that the loss of the garage and the garage doors would detract from the mews' distinctive character contrary to the aims of established policies. The presence of parked vehicles in the small courtyard would further detract from its pleasant character. I conclude, therefore, that your proposal is unacceptable as it would not preserve or enhance the character of the Queen's Gate Conservation Area.

11. I have considered all other matters raised in the representations but none are of sufficient weight to override those considerations that have led me to my conclusion.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Sir
Your obedient Servant



MAUREEN C TAYLOR BSc DipTP MRTPI FRGS
Inspector



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Council Reference:

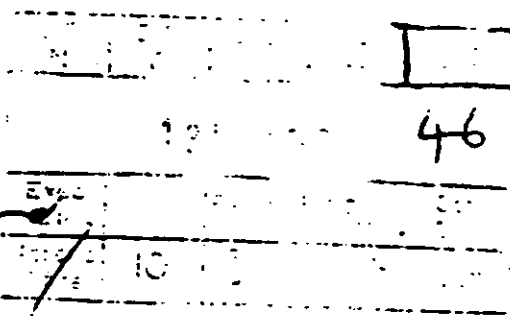
E/95/032/C/ACH

Our References:

T/APP/C/95/K5600/640750-8/b

T/APP/C/95/K5600/640757-8

Date: 12 NOV 1995



Dear Sirs and Madam

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AND BUILDINGS AT LOCK-UP GARAGES NOS 21, 24, 25 & 26 ALBERT MEWS,
VICTORIA GROVE, LONDON W8**

1. I have been appointed by the Secretary of State for the Environment to determine your appeals against five enforcement notices (A-E) issued by the Royal Borough of Kensington and Chelsea Council concerning the above mentioned land and buildings. I have considered the written representations made by you and the Council and also those made by the Victoria Road Area Residents Association and other interested persons. I inspected the site on 9 September 1996.

Notices A-D

2. a. The notices were issued on 19 September 1995.
- b. The breach of planning control as alleged in each notice is, without planning permission, the material change of use of each of the premises to residential use.
- c. The requirement of each notice is to cease the use of the said lock-up garage as residential accommodation.



- d. The period for compliance with this requirement is three months.

Notice E

3.
 - a. The notice was issued on 19 September 1995.
 - b. The breach of planning control as alleged in the notice is the installation of a water tank on the roof of No 24 Albert Mews.
 - c. The requirement of the notice is to remove the unauthorised water tank.
 - d. The period for compliance with this requirement is one month.

Grounds of Appeal

4. Each appeal is proceeding on grounds (b), (c) and (f) as set out in Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991, whilst those made by Ellison Properties, against Notices A-D, are also proceeding on ground (a). In the latter appeals the deemed applications for planning permission under Section 177(5) also fall to be considered. However, as the prescribed fees under the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989-93 have not been paid to the Secretary of State and the Local Planning Authority within the period specified, the deemed applications for planning permission under Section 177(5), in respect of appeals by others, do not fall to be considered.

Preliminary matters concerning Notices A-D

5. The appeals concern the creation of three separate residential units from former lock-up garages in Albert Mews. Although two notices have been issued in respect of Nos 25 and 26, only one unit has been formed from the two garages. In addition, garage No 21 has been renumbered as Flat 20A.

6. There is a suggestion, in your written statements, that an officer of the Council had indicated that planning permission would not be required for the conversion of a garage or garages to residential units. However, the only documents relating to this point, and the possible question of estoppel, are letters dated 24 and 25 January 1991 from an architect acting for the owners of the garages. These state that advice had been given which indicated that planning permission was not required to convert two flats into one, or that a flat over a pair of garages could be converted into a mews house without permission. There is no written confirmation of this advice from the Council but, in any event, neither example relates to the situation which has occurred at the appeal properties. I therefore find no grounds which would suggest that the Council are estopped from taking enforcement action on these sites.

The appeals on ground (b) against Notices A-D

7. Your appeals on this ground appear to relate to the claim that the material change of use alleged in the notices is incorrect in that the premises concerned were not previously used as lock-up garages. To this end you have produced rate demands for Nos 24 and 26 which show that those units were described, at various times since 1991, as stores or "premises" and not as

garages. No evidence of this nature has, however, been provided in respect of Nos 21 or 25. In considering this matter, I am mindful of the fact that there is no requirement for a local planning authority to specify the previous use of a property in an enforcement notice, although if they do so it should be correct. In this case, from the evidence you have provided, I am satisfied that the former use of Nos 24 and 26 is incorrectly stated in the notice and the appeal on ground (b) in this respect should succeed. However, you do not dispute that there has been a change of use and I saw, at my site inspection that, as a matter of fact, the properties concerned have been converted into separate residential units.

8. The former garage at No 21 has been converted into a ground-floor flat, with access, through a lockable door, from the passage and stairs leading to two further flats above. Internally the unit is self-contained with a living room, small kitchen area under the stairs and a toilet compartment. A door leads to a bedroom at the rear with an *en suite* shower. The single-storey unit at No 24 has been converted into a two-bedroom residential unit, with a living room and kitchen area and a separate bathroom. The former Nos 25 and 26 have been converted into a single one-bedroom residential unit, with a living room/kitchen and a separate bathroom. In all three cases, the external garage doors have been retained, but internal plasterwork has rendered them redundant. The factual inaccuracy of two of the notices does not, therefore, go to the heart of the allegation and I consider that those notices can be corrected without prejudice, using the powers available to me, by deleting the reference to a lock-up garage. My conclusion on the ground (b) appeals is that those relating to Nos 24 and 26, against Notices B and D are partially successful and I shall correct those notices accordingly. However, the appeals relating to Nos 21 and 25, against Notices A and C, fail.

The appeal on ground (b) against Notice E

9. No evidence has been produced to support the contention that the breach of control alleged in this notice has not occurred. Reliance is placed on the original appeal made by Ellison Properties but that appeal has now been withdrawn as the water tank has been removed from the roof of No 24. In these circumstances, I have no doubt that the alleged breach of control, as a matter of fact, occurred, and the appeal on ground (b), against Notice E, fails.

The appeals on ground (c) against Notices A-D

10. Your appeals on this ground appear to contend that there has been no change of use of the premises which requires planning permission, although no supporting evidence has been provided. However, from my findings on the ground (b) appeal I am quite satisfied that three separate self-contained dwelling units have been created at the appeal properties and that this is a material change of use which requires planning permission by virtue of Section 55(1) of the 1990 Act. As no such permission has been granted the appeals on ground (c), against Notices A-D, fail.

The appeal on ground (c) against Notice E

11. The withdrawn appeal against this notice, on which you rely, states that the water tank installed on the roof of No 24 merely replaced a previous tank which had decayed, thus no planning permission was required. The Council challenged the claim that there had been a previous tank, and no evidence has been submitted to support the contention made. In such circumstances I consider that, on the balance of probabilities, the water tank was a new, rather

than a replacement, structure. Furthermore, its installation was clearly a building or other operation which requires planning permission by virtue of Section 55(2) of the 1990 Act. I know of no "permitted development" rights which would obviate the need for permission for this structure, thus the appeal on ground (c), against Notice E, fails.

The appeals on ground (a) against Notices A-D

12. The appeal premises are situated within a private mews court to the north of Victoria Grove. The Councils' planning policies for this area are set by their Unitary Development Plan (UDP) which was adopted in 1995. Albert Mews is identified within the UDP as lying within the De Vere Conservation Area and various strategies and policies, including Policies CD48, CD49, CD52 and CD56, relating to the preservation and enhancement of the character of such areas, have been drawn to my attention, together with similar provisions in relation to the residential character of the Borough as a whole. The policies relating to conservation areas reflect the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The housing chapter of the UDP also contains objectives which seek to provide a range of housing types within the Borough and you highlight Policies H15 and H33 which encourage the provision of housing on vacant land or in under-utilised property and which seek to ensure that ground-floor dwellings are available. Finally, Policy TR57 seeks to resist development which would result in the loss of off-street parking space.

13. Having regard to the above policies, therefore, and from the written representations and my inspection of the site and its surroundings, I consider that the main issues in each of these cases are:

- a. whether the continuation of the uses would preserve or enhance the character or appearance of the De Vere Conservation Area; and,
- b. the effect of the continuation of the uses on the car parking situation in the surrounding area.

14. On the first issue, the character of the De Vere Conservation Area is primarily residential but there are local shops and commercial uses in Victoria Grove, Launceston Place and in Gloucester Road, the western side of which lies within the Area. In terms of appearance, there is a great variety of building types and styles, ranging from four- and five-storey terraced houses, to two-storey semi-detached and terraced dwellings, such as those in Victoria Grove and Canning Place. Between main residential streets are various mews courts, including that containing the appeal properties, where living accommodation is mainly confined to upper floors, with ground floors used as garages or for storage purposes. A feature of the Area, albeit one that detracts from its visual appearance, is the extent to which car parking takes place on almost every available section of road.

15. In terms of character, therefore, the conversion of these properties is at odds with a basic characteristic of the Conservation Area as living accommodation has been formed in premises that are not typically used for such purposes. A consequence of this is that the former use of the premises, whether it be for domestic storage or garaging, has been displaced. This, in turn, could set a precedent for further similar conversions that would further erode the character of such mews

properties throughout the Area. In this respect I note that the ground-floor unit at No 23 is presently in residential use, apparently without planning permission.

16. With regard to appearance, the use of the appeal properties as residential units has resulted in little obvious difference to the external facades of the units themselves, as windows and garage doors have generally been retained. However, the fact that the units are no longer available for garaging or storage purposes increases the pressure on the surrounding area, including Albert Mews itself, for such activities to take place in less suitable accommodation or in the open. Any increase in outdoor car parking would clearly add to the harm already caused by such activity in the area. Furthermore, the creation of such small and cramped units must inevitably give rise to the potential for outdoor domestic activities within Albert Mews, and this could be harmful to the appearance of the area when viewed from the rear parts of house in Victoria Grove and Canning Place. My conclusion on this issue is that the continuation of the residential use of any of the appeal properties would neither preserve nor enhance the character or appearance of the De Vere Conservation Area, rather it would cause material harm and conflict with the objectives of the Councils' planning policies for such areas.

17. Turning to the second issue, I have already noted the effect of on-street car parking on the appearance of the surrounding area and the Council have provided a survey which shows the extent to which available car parking spaces are occupied. In addition, there are more than twice as many residents' parking permit holders as there are spaces for residents throughout the Borough. Any increase in the number of residential units in this area is likely, therefore, to add to the pressure that already exists for on-street car parking space, both from residents and visitors to the newly created dwellings, unless satisfactory provision is made for off-street car parking. In these cases I note that the occupants of the three units have been allocated garages elsewhere in Albert Mews, although it does not seem to me that such usage could be satisfactorily enforced through the imposition of any planning condition as no information has been provided to show concurrent ownership. However, even if this point could be overcome, the net effect of the developments that have taken place is a loss of six garage units that could have been used by existing residents of the area, and an increase in the pressure for on-street car parking by visitors to the new dwellings.

18. I saw that there is an advertisement board relating to the letting of garages within Albert Mews, and you suggest that there is, therefore, no demand for these properties. However no evidence has been provided to show that they are being offered at reasonable rents, and even if there is a current slackening of demand it does not overcome the fact that, in the longer term, there is a critical need for off-street parking space, as identified in the UDP. My conclusion on this issue is that the continuation of the use would have a materially adverse effect on the parking situation in the surrounding area, contrary to Policy TR57 of the UDP. It follows from my conclusions on the main issues that the appeals on ground (a) fail.

The appeals on ground (f) against Notices A-D

19. You have put forward no cogent arguments to support any claim that the requirements of each notice exceed that which is necessary to remedy the breach of control. In the light of my findings on the ground (a) appeals I can see no reasonable alternative to a cessation of the use in each case. The appeals on ground (f), against Notice A-D, therefore fail.

The appeal on ground (f) against Notice E

20. The only argument that was put forward to support a claim that the requirement of this notice is unreasonable is that the Council have not provided any alternative solution for the supply of water to the premises. However, that is not the function of the Council in respect of enforcement action and, in any event, you have not shown any need for a non-residential water supply to the premises. Furthermore, the water tank has been removed, which seems to me to show that the requirement was reasonable. The appeal on ground (f), against Notice E, therefore fails.

Other matters

21. In reaching my conclusions on the grounds of appeal I have taken into account all other matters raised in the representations, including the possible contribution that could be made to the housing stock of the Borough, especially with regard to small units of affordable housing. However, no figures have been provided to show that the dwellings are within the definition of such a type of development, as set out in Circular 13/96, or that they would continue to form such accommodation in the future. I have also considered the representations of local residents on a variety of matters including noise disturbance that has arisen from the single-storey units. This confirms the general unacceptability of conversion of premises that were not designed for residential use. These and the other matters raised do not, therefore, alter the decisions that I have reached.

FORMAL DECISIONS

22. For the above reasons, and in exercise of the powers transferred to me, I direct that enforcement notices B and D, relating to Nos 24 and 26 Albert Mews respectively, be corrected by the deletion of the words "lock-up garage" in paragraphs 2 and 5, and the substitution therefor of the word "premises". Subject thereto I dismiss your appeals, uphold the five notices, as corrected in respect of notices B and D relating to Nos 24 and 26 Albert Mews, and refuse to grant planning permission on the applications deemed to have been made under Section 177(5) of the amended Act.

RIGHTS OF APPEAL AGAINST DECISIONS

23. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully

Martin Joyce

MARTIN JOYCE DipTP MRTPI
Inspector

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Section 8

COMPARTMENTATION

Introduction

8.1 The spread of fire within a building can be restricted by sub-dividing it into compartments separated from one another by walls and/or floors of fire-resisting construction. The object is twofold:

- to prevent rapid fire spread which could trap occupants of the building; and
- to reduce the chance of fires becoming large, on the basis that large fires are more dangerous, not only to occupants and fire service personnel, but to people in the vicinity of the building. Compartmentation is complementary to provisions made in Sections 1-5 for the protection of escape routes, and to provisions made in Section 12-14 against the spread of fire between buildings.

8.2 The appropriate degree of sub-division depends on:

- the use of, and fire load in, the building; which affects the potential for fires and the severity of fires, as well as the ease of evacuation;
- the height to the floor of the top storey in the building, which is an indication of the ease of evacuation and the ability of the fire service to intervene effectively; and
- the availability of a sprinkler system which affects the growth rate of the fire, and may suppress it altogether.

8.3 Sub-division is achieved using compartment walls and compartment floors, and provisions for their construction are given in paragraphs 8.19 et seq. These construction provisions vary according to the function of the wall or floor.

Special forms of compartmentation

8.4 Special forms of compartmentation to which particular construction provisions apply, are:

- walls common to two or more buildings;
- walls dividing buildings into separated parts in which the parts can be assessed independently for the purpose of determining the appropriate standard of fire resistance, see also paragraph 8.21; and
- construction protecting houses from attached or integral domestic garages, see paragraph 8.12.

Junctions

8.5 For compartmentation to be effective, there should be continuity at the junctions of the fire-resisting elements enclosing a compartment,

and any openings from one compartment to another should not present a weakness.

Protected shafts

8.6 Spaces that connect compartments, such as stairways and service shafts, need to be protected to restrict fire spread between the compartments, and they are termed protected shafts. Any walls or floors bounding a protected shaft are considered to be compartment walls or floors, for the purpose of this Approved Document.

Provision of compartmentation

General

8.7 Compartment walls and compartment floors should be provided in the circumstances described below, with the provision that the lowest floor in a building does not need to be constructed as a compartment floor. Paragraphs 8.8-8.18 give guidance on the provision of compartmentation in different building types. Information on the construction of compartment walls and compartment floors in different circumstances is given in paragraphs 8.19 et seq. Provisions for the protection of openings in compartment walls and compartment floors are given in paragraphs 8.28 et seq.

All purpose groups

8.8 A wall common to two or more buildings should be constructed as a compartment wall.

8.9 Parts of a building that are occupied mainly for different purposes, should be separated from one another by compartment walls and/or compartment floors. This does not apply where one of the different purposes is ancillary to the other. Refer to Appendix D for guidance on whether a function should be regarded as ancillary or not.

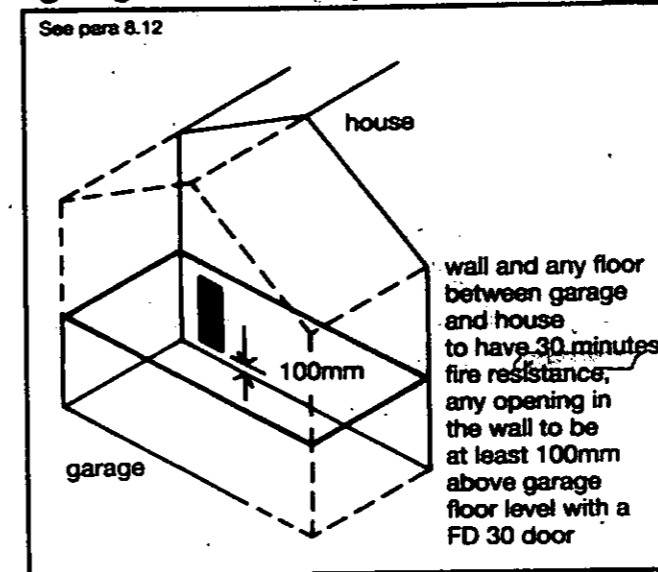
8.10 A wall or floor provided to divide a building into separate occupancies should also be constructed as a compartment wall or compartment floor.

Compartmentation in houses

8.11 Any wall separating semi-detached houses, or houses in terraces, should be constructed as a compartment wall, and the houses should be considered as separate buildings.

8.12 If a domestic garage is attached to (or forms an integral part of) a house, the garage should be separated from the rest of the house, as shown in Diagram 22.

Diagram 22 Separation between garage and dwellinghouse



Compartmentation in flats

8.13 In buildings containing flats or maisonettes the following should be constructed as compartment walls or compartment floors:

- any floor (until between one storey and another), and
- any wall separating flats from any other part of the building,
- any wall enclosing a lift shaft or service chamber.

Compartmentation in health care buildings

8.14 In institutional buildings, floors should be constructed as compartment floors.

8.15 Compartment walls should be provided in multi-storey health care buildings.

8.16 Any walls separating health care buildings into compartments to provide escape provision should be constructed as compartment walls.

Compartmentation in residential buildings

8.17 All floors in residential buildings should be constructed as compartment floors.

Diagram 23 Compartment walls and compartment floors to relevant paragraphs in Section 8

