

**ROYAL BOROUGH OF  
KENSINGTON AND  
CHELSEA**

**DOCUMENT TYPE**

**PLANNING APPLICATIONS**

**LATE UPDATE**

TP/98/01168

# TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP TOWN AND COUNTRY BUILDINGS IN GREATER LONDON

FOR OFFICE USE ONLY	<b>APPLICATION COMPLETE</b>	Borough Ref. ....
Fee £ 760-00	19 JUN 1998	Registered No. ....
Cheque / Postal Order / Cash 000 410	19 JUN 1998	Date Received TP981168
Receipt No. Issued 1010063		

1

**PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM**

<b>PART ONE</b>	To be completed by or on behalf of all applicants as far as applicable
<b>FEE</b> (where applicable)	£ 760.00

<p><b>1. APPLICANT</b> (in block capitals)</p> <p>Name Mrs. Mangat</p> <p>Address Ealing Estates</p> <p>63 Alexandra Road</p> <p>Hounslow Middx TW3 4HP</p> <p>Tel. No. ....</p>	<p><b>AGENT</b> (if any) to whom correspondence should be sent</p> <p>Name Fountain Flanagan Briscoe Associates</p> <p>Address 46 St. John's Road Tunbridge Wells</p> <p>Kent TN4 9NT</p> <p>Tel. No. 01892 521525 Ref. ....</p>
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**2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT**

(a) Full address or location of the land to which this application applies: 136 Cromwell Road London

(b) Site area: 0.017 hectares

(c) Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.

PROVISION OF A 5 no. flats at ground and lower ground floor level

(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)  No  Yes

If "Yes" state gross floor area of proposed building(s) m<sup>2</sup>

RECEIVED BY PLANNING SERVICES

EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
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18 JUN 1998

4

If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats.

(ii) Alterations  Yes  No

(iii) Change of use  Yes  No

(iv) Construction of new access to a highway } vehicular pedestrian  No  Yes

(v) Alteration of an existing access to a highway } vehicular pedestrian  No  Yes

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).

0.017 hectares

Hectares/m<sup>2</sup>

19 JUN 1998 Strike out whichever is inapplicable

**3. PARTICULARS OF APPLICATION**

State whether this application is for: State Yes or No

- (i) Outline planning permission  No
- (ii) Full planning permission  Yes
- (iii) Renewal of 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.  No
- (iv) Consideration under Section 72 only (Industry)  No

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

- 1. Siting
- 2. Design
- 3. Landscaping
- 4. External appearance
- 5. Means of access

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

Date ..... Number .....

The Condition .....

2

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

State :-

- (i) Present use of buildings/land ..... Residential/Commercial .....
- (ii) If vacant the last previous use and period of use with relevant dates. ....

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

2171.04A

**6. ADDITIONAL INFORMATION** State Yes or No

- (a) Is the application for non-residential development  No 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 If "Yes" complete PART FOUR of this form
- (c) Does the proposed development involve the felling of any trees  No If "Yes" state numbers and indicate precise position on plan
- (d) (i) How will surface water be disposed of? As existing
- (ii) How will foul sewage be dealt with? As 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 ..... N/A
  - (ii) Roof .....
  - (iii) Means of enclosure .....

**We hereby apply for (strike out whichever is inapplicable)**

- (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 the land already instituted as described in this application and accompanying plans.~~

Signed [Signature] on behalf of Mrs. Mangat Date 8.6.98

**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 day before the date of application, complete Certificate A. If otherwise see PART TWO of this form.

**CERTIFICATE A - Certificate under Section 66 of the Town & Country Planning Act 1990. I hereby certify that:-**

- \*Strike out whichever is unapplicable.
- 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. ~~\*I have / the applicant has given 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:-~~

(a) "Owner" means a person having freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.

Name and Address of Tenant .....

Date of Service of Notice .....

Signed [Signature] on behalf of Mrs. Mangat Date 8.6.98

McLEOD'S MEV

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124

X 136

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CROMWELL ROAD

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Hotel

115

117

Lincoln Hotel

129

14

ASTW

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GASPAR  
CLOSE

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51

131

Hotel Europe

145

147

Surgery

2



3

Fountain Flanagan Briscoe Associates  
Architects & Surveyors

46 St John's Road Tunbridge Wells Kent TN4 9NT  
Telephone: (01892) 521525, 520741, 544924, 544925  
Fax: (01892) 510414

TP981168

Our Ref. **DB/EMB**

Project No. **2171**

Your Ref.

The Royal Borough of Kensington & Chelsea  
Planning Department  
Town Hall  
Hornton Street  
London W8

8th June 1998

Dear Sirs

**Re: Planning Application**  
**136 Cromwell Road London**



We enclose the following in connection with the above:-

1. 4 copies of the Planning Form including Certificate A
2. 4 prints off our drawing number 2171.04A being 1.50 Plans and a 1.1250 Location Plan.
3. A cheque value £760 00 being the Prescribed Fee.

If you require any further information please contact us.

Yours faithfully

**D BRISCOE**  
**FOUNTAIN FLANAGAN BRISCOE ASSOCIATES**  
Encs

Royal Borough of Kensington & Chelsea  
**CASH ACCOUNTING OFFICER'S DEPOSIT**

RECEIPT

Dept: **PLANNING**

Section: **DEV. CONTROL**

Paid in by: 1876

This report relates to receipts up to: \_\_\_\_\_

Nature of Income: **APPLICATIONS**

Notes: If more than three cheques/P.O.s are deposited, please use a separate cheque list and enter below the TOTAL only.

*136 Gemwell*

*000410.*

• Class: **A B C**

£10 notes & over		
£5 notes		
£1 coins		
50 pence		
'Silver'		
'Bronze'		
Total Cash		
Total Cheques/P.O.s		
LIST N <sup>o</sup>		
REFERENCE N <sup>o</sup>		
48130/40143/40156		
	<i>760</i>	<b>TOTAL AMOUNT</b>
	<i>760</i>	

1010063 03 180698 0948130

£760.00 CHEQ COAF

**4**



# DEVELOPMENT CONTROL

TECHNICAL INFORMATION

TP981168

JA

ADDRESS 136 Cromwell Rd

6

THE ROYAL BOROUGH OF



KENSINGTON AND CHELSEA

- |     |   |        |  |
|-----|---|--------|--|
| HB  | Buildings of Architectural or Historic interest | LSC    | Local Shopping Centre                          |
| AMI | Area of Metropolitan Importance                 | AI     | Sites of Archeological Importance              |
| MDO | Major Sites with Development Opportunities      | SV     | Designated View of St. Paul's From Richmond    |
| MOL | Metropolitan Open Land                          | SNCI   | Sites of Nature Conservation Importance        |
| SBA | Small Business Area                             | REG 7  | Restricted size and use of Estate Agent Boards |
| PSC | Principal Shopping Centre (Core or Non core)    | ART IV | Restrictions of Permitted Development Rights   |

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic use	PSC	LSC	AI	SV	SNCI	REG 7	ART IV
									C/N						
											✓				

Density	
Site Area	
Habitable rooms proposed	
Proposed Density	

Plot Ratio	
Site Area	
Zoned Ratio	
Floor Area proposed	
Proposed Plot Ratio	

<b>Daylighting</b>	Complies	
	Infringes	

<b>Car Parking</b>	spaces required	
	spaces proposed	

**Notes**



MEMORANDUM

7

From: EXECUTIVE DIRECTOR OF  
PLANNING AND CONSERVATION

To: FOR FILE USE ONLY

My Ref: TP/98/1168/SLW  
Room No. 322

Your Ref:  
Room No.

P.A.X.No. 2086

Date: 29/06/98

DEVELOPMENT

136 CROMWELL ROAD, S.W.7

Provision of 5 No. flats at ground and lower ground floor level.

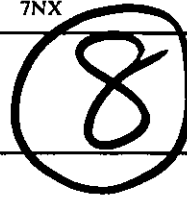
Not statutorily required to be notified.

M.J. FRENCH  
Executive Director, Planning and Conservation

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**PLANNING AND CONSERVATION**THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

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**Executive Director** M J FRENCH FRICS Dip TP MRTPI Cert TS  
**Director of Planning Services**

---

**THE ROYAL  
BOROUGH OF****KENSINGTON  
AND CHELSEA**

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Environmental Health Dept.,  
37 Pembroke Road,  
London, W8Switchboard: 0171-937 5464  
Direct Line: 0171-361 2086  
Facsimile: 0171-361 3463Date: 10/07/98

---

My reference:

Your reference:

Please ask for:

DPS/DCC/SLW/TP/98/1168

Dear Sir (Madam),

TOWN AND COUNTRY PLANNING ACT, 1990136 CROMWELL ROAD,  
S.W.7

I enclose a copy of an application (with relevant drawings) and should be pleased to receive your observations on these proposals in due course.

It is hoped to present this application to the Town Planning Committee prior to 14/08/98 .

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation



TP/98/1168

PC → SLW

9

Fountain Flanagan Briscoe Associates  
Architects & Surveyors

46 St John's Road Tunbridge Wells Kent TN4 9NT  
Telephone: (01892) 521525, 520741, 544924, 544925  
Fax: (01892) 510414

✓  
01  
22-7

Our Ref. **DB/EMB**

Project No. **2171**

Your Ref.

The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

16th July 1998

Dear Sirs

**Re: DPS/DCC/TP/98/1168**  
**136 Cromwell Road SW7**  
**Proposed provision of 5 no. flats**

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	2	SW	SE	ENF	AO ACK
22 JUL 1998							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEs	

Further to the above referred to Application we enclose 4 prints off our amended drawing number 2171.04B and would be pleased if you will substitute these for the previously submitted drawings.

Yours faithfully

**D BRISCOE**  
**FOUNTAIN FLANAGAN BRISCOE ASSOCIATES**  
Encs

1952.5.11

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1952.5.11  
1952.5.11

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**Royal Borough of Kensington and Chelsea  
Directorate of Planning Services - Policy Observations**

TP No: TP/	Address: 136 Cromwell Road, SW7	Date Received 30.6.98	Date of Obs. 21.7.98
UDP Paras/Policies		Obj.	No obj. *
	Development: Provision of 5 flats at ground and lower ground floor level	HMO?	No. of Dwelling Units
			Existing Proposed 5
		D.C. Officer SLW	Policy Officer MS

**Comments:**

10

**Site:** Comprises a 5-storey terraced property on the north side of Cromwell Road located in the Cromwell Road (Air Terminal) Local Shopping Centre.

**Existing use:** **No existing floor plans.** Records indicate that the lower ground floor has been used as ancillary storage accommodation although two rooms to the rear may have been used as offices (TP/82/1528) and that the rear parts of the ground floor have been used as ancillary to the two retail units:- a confectionery shop and an estate agent. The four upper floors are in residential use.

**Proposal:** The proposal relates to the entire lower ground floor and to the rear portion of the ground floor and proposes five one-bedroom flats (2 habitable rooms each).

**Issues:** The proposal accords the overall objectives for housing in the Borough, particularly H3 and the creation of small residential units. It is recognised that flats in shopping areas can enhance vitality. However, we need to ensure that no conflict of uses would occur which would result in a loss of residential amenity.

We need to check that the amount and condition of the ancillary shop floorspace lost is not critical to the trading ability of the main shop premises (S1). The land use records suggest that the majority of the floorspace lost is ancillary office / storage accommodation used in connection with the estate agents. There are no policies to resist the loss this commercial accommodation in this location.

The flats would share the existing staircase and entrance to Cromwell Road with the flats on the upper floors. Therefore, no change to the frontage is envisaged.

The issue would seem to be whether the proposed residential accommodation is of a satisfactory standard, given the unusual floor layouts, a general lack of daylight and the close proximity of the railway line to the rear.

The net floor areas of flats Nos 2, 3 & 4 fall well below the standard set out in Table 3.1.

No policy objection, subject to satisfactory unit layouts.

*(no direct access visible)*

PL 27.7.98

Sent for copy to BEME 4/9 — ALG

**MEMORANDUM**

**To:** Environmental Services  
Lesley Bellinger  
c.c.

**From:** Executive Director of Planning & Conservation  
Development Control Central - Sandra Winwood

**Our Ref:** TP/98/1168  
**Room No:**

**Your Ref:**

**Ext:** 2011

**Date:** 4 September 1998

11

**136 Cromwell Road, SW7**

I refer to a current application for the provision of five flats at ground and lower ground floor level and to this department's earlier letter of 10th July 1998.

I attach a copy of the submitted drawings and letters of objection received to the proposal. I would be grateful for your observations on the scheme and on the points raised on the letters relating to occupancy and living conditions in the properties.

Sandra Winwood

12

# Memorandum

**DATE:** September 22, 1998

**TO:** EXECUTIVE DIRECTOR OF  
PLANNING AND CONSERVATION

Sandra Winwood Ext.

**FROM:** DIRECTOR OF ENVIRONMENTAL  
HEALTH ENVIRONMENTAL HEALTH

Beverley Williams Ext. 5625

**RE:** 136 Cromwell Road London SW7

**CC**

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Reference Number TP/98/1168

Further to your enquiry relating to the above Planning Application concerning to the above property.

I must apologise for the delay in responding to your enquiry.

This delay is in part due to the fact that; I expressed reservations concerning the adequacy of natural lighting and ventilation to the front living room of flat 5 (see plans)

I have subsequently received amended plans which outline proposals which have been put forward by the Surveyor in order to ensure adequate natural lighting to this room.

I am therefore, satisfied that these amendments will ensure adequate natural lighting to Flat 5.

However, I am concerned that the shower rooms may still be slightly under the permitted for size for this type of accommodation.

I have no further comments in relation to this planning application.

→ Sent ~~to~~ memo askg what drawing no's considered via connect.

AW.  
25/9



Fountain Flanagan Briscoe Associates  
Architects & Surveyors

46 St John's Road Tunbridge Wells Kent TN4 9NT  
Telephone: (01892) 521525, 520741, 544924, 544925  
Fax: (01892) 510414

PC → SW  
13  
✓  
17-11

Our Ref. DB/EMB

Project No. 2171

Your Ref.

Kensington & Chelsea  
Planning & Conservation  
The Town Hall  
Hornton Street  
London W8 7NX  
For the attention of Ms Sandra Windward

11th November 1998

Dear Ms Windward

RECEIVED BY PLANNING SERVICE							
EX	INC	N	SW	SE	ENF	AO	ACK
39		17 NOV 1998					
APPLS	IO	REC	ARB	FWD	CON	FEES	
				PLN	DES		

**Re: 136 Cromwell Road London SW7**

Further to our telephone conversation we note that Environmental Health have approved the layout of the proposed Flat 5 at the above.

Further to our conversation concerning the areas of the proposed flats we comment as follows:-

1. Flat 5 conforms with the space standards recommended.
2. Flat 1 is just under the area recommended.
3. Flats 2,3 and 4 whilst below the area recommended are able to achieve workable layouts as the layouts utilise pre-made proprietary shower rooms and mini-kitchens, also circulation areas are kept to a minimum.

Obviously these layouts achieve more useable layouts than studios or bedsits.

We look forward to hearing from you.

or goback to Mrs Mangat  
0181-570-4567

Yours sincerely

D BRISCOE  
FOUNTAIN FLANAGAN BRISCOE ASSOCIATES  
cc Mrs Mangat



---

**PLANNING AND CONSERVATION**THE TOWN HALL HORNTON STREET LONDON W8 7NX

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**14****THE ROYAL  
BOROUGH OF**Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mr. D. Briscoe,  
Fountain Flanagan Briscoe Associates,  
46 St. John's Road,  
Tunbridge Wells,  
Kent,  
TN4 9NT.Switchboard: 0171-937 5464  
Extension: 2011  
Direct Line: 0171-361 2011Facsimile: 0171-361 3463  
29 December 1998**KENSINGTON  
AND CHELSEA**

---

My reference: DPS/DCC/SLW/TP/98/1168 Your reference:

Please ask for: Sandra Winwood

Dear Sir,

**Town and Country Planning Act 1990**  
**136 Cromwell Road, London, SW7**

I refer to your site inspection and telephone conversations with my assistant, Sandra Winwood, and your letter of 11th November 1998 in connection with a planning application for the conversion of the rear parts of the basement and ground floor into five self-contained flats at the above property.

As discussed, the flats with the exception of Flat 5, all fall below the Council's floorspace standards for new housing. As advised, a studio flat (i.e. one habitable room) should have a floor space of 30 square metres, with a one bedroom flat (two habitable rooms) having a floor space of 44.5 square metres. I note your comments that whilst the units are under the areas recommended you feel that they achieve workable units which keep the circulation areas to the minimum and utilise pre-made shower rooms and mini-kitchens. However, I am of the opinion that should the application remain in its present form that the application is unlikely to receive favourable consideration.

I would therefore ask you to give further consideration to revising your proposal and look forward to hearing from you in due course.

Yours faithfully,

M.J. French  
Executive Director of Planning and Conservation

E/



TP/98/1168/B

15

Fountain Flanagan Briscoe Associates  
Architects & Surveyors

Royal Victoria House The Pantiles Tunbridge Wells Kent TN2 5TE  
Telephone: (01892) 521525, 520741, 544924  
Fax: (01892) 510414

V01-3  
10-3

PC -> SLW  
TP/98/1168

Our Ref. **DB/EMB**

Project No. **2171**

Your Ref.

The Royal Borough of Kensington & Chelsea  
Planning Services  
The Town Hall  
Hornton Street  
London W8 7NX  
For the attention of Sandra Windward

5th March 1999

Dear Ms Windward

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N		SW	SE	ENF	AO ACK
10 MAR 1999							
	IO	REC	ARB	FWD PLN	CON DES	FEES	

**Re: 136 Cromwell Road London SW7**

We enclose a further print off our drawing number 2171.04C indicating the Studio flat 2 at lower ground floor level and the 2 Bedroom flat 4 at ground floor level.

We trust that it will now be possible for you to issue the Planning Permission.

Yours sincerely

**D BRISCOE**  
**FOUNTAIN FLANAGAN BRISCOE ASSOCIATES**  
cc Mrs Mangat + drawing  
Enc

Advised agent Otte 2114

Advised Mrs Mangat accordingly.

H.S. MANGAT & G.K. MANGAT  
232 Old Brompton Road, # 2  
London SW5 ODE

Tel: (0171) 373-9415  
Fax: (0181) 569-4428

E-mail: GMANGAT@compuserve.com

PC → SLW  
✓ WJ  
22-3

16

17<sup>th</sup> March 1999

The Royal Borough of Kensington & Chelsea  
Planning Services - Ms Sandra Windward  
The Town Hall  
Hornton Street  
London, W8 7ZX

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N		SW	SE	ENF	AO ACK
22 MAR 1999							82
FILES	IO	REC	ARB	FWD PLN	CON DES	FEEES	

Dear Ms Windward:

**REF: 136 CROMWELL ROAD SW7 4HA**

I write further to my conversation of last week and my telephone messages of 15.03.99 and 16.03.99. As usual I seem to get no feedback. I called your office and the answering machine is always on, and then when I call the planning department, they indicate that I need to make an appointment directly with you.

I would like to make an appointment to see you **immediately**. Please call/write at the number as above to schedule a meeting. If you have no intentions to do so, please let me know within the next 7 days.

Yours sincerely,

*G.K. Mangat*  
G.K. Mangat

~~SECRET~~



Fountain Flanagan Briscoe Associates  
Architects & Surveyors

Royal Victoria House The Pantiles Tunbridge Wells Kent TN2 5TE  
Telephone: (01892) 521525, 520741, 544924  
Fax: (01892) 510414

① PC

② SW

17

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
Project No. 2171				30 MAR 1999		Your Ref	
APPROVALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

Our Ref. DB/EMB

Project No. 2171 30 MAR 1999

Your Ref

The Royal Borough of Kensington & Chelsea  
Planning Services  
The Town Hall  
Hornton Street  
London W8 7NX  
For the attention of Sandra Windward

26th March 1999

Dear Ms Windward

**Re: 136 Cromwell Road London SW7**

We enclose as requested 4 no. additional prints off our drawing number 2171.04C.

Yours sincerely

**D BRISCOE**  
**FOUNTAIN FLANAGAN BRISCOE ASSOCIATES**  
Enc

COPY OF PLANS  
TO INFORMATION  
OFFICE PLEASE

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OFFICE PLEASE  
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18

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING SERVICES COMMITTEE APP NO. TP/98/1168/G/11  
21/04/1999 AGENDA ITEM NO. 2038

ADDRESS

136  
CROMWELL  
ROAD,  
KENSINGTON,  
S.W.7

APPLICATION DATED 08/06/1998

RECOMMENDATION  
ADOPTED.

APPLICATION COMPLETE 19/06/1998

APPLICATION REVISED 10/03/1999

APPLICANT/AGENT ADDRESS:

Fountain Flanagan  
Briscoe Associates,  
46 St. John's Road,  
Tunbridge Wells,  
Kent  
TN4 9NT

CONSERVATION AREA N/A

CAPS Yes

ARTICLE '4' NO

WARD Queen's Gate

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 12

OBJECTIONS 3

SUPPORT 0

PETITION 0

RECOMMENDED PROPOSAL:

Conversion of part of ground and lower ground floor levels to four self-contained flats together with the opening up of the front forecourt lightwell.

RBK&C Drawing No(s): TP/98/1168/B

Applicant's Drawing No(s): 2171.04

RECOMMENDED DECISION:

Grant planning permission

APPROVED BY  
PLANNING SERVICES CTTEE  
21 APR 1999  
CONSENT REF.....

19

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

1.       **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**  
*Reason As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)*
  
2.       **Details of the railings to the proposed front forecourt lightwell shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the relevant part of the work is begun.**  
*Reason - To ensure a satisfactory standard of external appearance.*

**INFORMATIVES**

1.       I02
  
2.       I01
  
3.       I09
  
4.       I30



**1.0 THE SITE**

- 1.1 No. 136 Cromwell Road is a mid-terraced five storey property located along the northern side of the road directly opposite the junction with Courtfield Gardens.
- 1.2 The application premises comprise the entire lower ground floor and the rear portion of the ground floor. The accommodation is currently vacant having formerly been in office use. The front ground floor is in commercial use and no change of use is proposed for this area. The four upper floors are in residential use.
- 1.3 The property is within the Cromwell Road (Air Terminal) Local Shopping Centre and is not situated within a Conservation Area.

**2.0 THE PROPOSAL**

- 2.1 The application proposes the provision of 4 self-contained flats at rear ground and lower ground floor level. It is also proposed to open up the front forecourt lightwell.
- 2.2 As originally submitted the application proposed the creation of five units.

**3.0 RELEVANT PLANNING HISTORY**

There is no specific relevant history relating to 136 Cromwell Road.

134-136 Cromwell Road

- 3.1 In March 1982 an established use certificate was granted for the use of units 1 and 2 as retail use.
- 3.2 In February 1982 planning permission was granted for the change of use of the rear ground floor from office to restaurant and the basement floors from storage to restaurant.
- 3.3 In March 1982 an established use certificate was issued for the use of the ground floor as a restaurant
- 3.4 In December 1982 planning permission was granted for the change of use of two rooms in the basement (rear) from storage to offices.

21

#### 4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations the application raises concern the principle of change of use from commercial to residential and the standard and mix of the proposed accommodation. In addition, there are the highway and design issues raised by the forecourt alterations.
- 4.2 The relevant policies are contained within the "Housing" Chapter of the Council's Unitary Development Plan. STRAT 13 and 14 seek to increase the provision of residential accommodation with Policy H3 seeking to encourage the use of property, wherever appropriate for residential purposes. The plan recognises that flats in shopping areas can enhance vitality. From site inspection it would appear that the area involved is vacant storage/office premises, and there is no policy to protect this use in this location.
- 4.3 The proposed flats would share the existing entrance and staircase to the flats on the upper floors. The number of units has been reduced as the originally proposed units fell below the standards set in the Planning Standards Chapter as specified in Table 3.1. There is still a marginal shortfall of two of the units of 4 and 2 square metres respectively. The accommodation now proposed comprises one studio unit, 2 x one bedroomed units and one two bedroomed unit. This revised submission is considered to provide satisfactory layouts. Given the location and close proximity of the railway line the proposed mix is considered acceptable in this particular location.
- 4.4 The proposed alterations to open the front forecourt lightwell are within the privately owned forecourt area, and there are no highway objections to this. In design terms it would appear that these areas were originally lightwells for the basements below, and although none of the immediate neighbours has an open lightwell, they are a feature from Nos. 126 - 128 and 148 - 150 Cromwell Road, which are in their original form. It is therefore considered that these works are acceptable subject to a condition on details of the proposed railings.

#### 5.0 PUBLIC CONSULTATION

- 5.1 A total of 12 letters of notification have been sent to properties in Cromwell Road. Three letters of objection have been received.
- 5.2 The Manager of the adjacent restaurants at Nos. 132 and 138/140 has no objection to the proposals but points out that both restaurants are licensed up to 2.00 am and that prospective owners should be made aware of the position.
- 5.3 The occupier of the restaurant trading at No.134/136 Cromwell Road points out that their fire exit runs through the ground level of No. 136 Cromwell Road

22

and that their main electric switch is situated at lower ground floor level.

- 5.4 The owners of two of the flats have written in complaining about the general state of repair of the common parts, the overcrowding of the existing flats, potential health and safety and fire hazard, refuse, the possibility of the other owners subsidising the work through service charges, noise and disruption from the proposed works and the effect of noise from the night-club downstairs on the new units.
- 5.5 One of the flat owners raises no objection if only the ground floor were converted.
- 5.6 None of the issues raised are considered to amount to grounds for resisting the proposal while others will need to be dealt with under Building Regulations or Environmental Health. It is not felt that the environment of the proposed flats is such as to make them unsuitable for residential occupation bearing in mind that the mix is designed mainly for small households rather than family type use.
- 5.7 The objectors have been re-notified of the revised proposals and any further comments will be reported to Committee.

**6.0 RECOMMENDATION**

- 6.1 Grant Planning Permission.

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

**List of Background Papers:**

**The contents of file TP/98/1168 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By: SLW  
Report Approved By: SLW/LAWJ  
Date Report Approved: 30/03/1999**

**PSC:99:04:SLW.Rep**

**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

23



Fountain Flanagan Briscoe Associates,  
46 St. John's Road,  
Tunbridge Wells,  
Kent  
TN4 9NT

Switchboard: 0171-937-5464

Direct Line: 0171-361-2000

Extension: 2011

Facsimile: 0171-361-3463

23 APR 1999

**KENSINGTON  
AND CHELSEA**

My Ref: TP/98/1168/G/13/2038

Your Ref:

Please ask for: Central Area Team

Dear Sir/Madam,



**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988**

**Permission for Development (Conditional) (DP1)**

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 in so far as may otherwise be required by those plans or by the said conditions. Your attention is drawn to the enclosed information sheet.

**SCHEDULE**

<b><u>DEVELOPMENT:</u></b>	Conversion of part of ground and lower ground floor levels into four self-contained flats together with opening up of front forecourt lightwell.
<b><u>SITE ADDRESS:</u></b>	136 CROMWELL ROAD, KENSINGTON, S.W.7
<b><u>RBK&amp;C Drawing Nos:</u></b>	TP/98/1168/B
<b><u>Applicant's Drawing Nos:</u></b>	2171.04/C
<b><u>Application Dated:</u></b>	08/06/1998
<b><u>Application Completed:</u></b>	19/06/1998
<b><u>Application Revised:</u></b>	30/03/1999

**FULL CONDITIONS, REASONS FOR THEIR IMPOSITION AND INFORMATIVES  
ATTACHED OVERLEAF**

**CONDITIONS AND REASONS FOR THEIR IMPOSITION**

24

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**  
*Reason As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)*
  
2. **Details of the railings to the proposed front forecourt lightwell shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the relevant part of the work is begun.**  
*Reason - To ensure a satisfactory standard of external appearance.*

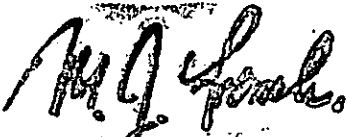
**INFORMATIVE(S)**

1. This permission does not permit the use of the premises to provide temporary sleeping accommodation, including holiday lets, short lets, or timeshare, or for any purpose specified in Section 25 of the Greater London (General Powers) Act 1973, as amended by the Greater London (General Powers) Act 1983, or as timeshare accommodation as specified in Section 5 of the Greater London (General Powers) Act 1984. Use for such purposes would constitute a change of use requiring planning permission. It is the Council's policy to resist such changes of use, and you are advised that planning permission for such a change of use is unlikely to be granted. (I02)
  
2. Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. (I10)
  
3. Planning Permission is hereby granted for the development as shown on the approved drawings and subject to the Conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further permission. You are advised to consult the Directorate of Planning Services before commencing work. (I09)

25

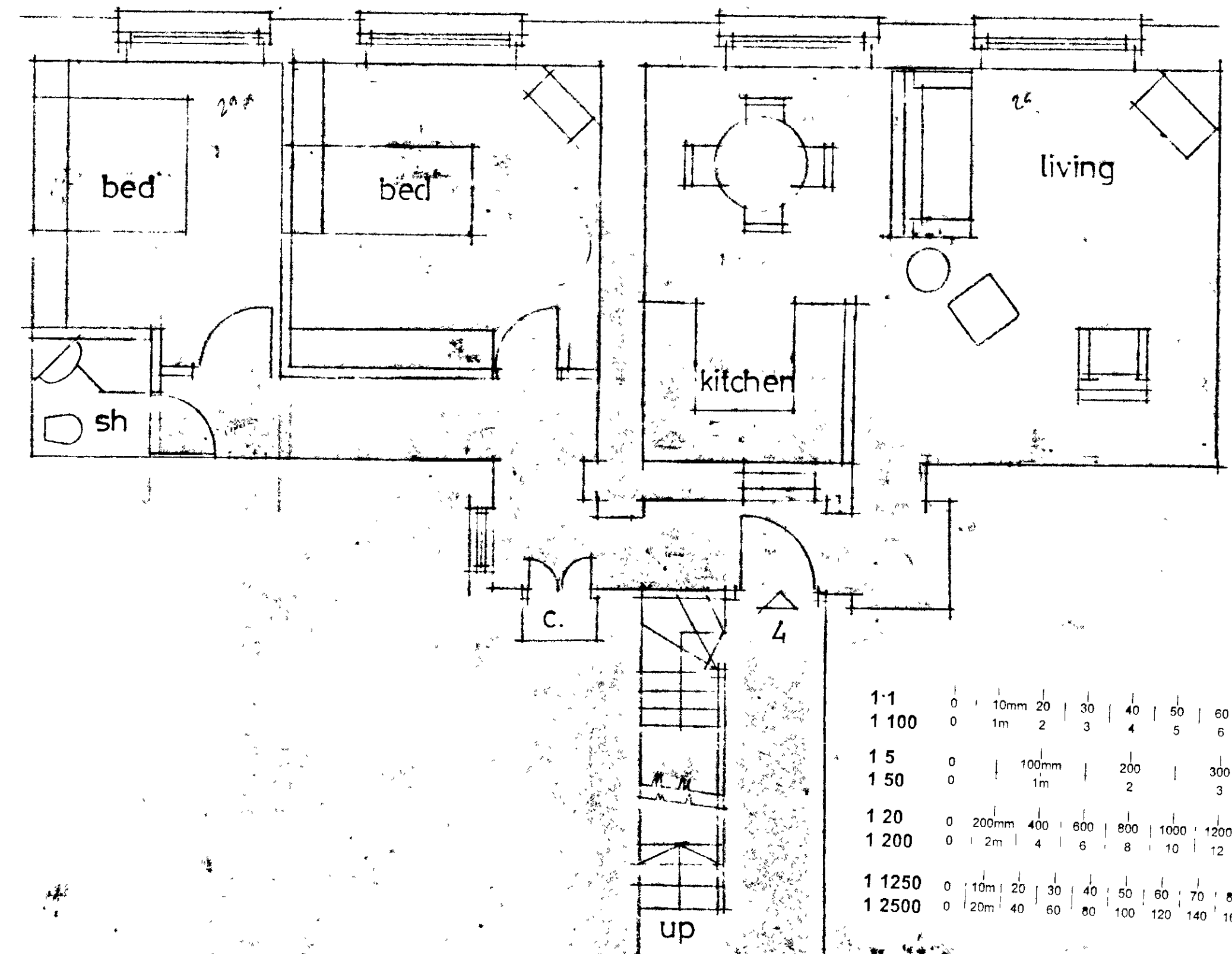
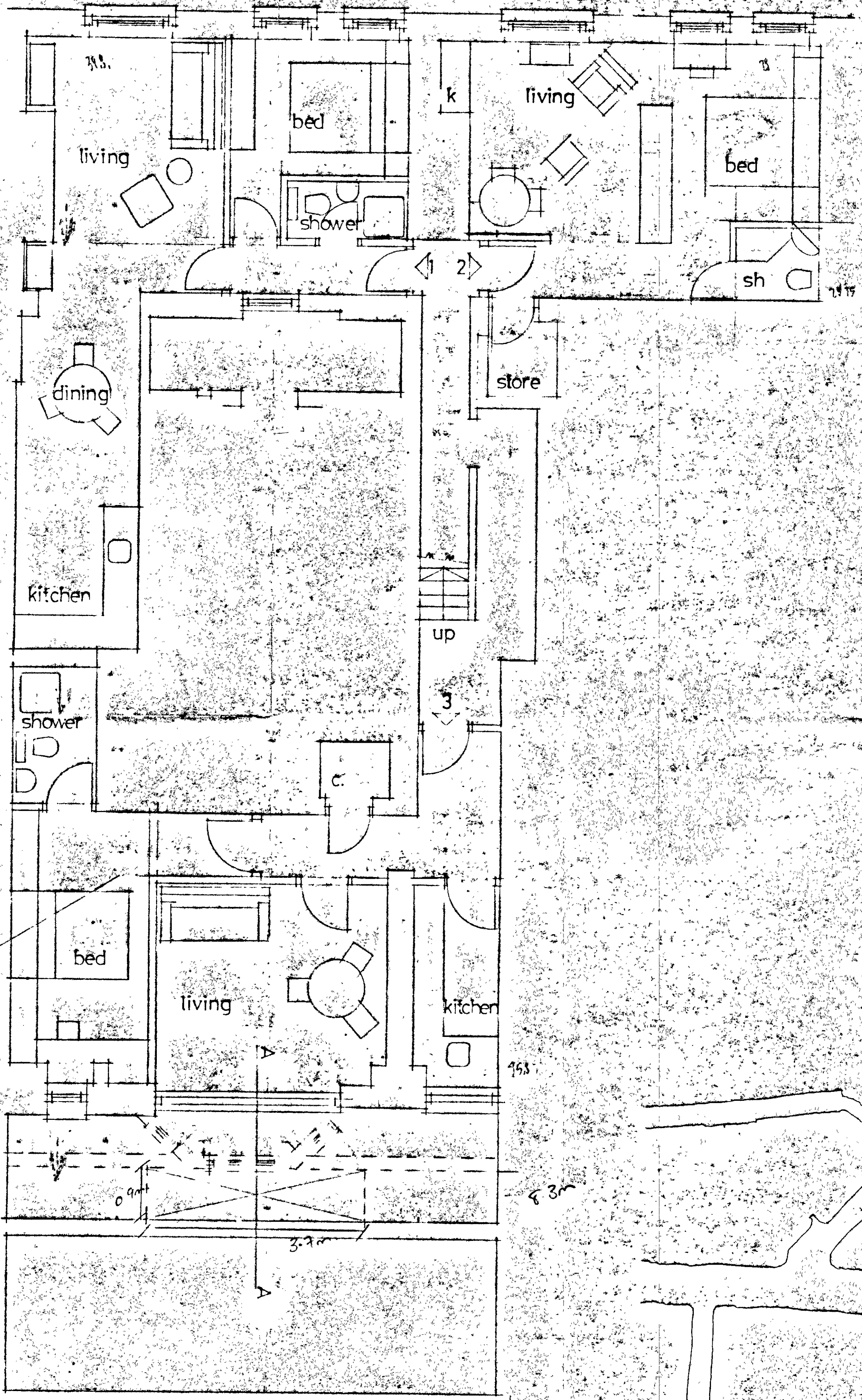
4. Demolition and building works are subject to the Environmental Protection Act, 1990, and appropriate controls over methods, screening, and protection of site, noise, or hours of work, may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I30)

Yours faithfully,



**Michael J. French**  
Executive Director, Planning and Conservation





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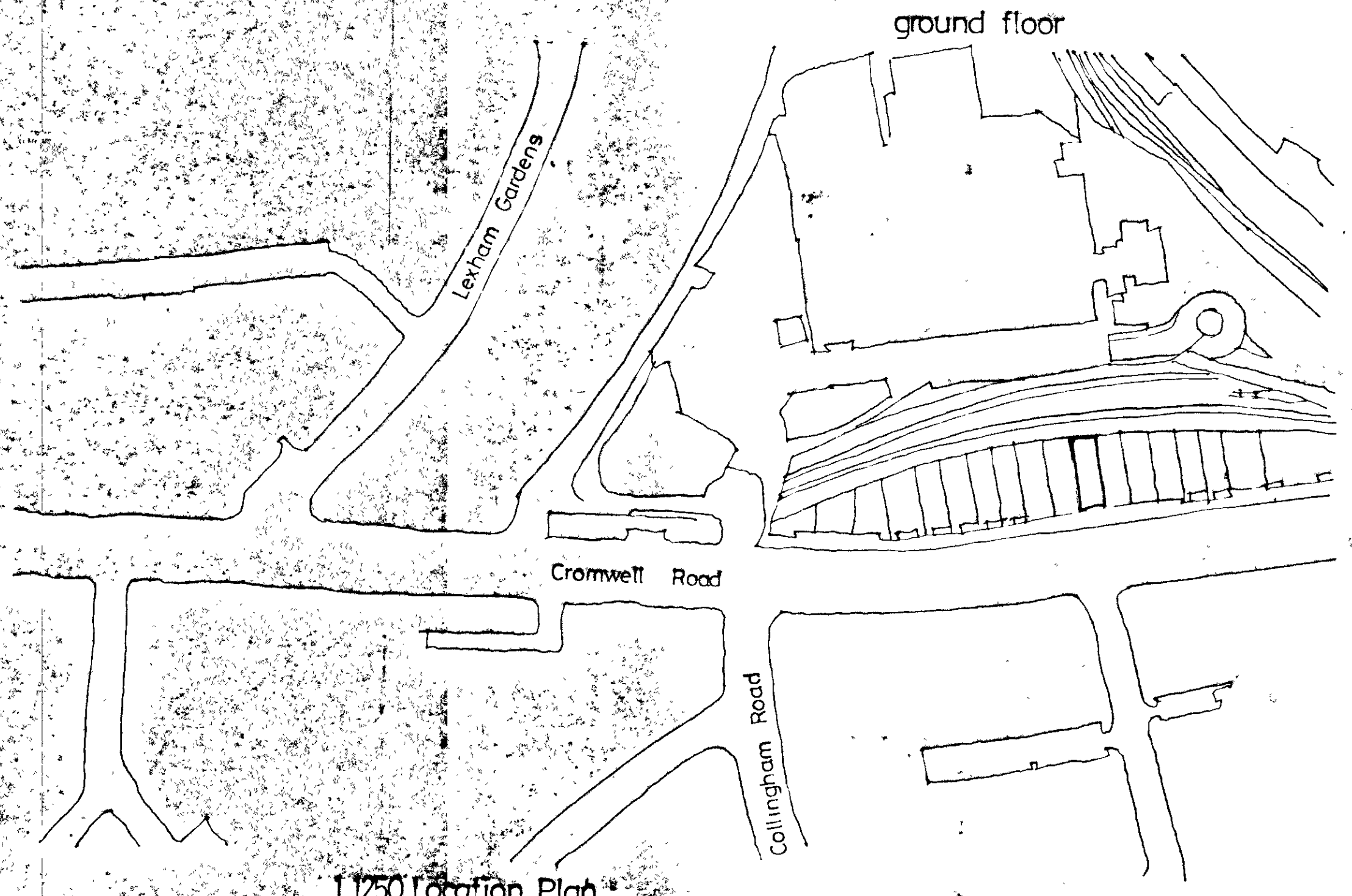
R B K & C  
TOWN PLANNING  
30 MAR 1999  
RECEIVED

APPROVED BY  
PLANNING SERVICES (TTEE)  
21 APR 1999  
COMMENT REF. ....

①


sketch section A.A

lower ground floor



1:1250 Location Plan

TP/98/1168/B

Project 136 Cromwell Road London	Dwg No 2171 04	Rev C
Client Ms. Mangat	 Fountain Parnagon Erskine Architects & Surveyors 45 St. James's Road, London W1K 1TA Telephone: (0872) 521525, 520741, 544974, 544925 Fax: (0872) 510414	
Drawing Proposed flats		
Scale 1:50	Date 4/98	Drawn by



# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Denton Wilde Sapte,  
One Fleet Place,  
London EC4M 7WS

Switchboard: 0207 937 5464  
Extension: 2082  
Direct Line: 0207 361 2082  
Facsimile: 0207 361 3463  
Web: www.rbkc.gov.uk

29 November 2004

My reference: DPS/DCSW/TP/H/SW~Your reference: MJXV/MCH/4 Please ask for: Mrs. S. Wilden/  
and 8483.00002 Ms. C. Cook  
DPS/DCC/TP/98/1168/  
CC

Dear Sir/Madam,

**Re: Town and Country Planning Act 1990**  
**232 Old Brompton Road, SW5 and 134-136 Cromwell Road, SW7**

I refer to your letter of 22<sup>nd</sup> November and apologise for the delay in replying to your letter of 27<sup>th</sup> August. The matters raised in the latter have been under consideration, during which time the Council has acceded to the request made in your letter of 19<sup>th</sup> July and has not proceeded with enforcement action at the present time.

Having carefully examined the content of your letter of 27<sup>th</sup> August, it revisits many of the areas covered by my letter of 9<sup>th</sup> July to Ms. Mangat but appears to have misunderstood the advice. In addition, you enclosed further light reports, upon which comment is made below.

Using the headings of your own letter I would advise you as follows:-

1. Planning Permission TP/98/1168 – Revised Proposals for the Reduced Lightwell

The letters dated 25/1/2003 and 14/2/2003 were addressed in my letter of 9/7/2004 (p.2, point 4).

Concerning the letter dated 5/3/2003 from the Senior Environment Health Officer Mr. Middleton, I refer you again to my letter of 9/7/2004 (p.2, points 2 and 3) and am surprised at the continued misinterpretation of the content of Mr. Middleton's letter. However, it may assist if I reiterate the following:

- (a) Mr. Middleton's letter refers to Malcolm Hollis' light survey report (assumed to be that dated 30/1/2003). This report states that the V.S.C. values "were measured assuming that there was no obstruction in the front light well."
- (b) Accordingly, Mr. Middleton recommended "that you seek to open up the lightwell, as detailed in the proposed drawings attached to your original planning application that was approved in (sic) 1998."



- (c) He then referred to ventilation requirements.
- (d) He concluded by confirming compliance with the Housing Act and suitability for human habitation "subject to the above works being completed."

Contrary to the assertion at the top of page 2 of your letter, all requirements stated by the Environmental Health Officer in that letter have not been met, since the lightwell to the front basement unit remains almost totally obstructed and has not been opened up in accordance with the planning permission and is therefore not affording the VSC values stated in Malcolm Hollis' Report of 30/01/2003. However, you will appreciate that compliance with the requirements of the Housing Act in this respect is a matter for the Director of Environmental Health.

As Ms. Mangat's professional advisers, you will be well aware that the absence of response from the Planning Department cannot be taken as deemed consent for variations to a planning permission, nor can agreement by another Council department under other legislation be construed as permission under the Planning Act.

## 2. Front Bay Window and Lightwell

It is noted that the basement bay window has been removed, presumably as a preliminary to the installation of a flat window as approved in 1999. The reduced lightwell arrangement has not been granted planning permission and conflicts with the basis of the data in Malcolm Hollis' Report dated 30/1/2003 and the advice in Mr. Middleton's letter of 5/3/2003.

## 3. Light Conditions of the Basement Flat

From site inspection it is obvious that the light conditions of the flat are inadequate and unacceptable. U.D.P. Policy CD34 requires development to be designed to ensure good light conditions for its buildings and spaces. The existing front basement flat clearly does not meet this requirement.

The U.D.P. states that in assessing developments the Council will where necessary have regard to the guidelines in "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" published by the Building Research Establishment (BRE) (U.D.P. Para. 4.3.19). The BRE guide states at p.iv that to design for good daylighting and sunlighting within a new development, Sections 2.1 (Skylight), 3.1 (Sunlight) and Appendix C (Interior Daylighting Recommendations) are to be used.

Part 2.1 refers to the use of the Vertical Sky Component (VSC) to indicate whether there is potential for good daylighting and then to the checking of the interior daylighting of the building using the method described in Appendix C (p.4, column 1, first paragraph).

Appendix C contains three criteria for assessment which are put forward by the British Standard and the CIBSE manual. These are:

- (i) Average Daylight Factor,
- (ii) Room depth, and
- (iii) Position of the no-sky line.

The guide goes on to state:

"Note that all three of the criteria need to be satisfied if the whole of a room is to look adequately daylight. Even if the amount of daylight in a room (given by the average daylight factor) is

sufficient, the overall daylight appearance will be impaired if its distribution is poor.” (p.59, column 2, first paragraph).

Turning to the light reports submitted by Malcolm Hollis, that dated 30/1/2003 shows that the VSC to the basement flat is approaching compliance only when there is no obstruction in the front lightwell. No calculation has subsequently been provided for the existing situation, where the majority of the front lightwell is obstructed because it is oversailed by the pavement, and it can only be assumed that the VSC values thus obtained would be very low.

Malcolm Hollis' Report of 24/8/2004 states that VSC is not an ideal test for basement flats. It states that VSC measures only lighting at the window face but does not necessarily mean good lighting internally because

- (i) it is measured at 2m. above ground level and
- (ii) does not take account of room dimensions and window sizes.

The latter point is agreed and is the basis for the BRE guide's recommendation that interior daylighting be checked using the criteria in Appendix C. However, point (i) is not agreed. The BRE guide does address basements and states that the 2m. should be measured from the base of the basement (p.2, column 2, para. (c)). Further, Malcolm Hollis' comment in this respect also begs the question of whether the stated reference point for their VSC study "2m. above finished ground level" was actually 2m. above the street pavement, rather than 2m. above basement floor level as assumed.

Malcolm Hollis' Reports of 16/8/2004 and 24/8/2004 provide data for the Average Daylight Factor (ADF) for the living room and bedroom of the basement flat but not for its kitchen. Without sight of the methodology used and the calculations undertaken it is difficult to comment upon the data obtained. In particular, it is unclear whether the calculations are based upon a completely unobstructed lightwell, as in their report of 30/1/2003, or used only that part of the window which obtains skylight via the much smaller existing open lightwell. It is considered that the latter is the correct approach. (The pavement lights, albeit renewed, are an obstruction of the lightwell which reduce light levels to windows beneath, with further reductions likely due to weathering, accumulation of dirt, and people and objects standing on them).

Whatever the case, Malcolm Hollis are quoting the minimum standards arising out of the British Standard, applicable where a predominantly daylight appearance is not required. The BRE Guide states that without supplementary electric lighting, "if a predominantly daylight appearance is required, then df should be 5% or more." Therefore, reliance upon the minimum standard chosen by Malcolm Hollis will not ensure the "good light conditions" required by Policy CD34.

The approach adopted by Malcolm Hollis that "if a design passes one of the daylight tests, the proposed level of daylight will be acceptable and it is therefore unnecessary to proceed to any further tests" is contrary to the advice at pages 4 and 59 of the BRE Report quoted above. Therefore, in addition to the concerns raised above about the VSC and ADF calculations, the light consultant has not completed the assessment of interior daylighting since there is no analysis of the second and third criteria stated in Appendix C, namely room depth and the position of the no-sky line.

I can only conclude from the above that it has not been demonstrated that relevant daylight tests have been satisfied. Accordingly, I see no reason to disagree with the findings of the site inspection nor to change the view expressed in the letter of 9/7/2004 that the flat has very poor light conditions.

I am not in a position to comment upon the premises' compliance with Housing Act fitness standards but note that Mr. Middleton's letter of 25/8/2004 continues to recommend the opening up of the lightwell in accordance with the planning permission.

#### 4. Enforcement Action

- (i) No planning permission has been granted for the front basement dwelling at No. 136 Cromwell Road with a lightwell as constructed.
- (ii) It has not been demonstrated that the lighting levels meet even minimum standards and UDP Policy CD34 requires good lighting conditions.
- (iii) No objection has been raised in terms of effect of the lightwell upon neighbours.
- (iv) The recommendations of the report on Application Ref. PP/02/932 in respect of No. 232 Old Brompton Road were not endorsed by the Planning Services Committee, who decided to refuse planning permission at the meeting of 25/11/2003.
- (v) The units at Cromwell Road are not to a standard suitable for permanent affordable housing by a Registered Social Landlord, hence the difficulty.
- (vi) Your client has failed to secure commitment from a RSL to take the units as permanent affordable housing, only as temporary affordable housing. As you know, the Planning Services Committee decided at the meeting of 25/11/2003 that this was not an acceptable substitute for the bedsittingrooms lost at No. 232 Old Brompton Road.
- (vii) We have received your Counsel's opinion in relation to this matter and note the contents. However, it is not accepted that the undertakings provided adequately secure the provision of permanent affordable housing despite the covenant that the units will only be used as affordable housing for a period of 125 years. The fact that the units do not satisfy the Scheme Development Standards ( "SDS") prevent a Registered Social Landlord ("RSL") from obtaining the relevant funding from the Housing Corporation for the provision of permanent affordable housing. Your Counsel seems to have the mistaken belief that the units comply with the SDS for permanent affordable housing. Funding would be available from the Housing Corporation for the provision of permanent affordable housing to an RSL if the units complied with the SDS and in which case an RSL would be willing to take on a long term interest in the land. An RSL would need a long term interest in the land to provide permanent affordable housing in order to give their tenants permanent homes by way of assured tenancies. To date, no RSL has confirmed that the units do so comply with SDS in relation to permanent affordable housing and as such, your client is unable to comply with the requirements of any such obligation, notwithstanding the matter of how the affordable housing is actually secured. If you are able to demonstrate that an RSL can provide permanent housing at this site then we would give this further consideration. The provision of temporary affordable housing has been refused by the Planning Services Committee on 25<sup>th</sup> November 2003.
- (vii) (second) The internal alteration of No. 232 involving conversion of bedsitting rooms to self-contained flats has already been largely undertaken and exceeds the extent of authorised conversion works.

5. Existing Planning Application

Would you kindly specify the application which you state remains undetermined? The last application in respect of No. 232 was reference PP/04/00606, dated 26/2/2004. This was withdrawn by Margaret Casely-Hayford of your office by email on 7/5/2004. Had it proceeded to determination, rather than being withdrawn, it would have been recommended for refusal as stated in my letter dated 5/5/2004.

A site inspection with the Acton Housing Association took place on 30<sup>th</sup> June, with the results reported in my letter of 9/7/2004. There is no intention for a further inspection/ evaluation since the Housing Association is not willing to incur abortive expenses in commissioning a full survey whilst the premises are in breach of planning control. This was explained in the final paragraph on page 2 of that letter.

In conclusion, a great deal of officer time has been expended in trying to resolve the unauthorised loss of bedsitting room accommodation at No. 232 Old Brompton Road to no avail. The Planning Services Committee has made it clear that they will not accept temporary affordable housing in exchange for the bedsitting rooms lost. Therefore your client's options appear to include either to offer accommodation of a standard that an RSL can operate as permanent affordable housing (whether at No. 232 Old Brompton Road, No. 136 Cromwell Road or elsewhere), or to convert No. 232 back to bedsitting rooms.

I should be grateful for your reply within 14 days of the date of this letter.

Yours faithfully,

MICHAEL J. FRENCH,  
EXECUTIVE DIRECTOR,  
PLANNING AND CONSERVATION

cc. Charlotte Cook  
Paul Kelsey  
Stan Logan  
Bryan Middleton  
Hazel Salisbury

Notting Hill Housing Trust  
Grove House  
27 Hammersmith Grove  
London W6 0JL  
Tel: 020 8357 5000 Fax: 020 8357 5299  
www.nottinghillonline.com

(11) a  
**NOTTING HILL**



Ms P. Mangat  
Flat 3  
232 Old Brompton Road  
LONDON SW5 0DE

Our ref : PP/bj  
Your ref :  
Direct line : 020 8357 5023  
Direct fax : 020 8357 5080  
Email : ppearce@nhhg.org.uk

28 January 2005

Dear Ms Mangat

**134-136 CROMWELL ROAD, LONDON SW7  
FIVE UNITS FOR PERMANENT AFFORDABLE HOUSING**

You approached Notting Hill Housing Trust with a proposal that we acquire five newly refurbished converted flats to fulfil your planning obligations under a Section 106 Agreement on another site. We understand that you are offering five residential units for permanent housing for a minimum term of 125 years.

In principle, NHHT are interested in acquiring these flats. We will at the same stage wish to discuss the arrangements with the housing officers at RBKC, as we would look for social housing grant to fund the acquisition. Having visited the site and from the plans you supplied, the flats consist of 3 studios and 2 x 1 bed flats. The options that we could consider for permanent housing would be as follows:

1. Housing for Key Workers: either shared ownership or intermediate rented accommodation which would provide an alternative to ownership to those key workers who cannot afford to buy in the Kensington & Chelsea Borough e.g. key workers recently qualified. We would accommodate one key worker per unit.
2. Affordable Rented Housing: we will consider acquiring the flats if they were converted to 1 and 2 bed flats. These would need to be 46m<sup>2</sup> for 1-bedroom flats and 66m<sup>2</sup> for 2-bedroom flats.

Our offers are subject to grant funding and the support of RBKC.

I hope this is useful for you.

Yours sincerely

  
Paul Pearce  
Director of New Business

(iii) b

Subj: 134-136 Cromwell Road, London, SW7.  
Date: 17/01/2005 17:13:24 GMT Standard Time  
From: spinksd@sbha.co.uk  
To: Gmangat6@aol.com

Ref: 5 Flats For Affordable Housing S106 Requirement.

I can confirm, having seen the units when I visited last week, that they would not be considered that suitable for affordable rent use by this association. The basis for our reasoning on this would be on management and maintenance issues.(I am amenable to further discussion on this point should you require it).

However the units would be of interest for permanent affordable housing as shared ownership units providing a lease for a minimum term of 125 yrs. This is of particular interest at 80% TCI (as per the requirement of the S106 agreement). we would be amenable to making you an offer for the finished five units on this basis, with an agreed finished specification.

I hope this is of interest.

Regards.

Dave Spinks  
Head of Development

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This e-mail, and any attachments, is for the use of the addressee only. Any other distribution, use or reproduction without the sender's prior consent is unauthorised. If you receive this message in error, please notify the sender immediately and delete the message from your computer.

The Shepherds Bush Housing Group

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17 January 2005 AOL: Gmangat6

(iii)(c)

**Subj: RE: 134-136 Cromwell Road**  
**Date: 21/10/2003 16:43:31 GMT Daylight Time**  
**From: sue.hockett@womenspioneer.co.uk**  
**To: Gmangat6@aol.com**  
**Sent from the Internet (Details)**

As far as I am aware the units meet the Housing Corporation Standard for both Temporary Social Housing and for a Permanent Scheme. The terms relate to the length of the interest being acquired not the tenure of the people who ultimately live in the flats.

If we acquired a 29 yr lease we would let on the basis of assured shorthold tenancies, if we acquired a long lease we would let on assured tenancies. In either case the intention would be that the tenant could reside in the flat for as long as they wished, providing of course they observed all the obligations of the tenancy. It is not our intention to make short term lettings.

lettings would be made to single women, one letting per flat

With regard to timescale, we should need to obtain a valuation to support the proposed lease premium and rent, carry out a survey to ensure the property is sound and that the flats do comply with the Corporations scheme development standards, and lastly apply and obtain grant approval from the Housing Corporation. I think that realistically we are talking about 6-8 weeks if there are no hiccups.

Regards,  
Sue

-----Original Message-----

**From:** Gmangat6@aol.com [mailto:Gmangat6@aol.com]  
**Sent:** 21 October 2003 16:20  
**To:** sue.hockett@womenspioneer.co.uk  
**Subject:** 134-136 Cromwell Road

Dear Ms Hockett:

Thank you for your e-mail. Please can you confirm the following:

1. Are the units at Cromwell Road suitable for both temporary and permanent affordable housing?
2. What would be the minimum and maximum term one tenant would occupy the unit?
3. What would be the maximum amount of people in each studio and 1 bedroom flat?
4. If we are interested in your initial proposal how quickly can the lease be drawn up?
5. I would appreciate if you can get back to me either way on the 125 year lease option.

Best Regards:

Preeti Mangat

**Subj: PLANNING APPLICATIONS PP/04/00606 & PP/02/00932: 232 OLD BROMPTON ROAD & 136 CROMWELL ROAD**  
**Date: 22/06/2004 14:50:03 GMT Daylight Time**  
**From: [tmbuxton@webspeed.net](mailto:tmbuxton@webspeed.net)**  
**To: [Michael.French@rbkc.gov.uk](mailto:Michael.French@rbkc.gov.uk)**  
**CC: [JohnW.Thorne@rbkc.gov.uk](mailto:JohnW.Thorne@rbkc.gov.uk), [gmangat6@aol.com](mailto:gmangat6@aol.com), [Gerald.Wild@rbkc.gov.uk](mailto:Gerald.Wild@rbkc.gov.uk), [fbuxton.semiba2000@london.edu](mailto:fbuxton.semiba2000@london.edu), [cllr.taylor@rbkc.gov.uk](mailto:cllr.taylor@rbkc.gov.uk), [cllr.coleridge@rbkc.gov.uk](mailto:cllr.coleridge@rbkc.gov.uk), [daniel.moylan@egan-associates.com](mailto:daniel.moylan@egan-associates.com)**

Dear French,

Could you please look into the above planning applications as a matter of urgency both of whom were granted in July 2000 and on 15th October 2002.

In brief following closure orders on an HMO property at 232 Old Brompton Road (Redcliffe Ward originally Earl's Court) planning application was granted to convert 14 HMO units to 5 self contained flats with a S106 agreement such that they should be let at affordable rents. A further planning application was granted to transfer the obligation to provide these 5 flats at an affordable rent to 5 other flats at 136 Cromwell Road (Queensgate Ward). The S106 agreement provides that the leaseholder transfer the interest in these flats for a term of 125 years to one RSL. This a different obligation than the original S106, which had no such requirement.

During the last 2 years Miss Mangat has attempted to transfer the 5 flats at 136 Cromwell Road to an RSL on a 125 year leases. However the RSL's do not have the funding mainly due the flats at 136 Cromwell Road not being eligible for a Housing Corporation Grant and that it is not a whole building so they would not have on going controle over the maintenance etc. However RSL's would be very keen to take these properties on for leases of less than 30 Years to provide Temporary Affordable Accommodation within the borough. Though there is always a preference of Perminant affordable housing there is always a demand for Affordable Temporary Accommodation.

Currently both 232 Old Brompton Road and the 5 flats at 135 Cromwell Road have been renovated to a high standard and are empty. Ms Mangat is committed to providing affordable accomodation for the 5 flats at 136 Cromwell Road. She is also willing to sign a legal agreement with the council such that the flats at 135 Cromwell Road should be rented at an affordable rent for at least 125 years subject to an amendment to the S106 agreement removing the obligation to transfer the properties to an RSL for 125 Year Term.

Would an application to make such an amendment combined with the legal agreement be likely to receive a positive response. It strikes me as a sensible way forward so the above properties to become occupied ASAP and to provide the much needed affordable accommodation.

I have been handed a substantial file supporting the above, which I can show you this evening if required.

Best wishes from

Cllr Terence Buxton  
 Lead Member Housing



(M)

# **LEONARD TRIDGELL ASSOCIATES**

## **CHARTERED SURVEYORS**

58 THE MALL, EALING, LONDON W5 3TA  
Phone: 020 8579 5741 Fax: 020 8840 5957  
Email: [surveyors@tridgell.co.uk](mailto:surveyors@tridgell.co.uk)

OUR REF. MJB/mjj/P.2362

YOUR REF:

DATE: 17 May 2004

Ms P Mangat  
Flat 3  
232 Old Brompton Road  
London  
SW5 0DE

Dear Ms Mangat

### **Five Flats as 134-136 Cromwell Road, London, SW7**

Following my site visit on the 12<sup>th</sup> December 2003, and having examined the scheme work development standards (SDS), a document produced by the Housing Corporation, I confirm my conclusion as stated in my report dated 5<sup>th</sup> January 2004:- that the above property is suitable for permanent housing, including schemes greater than 29 years. My findings detailed in the report in regards to items of suitability and non-complying items also correspond to all permanent housing schemes as well.

Yours sincerely



Michael J Bovington  
**LEONARD TRIDGELL ASSOCIATES**

# LEONARD TRIDGELL ASSOCIATES

## CHARTERED SURVEYORS

58 THE MALL, EALING, LONDON W5 3TA  
Phone: 020 8579 5741 Fax: 020 8840 5957  
Email: surveyors@tridgell.co.uk

OUR REF: HA-Client. Feb 2003

YOUR REF:

DATE:

## Housing Association Clients

Octavia Housing and Care

Including St Marylebone Housing Association

Ealing Family Housing Association

Genesis Housing Group

Including PCHA Housing Association

Sutherland Housing Association

Beechwood Housing

Northcote Housing Association

Acton Housing Association

Circle Thirty Three Housing Trust (London)

Beacon Housing Association

Notting Hill Housing Trust

St Christophers Fellowship

ASRA Greater London Housing Association

James Butcher Housing Association

James Butcher Leasehold Housing Association

North West London Housing Association

YMCA West London

YWCA of Great Britain

Oxford Citizens Housing Association

Peter Bedford Housing Association

Strutton Housing Association

Inquilab Housing Association

John Grooms Housing Association

Swarthmore Housing Society

Community Housing Association

Newton Housing Group

Belgrave Street Housing Co-operative

Holloway Tenant Co-operative

Hackney Housing Co-operative

Everbrook Housing Co-operative

London Cyrenians Housing

Circle Thirty Three Housing Trust (Luton)

Windsor & District Housing Association

Chiltern Hundreds Housing Association

Women's Pioneer Housing Ltd

Harding Housing Association

Kensington Housing Trust

including Parkside Housing

Walterton & Elgin Community Homes Ltd

Seymour Housing Co-operative

Sanctuary Housing Association

South Camden Housing Co-operative

Southern Housing Ltd

including The Samuel Lewis Housing Trust Ltd

Central & Cecil Housing Trust

Great Western Housing Association (absorbed)

Family (North West) Housing Association (absorbed)

Auriol Housing Foundation (absorbed)

Mulberry Housing Association (absorbed)

Swan Charitable Housing Trust (absorbed)

Pinnacle Housing Association (absorbed)

(11)



5 Brooks Court  
Kirtling Street  
London SW8 5BP  
T: 020 7622 9655  
F: 020 7627 9850  
E: london@malcolmhollis.co.uk  
W: www.malcolmhollis.co.uk

EX DIR	HDC	TP	CAC	AD	CLU	AO
R.B.	K.C.	- 9 MAR 2005			PLANNING	
N	C	S	SE	APP	IO	REC
HBS		ARB	FPL	DES	FEES	

Miss G K Mangat  
Flat 3  
232 Old Brompton Road  
London  
SW5 0DE

Our Ref.: 14205/KW/pdd  
22 December 2004

Dear Miss Mangat

**134-136 CROMWELL ROAD, LONDON SW7**  
**FRONT BASEMENT FLAT**

Thank you for your letter of 6 December 2004 enclosing a copy of RBKC's letter of 29 November 2004. *but no agreement obtained*

I am aware that the Planning Department were kept informed of the various consultations and discussions that we had with their Senior Environmental Health Officer dating back to January 2003, but from their letter, it seems that there is an apparent misunderstanding of the history and background as to the actions taken to satisfy the Council's requirements.

*Report para 3.1.6  
Table refers  
to use  
of unobstr.  
& all windows  
even under  
prospect.*

The first report dated 30 January 2003 calculated ADF daylight levels as per the revised scheme of the reduced lightwell that came about as a result of the injunction proceedings from the ground floor tenant at Cromwell Estates that prevented you from opening-up the full extent of the light well. The ADF values achieved met minimum BS 8206 daylight standards. The ADF takes into account the interior dimensions, area of glazing and reflectances within the room being tested and is a more detailed and representative measure of the adequacy of light for these reasons as both window and room sizes are considered, which the VSC values do not incorporate.

The VSC values calculated were 2m above the finished basement ground level in accordance with the recommendations in the Guidelines. A good VSC value indicates good levels of light measured on the face of the window, which does not necessarily mean good levels of internal light. This is due to the fact that for basement windows the BRE tests are required to be conducted at a height of 2m above ground level, thus not an ideal test for basement flats, especially in densely built-up urban areas like Cromwell Road. Furthermore, it is crucial to note that the present lightwell is only 85cm smaller than the full width lightwell proposal. Therefore, the lightwell has not been greatly reduced in size and the majority has been opened up. As the entrance opening into the ground floor commercial premises always

*not agreed.*

*but is not  
in front of  
the centre  
of window*

- Partners**  
John Woodman BSc (Hons) MRICS  
Kaivin Wong BSc (Hons) MRICS  
Simon Hill BSc MRICS  
Alex Brown BSc (Hons) MRICS  
Julian Blisson BSc (Hons) MRICS  
Claire Charlton BSc (Hons) MRICS  
Barrie Woolhouse BSc (Hons) MRICS  
Peter Martin BSc MRICS  
Steven Hughes BSc (Hons) MRICS  
Finance Director  
Ian Thompson ACA

- Associates**  
Graham Hough BSc MRICS  
Matthew Gosling BSc (Hons) DipSurv MRICS MCIOB  
Jane Ballantyne BSc (Hons) MRICS  
Sara Lewis BSc (Hons) MRICS  
Michael Scanlon BSc (Hons) MRICS  
Christopher Sullivan BSc (Hons) MRICS  
**Consultants**  
Ray Evans Dip Arch RIBA  
John Gillies FRICS FEBEng

**Kaivin Wong**  
T: 020 7627 9866  
F: 020 7627 9850  
E: kwong@malcolmhollis.co.uk



What is the USC call  
with lightwell as exists now?

needs to be maintained for access into the commercial premises, this part of the forecourt, therefore could not be opened up in any event. *Not shown on P19 appln.*

In consultation with the Senior Environmental Health Officer on site, it was therefore agreed that adequacy would be determined by satisfying the Average Daylight Factor values in the British Standard Code of Practice, BS8206 Part 2 and the general rule of thumb calculation of the 30 degree angle of light as per the statutory requirements of the Housing Act 1985 s604(1)(d) section 8.6 when assessing daylight penetration of the Fitness Standard - this is a legal concept of whether a dwelling is fit for human habitation or not (Appendix A - Fitness Standard). Accordingly, the Environmental Health Officer stated in his letter dated 5 March 2003 "that he had no objections to the revised proposal". The revised proposal is defined as the reduced lightwell as per drawing no 200227 (1B).

Not agreed with Planning. Should follow BRE methodology.

Surely not at an oblique angle under an obstruction! Get EHT/Howard to comment.

The second report dated 24 August 2004 addresses improving the daylight levels that were previously achieved. In order to improve daylight levels it was necessary to incorporate some design changes. Those variations and revisions were included after lengthy consultation with Mr. Middleton and resulted in a number of amendments to satisfy the 'habitable' standards for the purpose of the Housing Acts. Essentially, those revisions can be summarized as follows:

NO - he told them to open up lightwell

but not with Planning

- Removal of the bay window and its replacement with a continuous straight wall.
- In doing so, creating an entire glazed 'window wall' consisting of a pair of fully glazed French doors and side vision panels. This improved both the amount of daylight entering and its distribution within the room (BRE page 4). The bay window was a conventional brick bay with brick spandrel panels below each window. Those brick piers were substantial as they were load bearing. Their removal (and replacement with a steel relieving beam) has substantially increased the availability of light.
- A doubling in the size of the exterior glazed door opening to the bedroom from 640mm to 1250mm. This again improved the amount of daylight and its distribution within the room.
- The introduction of an openable glazed vision panel between the proposed living room and bedroom. In essence creating one large habitable space with maximum daylight penetration and increasing internal daylight distribution.
- Improving the external surface reflectances by using light coloured building materials and finishes (BRE page 4). The render to the walls of pavement vaults was made good and painted white.
- Replacement of new Luxcrete skylights has allowed 50% more daylight penetration than the existing damaged skylights, which were 70 years old (confirmed by the manufacturer's surveyor). The area of the new skylights is not only the part of the original lightwell, but fundamentally an additional area the size of the full width lightwell as been replaced with new skylights, which has increased the level of daylight.

Mostly under pavement

under pavement

Indignant - an obstruction see letter 29/11/04

So what?

The results of the analysis after the above design changes were undertaken can be summarized in the tables as follows:

Theta θ	T	Aw	A	R	ADF BS 8206 Part 2 (Analysis 1)	Angle of Light HA (s604) 2.10 Fitness Standard (Analysis 2)	Daylight comparison with similar flats in the Borough UDP (Analysis 3)
33.00	0.8	5.80	71.36	0.5	2.86%  (min = 1.5)	30  Confirmed by Council's EO  (min = 30)	Same levels achieved  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

where?

if as per the diagram, this is not correct.

Housing Act 1985 s604 Lightning (l)(d) Human Habitation Criteria (Analysis 4)	Standards Achieved
Daylight (1/10 <sup>th</sup> of floor area)	YES
Ventilation (1/20 <sup>th</sup> of floor area)	YES

I accept that we have referred to the minimum standards in the British Standard Code of Practice but would add that these are the standards that have been applied throughout many 'new-build' residential developments within the Borough and London as a whole, and have also been accepted in a large number of recent residential schemes that have been approved by the GLA. It would be totally unreasonable, and dare I say impossible to achieve an ADF value in excess of 5% for any basement or lower ground floor flat. 5% df is the value that would need to be achieved if there is no form of supplementary artificial lighting. There are no basement or lower ground floor flats that do not rely in some part on supplementary artificial lighting, not least in the winter months. This is further evidenced in our data calculations achieved for a rear flat at the same property. An ADF factor of 2.52% was achieved (which is below the present value achieved in the front basement flat), and fundamentally the planning department has approved this flat. The BRE (page 58) states: "ADF should be 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided". 2.86% df was achieved, which is sufficient for use for all habitable uses including kitchens, living rooms and bedrooms.

The BRE Guidelines "Site layout planning for daylight and sunlight" further states the following:

*The advice given is not mandatory and this document should not be seen as an instrument of planning policy. Although it gives numerical guidelines, these should be*

really?  
No - a flat with a light well.

interpreted flexibility because natural daylight is only one of many factors in site layout design (page 1).

Sections 2.1, 2.2, and 2.3 gives numerical target values. These values are purely advisory and different targets may be used based on the proposed development or its location (Appendix F). These guidelines need to be applied sensibly and flexibly (page 5).

When the VSC values are not met, the "different targets" that can be used to test for adequacy are the ADF values in Appendix C of the Guidelines. Those are the standards adopted in this case. *not fully*

The UDP also confirms under the section of "Light" the following:

*In considering development proposals the council will not be looking to see that they meet any particular minimum or maximum objective standard. 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 (section 13.2.5).*

*These guidelines need to be applied sensibility and flexibly (section 13.2.11).*

I am an experienced light specialist who has carried out several daylight survey inspections of properties in the Borough and acted as an expert witness for daylight issues for the Council as well as for applicants. We can conclude in this case that having incorporated the amendments agreed with the Council's own Environmental Health Officer, the above property does meet the minimum daylight standards as reflected in the methods of analysis used under statutory standard requirements.

Yours sincerely,

*PP* *Wong*  
Kaivin Wong  
MALCOLM HOLLIS

*The UDP assessment uses other judgement & where necessary, BRE guide BRE assessment is as letter 29/11 p2*

*→ 1. What is the USC with the current light well? No calculation given.*

*2(a) ADF  
(b) 10am depth  
(c) position of no-sky line } No calc.*

*This letter does not answer these questions, as*

*copied to Hazel +  
Stan 4/3.*

## DentonWildeSapte...

Mrs S Wilden/Ms C Cook  
Royal Borough of Kensington and Chelsea  
Planning and Conservation Section  
The Town Hall  
Hornton Street  
London  
W8 7NX

One Fleet Place  
London EC4M 7WS  
United Kingdom

T +44 (0)20 7242 1212  
F +44 (0)20 7246 7777  
Telex 887793  
DX 242  
info@dentonwildesapte.com  
www.dentonwildesapte.com

4

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R.B. K.C.		- 9 MAR 2005			PLANNING	
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HBS			ARB	FPLN	DES	FEES

7 March 2005

**Our ref** MCH/48483.00002  
**Your ref** DPS/DCSW/TP/H/SW  
and DPS/DCC/TP/98/1168/CC  
**Direct tel** +44 (0)20 7320 6133  
**Direct fax** +44 (0)20 7246 7777  
**Email** margaret.casely-hayford@dentonwildesapte.com  
**website:** www.planningadvice.co.uk

Dear Mrs Wilden

**Town and Country Planning Act 1990**  
**232 Old Brompton Road SW5 and 134-136 Cromwell Road SW7**

Thank you for your letter of the 29th November, last in response to ours of the 27th August. Clearly, having regard to the length of time both sides have taken in responding to the other's letters in this matter there are many issues to be dealt with. I write in the hope now of seeking to minimise the issues between us so that we can try to bring the matter to a mutually beneficial conclusion. The length at which you dealt with the various issues was helpful in establishing the Council's position in the various matters.

Forgive me if I do not deal with the matters in the same order with which you covered them, but in terms of logic it seemed to me appropriate now to begin with the more global matters before "drilling down" to the detail. Before dealing with the issues I pick up your point that the Council has not proceeded with enforcement action at the present time, for which we are of course grateful.

### 1. Enclosures

Please find enclosed the following:

- ✓ (i) Drawings: <sup>A</sup> 183-~~D~~-01 Existing Plans & Elevation  
183-D-02 Proposed Plans  
183-D-03 Proposed Front Elevation
- ✓ (ii) Report from Malcolm Hollis (Specialist Daylight Surveyors) – 22 December 2004
- (iii) Letters from: ✓ Notting Hill Housing Trust – 28 January 2005  
*email* ✓ Shepherd's Bush Housing Association – 17 January 2005  
*email* ✓ Women's Pioneer Housing Ltd – 21 October 2003

(iv) ✓ Correspondence from Lead Member of Housing – 22 June 2004

**2. Front bay window and lightwell**

We note the point referred to in section 2 of your letter, that the basement bay window has been removed as a preliminary to the installation of a flat window as approved in 1999. This is indeed the case and the point is here that my client has the ability substantially to alter the window size to improve the daylight received, and this is being done in accordance with the approval granted in 1999. ✓

We acknowledge that the lightwell that was permitted was somewhat larger than the lightwell that is now being employed. However, my client began to pursue the necessary works in respect of the larger lightwell, but was prevented from doing so by injunctive proceedings brought by the occupier of Cromwell Estates (136B Cromwell Road) immediately abutting the relevant area. *Not our concern - PPs gr*

You correctly state that no planning objection was received from this particular neighbour but it was not the existence of a planning objection that prevents the construction of the full width lightwell, but the commencement of the injunctive proceedings.

It was concern about being in contempt of court that caused our Client therefore to write to your Planning Department (Recorded Mail letters dated January and February 2003) and the Director of Environmental Health to inform both departments that the reduced lightwell arrangement was being pursued in response to these injunctive proceedings. The Senior Environmental Health Officer has in fact acknowledged this correspondence subsequently (which acknowledgement was copied to the Planning Department in his letter dated 5 March 2003). The Environmental Officer stated at the time, that *"there are no objections to the revised proposals and drawings sent"*. The revised proposal is defined as the reduced lightwell shown in submitted drawing no 200227 (1B), which is acknowledged by the Environmental Officer. This letter with enclosures seeks now to deal with all the issues pertinent to the planning considerations in respect of the revisions to the lightwell.

The reduced lightwell was intended as a compromise solution rather than an intention to flout the planning requirements.

In order to rectify the position, we enclose with this letter revised plans as referred to above and would be grateful if these could kindly be substituted for those originally enclosed as part of the application and if these could now be given consideration in their stead. We have had the position analysed with the reduced lightwell and also enclose for your consideration a revised report from the Daylight Specialist Malcolm Hollis – who have previously acted for your Council and many other public authorities and private sector clients as expert witnesses in respect of daylight issues.

*Malcolm  
alt.  
requiring  
new  
applic<sup>n</sup>.*

**3. Light conditions of the basement**

*quite!!* In line with UDP Policy CD34 our Client has striven to provide good light conditions for basement premises. It must be acknowledged that the provision of good light conditions for basement premises has to be subject to a requirement of reasonableness having regard to the fact that the premises are in a basement. The BRE acknowledges the fact that a poor Vertical Sky Component can be compensated for by having larger windows. We have sought to increase the window width as explained above. The BRE also recommends the use of the Average Daylight Factor to assess the lighting of basement flats and compares it with recommendations in BS8206 part 2.

Obviously, the VSC has first to be calculated in order to achieve the ADF. The BRE advises that for maximum accuracy in assessing the light received to the basement window one has to divide the window into segments and calculate the VSC and equivalent thetas for each segment, then average the equivalent thetas to get an overall value for the window. This form of calculation is more accurate than taking the 2-metre reference height which cannot be representative of the whole window. It is for this reason that the theta calculation has been included in the Malcolm Hollis report in order to enable you to test the methodology used.

*where  
?  
?*



We have agreed that the VSC alone is not an ideal test for basement flats. This is because it is only a test of the window face. The VSC does not as you know, take into account the interior dimensions, areas of glazing and reflectance within the room being tested. Therefore, is not a detailed representative measure of adequacy of daylight for these reasons as both window and room sizes are not considered.

They have never called that!

BS8206 part 2 recommends that the ADF for basement flats should allow 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. As can be seen from the daylight report dated 24 August 2004 (sent to you previously) from Malcolm Hollis, this can now be met, except as regards the kitchen. However for the purposes of these standards this kitchen is not a habitable room and does not need to comply. As has been accepted by the Council a kitchen is only considered to be a habitable room if it is of sufficient size that it can be used practically for an additional purpose other than food preparation.

?  
BRE says they should be tested - need light to work in.

The accepted distinction adopted between a 'non-habitable' kitchen and a 'family kitchen' is: "a room within a dwelling, the primary purpose of which is for living, sleeping or dining - including kitchens where the total area (including fittings) is more than 13m<sup>2</sup>".

As such, for a kitchen to be classed as a habitable room, there should be sufficient area to accommodate an additional activity such as dining, or a children's play room. In addition, the definition of a 'habitable room' in the Building Regulations is: "a room used for dwelling purposes but which is not solely a kitchen". There is no requirement within the Building Regulations for kitchens to have a window at all provided that adequate ventilation (passive or mechanical) can be provided. The same rules are also applied in terms of Environmental Health requirements.

red hearing.

It is our understanding from discussion with the BRE that there is no basement flat in the northern hemisphere that would achieve a predominately daylit appearance without supplementary electric lighting. In the circumstances therefore, the standard chosen by Malcolm Hollis is reasonable in the circumstances.

rubbish

where?

The report now enclosed demonstrates that there has been analysis of the room depth and other material elements to enable you properly to understand the methodology used in assessing the daylight received. It is clearly not essential for the VSC levels to be achieved everytime, if notwithstanding that, the ADF requirements can be met. In this case the requirements have been met.

We have also made internal alterations to the configuration of the flat, again in an attempt to improve the ADF to meet with the concerns both of yourself and the Environmental Health Officer.

In summation, the works can be described as follows:

1. The removal of the bay window allows two major pillars and associated brickwork to be totally removed in accordance with the 1999 submitted drawings, thus significantly increasing the actual window area size.
2. A glazed vision panel has been created between the living room and bedroom that is openable and in effect creates one large habitable space allowing through daylight penetration and increasing internal daylight distribution. Following our discussions with the Environmental Health Officer we understand this meets with his concerns. Importantly, it should be noted that the drawings demonstrate a 30-degree angle of light, which complies with the Housing Act 1985, s604 (1)(d) Lighting requirements in respect of fitness standards for human habitation. This has also been confirmed by the Environmental Health Officer and the Daylight Specialist. Furthermore, pursuant to the Housing Act 1985 requirements our Client has ensured that the daylight ratio of 1/10 and ventilation ratio of 1/20 of floor area have also been satisfied in this basement flat.
3. The exterior glazed door opening into the bedroom has been increased and is now a double sized opening from the original door opening of 64cm to create a new opening of 125cm. This has substantially increased the level of daylight entering into the bedroom.

not directly in front, but at an oblique angle!!!

who + when + did they see this drawing?

How - it is under the pavement!!!

see RBK letter 29/11  
p 3 para 4

4. Replacement of the Luxcrete skylights at ground level and improvement to the external surface reflectance at basement level by using light coloured building materials as suggested in the BRE guidance page 4 has further enhanced daylight penetration into the basement flat.

5. A lightwell has been created. The current lightwell is 85cm smaller than the proposed full width lightwell. The full width lightwell would have had an opening of 244cm. Thus it can be demonstrated that the majority of the lightwell has been opened up. Although it remains just partly obstructed, the other alterations listed above have been accommodated to mitigate the impact of the slightly smaller opening.

4. Enforcement Action *Significantly smaller + offset so not centred on main window.*

(i) As stated above, in order to meet your concerns we formally submit the revised drawings for your consideration with regard to the basement dwelling at number 136 Cromwell Road in respect of the lightwell construction.

*but not that they are !?!*

(ii) The Daylight Report now demonstrates the way that the standards can be met and that our client has striven to meet the reasonable policy requirements of UDP Policy CD34.

(iii) Although a planning objection has not been raised in terms of the effect of the lightwell upon neighbours, injunctive proceedings were pursued by one of the neighbours, which prevented our Client from fully opening up the lightwell. A copy of the papers initiating the court proceedings were sent to you with previous correspondence.

*Understood but not a plg. issue*

(iv) Full SDS and BRE survey inspections have been carried out by expert chartered surveyors on Cromwell Road. These reports were sent to you in February 2004, upon which we have received no adverse comment. Each report concluded that all appropriate standards had been met. (A client list of Leonard Tridgell is attached as enclosure (v), which shows that fifty approved housing associations have used these chartered surveyors for their site inspections.)

*Leonard Tridgell*

*we did comment letter 9/7/4 p 2 point 5.*

(v) As the lighting conditions have been demonstrated to be satisfactory, we now seek to meet the concerns of the planning services committee by means of the planning section 106 Unilateral Undertaking that we have previously suggested in earlier correspondence. Also enclosed therefore are copies of letters from two Housing Associations that confirm the suitability and an interest in the units at Cromwell Road for the purpose of provision of permanent affordable housing. Both the RSLs are on your Council's approved list.

*Stain*

(vi) My Client is more than willing to seek commitment from an RSL. This can be done on the basis of the provision of the housing for 125 years or whatever other reasonable requirement is imposed by your authority; and in default of that will commit to making the provision available for as long a time as an initial RSL will take and with an Undertaking that subsequent RSLs will be found to meet your Council's requirements and with a positive covenant that the housing will not be used otherwise than for affordable housing. This formula has been used successfully with many other authorities. In addition our client has provided two Unilateral Undertakings in the favour of your council that would legally safeguard affordable housing for 125 years by transferring control and management to RSL's for the complete term of the 125 years. This fulfils the planning resolution requirement.

*Hoze*

(vii) It has been accepted by your colleague planning officers that it was not necessary for a lease of 125 years to be granted to one housing association but rather, that, as long as the units were safeguarded for such a period, this would be sufficient to ensure that low cost affordable housing could be made available within the Borough. The "acceptability" of this position was also confirmed by officers in their report to committee dated 25 November 2003, the Report stated:

*u*

*"the shorter terms do not affect the overall length of time (125 years) that the five units would be made available for affordable housing. Also the units will provide an acceptable alternative*

form of low cost housing and the proposal in this form would meet the Council's affordable housing objectives (clause 2.5)".

- (viii) So far as the scheme development standards (SDS) are concerned, the units have been investigated by a Surveyor on behalf of approved RSLs and been found to meet the relevant standards.

On page 4 of your letter you mention funding and we would comment as follows: Our understanding is that the majority of housing associations cannot finance a lease for 125 years. This was confirmed by both Octavia (letter dated 1 April 2003) and Women's Pioneer Housing Associations (letters dated 21 Oct & 17 Nov 2003). This is also confirmed in the Housing Corporation figures as stated in the Affordable Housing Programme SE 2004-2006, which indicates that funding for permanent housing is not readily available, as you know. A breakdown of total housing grant available currently is as follows:

SL

Market purchases (permanent schemes).....£ 15 million  
 Affordable housing rents (temporary schemes).....£ 349 million

In the circumstances we trust you will agree that it is reasonable to enable approved Associations alternative methods of meeting your housing objective. This would also meet policy criteria for affordable housing under the London Plan, UDP and PPG3.

- (ix) With regard to the units at 232 which involve conversion of bedsitting rooms to self contained flats, these were discussed with your colleagues and yourselves and the application was withdrawn following that discussion so that revisions could be made to meet with your concerns.

It must be remembered that the Old Brompton Road property cannot be put into full use as HMO because of the Closing Order served by your council. The majority of the units within the property did not comply with the Housing Act requirements, in that the rooms were undersized and could not continue to be used for occupation under the prevailing standards. The Order states that the units did not comply with nor were they capable of "reaching the standards laid down by the Housing Acts". The closing order on the HMO site precludes the building from being used fully and effectively as HMO. The most acceptable means of bringing the property back into full use therefore was conversion into self-contained flats. This has been accepted both by officers and by the council itself in its decisions of July 2000 and October 2002. The flats provide a comparable number of affordable bed spaces to those, which formerly existed as HMO (as confirmed in the committee report of October 2002).

but could be reconfigured as a HMO, albeit with fewer rooms

Have we ever seen it?

No it doesn't need re-configuration

It might be helpful to point out that the planning committee has actually approved the principle of the development or officers have recommended approval as follows:

- 18 July 2000 – the planning committee approved planning permission for self-contained flats at Old Brompton Road subject to a section 106 agreement providing affordable rents only. There was at this stage no provision to grant a lease for a 125 years to a housing association in respect of those units.
- 15 October 2002 – planning committee approved planning permission to transfer the section 106 agreement to provide affordable housing from Old Brompton Road to Cromwell Road.
- 25 November 2003 – a planning committee report recommended approval to allow the section 106 agreement to include temporary and intermediate housing for a 125 years. A position, which has been acknowledged by the lead member of housing, who is also a planning committee member. He states in his correspondence (attached) that: "Miss Mangat is willing to sign a legal agreement with the council such that the flats at Cromwell Road should be rented at an affordable rent for at least 125 year subject to an amendment to the s106 agreement.... It strikes me as a sensible way forward so the properties become occupied ASAP and to provide the much needed affordable accommodation."

Not now accepted practice

OK

Yes it would be if RSL would take it on as permanent housing!

My Client remains willing to comply in this way.

We note that you have stated my Client's options as being either to offer accommodation of a standard that an RSL can operate as permanent affordable housing or to convert number 232 back to bedsitting rooms.

The conversion of 232 back to bedsitting rooms would appear to be an unfortunate waste of resources and importantly the property would not be fully utilised, as many bedsit rooms would remain unoccupied as the closing order has noted the rooms to be undersized. The better solution therefore would be the provision of permanent affordable housing and we trust that as it can be demonstrated that the SDS standards have been achieved; and as it can be demonstrated that approved RSLs have not only examined the site and accepted in principle the appropriateness of this accommodation for permanent housing, but have also expressed a willingness to take it on, that there is no longer anything precluding our Client's entry into a Section 106 Agreement with your Council or alternatively my Client's entry into Unilateral Undertaking to secure such a provision in favour of your Authority.

*No  
not  
necessary  
- can  
adapt.*

I look forward to hearing from you in this matter.

Yours sincerely



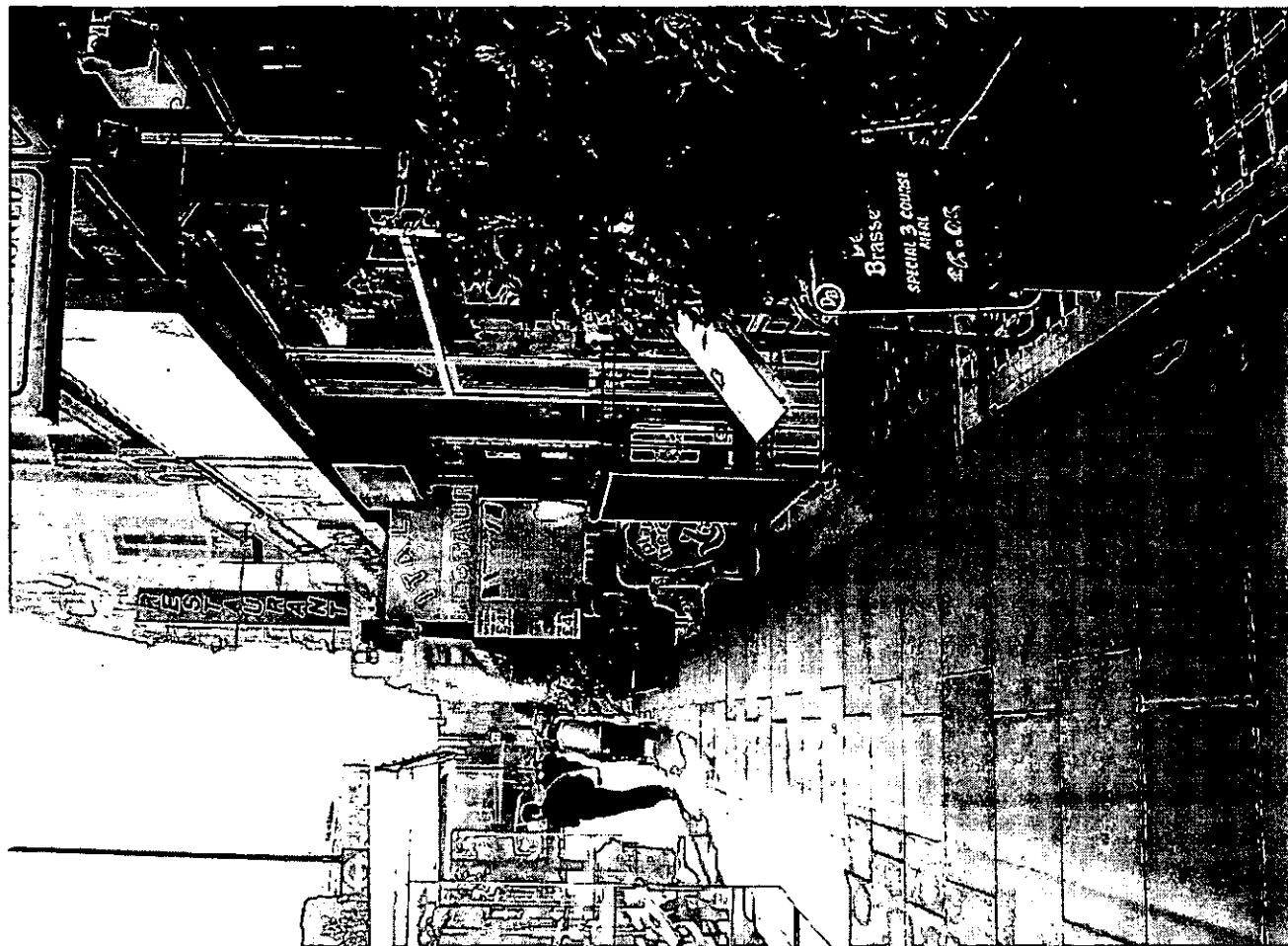
**MARGARET CASELY-HAYFORD**

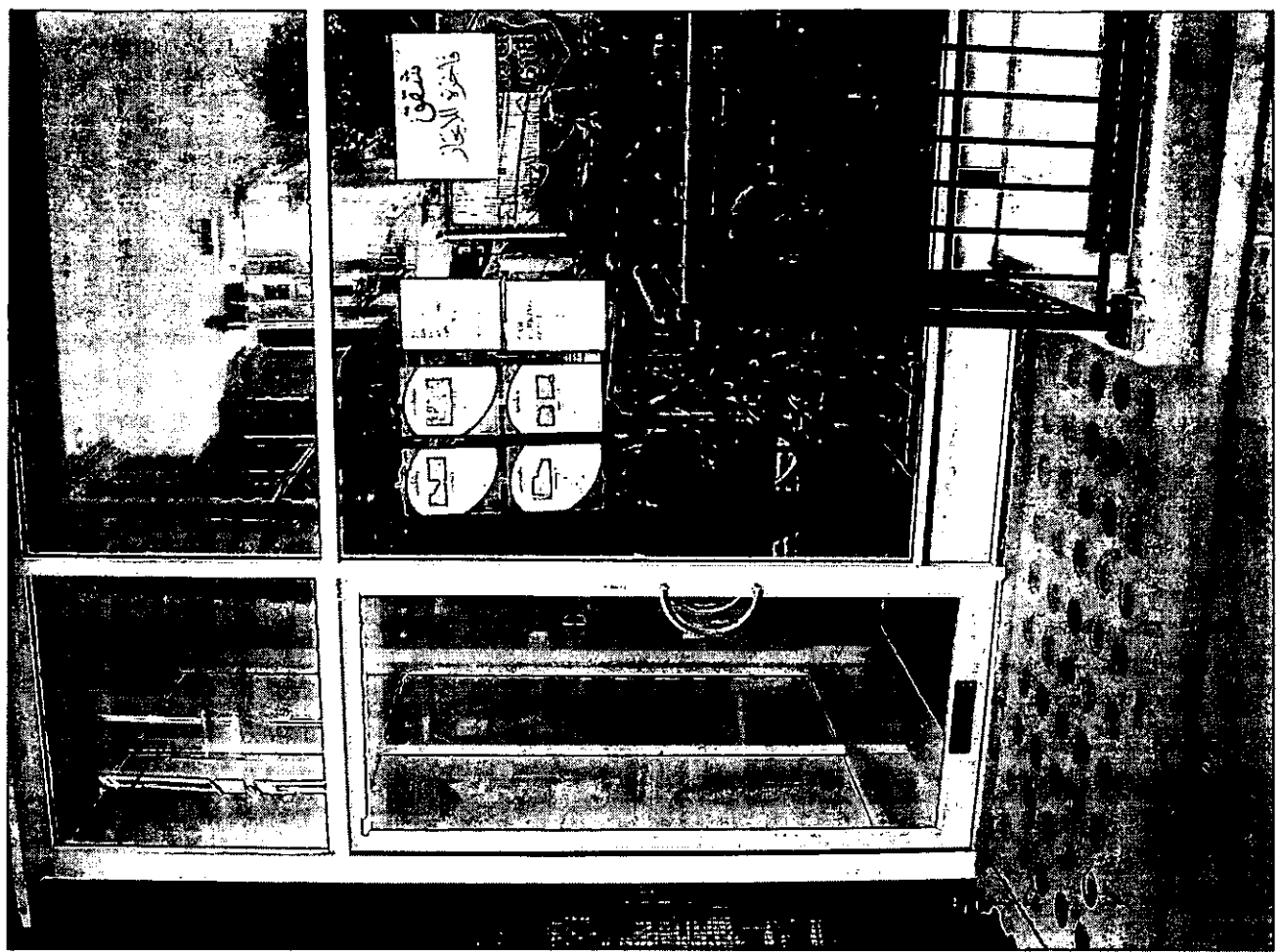
Encls.

Copy to: Mr French, Cllr Cockell and Mr Middleton









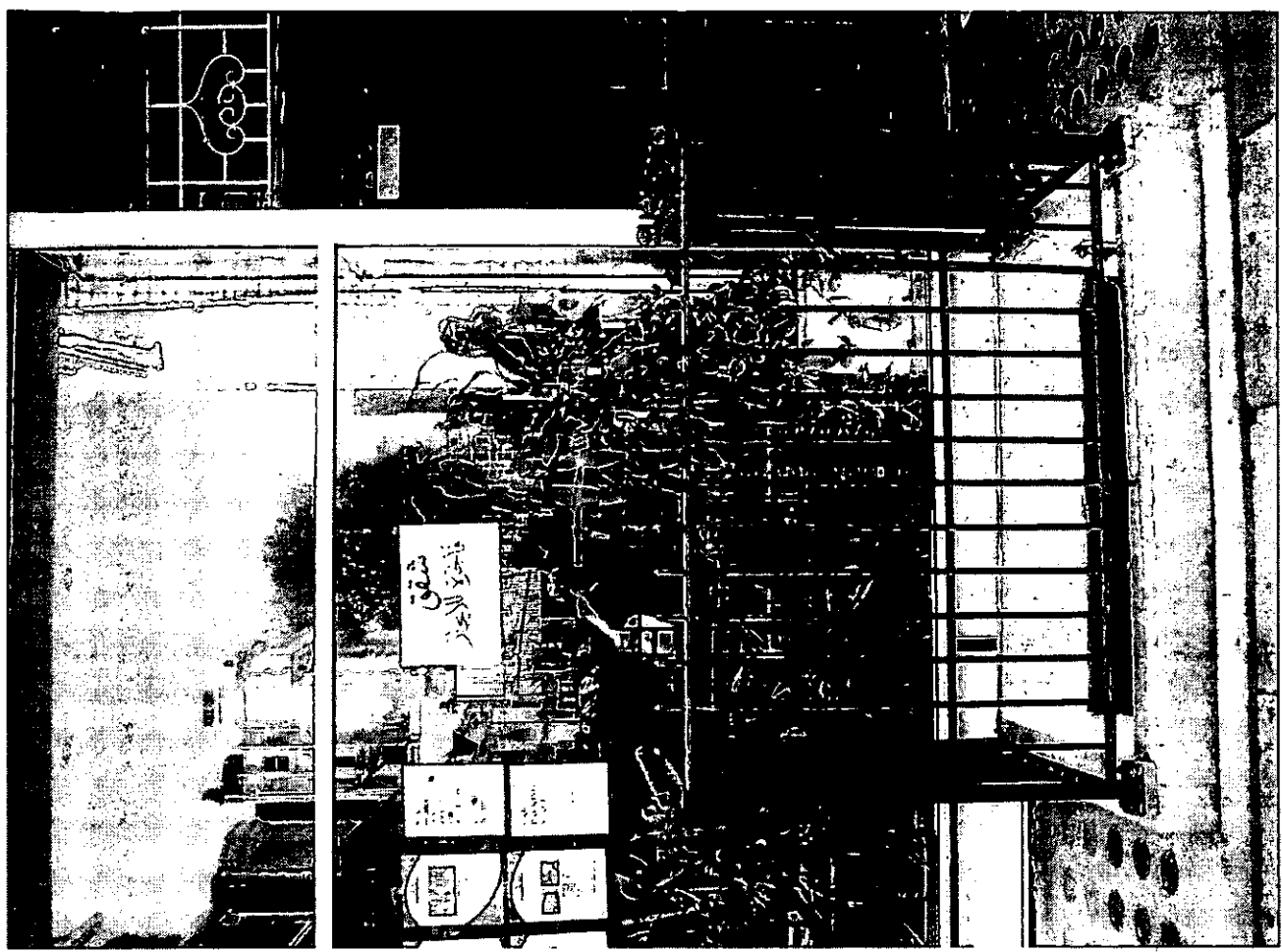
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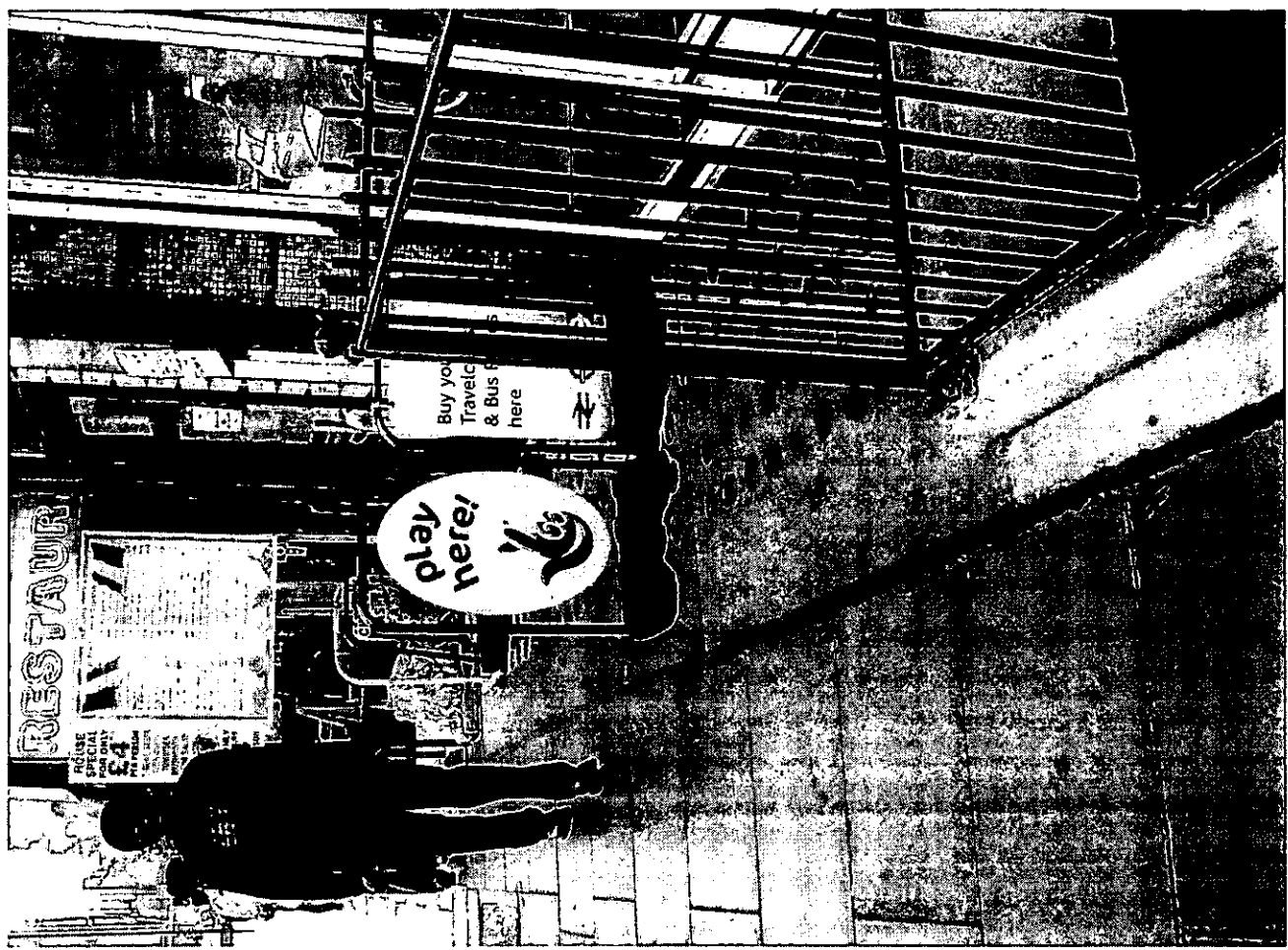
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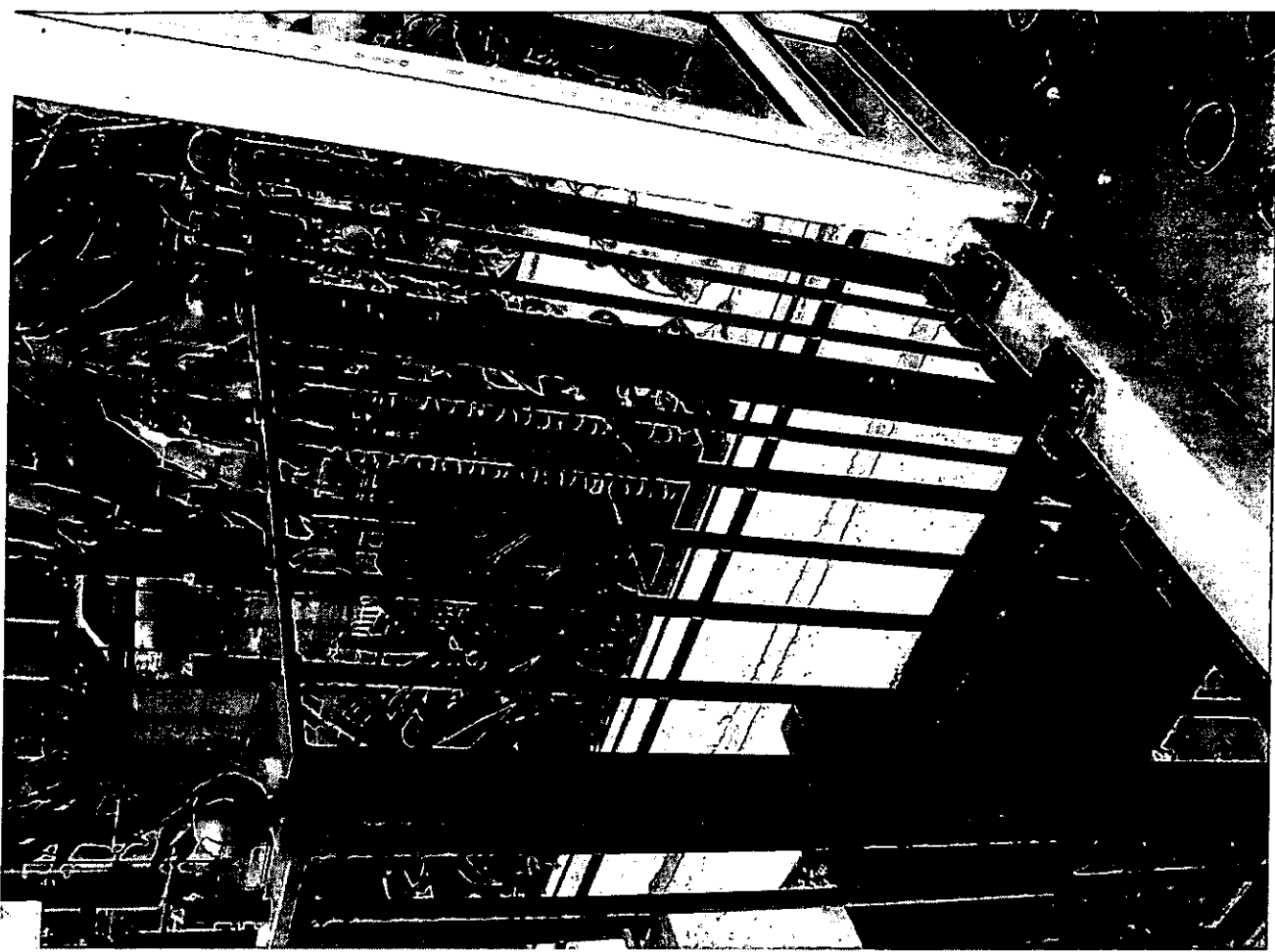


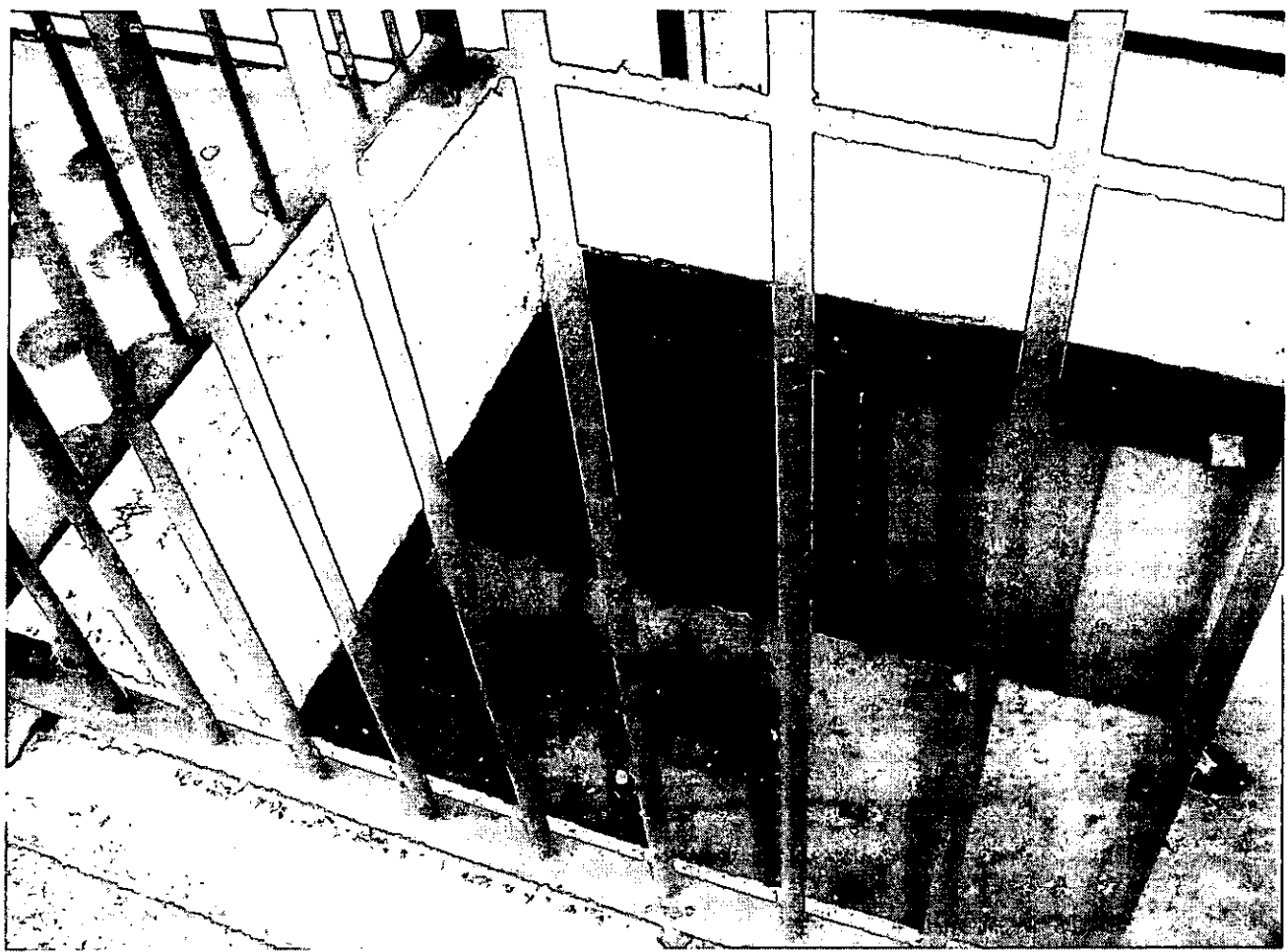




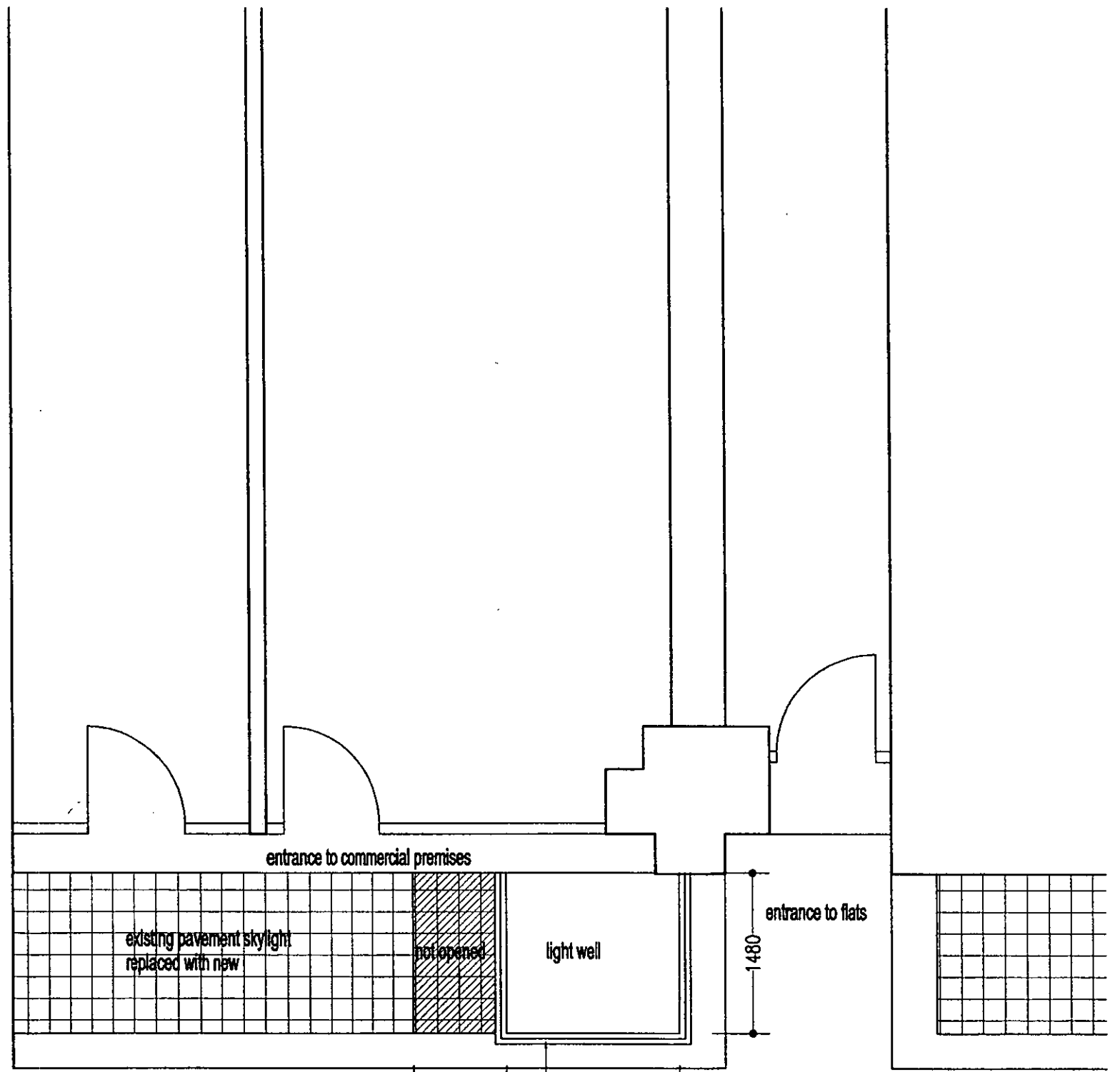
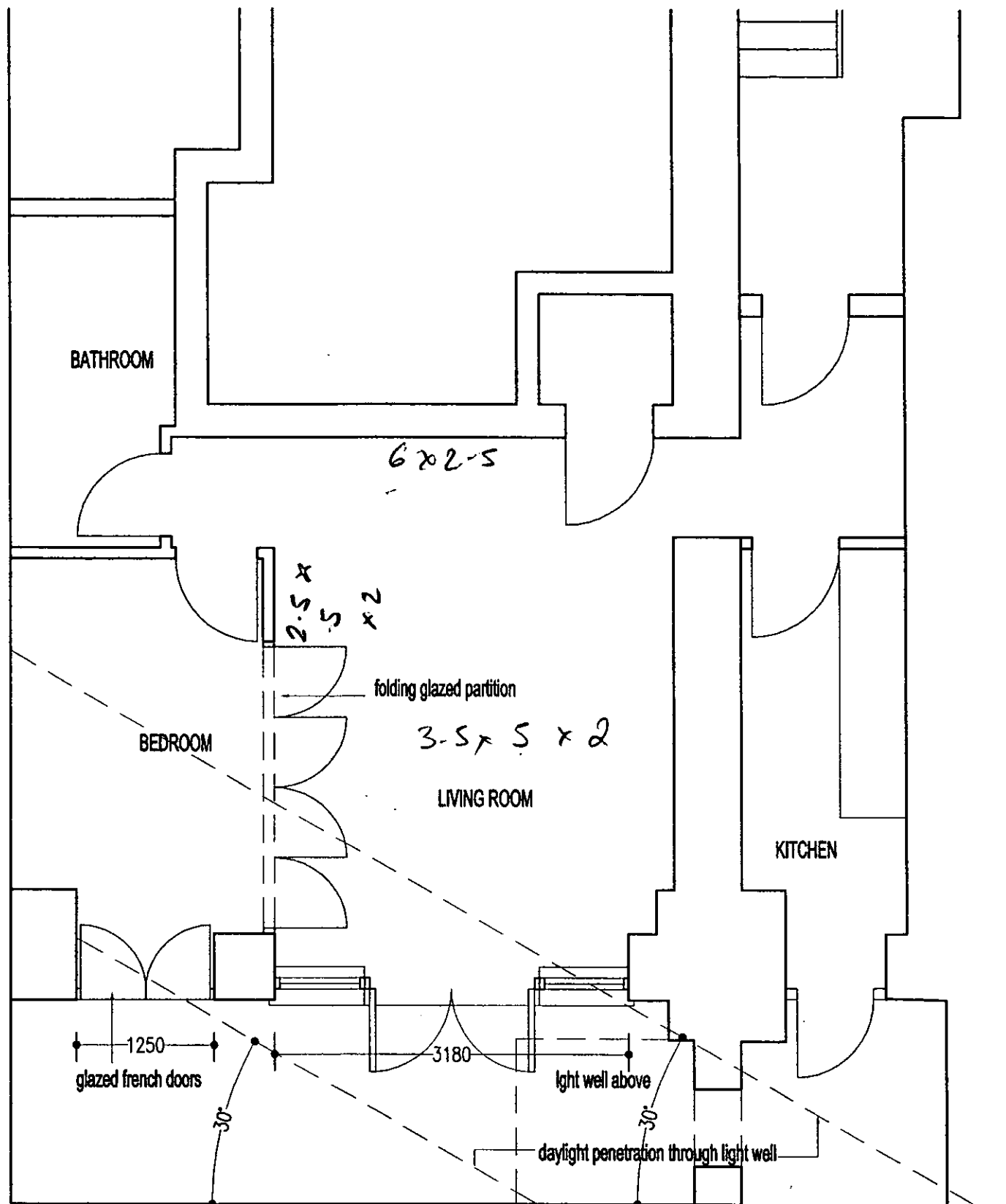








REVISIONS
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PROPOSED GROUND FLOOR PLAN

134 - 136 Cromwell Road

*ceiling* Total Floor/wall Areas

= 35 +  
22.5  
1.5  

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59.0

EX DIR	HDC	TP	CAC	AD	CL	AK
R.B.	- 9 MAR 2005		PLANNING			
K.C.						
N	C	S/W	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

PROPOSED BASEMENT FLAT PLAN

SCALE: 1:50		TITLE: PROPOSED PLANS
DATE: FEBRUARY 2005	DRAWING No. 183-D-02	PROJECT: BASEMENT FLAT, 134-136 CROMWELL ROAD, LONDON SW7 4HA
CLIENT: PREETI MANGAT		<b>I U BUILDING DESIGN</b> 34 DUNFELL POINT, DILTON GARDENS, LONDON SW15 4BH TEL. 020 7584 8729



FIRST FLOOR

GROUND FLOOR

BASEMENT

EX DIR	HDC	TP	CAC	AD	CLU	AO
R.B.	- 9 MAR 2005			= 11113		
K.C.	N	C	S:J	SE	APP	IO
HBS			ARB	FPL	DES	FEES

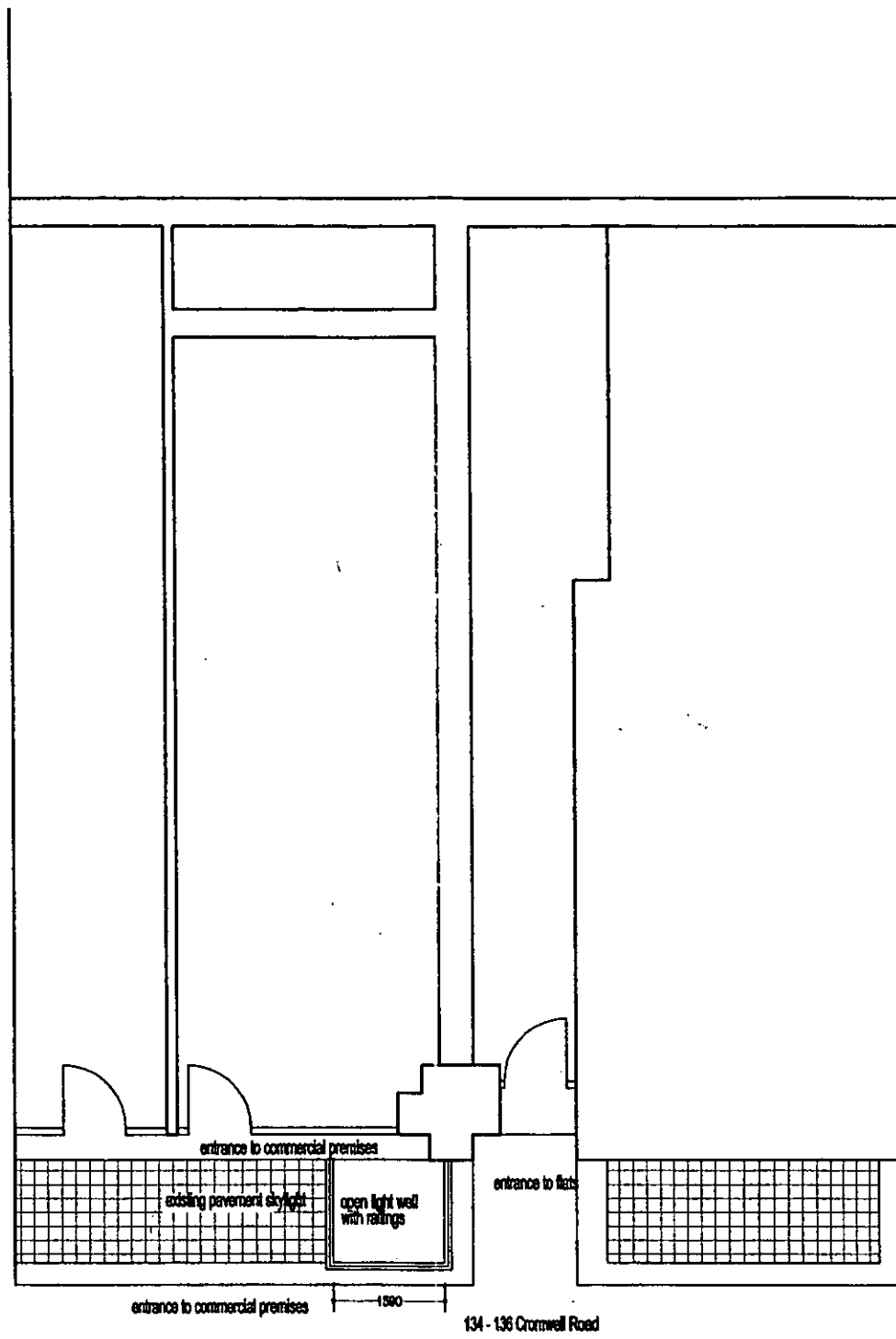
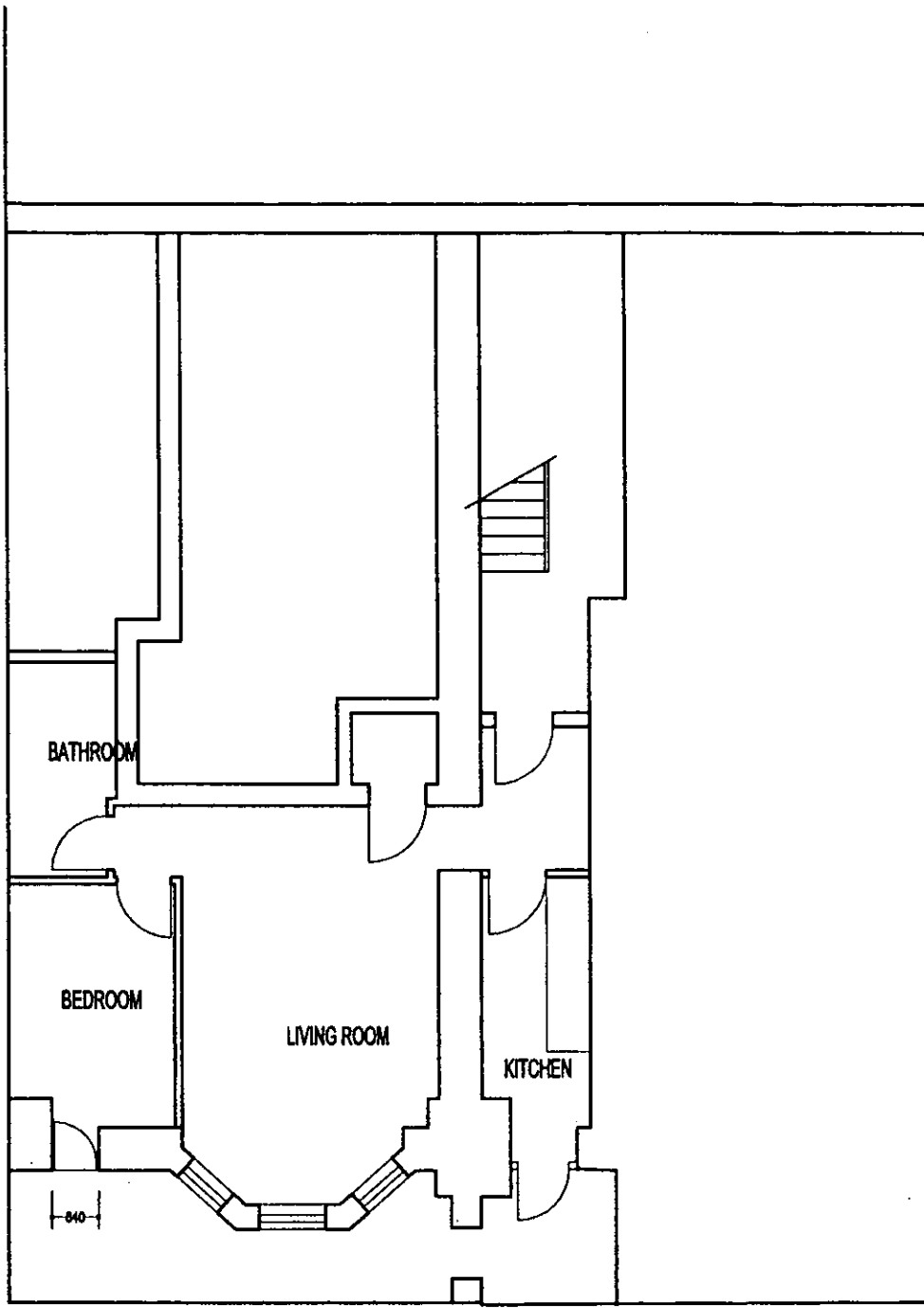
FRONT ELEVATION – PROPOSED

134 - 136 Cromwell Road

SCALE: 1:50		TITLE PROPOSED FRONT ELEVATION
DATE: FEBRUARY 2005	DRAWING No. 183-D-03	PROJECT BASEMENT FLAT 134-136 CROMWELL ROAD LONDON SW7 4HA
CLIENT PREETI MANGAT		<b>I U BUILDING DESIGN</b> 24 CUNHILL POINT, OILTOW GARDENS, LONDON SW15 4BH TEL. 020 7584 0729







EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.		- 9 MAR 2005		PLANNING		
N	C	SW	SE	APP	IO	REC
HES		-RB	FPLN	DES	FEEES	



EXISTING BASEMENT FLAT PLAN

EXISTING GROUND FLOOR PLAN

FRONT ELEVATION - EXISTING

REVISIONS

SCALE: 1 : 100		TITLE EXISTING PLANS & ELEVATION
DATE: FEBRUARY 2005	DRAWING No. 183-A-01	PROJECT BASEMENT FLAT 134-136 CROMWELL ROAD LONDON SW7 4HA
CLIENT PREETI MANGAT		<b>IU BUILDING DESIGN</b> 34 DUNHILL POINT, DILTON GARDENS, LONDON SW15 4EH TEL: 020 7864 6729