

William Sutton Estate, Chelsea**in the Royal Borough of Kensington & Chelsea****planning application no. PP/15/04878****Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Demolition of existing estate buildings (Blocks A-K and N-O) and ancillary office and redevelopment to provide 343 residential units comprising 334 apartments and 9 mews houses within buildings of 4-6 storeys; provision of class D1 community floor space with associated cafe; class A1-A3 and B1 floor space. Creation of adopted public highway between Cale Street and Marlborough Street, vehicular access from Ixworth Place; creation of basement for car parking, cycle parking and storage and energy centre fuelled by CHP and works to adjacent pavement at the William Sutton Housing Estate, Cale Street, Chelsea, SW3 3QY.

The applicant

The applicant is **Affinity Sutton Homes**, the architect is **HLM**, and the agent is **Quod**.

Strategic issues

The proposed **estate regeneration** is **supported in principle**, would significantly enhance residential quality, and would promote mixed and balanced communities. However, the proposed **affordable housing net loss** does not comply with the London Plan. Accordingly GLA officers seek assurance that the regeneration scheme would deliver the **maximum reasonable amount** of affordable housing.

Other issues with respect to **sustainable development** and **transport** also need to be resolved prior to the Mayor's decision making stage.

Recommendation

That Royal Borough of Kensington & Chelsea be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 76 of this report. The resolution of those matters could, nevertheless, lead to the application becoming acceptable in strategic planning terms.

Context

1 On 18 November 2015 the Mayor of London received documents from the Royal Borough of Kensington & Chelsea notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 29 December 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following categories of the Schedule to the Order 2008:

- 1A 1 *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flat,."*and,
- 3A 1.(a) *"Development which is likely to result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats)"*.

3 Once Royal Borough of Kensington & Chelsea has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The William Sutton Estate is a roughly triangular site bounded by Marlborough Street to the north, Ixworth Place to the west, Cale Street to the south and Elystan Street to the east. The Estate was completed in 1913 and the current buildings comprise 462 residential units in fifteen five-storey blocks of red brick. Of the existing 462 units, 62% are described as bedsits and one-bedroom units, with the remainder as two-bedroom units. The proposals exclude two blocks (L and M) on the corner of Cale Street and Elystan Street, which contain shops at ground floor level and flats above. The Estate also contains two small and irregularly shaped open spaces.

7 Another William Sutton Estate lies across Ixworth Place to the west, and to the north and the east are large scale, red brick, twentieth century mansion blocks. To the south are streets of low rise terraced housing, generally of Georgian and Victorian date, with some later infilling. Also to the south is the Grade I listed St. Luke's Church and Gardens. Adjacent to the site, to the south and east, is the Chelsea Conservation Area. The retained Block L is the only block that sits within the Conservation Area.

8 The applicant describes the 383 residential units on the site (not including the two blocks L & M comprising 79 units to be retained) as follows:

	Floorspace (sq.m. NIA)
Vacant	4,005
Secure tenancies	12,038
Short-term non-secure tenancies	2,665
Total	18,708 (383 units)

9 There are no Transport for London Road Network (TLRN) roads in the vicinity, with the nearest Strategic Road Network (SRN) highway, for which TfL has traffic management responsibility, being over 200 metres away. Highways abutting the site are all borough roads.

10 Public transport accessibility (PTAL) at this location is '6a', classified as 'excellent' on a scale of 1-6b, whereby 1 is regarded as 'poor' and 6b being excellent. There are ten bus services operating within a 4-5 minute walk of the site and these vary in frequency from 5 to 13 buses per hour. Additionally, South Kensington London Underground Station is a 5-6 minute walk from the site and this station is served by the District, Circle and Piccadilly Line trains.

Details of the proposal

11 The proposals is for the demolition of existing estate buildings (Blocks A-K and N-O comprising 383 units) and ancillary office and redevelopment to provide 343 residential units comprising 334 apartments and 9 mews houses within buildings of 4-6 storeys; provision of 511 sq.m Class D1 community floor space; 683 sq.m of Class A1-A3 retail floorspace and 173 sq.m B1 floor space. Two existing estates buildings (Blocks L & M), fronting Cale Street and Elystan Street respectively, are to be retained.

12 Associated development include the creation of new public highway through the site between Cale Street and Marlborough Street; a new vehicular access from Ixworth Place; creation of basement for car parking, cycle parking and storage and energy centre fuelled by CHP and works to adjoining pavements.

Case history

13 On 16 June 2014 a GLA pre-application meeting was held at City Hall to discuss this scheme. The advice issued on 24 July 2014 stated that GLA officers supported the principle of the proposal, subject to the provision and assessment of a financial viability assessment (the proposed net loss of affordable housing did not comply with London Plan policy) and further information in justification of the demolition of the existing buildings. The applicant was strongly encouraged to take steps respond to this strategic issue prior to the submission of an application for the scheme. The applicant was also advised to ensure that other issues with respect to play space, inclusive design, climate change mitigation and adaptation and transport were appropriately addressed by the planning submission.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; Housing SPG; draft interim Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG*

- Affordable housing *London Plan; Housing SPG; Housing Strategy; draft interim Housing SPG*
- Density *London Plan; Housing SPG; draft interim Housing SPG*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; draft interim Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Transport *London Plan; the Mayor's Transport Strategy*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy*
- Parking *London Plan; the Mayor's Transport Strategy*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Historic Environment *London Plan*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Royal Borough of Kensington & Chelsea's Consolidated Local Plan (July 2015) and the London Plan March 2015 (Consolidated with Alterations since 2011).

16 The following are also relevant material considerations:

- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance; and
- The draft Minor Alterations to the London Plan (MALP) (2015)

Principle of development

17 The William Sutton Estate was developed over 100 years ago. The Sutton Estate was originally developed to accommodate 16 blocks of 674 dwellings, but this number has reduced over time to 462 dwellings (a reduction of 212 dwellings) as expectations regarding living standards increased after the Second World War and the Estate was modernised, more particularly a number of the smaller units were re-configured to provide larger units. The applicant, Affinity Sutton, has continually managed the Estate and have made improvements to the Estate on a block-by-block basis through a programme of refurbishment over the last 20 – 40 years.

18 The applicant is required to ensure that its tenants are housed in appropriate living accommodation which meets the Government's Decent Homes Standards. It should be noted that Blocks A-D (159 existing flats) of the William Sutton Estate do not and cannot meet Decent Homes Standards (by virtue of intrinsic build issues arising out of the original design of the buildings) and have been declared "unfit" by the Council and are unable to be let for affordable housing on a permanent basis because of these deficiencies.

19 All of the blocks proposed for demolition contain dwellings which do not meet modern standards in terms of unit size, layout, amenity space, aspect, security, energy performance, noise insulation and security. Due to the age of the existing buildings and length of time since the previous modernisation, on-going maintenance and repairs to the Estate have become unduly expensive.

20 In view of the existing condition of the Estate, the physical constraints of the site, and the opportunity to significantly improve living conditions for existing and future tenants, GLA officers support the principle of the proposed redevelopment in strategic planning terms.

Housing

21 The development proposes the demolition of 383 existing homes at William Sutton Estate. London Plan Policy 3.14 resists the loss of housing, including affordable housing, without its planned replacement at existing or higher density. This policy states that at least equivalent floorspace should be provided in housing redevelopments. The supporting text to this policy also states that Estate renewals should take into account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area, and the amount of affordable housing intended to be provided elsewhere in the borough.

William Sutton Estate – housing baseline (excludes retained Blocks L & M)

Unit type	Social rent (secured tenancy)	Short Term (unsecured tenancy)	Vacant	Totals
Studio	0	10	19	29
One-bedroom	92	40	62	194
Two-bedroom	95	19	24	138
Three-bedroom	18	0	1	19
Four-bedroom	3	0	0	3
Total units	208	69	106	383
Total floorspace (NIA)	12,038	4,005	2,665	18,708

Table 1: William Sutton Estate housing baseline.

22 Based on the information available, GLA officers understand that the housing baseline for the estate is as set out in Table 1 above.

William Sutton Estate – proposed accommodation

23 Table 2 below sets out the illustrative schedule of accommodation for the proposed regeneration.

Unit type	Social Rent	Private market	Totals
One-bedroom	144	14	158
Two-bedroom	71	61	132
Three-bedroom	20	19	39
Four-bedroom	2	12	14
Total units	237	106	343
Total floorspace (NIA)	16,142	13,825	29,966

Table 2: Proposed William Sutton Estate regeneration.

Reprovision of housing

24 Taking account of the above, table 3 below provides an overview of the reprovision of housing as part of the William Sutton Estate regeneration programme against the established housing baseline for the estate.

		All affordable	All units
Estate baseline	units:	383	383
	floorspace (sq.m.):	18,708	18,708
Proposed Development	units:	237	343
	floorspace (sq.m.):	16,142	29,966
Net change against baseline	units:	-146	-40
	floorspace (sq.m.):	-2,566	+11,258

Table 3: Housing reprovision overview against William Sutton Estate baseline.

25 Table 3 demonstrates that when the housing contributions of the regeneration proposals are considered cumulatively, the programme would result in a net loss of 40 units, but an increase of 11,258 sq.m. of residential floorspace at the estate in total. However, it is noted that the proposal would result in a net loss of 146 (38%) affordable units, or, 2,566 sq.m. (14%) less affordable residential floorspace overall.

26 There is an overall gain of residential floorspace across the Estate of 11,258sq.m (60%). Whilst there would be a net loss of 40 units across the Estate, the new residential accommodation would be of a far better standard, meeting those set out within Policy 3.5 of the London Plan. GLA officers consider the proposal to be acceptable, in these terms.

27 The proposed net loss of affordable housing does not accord with part B of London Plan Policy 3.14. However, it is important to recognise that this policy has been designed to enable a degree of flexibility (in terms of mix, tenure and unit size) when reproviding housing and affordable housing. This is in order to allow for the delivery of new homes that respond to local need and contribute towards sustainable mixed and balanced communities.

28 Accordingly, whilst the loss of affordable housing units is high at 146 units, GLA officers note that the loss in terms of affordable housing floorspace is more reflective of the proposals (2,566 sq.m. is broadly equivalent to 45 units). This underlines that fact that the affordable homes being provided would be of more generous spatial proportions than the existing stock at the estate.

29 Given the scale, ambition and complexity of the proposed regeneration scheme, the heritage and townscape constraints of the Site, the substandard condition of some of the existing accommodation, the difficulty of achieving a like for like replacement of affordable housing is appreciated. However GLA officers are of the opinion that given the net loss of affordable housing floorspace weighed against the net increase in residential floorspace across the site – the scheme needs to demonstrate that the maximum reasonable amount of affordable housing is being delivered (discussed below).

Maximum reasonable amount of affordable housing

30 London Plan Policy 3.12 seeks the maximum reasonable amount of affordable housing on residential schemes, whilst also having regard to local and regional circumstances, and the need to promote mixed and balanced communities. As currently proposed, the regeneration proposal would achieve a 69% provision of affordable housing by unit, or, 54% when considered in terms of residential floor space. Whilst it is acknowledged that this broadly accords with strategic targets,

given the proposed overall net loss of affordable housing at the Estate, GLA officers seek verification that the provision of affordable housing represents the maximum that the regeneration scheme can viably afford. Accordingly it is understood that Royal Borough of Kensington & Chelsea are in the process of having the applicant's financial viability report independently assessed. GLA officers will update the Mayor on the findings of the viability review at the decision making stage. In terms of the submitted financial viability report, GLA officers do not accept some of the assumptions which have been made by the applicant as to the existing use.

31 More particularly, the applicant argues that there is no planning restriction to prevent conversion of the Estate from social rent to market housing, which therefore results in a very substantial hypothetical existing use value. Policy 3.14 clearly resists the loss of affordable housing and has been in place as a policy since the first London Plan was published in 2004, it has been supported at least three Examinations in Public (EIPs). Most affordable housing in London does not have a legal agreement requiring its maintenance in perpetuity, since most was not delivered pursuant to section 106 legal agreements, but was delivered by local authorities or Registered Providers using Government grant or their own resources. Therefore if one accepted the applicant's argument, almost all the affordable housing stock in London could convert to private sale. However, if that was the case, then Policy 3.14 would have no effect and would not have stood the scrutiny of the three EIPs.

32 Furthermore, given the applicant's extensive case setting out the poor quality of the existing residential accommodation, we would question the likelihood of its attractiveness as private sale, and its likely market value.

33 The applicant has also sought to argue that the baseline for the affordable housing floorspace on the Estate should exclude that which does not meet the Decent Homes standard. Most estate renewal schemes in London have come about as a result of existing stock being unable to be brought up to decent homes standards. However, the argument presented has not been accepted previously on any estate renewal. The commitment that all public sector housing would meet decent homes was an election pledge by a previous Government, rather than a legal requirement. It would be a perverse outcome of public policy if the inability for existing homes to meet Decent Homes standard was accepted as a justification for reduced affordable provision.

34 The applicant has also argued that vacant units should not count towards the baseline for affordable housing floorspace. GLA Officers would accept an argument that units which were unlettable because of their physical condition could be discounted from the total affordable provision, however the fact that these units cannot be let on new protected social rent tenancies because they do not meet decent homes standards is not accepted as a legitimate reason to discount them from the calculation of affordable housing floorspace (not least because the applicant has let other non-decent homes at social rent equivalent on short-term tenancies).

35 GLA officers are of the view that this scheme should not need lead to an overall net loss of affordable housing and, notwithstanding the findings of the viability review, express concerns that the current proposal, whilst meeting the replacements needs of existing tenants on the Estate, would lead to an overall net loss of affordable housing.

Residential tenures

36 In terms of habitable rooms the affordable housing provision across the development would comprise 100% social rent and 0% intermediate housing. Whilst this does not directly accord with the strategic split identified by London Plan Policy 3.11 (which seeks a 60%/40% balance respectively), it is important to recognise that this is a pan-London objective, rather than a site specific target. It is further acknowledged that the provision of social rent tenure only will assist in the re-provision for existing tenants and meeting the decant requirements associated with delivering

a complex, phased development. Accordingly, GLA officers are of the view that the proposed tenure split is acceptable in strategic planning terms.

Mix of units

37 Having considered the illustrative schedule of accommodation presented for the development, GLA officers note that the scheme would provide a range of dwelling typologies (ranging from one to four-bedrooms) and deliver homes of more generous spatial proportions compared to the existing stock. It is noted that the social rent component of the mix would provide 10% family sized units. This appears low, however, it is acknowledged that this is replacing on a like-for-like basis, based on existing stock. Furthermore, it is noted that as a whole the proposed development would deliver an uplift in family housing. Accordingly, GLA officers are of the view that the mix is broadly acceptable in accordance with the principles of London Plan Policy 3.8.

Residential standards

38 The proposal comprises a mix of residential typologies (including both houses and flats). The design and access statement and submitted plans demonstrate that all dwellings will meet or exceed the minimum space standards established by London Plan Policy 3.5 (as well as the Mayor's draft Minor Alterations to this policy) and this is supported.

39 London Plan Policy 3.8 currently requires all new housing to be built to 'Lifetime Homes' standards, and expects at least 10% of units to be wheelchair accessible or easily adaptable. However, in order to bring the London Plan into line with new national housing standards, the draft Minor Alterations to the London Plan propose to replace this with a requirement that 90% of units meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and the remaining 10% of units meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. The Council and the applicant should be mindful of this when drafting any related planning conditions and/or obligations.

40 Whilst reference is made within the Design & Access Statement to providing 10% of units as wheelchair accessible/adaptable across the development, the accommodation schedule identifies 26 of the affordable units as such (equivalent to 11% of the proposed affordable housing), GLA officers would encourage the applicant and Council to identify provision in the market units to ensure at least 10% of units across the development are wheelchair accessible or easily adaptable, and this should be secured via condition or legal agreement.

41 As discussed in the urban design section below, GLA officers are of the view that the scheme is generally of a very high residential quality.

Children's play space

42 Based on the outline residential mix set out in table 2 above, and applying methodology within the Mayor's Play and Informal Recreation SPG, GLA officers have calculated an expected child yield for the scheme of 169. Accordingly, the proposal would need to accommodate an overall play space requirement of 1,690sq.m. in order to meet the 10 sq.m. per child standard sought by the SPG.

43 The submitted design and access statement sets out the proposed open space and play strategy for the scheme, and demonstrates that the scheme would accommodate 1,725 sq.m. of space available for children within the development. The proposed play provision is in the form of passive play areas, rather than formal equipment. The applicant highlights that there is an existing elderly population on the estate and there is a high quality formal play equipment of 3,300sq.m in

the grounds of St Luke's Church across Cale Street which is already well-used by existing families within the estate.

44 Given the proximity to formal play equipment at St Lukes and, in recognition that the provision of formal play equipment within communal areas could present issues for elderly residents and those with mobility requirements, GLA officers would broadly support the proposed play strategy in accordance with London Plan Policy 3.6 and the SPG.

Residential density

45 This site has a public transport accessibility level of 6A, and GLA officers have classified the setting as central in character. The London Plan density matrix (Table 3.2), therefore, suggests a residential density of between 650 to 1,100 habitable rooms per hectare for this scheme. The design and access statement confirms that the density across the scheme as a whole is 826 habitable rooms per hectare. The proposed residential density is supported in strategic planning terms.

Social infrastructure

46 London Plan Policy 3.7 states that large residential developments should, where necessary, coordinate the provision of social, environmental and other infrastructure. Given the quantum of residential development proposed in this case it will be important that the scheme appropriately contributes towards social and other infrastructure in a way which supports the creation of sustainable communities. It is noted that the scheme will deliver various key pieces of infrastructure on-site (including community space and enhanced amenity spaces); however, other off-site contributions may also be required. In this regard it is recognised that Royal Borough of Kensington & Chelsea Council has a Community Infrastructure Levy (CIL) Charging Schedule for the borough in order to help fund the essential infrastructure required to support growth. Accordingly, any necessary further financial contributions towards infrastructure should be secured by way of planning obligation and/or the Royal Borough of Kensington & Chelsea CIL as appropriate.

Historic environment and Urban design

47 Good design is central to all objectives of the London Plan (2015) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage and World Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (policy 7.4).

48 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The proposed scheme involves the demolition of the majority of the estate buildings dating from 1913. These buildings are not listed or formally designated as heritage assets; however they do contribute to the character of the area. Furthermore, the site is outside, but directly adjacent to the Chelsea Conservation Area, and the proposals will therefore affect the setting of the Conservation Area. The retained Block L sits within the Conservation Area.

49 The technical appendices to the Environmental Statement analyse the heritage significance of the estate and, whilst recognising that the estate does have heritage value in

terms of its social purpose and architectural style, it concludes that this is limited. In terms of historical value, the report concludes that William Sutton Trust estates are part of a secondary wave of social house building that were soon to be replaced by public social housing; and the architecture is of a relatively low quality, with routes and spaces cramped and incoherent, and additions and alterations have further diminished its visual amenity.

50 These points are not disputed; however as the buildings are considered to contribute to the character of the area their removal does require substantial justification. The applicant's Development Appraisal sets out the rationale for redevelopment. Options to retain and re-model the buildings have been discounted due to unacceptable housing quality and financial viability concerns. The applicant has provided information within the application to demonstrate the limitations of the existing estate, both in terms of residential quality, and of architectural and physical qualities. It is accepted that much of the internal accommodation does not meet modern standards, and much of the estate has been insensitively altered and retrofitted over the years. On balance, GLA officers consider the poor quality of the existing accommodation is considered justification for redevelopment and the retention of the perimeter blocks L & M helps lessen any perceived negatives of the proposal.

51 The design approach to the proposed scheme is sympathetic to the character of the area and the neighbouring Conservation Area as required by Policy 7.8, and is strongly supported. The provision of two new streets through the site significantly improves the permeability of the area and creates good quality public realm. Their alignment is direct and well connected to the surrounding streets, making them legible and likely to be well-used. The routes are flanked with entrances to residential and other non-residential uses, providing good levels of activity and passive surveillance, which is strongly supported.

52 The perimeter block approach provides good quality street frontage, as well as enclosing private open space to be shared by the residents of each block. The residential quality of the scheme is high. The generous number of vertical circulation cores minimises the number of households sharing the same circulation space, will help increase the sense of ownership that residents feel for these spaces and will reduce the need for excessive maintenance or security measures. The generous number of cores also allows single aspect units to be minimised, and whilst there are a small number that are technically north facing, their layouts are shallow and wide fronted, allowing for good penetration of daylight. The applicant has provided a schedule illustrating how all units meet the minimum space standards in the London Plan, which is welcomed.

53 The overall height of the scheme is in keeping with the contextual height of the area and similar to the existing buildings.

54 The appearance of the proposed scheme is acceptable. Elevations are clean and simple, with a focus on the proportions of the openings and detailing, avoiding unnecessary articulation. The use of brick creates robust and maintenance free cladding, in keeping with the residential character of the proposal, the retained blocks and the wider area. The quality of the built scheme will be highly influenced by the quality of the bricks and GLA officers would encourage this to be secured through robust planning conditions.

Inclusive access

55 The applicant has set out its approach to access and inclusion within the Design and Access Statement. The applicant has stated its commitment to ensure all dwellings will meet the 'Lifetime Homes' standard, and that 10% would be wheelchair accessible or easily adaptable for wheelchair users. This is supported in accordance with London Plan Policy 3.8, and the Council is encouraged

to secure these standards by way of planning condition, noting our comments in Paragraph 40, relating to the identification of wheelchair units within the proposed market housing.

56 The detailed design of the landscaping and public realm, including the communal spaces, routes around and within the site and entrances to buildings will be crucial to determining how inclusive this development will be. The applicant's commitment to create a highly permeable and inclusive public and private realm is inherent within the Design and Access Statement, and it is evident that the scheme would deliver a clear improvement over existing. In particular, the creation of a new route through the estate is welcomed as it will significantly enhance permeability.

Sustainable development

Energy Strategy

57 For the purposes of assessing applications against the carbon dioxide savings target within London Plan Policy 5.2, the Mayor now applies a 35% reduction target beyond Part L 2013 of Building Regulations. In accordance with the principles of London Plan Policy 5.2 the applicant has submitted an energy strategy for the development, setting out how the scheme proposes to reduce carbon dioxide emissions in accordance with the London Plan energy hierarchy:

BE LEAN

- A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.
- The demand for cooling will be minimised through solar control glazing. The applicant has undertaken a dynamic modelling exercise to determine the indoor temperatures of the affordable dwellings. The applicant has stated that the results indicate that the indoor temperatures were neither higher than the outdoor dry bulb temperature range or the frequency of the indoor temperatures were higher than the recommended thresholds. However, no information has been provided on what threshold levels the dwellings have been assessed against. Further information on the overheating analysis should be provided. It is recommended that the applicant use the CIBSE TM52 guidance recommendations for the thermal comfort to assess the dwellings.
- The applicant is proposing mechanical cooling for the private dwellings. The applicant has stated that the dwellings will meet the SAP overheating check. This approach is not considered to adequately demonstrate that the cooling demand has been minimised. The use of mechanical cooling in the dwellings is not supported unless it is demonstrated that cooling demands have been minimised by passive design (in line with policy 5.9) before the inclusion of air conditioning.
- The development is estimated to achieve a reduction of 19 tonnes per annum (4%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development.

BE CLEAN

- The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant should, however, provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.
- The applicant is proposing to install a site heat network. Further information on the floor area and location of the energy centre should be provided.

- The applicant is proposing to install 2 no. 200 kW_e gas fired Combines Heat and Power (CHP) units as the lead heat source for the site heat network (total heating requirements (43% of the total heating demand)). The total heating demand for the development is considered high relative to the number of dwellings as the heat demand has been estimated to be 22,250kWh per dwelling based on the figures provided. It is expected that the average heating demand would be in the order of 5,000-7,000kWh per dwelling and therefore the CHP units are considered significantly too large for the development. The applicant should review the loads used for the CHP sizing calculations. The applicant should also consider designing the heating system to include a single CHP unit rather than multiple units to increase efficiencies and ensure that the plant efficiencies are based on the gross fuel input for gas.
- The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO₂ emissions of 100 tonnes per annum (22%) will be achieved through this second part of the energy hierarchy.

BE GREEN

- The applicant has investigated the feasibility of a range of renewable energy technologies. The applicant has identified that PV is the most suitable renewable technology for the development. However, PV is not proposed as the applicant states that as the electricity would be exported to the grid due to the CHP already supplying electricity to the landlord supply. As outlined above the applicant should review the CHP and subsequent electricity contribution to the landlord supply.
- The current approach is not supported as the applicant is required to maximise on-site carbon savings in order to be compliant with Policy 5.2, particularly as the development is not currently meeting the carbon emission target. The applicant also states that individual PV connections to the residential units would result in significant costs. The applicant should note that while a PV connect to the dwellings is encouraged where viable, it is acceptable for the PV to be connected to the landlord supply with any excess exported to the grid. The applicant should therefore investigate a suitably sized PV array to meet the short fall in carbon emission savings. Any viability claims should be supported by a detailed cost analysis. A roof layout should be provided detailing the available space for PV panels.

58 Based on the energy assessment at Stage 1, Table 4 below shows the residual CO₂ emissions after each stage of the energy hierarchy and the CO₂ emission reductions at each stage of the energy hierarchy.

Table 4: CO₂ emission reductions from application of the energy hierarchy.

	Total residual regulated CO ₂ emissions (tonnes per annum)	Regulated CO ₂ emissions reductions	
		(tonnes per annum)	(%)
Baseline i.e. 2013 Building Regulations	451		
Be Lean	432	19	4
Be Clean	332	100	22
Be Green	332	0	0
TOTAL		119	26

59 A reduction of 119 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 26%.

60 The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan of 35%. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions.

Flood Risk

61 A Flood Risk Assessment (FRA) accompanies the application and notes that the site is within Flood Zone 1 and that parts of the site and surrounding area (particularly the roads) are at risk of surface water flooding. The FRA proposes:

- ground floor levels are raised the greater of 0.3 m above street level;
- duplex basement light wells along the perimeter are separated from street level by a barrier that is at least 0.3 m high; and
- a raised entrance (passive surface water flood barrier) is incorporated to the basement car park level to above 6.9 m AOD to prevent surface water ingress.

62 The proposal is therefore acceptable in terms of London Plan 5.12, and these measures should be secured via appropriate planning conditions. The Council and applicant should ensure any access arrangements associated with ground floor raising are addressed.

Surface Water Run-off

63 There are wider surface water flood risks within the local catchment area to which drainage from the development will contribute. As a result, London Plan Policy 5:13 is considered to be an important consideration.

64 The EIA Water resources chapter states that the proposed drainage design (including attenuation measures) will result in a reduction in the peak runoff rates from the site to less than 6% (25 l/s peak discharge) of the existing rate. Total volumes of surface water discharge will also be reduced due to the use of green roofs and infiltration drainage.

65 The proposal is therefore acceptable in terms of London Plan 5.13, and the Council should ensure these measures are secured via an appropriately worded planning condition.

Transport

Car Parking

66 Existing residents have 24 on-site car parking spaces and 67 on street car parking permits. The development proposed a new basement car park within which a total of 80 parking spaces will be provided, of which, 24 would be a reprovision of the existing parking for the affordable units and the other 56 for the residents of the private units. Accordingly the overall parking provision for the site would equate to 0.23 parking spaces per residential unit compared to 0.06 currently (excluding the parking permits).

67 It is noted that car parking has been increased, but nonetheless provision remains well within London Plan (2015) maximum standards. However the applicant's intention is that the existing 67 on street parking permits are continued. This is not considered unreasonable, however Transport for London (TfL) has requested that additional residents should be exempt from applying for parking permits in the future (except for Blue Badge holders).

68 Nine of the proposed car parking spaces are to be for Blue Badge holders. TfL requests that at least 34 Blue Badge parking spaces are provided in line with the London Plan (2015) and Accessible London SPG to ensure there is a parking space for each identified wheelchair accessible/adaptable homes. If there is segregated parking within the development, then these spaces should be split between the affordable and private housing in proportion to the number of wheelchair accessible homes in each element of the development.

69 The Transport Assessment (TA) states that 20 per cent of the car parking bays will be equipped with 'active' Electric Vehicle Charging Point (EVCP) with an additional 20 per cent passive provision. The EVCP together with the Blue Badge parking should be secured by condition.

Cycle parking

70 A total of 552 cycle parking spaces are to be provided within the development compared to the 562 spaces required to meet minimum London Plan (2015) standards. This shortfall should be rectified. Changing/showering/storage facilities for staff for the commercial/community uses should also be identified on plans. Cycle parking and facilities should all be secured by condition.

Travel Plan

71 A residential travel plan has been provided as part of the application, and this is welcomed. The travel plan identifies a range of potential measures and subsequent detailed Travel Plan (s) shall be required to be secured, funded and monitored through a Section 106 agreement.

Mayoral Community Infrastructure Levy

72 In accordance with London Plan Policy 8.3 the Mayoral Community Infrastructure Levy (CIL) came into effect on 1 April 2012. All new developments that create 100 sq.m. or more additional floorspace are liable to pay the Mayoral CIL. The levy is charged at £50 per square metre of additional floorspace in the Royal Borough of Kensington & Chelsea, albeit exemptions will apply to some of the floorspace.

Local planning authority's position

73 Royal Borough of Kensington & Chelsea have concerns regarding the net loss of affordable housing at the Estate.

Legal considerations

74 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

75 There are no financial considerations at this stage.

Conclusion

76 London Plan policies on housing, urban design, inclusive access, sustainable development and transport are relevant to this application. Whilst the scheme is broadly supported in principle, the application does not fully comply with the London Plan for the following reasons:

- **Principle of development:** The estate was built over a century ago, and a number of the existing homes on the estate do not meet modern standards and cannot be upgraded. The proposals for the scheme have responded to the needs of existing tenants and the development would significantly improve living conditions for existing and future tenants. In view of the existing conditions of the estate and the need to address these, the principle of the proposed development is supported.
- **Housing:** The proposed estate regeneration would deliver a step change in housing quality; support mixed and balanced communities; and, appropriately provide family sized housing as part of a well-considered approach to the needs of existing tenants. However, the net loss of affordable housing does not comply with London Plan Policy 3.14. Accordingly, it should be demonstrated that the scheme would deliver the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12. GLA officers consider there should be no net loss of affordable housing floorspace and do not accept some of the key assumptions in the viability assessment and the calculation of the affordable housing baseline.
- **Urban design:** The design of the scheme is broadly supported and the scheme is well laid out and new legible routes will knit the estate into the surrounding neighbourhood. Internal residential layouts are well considered, and the proposed architecture is of a high quality. The approach to scale is acceptable in strategic planning terms, and generally responds well to the surrounding context. Accordingly the design is supported in accordance with London Plan Policy 7.1.
- **Inclusive access:** The proposed approach to access and inclusion is supported in accordance with London Plan Policy 7.2
- **Sustainable development:** The current proposed energy strategy is not supported and is not fully in accordance with London Plan Policy 5.2 with the full details set out in Paragraph 51 to 54. GLA officers would advise the applicant to address the shortfall in carbon emissions reduction, or set out a clear reason as to why this is not deliverable.
- **Transport:** Whilst the proposal is broadly acceptable in strategic transport terms, the applicant should address the matters raised in this report with respect to parking provision to ensure accordance with London Plan policies 6.2, 6.9, 6.10, 6.13 and 6.14.

The resolution of the above matters could lead to the application becoming acceptable in strategic planning terms.

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