

Application No.: PP/21/01425
Site Address: 81-103 (odd) King's Road, LONDON, SW3 4NX
Proposal: Demolition of existing building and redevelopment for new building up to five storeys (Use Class E); basement excavation works; creation of a courtyard area at ground and lower ground levels; roof terraces; landscaping works; installation of plant; and associated works. (MAJOR APPLICATION)

The Smith Street and Woodfall Street Residents Association objects to this planning application on the following grounds:

1. The proposed design and scale of the building are not in keeping with the character of the local area. Page 203 - Policy CL12 Building Heights states that the Council will require new buildings to respect the setting of the borough's valued townscapes and landscapes, through appropriate building heights.
 - a. Taller buildings along the Kings Road are the exception, rather than the rule. Page 49 of the Building Height SPD clarifies that because of the consistency of building heights in the Borough, tall buildings tend to have a disproportionate effect on its skyline. Moreover, "Within the Royal Borough's conservation areas historic environment considerations are of such significance that they are regarded as highly sensitive locations for tall buildings, where there is a strong presumption against anything other than occasional local landmarks." (UDP, Policy CD61, Strat 10)
 - b. The proposed development fails to respect the local setting as it will be materially larger than most other buildings on the Kings Road. It will have an undue impact on the conservation area of the Royal Hospital and on the Chelsea conservation area, as the building will adversely impact on the setting of both conservation areas.
 - c. Permitting such a large-scale development will not only impact on the local area, but also sets a dangerous precedent along the Kings Road and paves the way for its transformation to something akin to High Street Kensington or even Oxford Street.
2. The height, scale and massing of the new building is detrimental to local residents.
 - a. The proposed development will have an unacceptable overbearing impact on the neighbouring area, including Charles II Place development, Smith Street, Markham Street, Markham Square, Radnor Walk, and will increase the sense of enclosure along that area of the Kings Road.
 - b. Under the current proposal, the highest front section (5 blocks) of the proposed building (including plant) is about 24m high – the same height as Peter Jones, and over 60% higher than the front section of the existing M&S building. This highest section also extends back further into the space between Smith Street and Radnor Walk (over 50% of the length of the building) compared to the higher section of the M&S (which only extends back for a little over 20% of the length of the building). At its proposed height, and massing, the proposed development falls between the classification of Local Landmark (15-22.5m) and District Landmark (25-60m), both classified as tall building categories under RBK&Cs Building Height SPD. We note that Section 3.3 (pg.17) states "Although a local landmark stands out, its height ratio remains integrated into the local

context...” Through its scale and design, the proposed development fails to be integrated into the local context. Furthermore, Section 3.6 (pg. 18) warns that “depending on its height and massing, a district landmark may harm its surroundings by overshadowing, overlooking and disrupting the prevailing local building character.” Whether classed as a Local Landmark or a District Landmark, the proposed tall building development in its current state, would be detrimental to local area residents.

- c. Tall buildings can be especially harmful for listed buildings, conservation areas, historic parks and significant views. (Section 4.1 , of Building Height SPD, pg 21) Furthermore, English Heritage and CABE’s Guidance on Tall Buildings indicates that new developments must conserve, or not damage or detract from: listed buildings and their settings, including the foregrounds and backdrops to landmark buildings conservation areas and their settings, historic parks and gardens, landscapes and their settings. (Section 4.5 of the Building Height SPD, pg 22)
 - d. Charles II Place has been designed to minimize the potential detrimental impact on residential amenity, for example, the inclusion of blank elevations towards the M&S and single aspect houses backing onto Smith Street. The current application imbalances this relationship, showing an overdevelopment of the site and is in violation of Policy CL12 Building Heights.
 - e. The building is extremely close to existing residential properties, many of which will have their enjoyment of daylight/sunlight adversely affected, the Charles II Development in particular, and probably daylight at Markham Street, Radnor Walk and Smith Terrace as well.
 - f. The views down Smith Street, Markham Street and Charles II Place will be damaged. We note that the visual intrusion of tall buildings is deemed a critical factor in the Royal Borough. (Section 4.1 of Building Height SPD, pg 21)
3. The proposed facing windows and an accessible terrace in a building of this scale would fail to ensure good living conditions for occupants in the neighbouring residential properties of Charles II Place, Smith Street and Smith Terrace.
- a. We further note that the proposed “accessible terrace” to the south elevation on the roof of the second floor, in combination with the flexible Class E uses designation sought, has the potential to cause light pollution, noise and privacy nuisance to residents. There is also potential for future use of the other large areas of flat roof, as additional amenity/space terraces (although this is ruled out in the submission). Due to the risks that the proposed development poses to subsequently convert portions of its space for residential use, all windows and terraces in the proposed development should be covered by conditions designed to strictly and specifically limit how they may be altered in the future.
4. The proposed uses and parameters for the building create an undue potential for noise and disturbance for residents in the local area, directly in conflict with the objectives of Policy CL5.
- a. Proposed uses for the building are all Use Class E, which covers “Commercial, Business and Service”, and could include any number of businesses. These uses are proposed in

units of flexible size, meaning that if approved, there could be no control over the nature of the business of the occupiers, nor over the size of their units.

- b. The proposed hours of operation are also unknown, although it is suggested that the site will be shut “no later than midnight” (ref Planning statement) This operating hours proposal is unreasonable and in conflict with the rights and amenities of the surrounding residents. It also shows lack of knowledge and regard for local practices and for the implementation of premises licenses by RBKC.
- c. Pursuant to the upcoming new permitted development right to change to residential use buildings that have been in a Class E use for two years (coming into force on 1 August 2021), there would be opportunity for the creation of numerous individual use units, residential or with various other uses, and with differing servicing needs. These would have to be carefully monitored and controlled in the future, to prevent a violation of the rights to amenities of local area residents.

Given the above, we concur with the Chelsea Society’s view that the suggested plan for operation of delivery and servicing for the proposed development is only aspirational and neither practical, nor enforceable.

- 5. No clear comparison between the scale and mass of the current building and the proposed building has been provided.
 - a. During the consultation, questions were raised relating the lack of comparative data, but they remain unanswered. More than one hundred and twenty-five documents have been filed by the developer, yet there is no single diagram that clearly illustrates the magnitude of the height differential, so that the public can grasp the true scale of this proposed development and understand its impact upon the local area.
- 6. The proposal includes the elimination of approximately one hundred parking spaces currently located at the car park inside the M&S building, without regard to the impact on the local area.
 - a. Parking would be reduced from over one hundred spaces to just six spaces, yet there is no plan regarding where shoppers or persons who currently use those parking spaces will go. Rogue parking can be expected to increase as a direct result of this and will negatively impact on traffic and pollution levels in the local area. During the consultation, residents expressed serious concerns about this issue. In response, the amount of proposed parking spaces has been increased from an original four spaces, to now six spaces. This is marginal modification by the developer is perfunctory and in no way mitigates the problem that the elimination of one hundred parking spaces will create. Any planning consent provided by RBK&C should be issued subject to a condition that prohibits the issuance of resident parking permits to any residents of the proposed development, given that any such issuance would place an undue level of pressure on the streets in the local area.

For all the reasons stated above, we strongly object to this planning application.

The Smith Street & Woodfall Street Residents’ Association