

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 23/04/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/00678	Agenda Item:	N48		
Address:	226 Westbourne Grove, LONDON				
Proposal:	Removal of garden structures and erection of retractable glazed roof over restaurant garden. Relocation of external plant to balcony within acoustic enclosure.				
Applicant:	TCH NH Ltd				
Agent:	Mr L Wrench Planning Potential Ltd.				
Properties notified:	Objections:	Support:	Comments:	Petition:	
7	10	0	0	0	
Conservation area: Pembridge					

1. Summary

- 1.1 Subject to conditions, the proposals would continue to preserve the character and appearance of the building, terrace group and wider Pembridge Conservation Area and would continue to ensure good living conditions for all neighbouring occupiers. The proposals would also have an acceptable impact on trees and flood risk in the Borough. The proposals are acceptable when assessed against policies CL1, CL2, CL3, CL5, CL6, CL9, CL11, CE2, CE6 and CR6 of the Local Plan 2019.
- 1.2 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 8. Where appropriate and necessary, conditions are recommended to address the concerns raised.

It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

3. The site and its surroundings

- 3.1 226 Westbourne Grove is located on the northern side of the street just to the east of the junction with Colville Road and next to the old Post Office and sorting office building. The

site is three-storey mid-terraced building which forms part of a terrace of shopfronts along Westbourne Grove. The building is designated as a 'positive' building in the Pembridge Conservation Area Appraisal (CAA), and so makes a positive contribution to the conservation area in terms of its character. As such, proposals to positive buildings should be sympathetic with regards to the character and design of the property and the wider conservation area. The site forms part of a wider terrace group of shopfronts along Westbourne Grove (nos. 206-230).

- 3.2 The site is in use at the ground and first floor levels as a restaurant (class E) and the upper floors are in residential use and fronts on to Westbourne Grove. In the immediate vicinity of the site, there are residential properties which are situated above the ground floor level on either side of the site (no. 226) and there are residential properties situated on Lonsdale Road to the rear. The site has been vacant for some time but is in an established use as a Class E restaurant which is confirmed in the planning history (ref. PP/15/01229).
- 3.3 To the rear of the property there is a small outdoor area formerly accessed from a set of stairs leading down from the upper ground floor. The rear yard of the site is enclosed to all four sides by substantial yard walls and by adjoining outriggers.
- 3.4 The site is within the Westbourne Grove Special District Shopping Centre.

4. The proposal and any relevant planning history

- 4.1 Planning permission is sought for the removal of the existing structures within the rear garden and the construction of a retractable glazed roof over the external courtyard associated with the existing restaurant. The proposals would also relocate the external plant and associated acoustic enclosure from the rear courtyard to the balcony. There are no external alterations proposed to the front elevation (shopfront).
- 4.2 Officers visited the site on 14th March 2024.
- 4.3 The relevant planning history is set out below:

Reference	Description	Decision
PP/15/01229 APP/K5600/W/ 15/3131999	Change of use of ground and basement floor commercial unit from dual A1/A3 (retail) to A3 (restaurant/ cafe) use in its entirety	Refused (05.06.15) Appeal allowed (09.02.16)
PP/15/07480	Installation of internal extract to commercial kitchen with roof level duct, lower ground floor rear extension to provide cold room, including installation of 3 air-conditioning condenser units, and replacement of balconies with metal railings with balconies with glass balustrades.	Granted (21.04.16)
CON/16/02022	Details required by condition 5 (sound insulation) of planning permission 15/01229 approved under appeal ref.APP/K5600/W/15/3134316 (Change of use of ground and basement floor commercial unit from dual A1/A3 (retail) to A3 (restaurant/ cafe) use in its entirety).	Approved (24.05.16)

PP/20/04969 APP/K5600/W/ 20/3264937	Variation of Condition 4 (hours of operation) of planning permission PP/15/01229, allowed under appeal ref: K5600/W/15/3131999, to increase hours of operation of rear courtyard to 22:30 hrs, Monday - Saturday.	Refused (17.11.20) Appeal Dismissed (03.06.21)
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5. Main policies and strategies relevant to the decision

The development plan

5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan 2019
Conservation areas	CL3, CL11
General townscape	CL1, CL2, CL6, CL9
Living conditions	CL5, CE6
Flood Risk	CE2
Trees	CR6

5.2 These policies can be read online at:

- Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

5.3 The Council started a New Local Plan Review (“NLPR”) and consultation on Publication Policies (Regulation 19) closed on 22 December 2022. The Council submitted the NLPR for examination (Regulation 22) on 8 February 2023. Examination hearings were held in June and July 2023. The Council has received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications. The Main Modifications identified by the Inspector to make the NLPR sound is currently being consulted on by the Council for 6 weeks (30 January 2024 to 12 March 2024).

5.4 The statutory starting point for determining this proposal remains the adopted policies in the development plan, including the RBKC Local Plan 2019, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 47 of the National Planning Policy Framework, and paragraph 001 of the National Planning Practice Guidance on Plan-making. Paragraph 48 of the NPPF outlines the weight local authorities may give to relevant policies in emerging plans. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change. The emerging policies in the NLPR will be a material consideration afforded moderate weight at this stage however, where specific emerging policies are of particular relevance to the assessment, individual weightings have been given and expressed.

Other local strategies or publications

5.5 The main relevant supplementary planning documents adopted by the Council are:

- Pembridge Conservation Area Appraisal
- Trees and Development
- Noise
- Greening

5.6 These documents can be read online at:

- Conservation Area Proposal Statements and Conservation Area Appraisals:

- Other documents:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

6. Evaluation

6.1 The decisive issues are:

- Whether the proposals would continue to preserve or would take opportunities to enhance the character and appearance of the building, terrace group and wider Pembridge Conservation Area;
- Whether the proposals would continue to ensure good living conditions for all neighbouring occupiers; and
- Whether the proposals would have an acceptable impact on trees and flood risk in the Borough.

Impact on the Conservation Area

Retractable Awning

- 6.2 The proposals would install a retractable glazed roof which would cover the existing outdoor courtyard area so that this part of the site could be used as a winter/summer garden area for guests using the restaurant. As existing, the courtyard contains furniture, a plant room with associated screening, and pergolas with the previous owner of the restaurant and would be removed as part of the refurbishment works. The proposals would introduce new paving, planters at the lower ground floor level. The refurbishment works and removal of garden furniture would be acceptable.
- 6.3 At the ground floor level, the proposals would introduce a retractable roof. The roof would be glazed and framed in aluminium and would have a sloped roof which would adjoin the neighbouring party wall. The roof would be at the ground floor level of the site and would be approximately 9.15m in depth and 4.93m in width and would be situated beneath the existing ground floor terrace area. There are two existing condenser units which would also be relocated to the balcony area and sited in an enclosure, and two existing windows would be removed and infilled with brick to match the host building.
- 6.4 In terms of the wider terrace group, there are a number of extensions at the ground floor and upper ground floor levels and so enclosing of this existing courtyard with a retractable roof would not be out of character in this regard. The neighbouring properties either side of the site have a varied building line at the rear with nos. 228 and 230 extending to the full depth of the garden area. Therefore, the proposed retractable roof (which could read as an extension to the building when operational) which would extend to the full depth of the site, would not be incongruous nor would it disrupt the rhythm of the built form at the rear elevation. The aluminium framing would also be slim and would break up the amount of glazing. The retractable nature of the roof would also allow the roof to read as a lightweight structure.
- 6.5 Whilst the glazing proposed and aluminium framing would be contemporary in nature, due to the roof being at the ground floor level and the enclosed nature of the rear courtyard, it would not be visible from public views and only from very limited private views from the neighbouring properties in the vicinity. A separate section and elevation drawing of the retractable roof has been submitted and a sample of the glazing which is acceptable. Further details have been requested by Condition 3 which would require details of measures to reduce light spill.

External Plant

- 6.6 The proposals would install two condenser units on the ground floor terrace of the site. The units would be within an acoustic enclosure. The acoustic enclosure would be approximately 2m in height and 1.9m in depth. Due to the siting of the units being on the rear terrace which is enclosed by high-level screening, and the built up nature of the site, the proposed enclosure would be acceptable. The proposed timber material would also be an acceptable treatment within the conservation area.

Rear Elevation Alterations

- 6.7 The proposals would infill the existing obscurely glazed door at the ground floor level, rear elevation with matching brickwork. This would be acceptable.

Summary

- 6.8 On the basis of the above and subject to conditions, given the existing built form at the rear elevation and the limited private views, the proposals would be acceptable and in accordance with policies CL1, CL2, CL3, CL6, CL9 and CL11 of the Local Plan 2019.

Living Conditions

Retractable Glazed Roof

- 6.9 The proposals would install a retractable glazed roof over the existing outdoor courtyard which would cover tables and chairs associated with dining at the restaurant. Additionally, general source of noise within the space would be noise from talking guests, noise of cutlery, low level music, staff engaging with patrons, all of which can create a high volume of cumulative noise. The opening hours of the main restaurant would remain as existing and would not be extended as a result of this application. The retractable glazed roof would need to be time limited on the operational hours it can be open, and the roof will be closed at 6pm every day. The Council's Environmental Health Team have reviewed the associated report and proposed timings for the opening and closing of the roof and is in line with the existing operational hours for the restaurant. Condition 8 has been recommended to secure compliance to the 'Garden Terrace Management Policy' provided by the Applicants. This would ensure the roof is closed after 6pm.
- 6.10 In terms of light pollution from the glazed elements of the garden area, further information is required and a detailed lighting plan should be submitted before the development is occupied. An informative has been included so that the applicant is reminded to follow the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 1 for the reduction of obtrusive light 2021' in respect of minimising light pollution. Additionally lighting contours will need to be provided by an experienced lighting engineer for the applicant, to demonstrate that vertical illumination (including the lux levels at neighbouring facades of premises surrounding the development, will be no more than 10lux at ground floor and 5lux at first floor and higher). Condition 7 has been recommended to secure these details.

External Plant

- 6.11 The proposals would relocate the external plant from the rear garden area to the existing balcony area. The application is accompanied by a Noise Impact Assessment, compiled by RBA Acoustics dated 30 January 2024 ref: 12971.RP01.AAR.8. which details the results of an environmental noise survey that has been carried out. The report has established the lowest background noise level in the vicinity over a 24-hour period, allowing noise emission limits to be calculated and set in compliance with the Borough's noise criterion provided that acoustic mitigation is installed and maintained. Conditions 4 and 5 have been recommended to ensure that the noise level does not exceed the Council's noise criteria and the proposed plant would be supported on anti-vibration mounts.

Summary

- 6.12 Subject to conditions, the proposals would continue to ensure good living conditions for all neighbouring occupiers, in accordance with policies CL5 and CE6 of the Local Plan 2019.

Trees and Flood Risk

Trees

- 6.13 The application is supported by an arboricultural report, prepared by MDJ trees dated January 2024 which proposals the removal of two cork oaks within the rear courtyard. The Local Planning Authority agree with the findings of the report that the two cork oaks are not suitable for long-term retention and so there is no objection to their removal. The proposals would have an acceptable impact on trees in the Borough and would be in accordance with policy CR6 of the Local Plan 2019.

Flood Risk

- 6.14 Policy CE2 of the Local Plan requires surface water run-off to be managed as close to its source as possible. The Council will require development to address and reduce flood risk and its impacts and will require minor development (including householder extensions) to achieve a reduction of 50% of existing rates, ensuring that surface water run-off is managed as close to its source as possible, through: the increase of permeable surfaces; recognising opportunities for Sustainable Urban Drainage Systems (SuDS) to provide other environmental benefits and factoring all flows into the sewer system (including swimming pools discharges, groundwater or other flows) in the calculations of greenfield run-off rates. The application is supported with a SuDS report which includes planters as measures to improving runoff on site. Due to the scale of the works proposed, the SuDS measures are proportionate and are acceptable. The proposals would have an acceptable impact on flood risk in the Borough and would be in accordance with policy CE2 of the Local Plan 2019.

Issues and balancing

- 6.15 Subject to conditions, the proposals would continue to preserve the character and appearance of the building, terrace group and wider Pembridge Conservation Area and would continue to ensure good living conditions for all neighbouring occupiers. The proposals would also have an acceptable impact on trees and flood risk in the Borough. The proposals are acceptable when assessed against policies CL1, CL2, CL3, CL5, CL6, CL9, CL11, CE2, CE6 and CR6 of the Local Plan 2019.
- 6.16 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would not require a payment towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

8. Consultations carried out

Comments from interested parties

- 8.1 Eight nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 09/02/2024.

A statutory notice advertising the application was posted near the site on 09/02/2024.

8.2 10 letters were received objecting to the application, including from the Pembridge Association, summarised as:

	Comment	Response
1	<p>Noise</p> <p>The site is a modest Victorian building within the terrace which is typically densely residential above the commercial ground floor level. It has a pleasant, small rear garden area currently partially shaded by trees. Concerns that the site is constrained by three sides by buildings which have themselves extended towards the rear garden and upwards exacerbating a "sound box" effect in this unusually reverberant location.</p> <p>The proposed application would increase the number of covers from 24 to 38. It also seeks to increase the hours in which this site can be used quite considerably to 7.30am (currently 10.00am) and from closure of the garden at 6.00pm to use of the space with retractable roof until 11.30pm six days per week with shorter hours on Sunday. Quite simply a larger number of customers for a longer period of time will result in more noise and it will be more of a nuisance for residents because it will be early in the morning and later at night. References made to the appeal decision.</p> <p>The use of garden areas late into the night is something that has already been refused by the planning department on numerous occasions because of the noise nuisance that this proposal, and others like it, would generate.</p> <p>Since the Appeal report more residents now work from home which has increased the need for a quiet environment at the rear.</p> <p>Concerned about the noise coming from the new restaurants proposed opening hours. Music and increased social noise. The restaurant being open to 23:30 is unacceptable. In any instance we</p>	<p>The Council's Environmental Health Team have reviewed the associated report and proposed timings for the opening and closing of the roof, and so this is a reasonable time to which there is no objection.</p> <p>The proposals would not extend the opening hours of the restaurant. Should the applicant wish to extend these hours, a separate planning application would need to be made.</p> <p>Condition 8 has been recommended to secure compliance to the Applicants 'Garden Terrace Management Policy'. This would ensure that the amenity of neighbouring occupiers is preserved and would reduce noise transmission in the evening hours.</p> <p>The appeal decision related to longer hours proposed beyond 23:30. These hours would have had an unacceptable impact on the living conditions of neighbouring occupiers. This application does not seek to extend the opening hours of the restaurant. Time limits on hours for the operation of the retractable roof have been imposed by condition 8.</p> <p>The Council's Environmental Health team have reviewed the application and raised no objection to the operational hours of use of the roof. As existing, the courtyard could be used by the operator of the restaurant within the current hours of 10:00-18:00. This would mean that customers cannot use this space outside of these hours.</p> <p>There is an existing condition on the use on appeal ref. APP/K5600/W/15/3131999, which requires no music to be played or used within the outdoor areas at any time. The applicant would need to apply separately to remove this condition. The restaurant has permission (from the allowed appeal) to be open to 23:30 on Mondays-Saturdays. The outdoor area would not be in use between the hours of 18:00 and 10:00.</p> <p>The Council's Environmental Health team have reviewed the acoustic report and raised no objection subject to the Council's standard noise conditions.</p>

	<p>specifically request that no music be allowed either when the roof is retracted or extended as the applicant cannot verify the sound proofing.</p> <p>Concerns about the acoustic evidence presented by the applicant's consultants. Queries relating to the soundproofing of the roof.</p> <p>A further source of potential noise will be generated by the removal of the two vents currently based in the garden and proposed to be placed now on the ground floor balcony within an acoustic enclosure.</p>	
2	<p>Conservation Area</p> <p>Object to this application which proposes the over development of this small rear garden terrace within the Pembridge Conservation Area ("PCA") to the detriment of residents and which will also affect residents of the adjacent Colville Conservation Area.</p> <p>The retractable roof itself is out of character and too heavy in appearance (construction in glass framed in heavy dark metal).</p> <p>The roof could reflect sun into neighbouring windows.</p> <p>Queries relating to the operation of the glass roof and if it will be automatically closed by a timer device.</p> <p>Concerns relating to overdevelopment.</p>	<p>Whilst the glazing proposed and aluminium framing would be contemporary in nature, due to the roof being at the ground floor level and the enclosed nature of the rear courtyard, it would not be visible from public views and only from very limited private views from the neighbouring properties in the vicinity.</p> <p>A separate section and elevation drawing of the retractable roof has been submitted and a sample of the glazing which is acceptable. Further details have been requested by Condition 3 which would require details of measures to reduce light spill.</p> <p>In terms of the wider terrace group, there are a number of extensions at the ground floor and upper ground floor levels and so the enclosure of the existing courtyard would not be out of character in this regard. The retractable nature of the roof would also allow the roof to read as a lightweight structure. Due to its lightweight nature, the proposed roof would not result in overdevelopment of the site.</p>
3	<p>Trees</p> <p>Concerns relating to the removal of the two trees in the rear garden area.</p> <p>Object to the assertion of the applicant's Consultants MDJ that the removal of the trees would have no adverse impact on the area as they are not visible from public view. They can be clearly seen by those with adjacent homes.</p>	<p>The application is supported by an arboricultural report, prepared by MDJ trees dated January 2024 which proposals the removal of two cork oaks within the rear courtyard. The Local Planning Authority agree with the findings of the report that the two cork oaks are not suitable for long-term retention and so there is no objection to their removal.</p>

	<p>The trees provide a natural habitat for wildlife. The size of these trees is cited as a problem, but they could be managed with pruning.</p>	
4	<p>Highways</p> <p>Increased local parking issues.</p> <p>Increased pavement congestion of daily rubbish waiting collection, which is at times already a trip and potential health hazard.</p>	<p>The proposals would not result in an intensification of the use and would not impact the local highway network.</p>
5	<p>Change of Use</p> <p>The proposal encloses a designated garden area and turns it into four walls with a glass ceiling to create a seating area for the restaurant. This represents a change of use.</p>	<p>There is no change of use. The existing use is as a restaurant under Class E. The proposals would install a retractable glazed roof in the rear outdoor courtyard.</p>
6	<p>Fire Safety</p> <p>Consideration must be given to the provision of a fire exit for patrons.</p>	<p>Noted. There is no planning requirement for minor applications to submit a fire statement. This would be covered under Building Regulations and is a separate matter. An informative has been recommended to remind the applicant to seek separate approval under Building Regulations.</p>
7	<p>Light Pollution</p> <p>Concerns relating to light pollution in the outdoor courtyard and light overspill from the roof.</p> <p>The longer and later hours proposed by the applicant combined with the more extensive use of the area of the garden will make the area less dark.</p> <p>Light pollution will have a material impact on wildlife.</p> <p>There is no lighting plan nor any provided. Should this application be granted, requests for light reactive glazing or blinds be required to mitigate the effect of light spill.</p>	<p>Condition 3 has been recommended which would require a detailed section of the retractable roof along with a sample of glazing. These details will also include measures to reduce light spill.</p> <p>Condition 7 has been recommended to request a lighting plan to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.</p>
8	<p>Overlooking</p> <p>In order to preserve the privacy of residents living in the area, and in the unlikely event of this application ever being granted, a condition</p>	<p>There are no new windows proposed on the rear elevation. Therefore, it would not be reasonable to request existing windows to be obscurely glazed.</p> <p>By virtue of the location of the retractable roof</p>

	<p>should be included that would require that frosted glass be used on the rear elevation.</p> <p>Queries relating to the glass and if it will be obscurely glazed to prevent overlooking.</p>	<p>and its proposed height, there would be no material increase in overlooking to neighbouring properties.</p>
9	<p>Flood Risk</p> <p>The site is in a critical drainage area and the immediate area is subject to flooding.</p> <p>The applicant proposes to cover the entirety of what was once the rear garden of the site but is only adding a small raingarden planter to mitigate surface water run off.</p> <p>The retention of the trees and a more imaginative recreation of porous surfacing would be a better and more responsible solution.</p>	<p>Due to the scale of the works proposed being minor and relating to new paving in the rear courtyard, the SuDS measures are considered to be proportionate and are acceptable.</p>
10	<p>Other</p> <p>Queries relating to the location of external extractor vents be located and how high they will be.</p> <p>Queries relating to maintenance and cleaning of the roof.</p> <p>Queries relating to the prevention of items being thrown out of the opened roof.</p> <p>Concerned about the noise and smell that will emanate from the garden.</p> <p>Requests for a trial period.</p>	<p>There are no extractor vents proposed.</p> <p>The maintenance and cleaning of the roof would be the responsibility of the owner.</p> <p>This would not be a material planning consideration.</p> <p>The site is in use as a restaurant and the use is not proposed to be intensified as a result of the works.</p> <p>The application has not been applied for on a temporary basis, as such it would not be reasonable to impose a temporary condition.</p>

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Environmental Health	No objection subject to conditions.	Parts 6.9-6.12
Arboricultural Officer	No objection.	Part 6.13

9. Recommended conditions if the application is granted

1. **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. **Compliance with approved drawings**

The development shall not be carried out except in complete accordance with the details shown on submitted plans *Site Location Plan (No. 208_001 Rev P1); Site Block Plan (No. 208_002 Rev P1); Existing and Proposed Lower Ground Floor Plan (No. 208_010 Rev P1); Existing & Proposed Ground Floor Plan (No. 208_011 Rev P1); Existing & Proposed Section AA (No. 208_020 Rev P1); Existing & Proposed Section BB (No. 208_021 Rev P1); Existing & Proposed Sections CC & DD (No. 208_022 Rev P1); Existing & Proposed Front Elevation (No. 208_030 Rev P1); Proposed Roof Details (No. 208_050 Rev P1); Proposed Acoustic Enclosure Details (No. 208_051 Rev P1).*

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. **Submission of details**

Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:

(a) Detailed section drawing (1:10) of the retractable roof, including a sample of glazing. The details shall also include measures to reduce light spill.

Reason - In order to preserve the character and appearance of the building, terrace group and wider Pembridge Conservation Area, in accordance with policies CL3 and CL6 of the Local Plan 2019.

4. **Noise from building services plant and vents**

Noise emitted by the plant, when operating concurrently or in individually, shall not increase the lowest existing measured background LA90(15min) level measured or predicted at 1.0m from the nearest residential window and/or at a height of 1.2m above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, they shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

5. **Anti-vibration mounts for extraction equipment**

All plant and equipment shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties

and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

6. Acoustic Report - Compliance

In order to comply with condition 3, the noise mitigation measures as specified in the Noise assessment (prepared by RBA Acoustics dated 30 January 2024 ref: 12971.RP01.AAR.8), shall be adopted and implemented in full. A post installation assessment shall be submitted to and approved in writing show compliance with condition 3.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

7. Artificial Lighting - Details

Prior to occupation of the development, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. The details should include lighting contours to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 1 for the reduction of obtrusive light 2021'. Details should also include measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. The approved details shall be implemented prior to occupation of the development and shall be maintained.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

8. Garden Terrace Management Policy

The development hereby approved, shall be used in accordance with details set out in the 'Garden Terrace Management Policy to be used by all staff', received by the Local Planning Authority on 01 February 2024. The use of the garden shall be carried out in accordance with the measures set out within this policy and retained for the lifetime of the development.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

9. Arboricultural Impact Assessment - Compliance

The development shall be carried out in accordance with the approved Arboricultural Impact Assessment, prepared by MDJ Trees dated January 2024, and shall be so maintained.

Reason - To ensure the proposals have an acceptable impact on trees in the Borough, in accordance with policy CR6 of the Local Plan 2019.

10. Sustainable Urban Drainage System (SuDS) (for major and minor applications – implementation)

During construction of the development hereby permitted the submitted Flood Risk Assessment (FRA) and Sustainable Urban Drainage System (SuDS), prepared by Create Consulting Engineers Ltd. (ref. JE/VL/P23-2986/01 Rev C) dated October 2023, shall be fully implemented and maintained thereafter.

Reason - To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Local Plan 2019.

INFORMATIVES

enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 3 This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Place.
- 4 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>
- 5 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

The scheme was submitted in accordance with advice provided through pre-application discussions.

- 6 Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2018 (as amended), and the grant of planning permission does not imply that such approval will be given. The District Surveyor, Town Hall, Hornton Street, W8 7NX should be consulted before works commence.
- 7 With regards to providing the details for condition 8, the applicant is reminded to follow the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 1 for the reduction of obtrusive light 2021' in respect of minimising light pollution.

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:

www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

Monday to Friday 8am – 6pm

Saturday, Sunday and public holidays – none permitted

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at dehcmt@rbkc.gov.uk

Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/24/00678. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. G. Westley

Telephone: 07816-113-950