

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 23/04/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/00799	Agenda Item:	S41	
Address:	5 Seymour Walk, LONDON, SW10 9NE			
Proposal:	Creation of basement below buildings and half of garden area; alterations to lightwells; creation of three rooflights with associated internal plant and landscaping			
Applicant:	c/o Savills			
Agent:	Mr Blagg Savills			
Properties notified:	Objections:	Support:	Comments:	Petition:
7	3	0	0	0
Conservation area:	Boltons			

1. Summary

- 1.1 The application site is encompassed of a large plot which accommodates three residential buildings. The proposed basement is a revision to a previously refused scheme. The current scheme seeks to retain the same footprint of the proposed basement as previously proposed however it proposes to reduce the overall depth by removing the originally proposed swimming pool. Subject to the recommended conditions, the development would comply with the relevant policies in the development plan, including the criteria of the Council's basement policy which includes review of impacts to the character of the conservation area, transport, drainage, trees and construction impacts, as well as complying with the statutory requirements for development within a conservation area. There are no material considerations to suggest a decision other than in accordance with the Development Plan.
- 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 The application site is located to the south-west side of Seymour Walk towards the southern extent of the road. The site contains three separate buildings which are used as a single residential dwelling. The plot has a square shape which accommodates a larger verdant garden.
- 3.2 The main building on site is located behind the enclosing brick wall which extends along Seymour Walk. The house is Regency, which likely dates between 1820 – 1844, the property is subject to a two storey 1960s side extension and link extension. The secondary building is a two-storey building known as the 'Studio' (5a).
- 3.3 No. 5(b) is sited adjacent to the road and is an end of terrace unit which is two storeys, with a distinctive gable roof and dormer windows. Due to the single storey enclosing wall, which contains a single pedestrian gate, the main dwelling and 'studio' are not widely visible to the street scene.
- 3.4 The site is in the Boltons Conservation Area.

4. The proposal and any relevant planning history

- 4.1 The proposed revised development seeks the provision of a basement beneath the existing residential dwelling, outbuildings, and garden. The basement would accommodate a gym, utility, snug and plant room. The basement would retain an open space to the front of the site and an area between the studio and 1960's extension to the main dwelling along the western boundary.
- 4.2 The basement would be served by two roof lights, one to the northern boundary and the other towards the central area of the site. The basement would include internal plant equipment.
- 4.3 Officers visited the site on 6/09/2023.
- 4.4 The previous planning application, ref. PP/23/03532 was refused by members for the following reason:
1. *The proposed depth of the basement would fail to accord with Policy CL7 of the Local Plan 2019 and the associated 'Basements' SPD, as the overall depth would exceed that reasonably required for a single storey as defined in the Local Plan and despite a swimming pool being proposed, the overall depth would not represent a 'small extra allowance' in height/depth.*
- 4.5 The relevant planning history is set out below:

Reference	Description	Decision
PP/00/01265	Erection of first floor extension to existing cottage building to provide an annexe above existing garages.	Granted.
PP/23/01800	Replacement of boiler and flue system for 5 Seymour Walk. Replacement flue to be re-routed away from opening roof lights	Granted.
PP/23/03532	Creation of basement beneath buildings and 50% of the garden area; alterations to	Refused. Appeal
/PP/24/00799: 2		

	lightwells; creation of two rooflights with associated internal plant and landscaping.	pending.
PP/24/01025	Demolition of two storey rear extension and replacement with two storey extension with roof terrace above. Removal of conservatory link structure and replacement with single storey glazed link structure set back from existing glass link. Demolition and replacement of building at 5a Seymour Walk with single storey building plus mansard to remain as ancillary residential accommodation (Use Class C3). Removal of 1 x lightwell. Associated landscape improvements and planting and installation of roof lights, plant and solar panels.	Refused.

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
Conservation Area	CL3, CL11
General townscape	CL1, CL2, CL6
Living conditions	CL5, CE6
Trees	CR6
Basements	CL7
Flooding	CE2
Transport	CT1

These policies can be read online at:

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

5.2 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 8th February 2023. Examination hearings were held in June and July 2023. Main modifications were discussed to make the NLPR “sound” during the hearings and there will be a public consultation on the main modifications. The Examination remains open until the receipt of the Inspector’s report.

5.3 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 timetable for the adoption of the NLPR depends on when the Council receives the Inspector’s report. There is no published timetable for this. The emerging Local Plan will be a material consideration but afforded limited weight at this stage.

Other local strategies or publications

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

- The Boltons Conservation Area Appraisal
- Trees and Development
- Basements
- Transport and Streets

These documents can be read online at:

Conservation Area Appraisals:

<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>

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:

- i Whether the basement proposal would comply with the Council's policies on basement development,
- ii Whether the proposal would preserve, or take opportunities to enhance, the character and appearance of the Boltons Conservation Area,
- iii Whether the proposal would ensure that good living conditions continue for neighbouring occupants,
- iv Whether the proposal would improve drainage in line with the Council's policies and guidance on flooding,
- v Whether the proposal would have an acceptable impact on any relevant trees.

Basement and Character and Appearance of the Area (Transport, Flooding and Trees)

6.2 The development seeks planning permission for the excavation of a basement underneath the plot. The existing plot is larger than the general scale of plots in the area, mainly due to the age of the main dwelling which was built in the 1800s when the area was known as Little Chelsea. The existing open space on site is split into two sections due to the layout of the built form on site.

6.3 The existing open space on site accounts for 304sqm and the retained open space would leave 152sqm. The retained open space would be 50% of the open area of the plot. Although the open space would be in two areas this would reflect the existing separation of the site. The two retained open areas would be 120sqm and 32sqm respectively which would represent larger areas allowing for drainage. The proposal would comply with criteria (a) of policy CL7 of the Local Plan.

6.4 The proposal is for a single storey basement, creating a floor to ceiling height of 3.6m, with an additional 400mm provided as a service zone, measuring 4m in total, which is within the limits as stipulated in the Local Plan. Furthermore, the basement depth is a significant reduction from the previous scheme of almost 2m. This revised basement would comply with criteria (b) of policy CL7 and would overcome the previous refusal reason.

6.5 Currently there is no extant or implemented permission for basement extensions on site and as such the development would comply with criteria (c) of policy CL7 of the Local Plan.

- 6.6 The application site is in The Boltons Conservation Area and the vegetation of value is primarily seen to the front of the site, including a Box Elder. The Tree Officer has commented that of the three 'trees' to be lost as a result of the proposal the Mahonia and Purple Plum are not technically trees. The loss of all of the trees, including the Palm, would be acceptable. The trees and vegetation to be lost are not of a quality or sited such that they add significant townscape value.
- 6.7 To ensure the protection of trees during the course of the development and to secure the replacement of trees lost on site conditions 3 and 4 are recommended relating to protection and landscaping.. Subject to conditions the development would comply with criteria (d) of policy CL7 of the Local Plan.
- 6.8 The site is in The Boltons Conservation Area but is not subject to formal listing. Although some errors within the Conservation Area Appraisal indicate the garden rather than the buildings being positive contributors to the Conservation Area, the plot and buildings are a positive contributor to the character and appearance of the Boltons Conservation Area.
- 6.9 Seymour Walk was constructed between 1790 to 1820 in an area known as Little Chelsea. The Regency House situated on site is one of the few surviving examples of Little Chelsea. Further, the scale and the verdancy of the site is reflective of the former scale of development in the area. Some elements of the development, such as the infilling of a lightwell would be beneficial to the character and appearance of the site.
- 6.10 The light well would sit within the context of a site subject to displacement of buildings and link extensions. The light well would be sited at ground level and would be considered to preserve the openness of the site. The other roof lights/light wells would be discretely located against the boundaries of the site.
- 6.11 Further, concerns were drawn to the partial demolition of the wall in reducing its quality and degree of re-building. However, condition 15 is recommended to ensure that the wall would be subject to a Method Statement to ensure dismantling, and construction of the wall is considered in detail and put back in situ.
- 6.12 The works would be primarily located at a subterranean level, other than the manifestation of roof lights and lightwells, mitigated from view by the wall the works would not be widely visible. The scale of the plot and the design and appearance of the buildings would be preserved. The character and appearance of the Conservation Area would be conserved in accord with policies CL3, CL11 and criteria (e) and (h) of policy CL7 of the Local Plan.
- 6.13 The proposed basement would not involve excavation beneath a listed building. The development would comply with criteria (f) of policy CL7. The proposed roof lights would be located behind the enclosing wall, and so views of these features would be limited to a small degree of private views. As these features would be set back from the street scene, they would ensure preservation of the street scene subject to condition 15 that relates to the re-building of the wall. The development would comply with policies CL1, CL2, CL6, and CL7 (g) of the Local Plan.
- 6.14 The application site is located outside of Flood Zone 2 and 3 and any Critical Drainage Area. The site lies outside areas designated at risk of flooding. The applicant has provided a Sustainable Urban Drainage Strategy with the application. Policy CE2 of the Local Plan requires a 50% reduction in surface water run off for such development.
- 6.15 The Surface Water Drainage Strategy (SuDS) for the site included the provision of an attenuation tank which would take much of the capacity of the surface water run-off. In additional natural forms of drainage have also been provided including a rainwater garden and additional soft landscaping. The surface water strategy would connect with the existing Thames Water combined sewer.
- 6.16 The proposed strategy would be capable of achieving a 50% reduction of surface water runoff, accounting for increase rainfall due to climate change. The SuDS would be secured

via condition 5, , and a suitable pumped device would also be secured via condition 6. The development would comply with policies CL7 criteria (i) and (n) and CE2 of the Local Plan.

- 6.17 The section details provided in support of the application includes 1m of soil above the basement. In combination with the ability of the site to achieve 50% surface water runoff the development would comply with criteria (j) of policy CL7 of the Local Plan.
- 6.18 The proposed basement development would retain existing access points and as such, post completion the development would maintain the operation of the highway. Informative 5 is recommended due to potential need for technical approval outside of the planning process.
- 6.19 A draft CTMP was submitted with the application. The Transport Officer has reviewed the content and found this to be well considered and acceptable methodology for the site and safe management of construction traffic. A pre-commencement condition 7 would be required to secure a final CTMP for the site. It is noted that the site is located at the entrance to the road and given the scale of the site has the capacity to store materials etc, in connection with the development. The development would comply with criteria (k) of policy CL7 of the Local Plan.
- 6.20 The Environmental Health Officer has reviewed the proposed basement. Once in situ no significant concerns have been raised because of the basements occupation. The process of construction would result in some noise and vibration. A Noise Dust and Vibration (NDV) Management Plan has been submitted in support of the application as per Local Plan policy CL7(l) and the Basement SPD which demonstrates that the impacts would be kept to acceptable levels.
- 6.21 The NDV report did outline the risks and mitigation measures which have been considered proportionate by the Environmental Health Officer. The site would be subject to the Councils Construction Management Bond Scheme. The noise levels would fall above those contained in the Code of Construction Practice, therefore the applicant may wish to submit a S61 application and engage with CMT regarding permitted noise levels and trigger levels for their monitoring regime.
- 6.22 Any approval of the development would be controlled by conditions 7, 8, 9, 10 which ensure that the applicant would need to comply with the Councils Code of Construction. Dust monitoring would be included within the Code of Construction Practice and are covered by the remits of condition 10. Matters pertaining to construction are not tantamount to planning decisions which must be based on in-situ considerations (conditions 7, 8, 9, 10). The development would comply with criteria (l) of policy CL7 of the Local Plan .
- 6.23 The applicant has submitted a Construction Method Statement in support of the application. The report has been completed by a suitably qualified engineer. The report has indicated that the basement is capable of construction without detrimental impact on the property or the neighbouring properties. The development would comply with criteria (m) of policy CL7 of the Local Plan.
- 6.24 Overall, the proposed development would comply with the criteria of policy CL7 of the Local Plan due to the scale of the plot. The development would also ensure the conservation of the character and appearance of the Conservation Area and street scene. The development would comply with policies CL1, CL2, CL3, CL6, and CL11 of the Local Plan. The development would also ensure appropriate site drainage and protection of trees and landscaping in accord with policies CE2 and CR6 of the Local Plan. The proposal would maintain the operation of the highway and comply with policy CT1 of the Local Plan.

Living Conditions

- 6.25 The proposed development seeks the provision of a basement. The basement would be located at a subterranean level. The siting would ensure no three-dimensional bulk and

mass would sit at an elevated position to neighbouring properties. The siting below prevailing ground level would ensure the daylight and sunlight and outlook of the neighbouring properties would be preserved.

- 6.26 The basement would be subject to the insertion of roof lights. These would be sited at ground level and due to the floor to ceiling height of the basement would provide light but no direct outlook. The development would preserve the privacy of the neighbouring properties.
- 6.27 The proposed plant would be located within the basement and would not be sited in an external position on site. The construction phase of the development would generate noise, however conditions 7, 8, 9 and 10 are recommended to mitigate the impact of the development as far as practicable.
- 6.28 The development, once in situ, would preserve neighbouring amenity in compliance with policy CL5 of the Local Plan.

Other

Land Contamination:

- 6.29 The site would involve a significant excavation of earth to accommodate the proposed basement. The site was also near a brewery. The site is subject to residential use and has been for a significant period. Conditions 11- 15 relating to contamination are recommended.

Issues and balancing

- 6.30 Subject to conditions, the proposed development would comply with policy CL7 of the Local Plan and the Basement SPD. The development would also ensure the conservation of The Boltons Conservation Area and its street scene. The loss of trees would be acceptable, and a planting scheme and protection plan would be required via conditions 3 and 4. The development would be able to achieve a reduction of 50% of surface water drainage. The development would ensure neighbouring amenity would be safeguarded to acceptable standards and the highway network would remain operational.
- 6.31 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.
- 6.32 The development would comply with policies CL1, CL2, CL3, CL5, CL6, CL7, CL11, CR6, CE2, and CT1 of the Local Plan 2019.

7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would 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, subject to eligibility for exemption.

8. Consultations carried out

Comments from interested parties

- 8.1 7 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 9/2/2024. A statutory notice advertising the application was posted near the site on 09/02/2024.

8.2 3 letters were received objecting to the application, summarised as:

	Comment	Response
1	It is a tiny cul de sac that is constantly undergoing construction work which is making it impossible to live here.	The Draft CTMP has been submitted and reviewed by a Transport Officer. The draft CTMP was found acceptable. Condition 7 is recommended to require a full CTMP prior to the commencement of works. The site is located at the entrance to the road and the site has the capacity to store materials on site.
2	5 Seymour Walk is the only green patch on the street with large tree which would be cut off for this work. This will be a nightmare.	The trees to be lost are located to the northerly boundary and are not considered of significant townscape value. Condition 4 would require additional planting within the bounds of the site.
3	A number of distressing history of earth and water movements caused by previous developments involving basements on Seymour Walk. These incidents have resulted in substantial damage to adjacent properties, negatively impacting the lives of residents in the area. The consequences of such instability have been alarming, and it is disheartening to see that the new "investor" seems to prioritise maximising property value over the well-being and stability of our community. Development has result in the development of sink holes.	The application has been accompanied by a Construction Method Statement complied by a professional engineer. Condition 8 iis recommended to ensure the works are undertaken by suitably qualified engineers. Further, a party wall agreement informative 9 is recommended to be imposed to remind the applicant of their duties under this legislation.
4	The property in its current state is structurally stable and a wonderful piece of history in this conservation area. To carry out such works would continue to destroy what this wonderful neighbourhood already has and tries to uphold.	The scale of the plot does add value to the conservation area. However, the proposals, other than the roof lights, would not be visible and therefore would allow the scale of the plot to remain visually similar to the existing.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Battersea Heliport	No response.	N/A

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	The draft CTMP has been well considered and sets out an acceptable methodology for the safe management of construction traffic for the project under RBKC consolidated local	Paragraphs: 6.19

	plan CL7(k).	
Director of Environmental Health	<p>Noise: There are no significant noise and vibration concerns raised due to the proposed development and its occupation, however it the construction will cause potential noise and vibration issues for neighbouring residents and should be controlled in line with the councils adopted code of construction practice.</p> <p>A noise dust and vibration (NDV) management plan has been submitted by the applicant, prepared by Anderson Acoustics. The contents of this management plan outline the risks and the proposed mitigation measures to control NDV and these are reasonable and proportionate. The site is likely to fall under the CMT bond scheme and the noise levels predicted fall above those contained in the Code of Construction Practice, therefore they may wish to submit a S61 application and engage with CMT regarding permitted noise levels and trigger levels for their monitoring regime. If this is not submitted, they will be required to adhere to the levels prescribed in the Code of Construction Practice and are likely to breach these based on current predicted noise levels.</p> <p>No concerns if permission was granted, subject to any relevant CMT/Bond conditions being applied.</p> <p>Land Contamination: For the identified reasons, recommend that contamination is appropriately dealt with, in line with planning policy, guidance and the application form. Not addressing contaminated land issues could result in harm to future residents in this instance, in particular given the potentially significant adjoining sources of contamination.</p> <p>Air Quality: The requirement to address Air Quality concerns at this development is in accordance with National Planning Policy and Policy to ensure the end use of the development is suitable for use. No objection to the development subject to the appropriate conditions being attached.</p>	Paragraphs: 6.20, 6.21, 6.29.
Conservation and Design Officer	The basement is acceptable. However, there are concerns regarding the associated alterations. There is an objection to one of the rooflights, clarification is required regarding the lightwells and further	Paragraphs: 6.7 – 6.8

	information regarding the garden wall.	
Arboricultural Officer	The applicants have submitted a report from Landmark dated 5/5/23. The works will require the removal of a Palm, a Mahonia and a Purple Plum (the former two not strictly trees) and this will have little or no wider impact. A method statement on how the retained trees will be protected and details of replacement planting will be required but these matters can be dealt with by attaching the following conditions to any permission.	Paragraphs: 6.9 – 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 543.AND.V1.00.DR.A.0001, 543.AND.V1.ZZ.DR.A.1010, 543.AND.V100.DR.A.0008 Rev A, 543.AND.V1.00DR.A.1004 Rev N, 543.AND.V1.B1.DR.A.1002 Rev L, 543.AND.V1.ZZ.DR.A.1020 Rev G, 543.AND.V1.ZZ.DR.A.1021 Rev G, 543.AND.V1.ZZ.DR.A.1022 Rev F.

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

3. Protection of trees during construction – Details required

No development shall commence until full particulars of the method(s) by which all existing trees on the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Local Plan 2019.

4. Trees and landscaping – Details required

No development shall commence until a scheme of landscaping, to include all existing trees and shrubs and proposed trees shrubs and paths and their surfacing materials, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Local Plan 2019

It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

5. Sewer flooding

Prior to first occupation of the basement hereby approved, the basement shall be fitted with a positively pumped device designed to remove sewer floodwater from the building, which shall be maintained and functional at all times.

Reason - To protect the building from sewer flooding, in accordance with policies CE2 and CL7 of the Local Plan 2019.

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

During construction of the development hereby permitted the submitted Sustainable Urban Drainage System (SuDS) 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.

7. Construction Traffic Management Plan (CTMP)

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway; and
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan. A one page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.

Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Local Plan 2019. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

8. Professional management of engineering works

No development shall commence until

(A) a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and

(B) the name, and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Basements SPD and policy CL7 of the Local Plan 2019. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan

9. Considerate Constructors Scheme (CCS)

No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements SPD and policy CL5 of the Local Plan 2019. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

10. Code of Construction Practice

No development shall commence until:

A) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the development have both been submitted to, and approved in writing, by the Council's Construction Management Team, and then

B) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record.

The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent

Checklist or SCMP as may be approved under this condition.

Note - The Council's Construction Management Team work independently of the planning department. For further information regarding the Code and how the required details should be submitted to them, the Council's Construction Management Team can be contacted on email at: dehcmt@rbkc.gov.uk or tel: 020 7361 3002

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements and Transport and Streets SPDs and policies CL5, CT1, CE5 and CE6 of the Local Plan 2019. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Local Plan 2019.

11. Contamination – preliminary risk assessment report and proposed site investigation

No development shall commence until a Preliminary Risk Assessment (PRA) and a Proposed Intrusive Site Investigation Design (PSID) for the site and surrounding area are submitted to, and approved in writing by, the local planning authority [The PRA and PSID shall be prepared in accordance with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates].

Reason - To ensure any risks from land contamination are both minimised and managed and to comply with the NPPF and development plan policies and contaminated land policies of the Local Plan. The condition specifies "No development shall commence until" to ensure that wherever possible site reconnaissance may take place and that risks identified during the preliminary risk assessment (for example from soil contamination, soil vapour, ground gas and water pollution) are appropriately addressed during the course of the development.

12. Contamination – Quantitative risk assessment and remediation strategy
No development shall commence (except for demolition above ground level) until the approved Proposed Intrusive Site Investigation Design (PSID) has been fully implemented and a report including full details of the intrusive site investigation, Risk Assessment (RA), an Options Appraisal (OA) and a Remediation Strategy (RS) has been submitted to, and approved in writing by, the local planning authority [The intrusive site investigation, RA, OA, RS and any associated reporting shall be undertaken in line with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates].

Reason - To ensure any risks from land contamination are both minimised and managed and to comply with the NPPF and development plan policies and in particular contaminated land policies of the Local Plan. It is necessary for the condition to be on the basis that "No development shall commence (except for demolition above ground level) until" as ground works and building design need to be considered within the Options Appraisal and Remediation Strategy to ensure safe development, appropriate building design and in order to ensure an appropriate level of verification information is collected during the course of the development.

13. Contamination – Verification report

No occupation or use of the development shall occur until the approved Remediation Strategies are implemented and a Verification Report (VR) has been submitted to, and approved in writing by, the local planning authority [The VR shall include full details of requirements for ongoing monitoring and maintenance and be prepared in line with the Environment Agency's

current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates. Ongoing monitoring and maintenance shall be implemented in line with the approved Verification Report].

Reason - To ensure any risks from land contamination are both minimised and managed and to comply with the NPPF and development plan policies and in particular contaminated land policies of the Local Plan.

14. Contamination – Unexpected contamination or ground conditions

A. If during development work unexpected contamination or ground conditions are encountered or suspected, on each occasion development work shall cease in the affected area, other than for actions to make the area safe and prevent further contamination or pollution occurring. Unexpected contamination shall be reported to the Council within 2 working days or as soon as possible if there are significant risks to people or the environment.

B. Further Intrusive Site Investigation (FSI) shall be undertaken and a Remediation Statement (RS), addressing the unexpected contamination, shall be submitted to and approved in writing by the local planning authority. The FSI and RS shall include full details of requirements for ongoing monitoring and maintenance and be prepared in line with the Environment Agency's current Land Contamination Risk Management Guidance and Council's guidance or any subsequent updates.

Reason - To ensure any risks from land contamination are both minimised and managed and comply with the NPPF and development plan policies and in particular contaminated land policies of the Local Plan.

15. Method Statement for Boundary Wall: .

No development shall commence until a detailed Method Statement for the dismantling, storage of brick work, and re-building of the front boundary wall has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved Method Statement.

Reason – To preserve the character and appearance of the Conservation Area in accord with policy CL3 of the Local Plan 2019.

INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. 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.
- 3 Conditions no(s) 3, 4, 7, 8, 9, 10, 11, 12, and 15 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
- 4 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](#)

- 5 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.
- 6 Highways Technical Approval - Separate Approval
Technical Approval in accordance with the Design Manual for Roads and Bridges CG 300 will be required for any structural works/alterations/repairs to structures over, under or adjacent to the public highway, in order to ensure highways loading is considered within the design process. The procedures only grant approval under the Highways Act 1980 (as amended.) The granting of planning permission and building consent does not imply that such approval is given. Please contact the Directorate of Transport and Regulatory Services for advice on 020 7361 3001 or email highways@rbkc.gov.uk
- 7 Land Contamination
The main set of contaminated land conditions are attached to this decision notice as contamination of soil or water is judged to have the potential to harm people, property, or the wider environment or to pollute waters. Reference must be made to the CLC1 guidance produced by the Pollution Regulatory Team (<https://www.rbkc.gov.uk/environment/land-contamination/land-contamination>) (where available) and the Environment Agency's Land Contamination Risk Management Guidance. Local information, which should be obtained, includes a search of the Pollution Regulatory Team's records (email EH-Pollution@rbkc.gov.uk), freely available recent and historical planning information (<https://www.rbkc.gov.uk/planning/searches/default.aspx>) and potentially information available at the local studies library at Kensington Library (<https://www.rbkc.gov.uk/libraries-0/libraries-and-room-hire/local-studies-and-archives>). We strongly recommend that a competent and appropriately qualified environmental professional undertakes or oversees the work to discharge the conditions. The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by the Council lies with the owner/developer of the site.
- 8 Radon informative
The UK Health Security Agency and HSE policy and guidance recommends and, in some cases, requires, that the owner and/or occupier of buildings undertake radon monitoring in all occupied and used basement areas. Radon monitoring should therefore be undertaken in line with these requirements. If monitoring identifies radon levels above the target level of 100Bq/m³ within a dwelling or above the relevant action level for occupational exposure, actions are recommended and for workplaces, may be required by the HSE. If radon is identified above 100Bq/m³ during future monitoring, please inform the Council at EH-Pollution@rbkc.gov.uk.
- 9 You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining property freeholders and leaseholders and anyone who has had an interest of 12 months or greater, where the building owner intends to carry out work which involves:
 1. Work involving an existing shared wall with another property;
 2. Building on the boundary with another property;
 3. Excavating near a neighbouring building, and that work falls within the scope of the Act

Notice should be served on neighbours at least one month before commencement of building works. Section 12(1) of the Act provides for the developer to provide security for neighbours through insurance or a security bond.

Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: [Party Wall Act 1996](#)

- 10 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.

You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)

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/24/00799. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. C. Collins

Telephone: 07739-313-836