

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 23/04/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/23/06322	Agenda Item:	S43	
Address:	37 Carlyle Square, LONDON, SW3 6HA			
Proposal:	Variation of condition 2 (Compliance with approved drawings) of planning permission ref. PP/20/06495 for the relocation of previously approved condenser unit to basement level; relocation of front door; retain existing windows positions, instead enlarge x1 window at first floor level; retain existing roof light positions on front elevation and introduce x1 additional roof light on the flank elevation; party wall elevations have been corrected to show accurate levels, with party wall details subsequently reconfigured plus inclusion of revised drainage details (originally sought by condition) and revised re-landscaping plans (also originally sought by condition).			
Applicant:	Mr & MrCrawford and McLeod			
Agent:	Sarah Brady Palladian			
Properties notified:	Objections:	Support:	Comments:	Petition:
3	4	0	0	0
Conservation area:	Chelsea Park/Carlyle			

1. Summary

- 1.1 The application seeks a minor material amendment under Section 73 of the Town and Country Planning Act 1990 by way of variation of condition 2 of permission ref. PP/20/06495. Planning permission was granted for *'replacement of orangery and erection of a lower ground floor single storey side extension, excavation of a single storey basement with associated new light wells, installation and replacement of fenestration and doors, replacement of black metal railings to rear ground floor, installation of plant, replacement of roof and installation of roof lights, new single door to rear boundary, landscaping and tree planting.*
- 1.2 The proposals would be deemed minor material amendments to this previously approved scheme. The revised development would continue to preserve the character of the property and conservation area and would not result in a harmful impact on the amenity of neighbouring properties.
- 1.3 Subject to conditions the proposals would comply with policies of the Development Plan 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. The development is considered to be in accordance with Local Plan Policies CL3, CL5 and CL9.

- 1.4 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 property is a semi-detached three-storey (over lower ground floor level) building which is sited on the western side of Carlyle Square and backs onto Old Church Street.
- 3.2 The property is not listed but it is within the Chelsea Park/Carlyle Conservation Area. This property is however subject to article IV Directions Nos. 58 and 100 which remove permitted development rights in relation to the following works; i) alterations, improvements and/or extensions to any part of the roof and ii) excavation and provision of basement extensions and light wells.
- 3.3 The property is used as a single dwelling residential house.

4. The proposal and any relevant planning history

- 4.1 The application seeks a minor material amendment under Section 73 of the Town and Country Planning Act 1990 by way of variation of condition 2 of permission ref. PP/20/06495. Planning permission was granted for *'replacement of orangery and erection of a lower ground floor single storey side extension, excavation of a single storey basement with associated new light wells, installation and replacement of fenestration and doors, replacement of black metal railings to rear ground floor, installation of plant, replacement of roof and installation of roof lights, new single door to rear boundary, landscaping and tree planting*. The extant permission carries significant weight in the determination of this application. The changes to the scheme are as follows:
- Repositioning of condenser unit to basement level.
 - Revised proposed flank window, roof light and front door positions. Previous planning application PP/20/06495 allowed for the relocation of all windows on the flank elevation, this application is proposing to retain existing positions and instead enlarge x1 window at first floor level. The existing roof light positions to be retained on the front elevation and introduce x 1 additional roof light on the flank elevation.
 - Amendment to previously issued party wall elevations; surveys have been conducted on site and the revised levels along the party wall have been reconfigured and updated. The result of the survey has meant that the 'side passage' extension, which once matched the height of the shared boundary wall with No 38, now exceeds this by around 650mm. The width and depth of the extension will remain as approved.
 - Proposed relocation of the front door will be in line with the front entrance of neighbouring property, No. 36.
 - Resubmit Condition 9 (sustainable drainage strategy) and Condition 11 (trees and landscaping) of the planning permission PP/20/06495. This condition was approved by the LPA on 17th November 2021 under application ref. CON/21/06098. However, Thames Water have since objected to the routing to the

public sewer and as such the drainage scheme needed to be revised in this respect. To that end a revised drainage plan and supporting documents has been submitted.

- Resubmit Condition 11 (trees and landscaping) of the planning permission PP/20/06495. This condition was approved by the LPA on 27th July 2021 under application ref. CON/21/04019, but due to amendments in the design of the scheme, a revised set of landscaping and planting layout has been submitted.

4.2 Officers visited the site on 1st February 2024. The visit confirmed that work has commenced on site.

4.3 The relevant planning history is set out below:

Reference	Description	Decision
PP/20/06495	Replacement of orangery and erection of a lower ground floor single storey side extension, excavation of a single storey basement with associated new light wells, installation and replacement of fenestration and doors, replacement of black metal railings to rear ground floor, installation of plant, replacement of roof and installation of roof lights, new single door to rear boundary, landscaping and tree planting.	Approved
CON/21/02449	Details required by Condition 6 (Professional management of engineering works) and 13a (small-scale gas and vapour condition) PP/20/06495	Approved
CON/21/04019	Details required by Condition 11 (Trees and landscaping) PP/20/06495	Approved
CON/21/04100	Details required by Condition 9 (SUDS) PP/20/06495	Refused
CON/21/06098	Details required by Condition 9 (SUDS) PP/20/06495	Approved
CON/23/01289	Details required by Condition 5 (CTMP) PP/20/06495	Approved

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 areas	CL3
General townscape	CL1, CL2,
Living conditions	CL5, CL9
Basement development	CL7

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:

- Chelsea Park/Carlyle Conservation Area Appraisal Statement/Appraisal
- Trees and Development
- Basements
- Noise
- Transport and Streets

- 5.6 These documents can be read online at:

- Conservation Area Proposal Statements and 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 Where changes are proposed to a development following the grant of planning permission an applicant is able to make a material amendment by applying to vary or remove conditions attached to a planning permission, including the approved plans condition. This type of application is made under section 73 of the TCPA. The changes to the scheme are as outlined above. The approved permission (PP/20/06495) is a material consideration for this application. There have been no material changes in policy or circumstance since the granting of this permission, therefore this assessment will focus on the proposed amendments.

- 6.2 The decisive issues are:

- i Whether the proposed amendments will have a material impact on the character of the property and would preserve or enhance the character or appearance of the wider conservation area.
- ii Whether the proposed amendments would continue to ensure good living conditions for those living nearby.

Design and character.

Relocation of condenser unit

- 6.3 The proposed condenser unit is to be relocated within the basement, which would be a positive amendment to the development. Given the proposed location the proposed amendment would have no impact on the character of the property and would be acceptable.

Window alterations

- 6.4 The proposed window alterations would be of a modest amendment to that originally approved. Design, size and location of the windows would be considered sympathetic to the original property and conservation area.

Readjustment of party wall levels

- 6.5 Whilst the proposed extension would extend an additional 650mm (approx.) in height, along the shared boundary with No 38, submitted drawings confirm that the development would appear exactly as approved when viewed from the street.
- 6.6 The additional height would be visible from within the site, particularly by adjoining property at No 38. However, as the design of the proposal would remain as previously granted, the modest increase in height would not be detrimental to the overall appearance of the property and would be appropriate in this context.

Alterations to front door

- 6.7 The proposal to amend the front door to match that of the neighbour at No. 36 would provide an element of symmetry between the attached pair. This would be visually acceptable.

Neighbour amenity

Relocation of condenser unit

- 6.8 An updated plant noise assessment (22-0139-0 R01 CH DC) has been provided as part of this resubmission. The report concludes that there would be no material amendment to the conclusions that were made during the previous assessment under reference PP/20/06495. Therefore, the Local planning Authority is satisfied that the units would have a low impact and would comply with policies.

Window alterations

- 6.9 Windows would remain in the general location in which they have already been approved. The revised development would not to give rise to additional overlooking or harm existing levels of privacy.

Readjustment of party wall levels

- 6.10 The proposal to increase the overall height of the side extension along the shared boundary would not raise significant concerns regarding neighbour amenity.
- 6.11 The additional height is considered negligible. An existing boundary wall extends the full depth of the site; the proposal would exceed this wall by around 650mm. The additional height, due to the location of the neighbouring property and their orientation, would not to result in an unacceptable harm on the occupants.

Other issues

Details of condition 9 (sustainable drainage strategy)

- 6.12 The details of this condition were originally approved under reference CON/21/06098. The drainage strategy would remain as previously proposed and remains acceptable. It is recommended that a condition is imposed to ensure that the development is construction in accordance with the information provided.

Details of condition 11 (trees and landscaping)

- 6.13 The details of this condition were originally approved under reference CON/21/04019. The landscaping scheme would remain as previously proposed and remains acceptable. It is recommended that a condition is imposed to ensure that the development is constructed in accordance with the information provided.

Issues and balancing

- 6.14 Overall, the proposed amendments to the previously approved scheme would be minor in nature. Furthermore, the proposed amendments do not conflict with the operative part of planning permission PP/20/06495 and therefore meet the criteria for variations under section 73 of the TCPA. The revised development would continue to preserve the character of the property and conservation area and is unlikely to result in a harmful impact on the amenity of neighbouring properties. The development is considered to be in accordance with Local Plan Policies CL3, CL5 and CL9.
- 6.15 This application pursuant to s.73 results in a whole new planning permission. Considering the above, and the weight given to the extant permission, the proposal is considered acceptable and would comply with the Development Plan. All conditions have been reconsidered and applied afresh and are necessary and reasonable in all respects in accordance with national guidance for conditions. Where applicable, conditions have been adjusted to reflect details already approved.
- 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 3 nearby owners/occupiers were notified directly of the application.
The application was advertised in the Gazette on 8/3/2024
A statutory notice advertising the application was posted near the site on 8/3/2024
- 8.2 0 letters were received supporting the application, summarised as:

8.3 4 letters were received objecting to the application, summarised as:

	Comment	Response
1	Constant modifications made through the building are of concern.	It is not uncommon for amendments to be required during the construction process. The amendments required are considered modest and acceptable.
2	The revision is considered to be in contravention of Local Plan Policy CL5; b standards of daylight and d increased sense of enclosure.	The proposal to increase the height of the side extension by approx. 650mm along the party wall is considered acceptable and unlikely to result in any increased shadowing or sense of enclosure, in accordance with Local Plan Policy CL5.
3	Will reduce light through the glazed roof of neighbouring extension.	Due to the position of this neighbouring extension between the flank walls of No 37 and 38, the glazed roof would already have restricted access to direct sunlight. However, the proposal to increase the height of the boundary treatment by 650mm is considered modest and would be unlikely to further exacerbate this situation.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Environmental Health	Acceptable subject to conditions.	Para 6.8
Arboricultural Officer	No comments on the proposed amendments	Para 6.13

9. Recommended conditions if the application is granted

1. Time Limit

The development granted under the original permission ref. PP/20/06495 has been implemented.

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 29069/6000 REV 12, PA_103 REV P1, PA_132 REV P1, PA_102 REV P1, PA_133 REV P1, PA_072 REV P1, PA_132 REV P1, PA_131 REV P1, PA_100 REV P1, PA_106 REV P1, PA_122

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

3. Materials - To match existing

All work and work of making good shall be finished to match the existing exterior of the building(s) in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.

Reason - To preserve the appearance of the building and the character of the area in accordance with policies of the development plan in particular policies CL1, CL2, CL3 and CL6 of the Local Plan 2019.

4. Sash windows and doors in painted timber

External windows and doors hereby permitted shall be timber framed and painted, with the windows being double hung, white painted, sliding sashes, and so maintained.

Reason - To preserve the appearance of the building and the character of the area, in accordance with policies of the development plan in particular policies CL1, and CL2 of the Local Plan 2019.

5. Construction Traffic Management Plan (CTMP)

The development shall be carried out only in accordance with the approved Construction Traffic Management Plan (dated January 2023) under planning application reference CON/23/01289 unless an alternative Construction Traffic Management Plan has first 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;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
- k) 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.

Should an alternative Construction Traffic Management Plan be approved the development shall be carried out only in accordance with that plan.

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.

6. Professional management of engineering works

Tim Wainwright BEng CEnM MIStructE from Price and Myers LLP as a Civil and Structural Engineering consultant shall supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification 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 is 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 Consolidated Local Plan 2015. 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.

7. Considerate Constructors Scheme (CCS)

The lead contractor, or the site, shall continue to be 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.

8. Code of Construction Practice

The development shall be carried out in accordance with the previously submitted and approved Appendix A Checklist and SCMP , 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.

9. **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.

10. **Trees and landscaping**

The development shall be carried out in complete accordance with the landscaping and planting scheme provided in drawing Nos 03A, 04, 10, 11 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.

11. **Small-scale sampling condition**

No occupation or use of the new basement extension hereby permitted shall commence until the following information is submitted to, and approved in writing by, the local planning authority.

A) A soil sampling and analyses exercise (SAE) are undertaken for any garden, landscaping and/or yard (GLY) area and a corresponding SAE report produced.

B) Where mean concentrations of a chemical of concern within the soil over a part of or the whole of a site exceed generic or detailed quantitative risk assessment criteria (RAC), a remediation strategy (RS) is produced.

C) Any approved RS shall be fully implemented and a verification report (VR) produced.

D) A description and on-site sampling and laboratory analyses of imported soils and fills (ASF) will be provided demonstrating that these materials are suitable for use.

Where remedial measures are implemented to protect end-users of the development they shall be so maintained. The EHI, SAE, SAE Report, RS, VR and any unexpected contamination identified during the SAE and development shall be addressed in line with the Council's contaminated land guidance for small scale investigation works in garden, landscaped and yard areas: small residential refurbishments."

Reason - To ensure any risks from land contamination are both minimised and managed and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019.

12. **Small-scale ground gas and vapour condition**
(A) The development shall be carried out only in accordance with the approved gas and vapour assessment report under planning application reference CON/21/02449.
(B) No occupation or use of the new basement extension hereby permitted shall commence until the approved RS is implemented and a Verification Report (VR) and evidence of any unexpected contamination identified during the development is submitted to, and approved in writing by, the local planning authority.
Reason – To ensure any long-term risks from ground gas and vapours and other contamination are minimised, to comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019
13. **Contamination – Unexpected**
If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority. The approved measures shall be implemented in full.
Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing).
14. **Noise from building services plant and vents**
Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority 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.
15. **Anti-vibration mounts for air-conditioning/ extraction equipment**
The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
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.
16. **Compliance Report**
In order to comply with condition 14, the noise mitigation measures as specified in the Environmental Noise Assessment provided by Sustainable Acoustics Ref No 22/0139-0 R01, or similar that provide the same or greater acoustic attenuation shall be adopted and implemented in full. A post installation assessment shall be carried out and submitted to the approval of the Local Planning Authority no later than 3 months from the date of the installation of the equipment. The assessment shall show compliance with condition 14.
Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

17. **Access door to Old Church Street**
The new access door facing onto Old Church Street to the rear of the site shall not open onto the public pavement and any time and it shall be so maintained.
Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
18. **Roof Material - Natural slates**
The replacement roofing to the building hereby permitted shall be clad in natural slates, and so maintained.
Reason - To preserve the appearance of the building and the character of the area, in accordance with policies of the development plan in particular policies CL1, CL2 and CL3 of the Local Plan 2019.
19. **Conservation rooflights**
The rooflights shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.
Reason - To preserve the appearance of the building and the character of the area, in accordance with policies of the development plan in particular policies CL1, and CL2 of the Local Plan 2019.
20. **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.

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.
- 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 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, and which has been followed in this instance.

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/23/06322. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. C. Collins

Telephone: 07739-313-836

