

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 07/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/00792	Agenda Item:	STR06	
Address:	Land adjacent to 1-8 Lower Clarendon Walk, 1-40 Upper Clarendon Walk and 1-56 Clarendon Walk, Talbot Grove House and Morland House, Lancaster West Estate, LONDON, W11			
Proposal:	Installation of sustainable drainage measures, including attenuation tank, detention basins, swales, drainage chanel, berms flood walls, flood gates and raised tables; replacement of existing hardstanding with new paving, permeable paving and permeable asphalt; installation of raised planters and stepping logs; re-positioning of existing cycle racks and replacement of cycle storage facilities; and installation of external lighting.			
Applicant:	Royal Borough of Kensington and Chelsea			
Agent:	Ms Emily Holton-Walsh Arup			
Properties notified:	Objections:	Support:	Comments:	Petition:
439	0	0	0	0

1. Summary

- 1.1 The proposed development seeks permission for the installation of flood alleviation measures through the introduction of various sustainable urban drainage systems (SuDS) across the Lancaster West Estate [‘the Estate’]. The flood alleviation measures would provide means of flood protection to the Estate and to those properties along Clarendon Walk.
- 1.2 The SuDS form part of a wider package of works taking place across the Estate. The aim of the wider improvement works to the Estate is to transform the area into a model 21st Century social housing estate. The development forms part of a series of interventions across the Lancaster West Estate to become the UK’s largest carbon neutral neighbourhood by 2030.
- 1.3 The application relates to areas within the Estate identified as Lots two and three. The flood alleviation measures would comply with the council’s policies on drainage, flooding, and result in other environmental benefits. The introduction of improved soft landscaping, pedestrian footpaths, and public townscape would result in visual enhancement, ecological gains, and improve drainage in the Estate all of which represent public benefits.
- 1.4 Overall, the development would preserve the setting of the adjacent conservation area, maintain the operation of the highway, maintain amenity levels, enhance the public realm, and secure ecological gains. Subject to the recommended conditions the application would be acceptable and comply with the development plan.

1.5 On the basis of the forgoing:

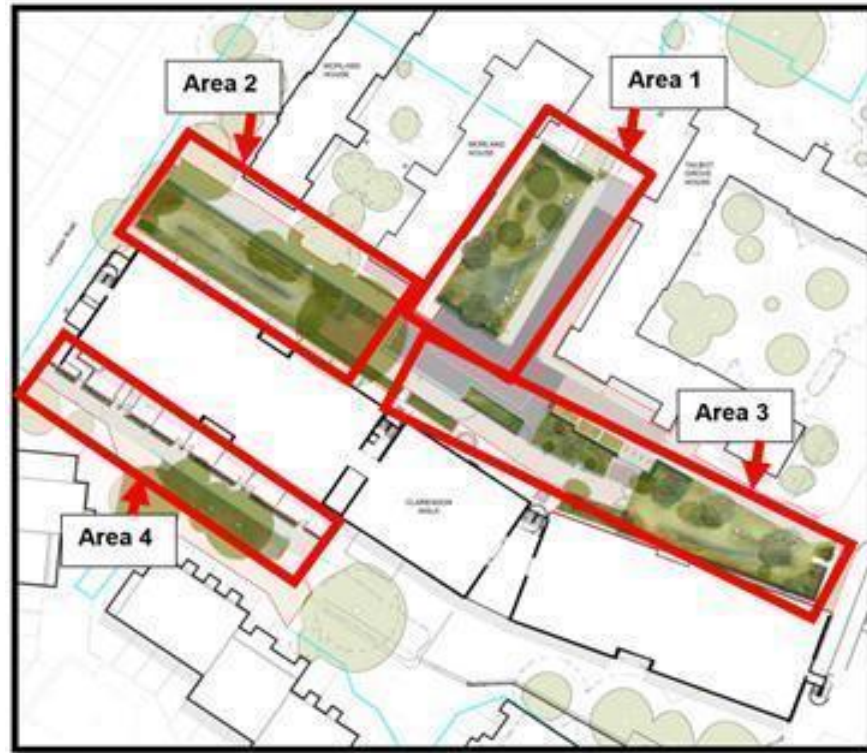
It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.

2. Reason for committee consideration

- The Royal Borough of Kensington and Chelsea (the Council) is the applicant.

3. The site and its surroundings

- 3.1 The application site is located within the Lancaster West Estate, which is positioned to the north of the borough in the Notting Dale Ward. Latimer Road Underground Station is located to the southeast of the application site and the area is contained by the A40 West Way to the north. The wider Estate covers an area approximately 7.5 hectares (ha) and primarily features a series of residential blocks interspersed with commercial and community ventures. The site is connected by a series of interlinking roads and pedestrian routes.
- 3.2 The Estate features pockets of green space and soft landscaping, which creates a softening verdant contrast to the built environment. The topography of the site varies with a series of ramped accesses located across the Estate. The height, scale, and massing of the built form varies between two to five storeys and the character of the architecture is predominantly post war.
- 3.3 The application site is contained to four soft landscaped areas and pedestrian/vehicle routes within the Estate. The primary areas for development are located to the north-east of the Estate in areas referred to as Lots two and three. The site area includes approximately 0.28 hectares of land to the north and south of Clarendon Walk.
- 3.4 Lot two of the Estate is comprised of a series of post war, primarily residential buildings. The buildings are comprised of Clarendon Walk, Talbot Walk, and Camelford Walk. Lot three is made up of two Edwardian buildings namely Morland House and Talbot Grove House. The planting across the Estate is contained to private gardens, ornamental planting, raised planting beds, and amenity lawn areas which are fenced off with restricted access.
- 3.5 Please see figure 1 below which highlights the four areas of the site to be subject to development:



Area one:

- 3.6 Area one is located to the east of Morland House which is within Lot three. The site area in this location includes a small, enclosed area of soft landscaping which sits adjacent to the residential building. A few trees and shrubs are situated in this small area of grassland. The area also encompasses part of the pedestrian footpath and vehicular access along St Marks Close which does not form part of the public highway.

Area two:

- 3.7 Area two is located to the north of Clarendon Walk to its western extent. The area again features a small area of soft grassed landscaping which is sandwiched between the residential building and pedestrian footpath. The pedestrian route runs through this part of the site. Again, this part of the site features sporadic soft landscaping and small sunken private gardens.

Area three:

- 3.8 Area three is located to the north of Clarendon Walk and to the eastern and central part of the site. The area is subject to a pedestrian walkway which links to Camelford Walk to the east and which joins to an area of parking and loading to the terminus of St Marks Close. Another area of soft landscaping which provides a buffer between the building and the public footpath extends along the line of the building featuring trees, hedging, and soft landscaping.

Area four:

- 3.9 Area four is located to the south of Clarendon Walk and the north of Verity Close. The area is primarily comprised of a pedestrian footpath which adjoins private residential gardens. The path is subject to a patch work of materials and the residential gardens are bound by fenced enclosures. A degree of landscaping can be observed to the south of the footpath which reflects the sporadic pockets of greenery across the Estate.

- 3.10 The Ladbroke Conservation Area is located to the east of the application site and bounds Cornwall Crescent. The Conservation Area is separated from the site by the built form of Camelford Walk. The site is also located in the North Kensington Critical Drainage Area.

4. The proposal and any relevant planning history

- 4.1 The primary aim of the proposed development is to secure flood alleviation measure throughout the Estate via the introduction of Sustainable Urban Drainage Systems (SuDS). These measures are required due to recent flood events across the borough resulting in damage to property. The proposal would incorporate largely natural means of SuDS.
- 4.2 The proposed development would be confined to four areas within the Estate across Lots two and three. The development has been subject to a resident co-design which included two resident engagement sessions, online surveys, and previous consultation relating to public spaces within the Estate. The proposal includes the enclosure of the newly created habitat in accordance with resident's feedback.

Area one:

- 4.3 Area one would be subject to additional planting including two new trees, a detention basin, boulders, new species rich grass land, a swale, improved permeable hardstanding to the pedestrian footpath, a raised table to the vehicular access (St Mark's Close), and additional lighting.

Area two:

- 4.4 Area two would feature a detention basin, berm, additional railed enclosure, new species rich grassland, raised planters for community use, and additional landscaping. A new flood wall would extend between Areas two and three.

Area three:

- 4.5 Area three would be subject to the provision of new swale, additional trees, timber stepping logs, boulders, hedgerow, special rich grassland, improved hard standing and re-alignment of the pedestrian route, flood gates, lighting, and additional landscaping. The area would be open for public use.

Area four:

- 4.6 Area four would introduce an improved public footway, flood walls with trellising, flood gates, and soft landscaping along the private residential gardens to the south of Clarendon Walk.

- 4.7 Officers visited the site on 9/04/2024.

- 4.8 The relevant planning history is set out below:

Reference	Description	Decision
PP/22/00430	Refurbishment works to roofs of existing buildings including removal and replacement of roof build up and roof lights; construction of new upstand and parapet; removal and replacement of roof balustrade; replacement of dividing screens; and introduction of thermal insulation to terraces at Deck +03 level.	Granted. 27/04/2024.
PP/24/00097	Excavation to facilitate laying of district heating pipe network. Construction of Warm Water Store to south of Kensington Leisure Centre, adjacent to Bomore Road, including internal and external lighting. Alterations to external appearance of existing Camelford Court boiler room to create a Renewable Boiler Room, including external wall insulation, balustrading, removal of existing chimney stack, signage, external lighting and replacement landscaping. Removal of existing concrete protruding vent structures adjacent to boiler room and replacement hardstanding. Installation of air source and water source heat pumps as a Heat Pump System on roof of Kensington Leisure Centre, with associated decorative and acoustic screen,	Granted. 06/03/2024.

	green wall and ducting. Associated temporary boiler and site compounds. Installation of decorative screen surrounding approved acoustic enclosure on roof of Treadgold House.	
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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	London Plan
Flood Risk and Drainage	CE2	SI 12, SI 13
Setting of Conservation areas	CL3, CL11	HC1
General townscape	CL1, CR1, CR2, CR3	D3, D4, D8
Living conditions	CL5	D13, D14
Highways	CT1, CR4	T7
Trees	CR6	G5, G7
Biodiversity	CE4	G6
Land Contamination	CE7	S1
Open Space	CR5	G4
Air Quality	CE5	SI 1

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>
- London Plan:
<http://www.london.gov.uk/priorities/planning/london-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. The Council received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications and the public consultation on these ended on 12 March 2024. The representations received are being considered by the Inspector. The final stage of the examination is for the Council to receive the Inspector’s report but there is no published date for this. 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.

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 emerging policies in the NLPR are 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:

- Trees and Development
- Transport and Streets
- Greening

5.6 These documents can be read online at:

- 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 development would suitably address flood risk and drainage on site;
- Whether the development would have an acceptable impact on the townscape and preserve the setting of adjacent conservation areas;
- Whether the development would have an acceptable impact on neighbouring living conditions;
- Whether the development would have an acceptable on the highway;
- Whether the development would have an acceptable impact on trees;
- Whether the development would suitably address the ecology/biodiversity of the area;
- Whether the development would suitably address environmental matters.

Flooding and drainage

- 6.2 The primary objective of the proposal is flood alleviation through the provision of SuDS. The development is required due to the level of Estate flooding, as illustrated by a severe flood event in July of 2021. The flooding resulted in the internal flooding of 340 properties within the borough, including basement dwellings within the Estate.
- 6.3 Local Plan Policy CE2 requires development to address and reduce flood risk and its impacts. The application site is in Flood Zone 1 and is within the North Kensington Critical Drainage Area. In accordance with the Flood Risk Assessment submitted with the application, the site area is subject to a high risk for surface water flooding.
- 6.4 London Plan Policy SI 12 criterion (g) seeks natural flood management methods as a preference, due to the associated multiple benefits including flood storage, improvement to recreational areas, and habitat creation. London Plan Policy SI 13 (d) reflects the criterion of the Local Plan Policy in seeking the generation of multiple benefits derived from drainage details including, but not limited to, enhanced biodiversity.
- 6.5 The Flood Risk Assessment provided in support of the application indicates that the Estate is at high risk of pluvial flooding (overloading of existing sewer network resulting in fall out). The formal flood investigation undertaken for the borough as a result of the 2021 flood incident, indicated that some areas of the borough are at risk of a 1 in 185-year severe storm event. The need to mitigate for climate change and damage to property within the Estate is evident due to the degree of surface water flooding which occurs and the sensitivity of the site to flooding.

- 6.6 The wider Lancaster West Estate is sited close to storm relief sewers. As a result of this proximity, and due to the topography of the site, in the event of overflow from the storm drains the water is directed towards residential units along Clarendon Walk and along St Mark's Close.
- 6.7 The Royal Borough of Kensington and Chelsea (RBKC) Surface Water Management Plan (SWMP), Appendix C illustrates the pipe capacity of the public sewers in this location for a 1 in 10 rainfall event. The study area indicates that most pipes are at 75-100% capacity. Further, the area has been subject to 310 incidents of sewer flooding.
- 6.8 The proposed introduction of flood walls, drainage channels, detention basins, attenuation tanks, permeable paving, and raised table would focus on the redirection of overland surface water into areas for temporary storage. The interception of overland flood paths towards these increased storage areas would allow for water to be temporally stored improving the capacity in the drainage network and reducing the overloading to the drainage systems.
- 6.9 The SuDS interventions would include natural means of water storage and would generally improve run off rates within the Estate. The mitigation measures proposed would result in a direct benefit to the potential flood impact to residents of the Estate.
- 6.10 The proposal would secure flood alleviation measures to address the risks of pluvial flooding across the Estate. The flood mitigation measures would in part take the form of natural interventions including soft landscaping basins and swales. The proposal would comply with the criteria of Local Plan Policy CE2, and London Plan Policies SI 12 and SI 13.

Townscape and setting of the adjacent conservation areas

- 6.11 Local Plan Policy CL1 requires development to respect the existing context, character, and appearance of the local area. Local Plan Policy CR1 seeks to ensure the boroughs network of streets remains legible and for development to maintain the quality of the associated streets.
- 6.12 Local Plan Policy CR2 seeks to ensure a clear distinction between public and private spaces. Local Plan Policy CR3 requires that opportunities within the street environment are taken to create 'places' that support outdoor life adding to their attractiveness and vitality.
- 6.13 The proposed flood alleviation measures would be contained to four separate areas. Area one would be located to the existing 'open space' east of Morland House and would align with St Mark's Close. The area is currently subject to an area of grassland and several Monkey Puzzle Trees. The open space provides a verdant visual break between the built form and hardstanding of the road and associated infrastructure.
- 6.14 The proposal would include a detention basin and a conveyance swale. The basin would see a depression to the prevailing ground level and would feature soft landscaping treatments. The conveyance swale would introduce a shallow, vegetated open channel, extending from the basin.
- 6.15 The area would see the introduction of improved soft landscaping including trees, multi-stemmed shrubs, and rich grassland. Stone boulders would also be featured with the area to provide an improved habitat. The landscaping treatments would result in an uplift to the degree of landscaping. The natural form of the flood alleviation measures would ensure the development would improve and vary the visual verdant character of the area.
- 6.16 The proposal would retain the existing railed enclosure of the 'open space' to protect the resultant habitat. Further, the footpath edge would be retained to allow pedestrian movement around the improved landscaping. The road surface along St Mark's Close would be subject to a raised table to improve the sense of a 'shared surface' and direct

water flow to the swale and basin, resulting in improved pedestrian permeability in accordance with Local Plan Policies CR2 and CR3.

- 6.17 Area two of the development would be located to the north of Clarendon Walk (to the western side of the building). The area currently features a small area of grassland which contains shrubs, trees, and some enclosure details. The area can be observed along the pedestrian walkway to the north of the site and contributes to the landscaping which characterises the wider Estate.
- 6.18 The SuDS features in this location would feature a linear detention basin following the trajectory of the adjacent residential sunken gardens. The basin would be separated from the residential private gardens by a berm strip. The basin and berm will be sown with rich meadow grassland mix and shrubs to improve the habitat. The introduction of an enhanced soft landscaping scheme would ensure the development would again reflect, enhance, and vary the green character of the area.
- 6.19 The proposal would maintain the railed enclosure which would retain a defensible space between the residential properties and the public footpath/realm. The placement of additional railings above the walled enclosure of the sunken gardens would add a layer of protection for the improved habitat in this location.
- 6.20 Area three of the site would be located to the north of Clarendon Walk (to the eastern and central section of the building). As per the other existing open spaces across the estate the area features an enclosed area of landscaping including some palm trees bound by a pedestrian route to the northern boundary.
- 6.21 The proposal would open this area up to the public with the removal of hedging and railings adjacent to the footpath. A new hedgerow would be located adjacent to the residential properties which would create a natural defensible boundary with the newly accessible public space and the residential development.
- 6.22 The proposal would include a small swale/detention basin within the open space. Additional trees, soft landscaping would add value and variety to the natural environment in this location. The provision of boulders, timber stepping logs, alongside the opening of the space would provide opportunities for informal areas of play and allow for extension and improved sightlines to the pedestrian footpath including improved lighting. These elements would comply with the criterion and aims of Local Plan Policies CR2 and CR3.
- 6.23 Improved landscaping, hardstanding, enclosures (flood walls), and the creation of a rainwater garden, and resident planting areas would extend to the west of area three and to the east of area two. The expansion of the soft landscaping towards the centre of the pedestrian and vehicular access, along Clarendon Walk, would work towards the creation of an improved 'shared space'. The extension to the soft landscaping would enhance the green corridor in this location creating an attractive juxtaposition to the solidity of the built form.
- 6.24 Area four of the site is located to the south of Clarendon Walk to the (western side of the building). Currently residential gardens extend along the pedestrian footpath adjacent to the associated section of the building. The gardens are enclosed by low rise timber fencing. The proposal would introduce a more solid form of enclosure in the form of a flood wall with trellised fencing, and flood gates. The enclosure details would create a consistent form of enclosure and details of the materials would be secured via recommended condition 3 to reflect the material pallet observed locally.
- 6.25 The existing pedestrian footpath is comprised of a patch work of materials which results in a disjointed appearance. The proposal would introduce a rationalised singular fabric to the footpath to visual enhance this walkway. A soft landscaping buffer would be sited against the proposed flood wall which would add further to the verdancy of the area.

- 6.26 Local Plan Policy CL3 requires development preserves or enhances the setting of the character and appearance of the conservation area. Local Plan Policy CL11 requires that development protect and enhance views and vistas which contribute to the character and quality of the area.
- 6.27 The Ladbrooke Conservation Area is located to the east of the site. The boundary of the conservation area starts and follows the trajectory of Cornwall Crescent. The conservation area is separated from the site by the intervening-built form of those units comprising Camelford Court and Camelford Walk. The proposed works involve excavation, landscaping, re-surfacing, and low-rise boundary treatments. The impact of these works is therefore confined to the immediate surroundings of the flood alleviation measures.
- 6.28 Views to and from the conservation area from the development site would be disrupted by the existing residential built form of Camelford Walk and Camelford Court. The setting of the conservation area would be persevered. The development would therefore be in accordance with Local Plan Policies CL3 and CL11.
- 6.29 The proposed introduction of further soft landscaping, rationalised hardstanding, improvements to pedestrian access and footpaths, lighting scheme, and enclosure details would represent an enhancement to this part of the Estate. The proposals would comply with Local Plan Policies CL1, CL2, CR2, and CR3.

Living conditions

- 6.30 Local Plan Policy CL5 requires that development ensures good living conditions for occupants of new, existing, and neighbouring buildings. Development should ensure that good standards of daylight/sunlight, privacy, and no harmful increase of enclosure occurs. In addition, criterion (e) of Local Plan Policy CL5 requires reasonable enjoyment of the use of gardens and other spaces are not harmed due to increased traffic, servicing, parking, noise, disturbance, and other such environmental impacts.
- 6.31 Most of the works would sit either below or just above prevailing ground level. The siting of these works would largely ensure matters such as daylight/sunlight, privacy, and sense of enclosure would be maintained as per the existing context.
- 6.32 The main area of solid above ground works would be the introduction of flood walls including to the perimeter of those properties facing Lower Clarendon Walk. The walls would be low rise, up to 0.6 meters, and set forward of the front elevations. The height and separation would ensure that these elements would preserve the amenity of the residential properties. Other flood walls would similarly be low rise and within primarily public areas a sufficient distance from residential dwellings.
- 6.33 The flood alleviation measures would not generate high activity levels. Several of the areas would remain subject to fencing and restricted access. The levels of vehicle movements, noise, and disturbance would be anticipated to remain similar to existing movements. The development would represent a non-sensitive use and would maintain adequate environmental standards.
- 6.34 The development would maintain good living conditions in accordance with Local Plan Policy CL5.

Highways

- 6.35 Local Plan Policy CT1 requires that development ensures better alternatives to car use by making it easier and more attractive to walk, cycle, and use public transport. The proposed development would include works to the road network within the Estate but would not extend to the public highway.

Vehicular access and parking

- 6.36 The proposal would require some alterations to St Mark's Close to secure the raised table,

paving, and flood alleviation measures. St Mark's Close terminates to the north of Clarendon Walk and currently features a turning head, two residents parking bays, and two visitor parking bays. The proposed turning head would be subject to alteration to accommodate the proposed rainwater garden.

- 6.37 Swept path analysis have been provided to illustrate that refuse vehicles could turn within the retained space of the turning head. The Transport Officer is satisfied that the space retained is sufficient. The refuse manoeuvres would be tight, and the body of the refuse vehicle would swing over part of the rainwater garden. However, the rainwater garden would be contained by raised sets which would ensure that the vehicles wheels would track around the garden and prevent longer term erosion of this area.
- 6.38 A reduction in depth of the rainwater garden on balance is not considered necessary due to the raised sets containing this feature. The balance of the proposals capacity to reduce surface water run-off and provide landscape and ecological benefits would be reduced by such a reduction to accommodate the existing proportionality minimal vehicular movements along St Marks Close.

Cycle parking

- 6.39 A number of cycle hangers and hoops are distributed across the Lancaster West Estate. The proposal would require the relocation of a few of the cycle hangers on site. The relocation would integrate the cycle spaces within the revised landscaping scheme, located close to the residential uses. Condition 5 is recommended to secure details of the replacement cycle storage to ensure they reflect the existing ground-based cycle hangers.

Technical approval

- 6.40 Works could occur adjacent to the public highway which may require technical approval by the Transport and Highways team at RBKC. Informative 5 is recommended to members to remind the applicant of their duties to secure technical approval to alterations to the highway.

Summary

- 6.41 The proposal would ensure the required alterations to the location of the vehicle and cycle parking within the estate would be re-provided. The development would result in no additional highway movements once in situ and would comply, subject to condition, with Local Plan Policy CT1.

Trees

- 6.42 Local Plan Policy CR6 requires the protection of existing trees. Criterion (c) stipulates that a replacement tree is provided, where practicable, for any tree which is felled, in addition criterion (d) requires that retained trees are adequately protected throughout the course of development.
- 6.43 The application is supported by an Arboricultural Report which sets out that proposed flood alleviation measure would necessitate the loss of one tree (T16). The tree is a 5-meter-high Monkey Puzzle tree which has limited environmental benefits including visual enhancement. The Arboriculture Report indicates the tree could potentially be transplanted. Condition 4 is recommended to secure details of landscaping.
- 6.44 The submitted Arboriculture Report also details the loss of some privet hedging (H37). The loss of this small section of hedging would again have limited impact to the environment when balanced against the primary natural form of flood alleviation measures proposed, which includes landscaped measures.
- 6.45 The improved landscaping would include the planting of five new trees and eight new shrubs. The proposal would add to the verdant character of this section of the estate and would see a betterment to the overall landscaping. The additional planting would exceed the stipulations of criterion (d) of Local Plan Policy CR6.

- 6.46 The development would be undertaken within the Root Protection Area (RPA) of 23 trees. The Arboriculture Report sets out root protection methods and precautions which the Tree Officer has found acceptable and would ensure adequate protection of the trees in accordance with criterion (d) of Local Plan Policy CR6.
- 6.47 To ensure the proposal would represent an enhancement to the landscaping on site details of size and species of replacement planting are recommended to be secured by condition 4. The proposal would comply with Local Plan Policy CR6.

Ecology

- 6.48 Local Plan Policy CE4 states that the council will protect biodiversity in, and adjacent to the borough's Sites of Nature Conservation and require opportunities to be taken to enhance and attract biodiversity.
- 6.49 An Ecological Impact Assessment was submitted in support of the application. The assessment identifies that both roosting bats and nesting birds were not recorded on site. The site does provide some suitable habitat for commuting bats and space for nests. Legislation outside of the planning process protects nesting birds during the construction of development. Once in situ, the development would offer improved/enhanced habitat. The proposed lighting has been designed to follow guidance on bats and artificial lighting. The proposal would protect the biodiversity of the area.
- 6.50 The application site falls outside of the definition of a 'major' site as the site area falls below the minimum threshold. The proposal would meet the definition of a 'small site' for the purposes of Biodiversity Net Gain (BNG), as the proposal would impact linear habitats. A temporary exemption to requirements Biodiversity Net Gain for 'small sites' is in place for applications received prior to 2nd April 2024. The site is not therefore required to deliver BNG under the current framework.
- 6.51 Despite the timing of the submission, a Biodiversity Net Gain Report accompanied the application. The proposal would see the loss of some modified grassland, ornamental planting, and a single tree (Monkey Puzzle), and the loss of some hedgerow. The development would however introduce an improved soft landscaping scheme including the introduction of additional trees and hedgerow.
- 6.52 The scheme would result in the delivery of 25.66% increase in habitat area and 293.15% hedgerow units. The flood measures and overall development would exceed the 10% biodiversity net gain stipulated under the Town and Country Planning Act.
- 6.53 As above, the development is not required to meet these test and conditions regarding BNG and so the imposition of a condition to secure BNG would fail to meet the statutory testes under the National Planning Policy Guidance (NPPG). The features which contribute to the BNG calculation form an integral part of the proposal and would therefore be delivered outside of BNG in any event.
- 6.54 As per the Ecology Officers commentary a condition to secure a Landscape and Ecological Management Plan (LEMMP) would be appropriate. The scheme delivers a multitude of benefits including flood alleviation, visual enhancement, and ecological enhancement. To secure the function of these spaces management to ensure effective operation could be secured by the recommended condition (condition 6).
- 6.55 The proposed development would secure ecological enhancements and would comply with Local Plan Policy CE4.

Other environmental matters

Land contamination

- 6.56 Local Plan Policy CE7 states that the council will consider the potential risks of contaminated land and will ensure it is adequately mitigated. The policy requires the

submission of desktop surveys at application stage to inform the risk of contamination and guide a proportionate remediation strategy.

- 6.57 The application was accompanied by a Preliminary Contamination Risk Assessment. The report complies a review of the desk-based information, previous ground investigations, and environmental reconnaissance survey. The content of the report responds to criterion (a) of Local Plan Policy CE7.
- 6.58 The site has primarily been utilised for residential use since the 19th century. The primarily risks associated with the site relate to contamination of the near surface soils from Made Ground. These risks relate to historic uses include small garages, substations, and former tanks accommodated on or near the site.
- 6.59 The proposed ground works on site would include shallow excavations (up to 1.5 meters) and replacement of hard standing. The risk of harm to human health during the construction period has been designated as moderate to low without mitigation. Further, ground investigation and mitigation measures have been recommended within the report. The Land Contamination Officer concurs with these conclusions and recommends conditions 7, 8, 9, and 10 to address suitable remediation in line with criterion (b) – (e) of Local Plan Policy CE7.

Air quality

- 6.60 Local Plan Policy CE5 seeks to carefully control the impact of development on air quality within the borough. The assessed impacts include, but are not limited, to the period of construction of development and pollution from vehicles. The proposed natural forms of flood alleviation would introduce further landscaping to the area which would have minor benefits to air quality once in situ. The site falls below the threshold for 'major' development and thus does not require the submission of and an Air Quality Assessment.
- 6.61 The proposed flood alleviation measures to be installed would require a degree of soil excavation. The Air Quality Officer has requested a condition for a small-scale dust management plan to be imposed on any approval. However, the scale of the development is minor, involving primarily earth works, and confined to the period of construction. The proposal would be covered by the Council's Code of Construction. As such, it is not considered the imposition of the condition is necessary or proportionate against the requirements of the National Planning Policy Guidance (NPPG).
- 6.62 The development would have a neutral impact on air quality and would be subject to legislation outside of the remits of planning control to secure construction impacts. The development would comply with Local Plan Policy CE5.

Issues and balancing

- 6.63 The proposed development would introduce a series of flood alleviation measures which would focus on the interception of overland water flows to improved volumetric storage areas. The works would improve the permeability of hard surfacing and provide additional forms of flood defence for residential buildings. The proposal would encapsulate the Council's aims for primarily natural forms of sustainable drainage.
- 6.64 The proposed development would have a multitude of benefits across the Estate including improved permeability of the public realm, improved street surfaces, and enhanced soft landscaping re-enforcing the verdant character of the area. Further, the proposal would result in ecological enhancement with improved habitats and Biodiversity Net Gain.
- 6.65 The development is wholly in accordance with the development plan and no material considerations indicate a decision other than in accordance with the development plan. The development is in accordance with Local Plan (2019) policies CL1, CR1, CR2, CR3, CL3, CL11, CE2, CL5, CT1, CR6, CE4, CE7, CR5, and CE5. London Plan (2021) policies SI 12 and SI 13.

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

- 8.1 439 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 22/03/2024. A statutory notice advertising the application was posted near the site on 18/03/2024.
- 8.2 0 letters were received relating to the application.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	No objection, subject to further details being secured by condition of the revised cycle parking arrangement.	Paragraphs 6.35 to 6.41.
Director of Environmental Health	<u>Air Quality</u> _ No objection to the development subject to conditions for small scale dust management plan be applied to any permission granted. <u>Land Contamination</u> _ Recommend approval of the planning application, subject to bespoke conditions.	Air Quality – Paragraphs 6.60 to 6.62. Land Contamination – Paragraphs 6.56 to 6.59.
Conservation and Design Officer	No objection.	N/A
Arboriculture Officer	The proposal would result in the loss of 1 tree, some hedging, and pruning of shrubs. 5 new trees would be planted and 8 new shrubs. Some works will occur in the root protection areas of some trees. No objection raised subject to condition for trees and landscaping details.	Paragraphs 6.42 to 6.47.
Ecology Officer	No objection. Recommended conditions relating to Biodiversity Net Gain 5-year maintenance plan, plating management plant for residential raised beds (rainwater garden), maintenance of species rich grass land.	Paragraphs 6.48 to 6.55.
Flood Officer	No objection. The proposal would result in a reduction of surface water, which would benefit the residents of 1-8 Lower Clarendon Walk. The proposal would comply with Local Plan Policy CE2.	Paragraphs 6.2 to 6.10.

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 287952-ARUP-XX-XX-DR-L-111 Rev P01, 287952-ARUP-XX-XX-DR-CD-4103 Rev P02, 287952-ARUP-XX-XX-DR-CD-4104 Rev P02, 287952-ARUP-XX-XX-DR-CD-4105 Rev P02, 287952-ARUP-XX-XX-DR-CD-4106 Rev P02, 287952-ARUP-XX-XX-DR-L-401 Rev P02, 287952-ARUP-XX-XX-DR-L-4002 Rev P02, 2879-ARUP-XX-XX-SC-L-3012 Rev P02, 287952-ARUP-XX-XX-SC-L-3013 Rev P02, 287952-ARUP-XX-XX-DR-CD-3001 Rev P03, 287952-ARUP-XX-XX-DR-CD-3101 Rev P03, 287952-ARUP-XX-XX-DR-CD-3102 Rev P03, 2879-ARUP-XX-XX-DR-CD-4101 Rev P03, 287952-ARUP-XX-XX-DR-CD-4102 Rev P03, 287952-ARUP-XX-XX-DR-L-1011 Rev P03, 287952-ARUP-XX-XX-DR-L-2011 Rev P03, 287952-ARUP-XX-XX-DR-L-2012 Rev P01, 287952-ARUP-XX-XX-DR-L-3011 Rev P03, 287952-ARUP-XX-XX-DR-L-5002 Rev P03, 287952-ARUP-XX-XX-DR-L-5003 Rev P03, 287952-ARUP-XX-XX-DR-L-5001 Rev P03, 287952-ARUP-XX-XX-DR-L-5004 Rev P03.

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 and 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) Lighting scheme;
- (b) Flood Walls, gates and all means of enclosure; and
- (c) Hardstanding.

Reason - In order to preserve the character and appearance of the area in accordance with policies CL1, CL2, CR2, CR3 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. **Provide cycle storage prior to occupation**
Prior to relevant parts of the work details of the re-provided cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved re-provided cycle storage facilities shall be provided and brought into use prior to bring the sustainable urban drainage system into first use. The cycle facilities shall thereafter be retained for use at all times.

Reason - To ensure the safe and sustainable movement of traffic on neighbouring highways, in accordance with policies of the development plan in particular policy CT1 of the Local Plan 2019.

6. **Landscape and Ecological Management and Maintenance Plan (LEMMP)**
No development shall commence until a site-specific Landscape and Ecological Management Plan (LEMMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMMP should detail landscape and habitat creation, additional features, and ongoing management for the site. The LEMMP should contain the following:

- (a) Planting lists for all outdoor spaces;
- (b) Details of any pollinators;
- (c) Detailed irrigation methods for all outdoor planting;
- (d) Maintenance plan for all planting and additional habitat features;
- (e) Management plan for the community growing spaces; and
- (f) Maintenance plan for the species-rich grassland meadow space(s).

The development shall be carried out in accordance with the approved LEMMP.

Reason - In order to comply with Policy CE4 of the Local Plan and policies G5 and G6 of the London Plan which require developments to takes opportunities to enhance and attract biodiversity. 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. **Contamination – preliminary risk assessment report and proposed site investigation**

No development shall commence until a revised preliminary risk assessment 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 Policy CE7 of the 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 may result in unacceptable harm contrary to the policies of the Local Plan.

8. **Contamination – Quantitative risk assessment and remediation strategy**
No development shall commence 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 Policy CE7 of the 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 may result in unacceptable harm contrary to the policies of the Local Plan.

9. Contamination – Verification report

The approved Remediation Strategies shall be implemented and a Verification Report (VR) shall be submitted to the local planning authority for approval in writing within 2 months of practical completion. 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 Policy CE7 of the Local Plan.

10. 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).

11. 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.

12. Protection of trees during construction

All existing trees on the site and adjacent land shall be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures entirely in accordance with the Arboricultural Impact Assessment (Tim Moya Associates) dated January 2024 ref. 230870-PD-11b.

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.

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 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.

4 Highways Technical Approval - Separate Approval

Technical Approval in accordance with the Design Manual for Roads and Bridges BD2/12 will be required for any structural works/alterations/repairs to structures over, under or adjacent to the public highway. The procedures only grant approval under the Highways Act. The granting of planning permission and building consent does not imply that such approval is given. Please contact the Directorate of Transportation and Highways for advice on 02073415220 or email highways@rbkc.gov.uk

5 Conditions nos. 4, 6, 7, 8, 11 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.

6 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).

7 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

8 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/24/00792. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. E. Gore

Telephone: 07739-313-668