

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 07/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/01024	Agenda Item:	S50		
Address:	York House, 1 Turks Row, LONDON				
Proposal:	Construction of three-bedroom dwelling (Use Class C3) at upper ground, lower ground and basement level within unused rear courtyard, to incorporate previous corridor with associated rooflights, cycle parking, storage space and landscaping including green wall, flat green roofs and associated works.				
Applicant:	Style and Heal				
Agent:	Mr G Walker				
Properties notified:	Objections:	Support:	Comments:	Petition:	
47	34	0	0	0	
Conservation area:	Royal Hospital				

1. Summary

- 1.1 The proposal for a new dwelling is recommended for approval. The proposal would create a home of a good standard and size that contributes positively to the Council's housing stock and assisting the Council in meeting its housing targets. The proposal shows compliance with the Council's basement policy CL7, would preserve the character and appearance of the Royal Hospital Conservation Area and ensure that good living conditions continue for neighbouring occupants.
- 1.2 The proposal is similar in nature to an extant planning permission, granted in 2018, which has been implemented as confirmed by a certificate of lawful development in April 2021.
- 1.3 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 authorises the Director, Planning & Place:

1. **Agree the reason for approval set out in this report; and**

2.	To grant planning permission on the satisfactory completion of an undertaking or agreement to secure the matters in Section 7 of this report and with the conditions listed in Section 9 of this report.
3.	To refuse planning permission if an undertaking or agreement to secure the contributions in Section 7 of this report has not been satisfactorily completed by 24 May 2024 for the reason that the proposed development would not be accompanied by associated necessary infrastructure improvements.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.
- At the request of Councillors Kemahli, Campbell and Will.

3. The site and its surroundings

- 3.1 The application site is located on the northern side of Turks Row and is within the courtyard of a nine storey, plus basement, block of residential units.
- 3.2 The building is sited within the Royal Hospital Conservation Area.

4. The proposal and any relevant planning history

- 4.1 Planning permission is sought for the creation of a new dwelling within the courtyard of York House. The majority of the new dwelling would be subterranean, below the courtyard of York House, although to the north-west of the site there is proposed a part two storey, part three storey element. The development would incorporate rooflights, cycle parking, green walls and two green roofs.
- 4.2 The proposal is largely the same as an approved and implemented scheme from 2018, later varied by another permission approved in 2023. Changes to the extant permission amount to an increase in height of the building in the north-west corner by approx. 1300mm and the extension of the basement excavation beneath York House itself.
- 4.3 Officers visited the site in connection with a previous application which has provided officers with sufficient information and understanding of the site context and its constraints and opportunities.
- 4.4 The relevant planning history is set out below:

Reference	Description	Decision
PP/18/01115	Erection of two-bedroom dwelling (Use Class C3) at ground and basement level created through converting the vacant side passage building with basement extension in the unused rear courtyard, with associated rooflights, cycle parking, storage space, landscaping including double sided green wall, flat green roofs and associated works.	Granted 25/06/2018
CL/20/02127	Confirmation that works have begun in accordance with Condition 1 of planning permission PP/18/01115 (as amended by NMA/20/02257) (Certificate of Lawful Existing Use or Development)	Granted 20/04/2021

PP/22/07009	Variation of Condition 2 (compliance with approved drawings) of planning permission PP/18/01115 to increase size of approved rear lightwell; alter flat roof light above en suite and bedroom entrance; alter glazed roof to top of lightwell; install additional glazed window and solid ventilation panel to living room.	Granted 23/01/2023
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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
Conservation areas	CL3, CL11	
General townscape	CL1, CL2, CL6, CL9	
Living conditions	CL5	
Basement development	CL7, CT1	
Flooding	CE2	
Housing	CH1, CH2	D4, D5

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. Examination hearings were held in June and July 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 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 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:

- Royal Hospital Conservation Area Appraisal
- Planning Contributions (S106)
- Basements
- Transport and Streets
- Greening

5.6 These documents can be read online at:

- Conservation Area Appraisals:
<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>
- Other documents:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

6. Evaluation

6.1 The site is in the Sloane Square Critical Drainage Area. A flood risk assessment has been submitted that concludes that there are currently no impermeable surfaces and, as such, the development would not worsen drainage. The development would incorporate green roofs which, in compliance with policy CE2(g) would improve existing drainage rates by reducing surface water run off. The following condition is recommended:

- The proposed green roofs hereby permitted shall be fully implemented and maintained thereafter. (Condition 11)

6.2 The decisive issues are:

- i Whether the proposed residential unit would make a positive contribution to the Borough's housing stock and provide a good standard of living conditions for future occupiers.
- ii Whether the proposal would be in compliance with basement policy CL7 and the basement SPD.
- iii Whether the proposal would preserve, or take opportunities to enhance, the character and appearance of the Royal Hospital Conservation Area.
- iv Whether the proposal would ensure good living conditions continue for the occupiers of the neighbouring properties.

Housing supply and standards.

6.3 The creation of an additional residential unit would assist with meeting the Council's housing targets. The proposed residential unit would be located to the rear of the main building, with bedrooms at basement level and the living, kitchen and dining areas located at ground floor level.

6.4 The size of the new residential unit would comply with the Nationally Described Space Standards. The basement bedrooms would face onto lightwells which would provide an adequate level of natural ventilation and external amenity space. The ground floor room would also face into the central lightwell, and the space would benefit from a number of rooflights.

6.5 A Daylight & Sunlight Assessment has been submitted and demonstrates that the proposed residential unit would receive adequate light from the lightwells and rooflights.

Overall, the proposed residential unit would benefit from an acceptable level of light, an acceptable outlook and would be of an adequate size. The unit would therefore make a positive contribution to the Borough's housing stock.

- 6.6 Policy CT1 (c) requires all new additional units to be permit free with no entitlement to park on resident permit parking bays. The borough experiences very high levels of on-street parking demand such that the occupancy level of spaces is at saturation levels in most of the borough and at most times of the day and night. Subject to the completion of a legal agreement, the proposal would not worsen on-street parking pressure and would have an acceptable impact on the local highway network.

Basements.

- 6.7 Most of the proposed basement matches that approved under the extant permission. On top of this, a further excavation is proposed under York House itself.
- 6.8 The applicants have submitted a Construction Method Statement (CMS) compiled by a suitably qualified engineer which adequately demonstrates that the proposed works would not affect the integrity or stability of the host or surrounding properties. An acceptable draft Construction Traffic Management Plan (CTMP) has been submitted with the application which demonstrates that the development would not result in unacceptable harm to pedestrian, cycle, vehicular and road safety.
- 6.9 An acceptable Noise, Dust and Vibration mitigation strategy has also been provided, to mitigate the impact of the construction process on the living conditions of neighbouring properties. There are no trees of townscape value within the site boundary that would be affected by the proposal. There is a street tree on the pavement outside which is relatively close to the extra extent of basement proposed beneath York House. However, the excavation would have no further impact on the tree than the existing structure of York House does. Given the restraints of the site including existing built form above the additional basement area being applied for, one metre of topsoil cannot be provided above the basement which is considered acceptable in this instance. The proposal therefore complies with criteria (d), (f), (i), (j), (k), (l) and (m) of Policy CL7.
- 6.10 In order to ensure that the construction phase of the basement development is carried out with the minimum of disturbance, the below conditions are recommended. Although the extant permission imposed these same conditions, which were subsequently approved, there is a requirement to reapply the conditions due to the different nature of the basement excavation.
- No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. (Condition 3)
 - No development shall commence until a chartered civil engineer or structural engineer has been appointed. (Condition 4)
 - No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme. (Condition 5)

Character and appearance.

- 6.11 The proposed above ground works and the lightwells would be visible from numerous private views from York House and Burton Court, but there would be limited views from the public realm. The above ground part of the dwelling would be higher than the single storey approved under the extant permission and would exceed the height of the boundary wall. However, the internal floor levels of this new proposal have been amended so that the additional storey would only be approx. 1300mm higher than the approved and would not have a significantly different impact in comparison. There is a gap between York House and Burton Court to the west, which is identified within the Royal Hospital Conservation Area Appraisal as an important gap that provides a breathing space (between high buildings). However, the additional height has been designed to be no higher than the single storey structure providing entrance to the alley down the side of York House.

Although visible in the gap, it would have no more of a harmful impact on the visible break in the building line than the existing built form.

- 6.12 The scale of the proposed ground floor element is modest and sufficient space would be retained between the new dwelling and the existing building to maintain the visual separation and sense of space to the rear of York House. The dwelling would benefit from green roofs which would enhance the appearance of the rear of the site, given that the existing rear yard is covered in concrete hardstanding.
- 6.13 Significant weight has been given to the existing permission, which officers confirmed had been implemented under the submission of a certificate of lawful development in 2021. The additional area of excavation beneath York House would have no external manifestations whilst the additional level in the north-west corner would not encroach on the remaining open space and would relate well to the above ground parts of the development already approved. Overall, given the largely subterranean nature of the dwelling, the modest scale of the above-ground part of the building and the presence of the adjoining lightwell, the proposed dwelling would preserve the character and appearance of the conservation area.

Living conditions.

- 6.14 The existing flats at ground floor level would be most affected by the proposal. The modest increase in height at the north-west corner, compared to the extant approval, would not significantly block light or cause a sense of enclosure as this raised part would only be a metre higher than the boundary wall of the courtyard. This is confirmed by the daylight and sunlight report that has been supplied in the application.
- 6.15 The proposal includes a number of rooflights which would be visible from the upper floors of the building, but which would not result in a loss of privacy or other identifiable harm to the living conditions of the flats within York House.
- 6.16 With regard to the impact on the ground floor flats, the flat within the southeastern wing of York House benefits from three rear facing windows from which the proposal would be visible. However, the lightwell and the associated wall enclosing the lightwell, is located approximately 5 metres from these windows. The wall would be a green wall and would be modest in height. Given the separation distance between the windows and the wall and taking into account that two of these windows serve non-habitable rooms, the occupiers of this existing flat would not suffer from a harmful sense of enclosure or loss of privacy.
- 6.17 The flat at ground floor level located in the rear wing of the building faces onto the existing courtyard and the proposed dwelling would be visible from the side facing windows. However, the distance between the windows and the side wall of the proposed dwelling, along with the modest height of the wall, is such that the occupiers of this dwelling would not suffer from a harmful sense of enclosure. The Daylight and Sunlight report confirms that the proposal would not result in an unacceptable reduction in the level of light received by the adjoining residential properties.
- 6.18 Overall, given its scale and siting, the proposal would not result in a harmful sense of enclosure, an unacceptable loss of light or loss of privacy to the neighbouring properties. The living conditions of the neighbouring properties would therefore be safeguarded.

Issues and balancing.

- 6.19 The proposed basement would comply with Policy CL7. The proposed residential unit would benefit from an acceptable level of light, an acceptable outlook, would be of an adequate size and would therefore make a positive contribution to the Borough's housing stock.
- 6.20 Given the largely subterranean nature of the dwelling, the modest scale of the above-ground part of the building and the presence of the adjoining lightwell, the proposed

dwelling would preserve the character and appearance of the conservation area.

- 6.21 Furthermore, the scale and siting of the proposal is such that it would not result in a harmful sense of enclosure, or an unacceptable loss of light or loss of privacy to the neighbouring properties. The development would ensure good living conditions for the occupiers of the neighbouring properties.
- 6.22 The proposal would comply with policies CL1, CL2, CL3, CL5, CL6, CL7, CL9, CL11, CT1, CH1, CH2, CE2 of the Local Plan 2019.
- 6.23 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 proposed dwelling would be over 100sqm. However, the applicants have claimed exemption as the development would be a self-build and it would therefore not be CIL liable.

Legal Agreement

- 7.2 The recommendation to approve is reliant on the completion of a legal agreement for permit free parking as detailed in the table under section 1 of this report.

8. Consultations carried out

Comments from interested parties

- 8.1 47 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 01/03/2024. A statutory notice advertising the application was posted near the site on 01/03/2024.
- 8.2 No letters were received supporting the application.
- 8.3 34 letters were received objecting to the application, summarised as:

	Comment	Response
1	The application does not propose an upper ground and lower ground, but a basement, ground and first floor. The previous proposal was approved as the maximum allowable intervention above ground level. The description makes those reading think the height is the same as previously approved.	The description is considered accurate as only part of the proposal would be above ground level, and no part a full two storeys above ground level.
2	The applicant refers to an unused courtyard, however, this is an important gap between tall buildings.	The description of the courtyard does not reflect on the gap between the buildings.
3	The site plan includes the whole of York house when only 1A Turks	The site plan is acceptable. The application seeks to excavate beneath York House also,

	Row is proposed for development. The applicant has no ownership connection with York House. Since the previous application was approved, the site has received its own address and curtilage.	and York House should be included in the red line boundary.
4	A permit free legal agreement cannot be signed as it would need the agreement of all the freeholders within the red line boundary on the site plan.	There is no requirement for residents of York House to be part of the legal agreement.
5	The proposal would introduce a whole extra storey at first floor level which would protrude above the boundary wall. The previous application mentioned the tight confines of the courtyard and was only approved as most of it was underground.	The evaluation of the previous approval, although mentioning the benefit of the structure being mostly subterranean, does not state that any further development above ground would have resulted in an unacceptable proposal. The additional element would be discreetly located in one corner and would respond well to the already approved parts of the development.
6	The Design Process Document adds smoke and mirrors to the situation as it compares the proposal to two developments that were withdrawn at the request of the Council. It would be more helpful that development were compared to already approved development.	The applicant has responded to this and provided further information to show this. However, these documents are not a requirement, and the Council will not accept additional information in any case. The recommendation to approve has been made on the documents submitted and available online.
7	The additional bulk of the new proposal would be visible from neighbouring buildings and clearly seen from the gap between York House and Burton Court. This gap is considered important in the	The additional element would be discreetly located in one corner and would respond well to the already approved parts of the development.
8	There are no existing section drawings to compare to the proposed section drawings.	The drawings included in the application are sufficient to make a decision.
9	The new application proposes a basement beneath part of York House. The application should take into account the potential impact on the structural integrity of York House and the application should include: <ul style="list-style-type: none"> • Construction method statement (CMS). • Subterranean method statement. • Construction traffic management plan (CTMP). • Design and access statement (D&A). • Demolition Drawings. • Noise Impact Assessment. 	The CMS, CTMP, D&A and demolition drawings have been submitted. A subterranean method statement is not a document required by the Council but excavation works, how the basement will be constructed and the stability of buildings are covered under the CMS. Noise impact assessments are only required for applications that proposes noise generating development, such as plant equipment. They are not required to show that noise generated by construction would be acceptable.
10	The applicant has not submitted a construction method statement, but a contractors method statement.	The document submitted, in three parts, is labelled as a construction method statement and is in line with basement policy.

11	The application contains the CTMP approved in 2017.	The CTMP submitted is dated December 2023.
12	The noise, dust and vibration report should include details of the agent of change principle.	The Agent of Change principle relates to the development of buildings or uses that create noise post development. It cannot be used in connection to the construction phase of development.
13	There is nothing in the submission regarding mitigation measures in respect of the construction of a basement beneath occupied flats. The previous approval had a condition that only hand tools should be used except in the courtyard.	The submitted noise, dust and vibration mitigation measures cover how noise will be kept to a minimum. Since the approval of the last application, the Council have introduced their Construction Management Team who monitor development to ensure that construction is carried out without unnecessary disturbance. The hand tools condition extends the construction phase as works take longer with manual tools, which is in itself harmful to the living conditions of neighbours.
14	No structural impact assessment has been submitted. York House has just completed structural strengthening works and impacts should be taken into account.	The impact on structural stability is covered under the CMS. Planning only has powers to ensure that professional engineers agree that development can be done safely. Actual construction is done at the liability of the developers.
15	As the site now has its own boundary that does not include York House, the basement would be below more than 50% of the applicant's owned area.	The requirement is not for the basement to be under 50% of the owners part of the open space, but under the open space of the site. Furthermore, the part that is beneath the open space already benefits from consent and can be excavated in any case. The additional excavation would be beneath York House.
16	The new part of the basement excavation would be close to a street tree.	The street tree would not be at further risk than is already the case with the existing building.
17	The proposal would add a further lightwell. This would not be discreetly located and would result in half the courtyard being a lightwell or rooflight.	There are no more lightwell proposed than have already been approved.
18	The application fails to provide an update on SuDS despite the additional excavation. The FRA is out of date and refers to out of date policies.	The details of FRA are still relevant as the permeability of the site has not changed. The SuDS proposed would still be considered acceptable even with the additional development.
19	The proposal would not provide a metre of topsoil.	The part that is beneath the open space, thus normally requiring a metre of topsoil, already benefits from consent and can be excavated in any case. The additional excavation would be beneath the existing built form of York House.
20	The proposal would not be in keeping with the character or context of the area. It would be much more visible than the previous scheme.	The proposal would be away from public view and, where visible from private views, would respect the above ground elements of the previously approved scheme.
21	There are no details of fire safety included in the application.	No details of fire safety are required by Planning for a development of this scale,

		although the applicant does need to agree these with Building Control.
22	The development would result in the loss of open space.	The proposal would not encroach on any more open space than the existing development.
23	The stress caused by having to deal with yet another application and potential development works is resulting in deteriorating health of nearby residents, particularly those with existing conditions.	There are no limits to the amount of applications an applicant can make, and the Council is bound to consider each. Construction can be disturbing, but conditions are recommended to reduce disturbance to a minimum.
24	Turks Row is already busy. The extra traffic/parking pressure caused by construction vehicles, plus the extra use of the road by the new resident, would make this worse.	The construction traffic will need to be managed in line with an approved CTMP to reduce traffic and parking pressure to an acceptable minimum. The resident will not be able to apply for a parking permit and will, therefore, not increase on street parking pressure.
25	The development would block light to existing flats.	The application includes a daylight and sunlight report that demonstrates that any losses of light are within the acceptable standards.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	The proposed CTMP is acceptable subject to a condition being imposed for a final CTMP.	Para. 6.9

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 **GSA947-EX00 A, GSA947-PL90 A, GSA947-EX54, GSA947-EX55, PN099, PN100, PN101, PN102, PN103, PN104, PN105, PN106, PN107, PN108, PN109, PN110, PN111, PN112, PN113**

Details of materials and finishes:

GSA946 (schedule of details), GSA947-PL100 B, GSA947-PL102 B, GSA947-PL401, GSA947-PL402, GSA947-PL501, GSA947-PL502

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

3. Construction Traffic Management Plan (CTMP)

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

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

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

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

4. Professional management of engineering works

No development shall commence until

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

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

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

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties

and to comply with the Basements SPD and policy CL7 of the Local Plan 2019. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan

5. **Considerate Constructors Scheme (CCS)**

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

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

6. **Restricting planning permission granted by GPDO - Removal of PD Rights**

No extensions, additions, insertion of windows, or external alterations shall be carried out to the premises in the absence of an express grant of planning permission for such development.

Reason – Although such extensions, additions, or alterations would, in the absence of this condition, constitute development permitted under the provisions of Article 3, Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) such development is precluded in this case because of the constrained nature and prominence of the site, the fact that above ground additions may well result in its overdevelopment and because the prominence of such additions could have a deleterious impact on the conservation area.

NB This withdrawal of permitted development rights does not remove your right to apply to the local planning authority for planning permission for development precluded through this condition, and such an application would be treated on its merits. It would be prudent to use our pre-application Advice Service before submitting such an application.

7. **Use of roof as terrace precluded**

The roof of the building forming the subject of this planning permission shall not be used at any time as a terrace.

Reason - To preserve the appearance of the building and the character of the area and to avoid overlooking and disturbance to neighbouring properties and so accord with policies of the development plan, in particular policies CL1, CL2, CL3, CL5, CL6 and CL11 of the Local Plan 2019.

8. **Conservation rooflights**

The rooflights shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.

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

9. **Privacy (Obscured glazing, fixed shut)**

The windows and rooflights annotated in drawing Nos. GWPL01 REV A, GWPL06 REV A, GWPL09 REV A and GWPL111 REV A and hereby permitted

shall be obscurely glazed and so maintained.

Reason - To safeguard the privacy of neighbouring property, and so accord with policy CL5 of the Local Plan 2019.

10. Code of Construction Practice

No development shall commence until:

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

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

The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.

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

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

11. Green roofs

The proposed green roofs hereby permitted 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 Condition Nos. 3, 4, 5 and 10 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.
- 3 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](#)

- 4 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.
- 5 Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2018 (as amended), and the grant of planning permission does not imply that such approval will be given. The District Surveyor, Town Hall, Hornton Street, W8 7NX should be consulted before works commence.
- 6 You should engage with neighbours and local residents associations in advance of submitting your Construction Traffic Management Plan (CTMP). It is also advisable to engage in further pre-application discussions with the Local Planning Authority prior to submission of the CTMP. You are reminded of the purpose of the CTMP, which is to mitigate impact upon the living conditions enjoyed by residents of neighbouring properties as well as to ensure the safe and unobstructed function of the highways in the vicinity. You are also reminded of the membership of the Considerate Constructors Scheme, required by condition and which has similar objectives. Care and sensitivity is required when carrying out development in residential areas.
- 7 You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining property freeholders and leaseholders and anyone who has had an interest of 12 months or greater, where the building owner intends to carry out work which involves:
 1. Work involving an existing shared wall with another property;
 2. Building on the boundary with another property;
 3. Excavating near a neighbouring building, and that work falls within the scope of the Act

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

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

- 8 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, although not used in this instance.

On first submission the proposals did not comply with guidance, but improvements suggested by the planning authority were adopted by the applicant.

- 9 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).

- 10 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

- 11 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/24/01024. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Mr. B. Brockey

Telephone: 07583-117-632