

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 21/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/00903	Agenda Item:	N53		
Address:	12 Russell Gardens Mews, LONDON, W14 8EU				
Proposal:	Excavation of a single-storey basement extension under footprint of existing building; elevational alterations to front façade including enlargement of windows at first floor level; replacement of existing garage doors and insertion of new windows and door at ground floor; elevational alterations to rear; insertion of four new roof lights to front slope of roof; and extension of roof to rear.				
Applicant:	MrKUBERBHAI				
Agent:	Mr S Johnson Simon Johnson Architects Ltd.				
Properties notified:	Objections:	Support:	Comments:	Petition:	
23	4	0	0	0	

1. Summary

- 1.1 The proposed basement, rear roof extension and general front and rear elevations fenestration alterations, would preserve the character and appearance of the building and of its surrounding area. The submission has considered the structural stability of the application property and relevant neighbouring buildings.
- 1.2 The proposed development would also safeguard the living conditions of the occupiers of neighbouring properties and would not cause a material loss of light, outlook or harmful sense of enclosure. The submitted Construction Method Statement (containing a section on Noise, Dust and Vibration Mitigation Measures) and Draft Construction Traffic Management Plan (once finalised) are also acceptable and subject to relevant conditions, the proposal complies with relevant planning policies for a basement development, as well as other relevant policies in the development plan.
- 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 grants planning permission with the conditions listed in Section 9 of this report.

2. Reason for committee consideration

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

3. The site and its surroundings

- 3.1 The application site relates to a two-storey mid-terrace 19th century mews dwelling house, which is sited on the eastern side of Russell Gardens Mews. The property is neither listed nor is it sited within a conservation area.
- 3.2 The site is subject to Article 4 direction No. 100 which restricts permitted development rights for the excavation and construction of a basement.
- 3.3 The application site building, in the same way as most mews properties, does not benefit from external amenity area which means its rear wall faces directly onto the small rear garden/rear courtyard area of Nos. 84 and 85 Elsham Road to the east.

4. The proposal and any relevant planning history

- 4.1 Planning permission is sought for the excavation and provision of a single-storey basement extension under the footprint of the existing building; erection of rear roof extension together with new roof lights (including 4 x front roof slope roof lights) and general elevational alterations including enlarged front windows and new glazed bricks at the rear.
- 4.2 The proposals have been revised during the course of the application to remove/replace originally proposed windows on the rear elevation with sections of solid glass bricks. In addition, the two rear roof slope dormer windows have been omitted. These alterations are welcome to reduce any harmful overlooking.
- 4.3 Officers visited the site on 12th March 2024.
- 4.4 The relevant planning history is set out below:

Reference	Description	Decision
CL/11/0321	Certificate of lawfulness for alterations to front and rear elevations, roof addition to rear, insertion of new roof-lights to front and single storey basement extension beneath footprint of the property.	Granted 29th March 2011 (works not implemented and basement article IV direction since adopted)
PP/18/0228	Excavation of single storey basement extension beneath footprint of existing building; elevational alterations to front facade including enlargement of windows at first floor level, replacement of garage of new windows and door at ground floor; elevational alterations to rear	Granted 08th March 2018 (works not implemented and permission now expired)
PP/21/00607	Excavation of single-storey basement extension under the footprint of existing building only; alterations to front elevation including enlargement of windows at first floor level, replacement of garage doors and insertion of new door and windows at ground floor; alterations to rear elevation including	Granted 24th March 2021 (now lapsed).

	formation of new windows; and insertion of four roof-lights to front roof slope and rear roof extension	
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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
Conservation areas	CL11
General townscape	CL1, CL2, CL6 and CL8
Living conditions	CL5 and CE6
Basement development	CL7
Transport	CT1
Arboriculture/Flooding	CR6 and CE2
Land Contamination	CE1

5.2 These policies can be read online at:

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

5.3 The Council started a New Local Plan Review (“NLPR”) and consultation on Publication Policies (Regulation 19) closed on 22 December 2022. The Council submitted the NLPR for examination (Regulation 22) on 8 February 2023. 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:

- Trees and Development
- Basements
- Noise
- Transport and Streets

5.6 These documents can be read online at:

- Conservation Area Proposal Statements and Conservation Area Appraisals:

- Other documents:

6. Evaluation

- 6.1 The proposed basement addition would be single-storey and would be fully concealed beneath the existing above ground building, with no associated external physical manifestations except for a small section of low level glazing which would be incorporated into the front garage doors and which is visually acceptable. The requirement for the provision of at least 1m of soil above together with requirements seeking basements not to exceed 50% of both front and rear open parts of the site would thus not apply in this instance. The proposed development complies with LP policy CL7.
- 6.2 There are no trees of amenity value closely positioned to the property which would otherwise be adversely affected by this development. This being the case, the proposals are acceptable in terms of LP policy CR6.
- 6.3 The site is within the Holland Park critical drainage area. The applicant has submitted a flood risk assessment (FRA) with the application. Although no additional specific mitigation measures are proposed (note that the existing building already occupies the entire site), the FRA alongside with the remainder information submitted as part of the application pack, sufficiently demonstrates that the impact of the development on surface water has been considered and there would be no significant increase in water runoff.
- 6.4 To protect the basement from sewer flooding, a pumped device is proposed in the new basement area as secured by Condition 7. Its installation is confirmed in the applicant's submitted CMS. The submission also sets out how the basement would be waterproofed to protect it from groundwater ingress.
- 6.5 The Council's Land Contamination Team has reviewed the proposals and recommended a condition. Given the use of the site, long established as residential with no garden, an unexpected contamination condition has been recommended to satisfy Policy CE7.
- 6.6 The decisive issues are:
- Whether the proposals would preserve or enhance the character or appearance of the individual building and of its surrounding area;
 - Whether the proposals would safeguard the living conditions of the occupiers of neighbouring properties.
 - Whether the proposals would have any adverse impact upon local parking and traffic situation.

Character & Appearance

- 6.7 The proposed front elevation alterations including a projecting first floor level metal feature, new vehicular and domestic doors (incorporating low level lights to the basement) plus roof roof-lights to the main roof, have been sensitively designed and would be compatible with similar such features already exhibited at other properties within this side of the mews. The proposed detailed design of the new rear roof addition and the new sections of glazed bricks to the rear are more contemporary in nature however and once again, these follow similar works already featured within nearby properties including those at No. 10 Russel Garden Mews to the south. It is also relevant that similar works have also been previously approved as part of the now lapsed 2021 permission and that a similar roof addition could likely be constructed as 'permitted development'. Overall, the proposals are acceptable in

terms of LP policies and would thus have an acceptable visual impact upon the character and appearance of the property and of its surrounding area.

Living Conditions

- 6.8 With regard to sunlight, daylight, sense of enclosure and overlooking levels, the proposed rear roof extension and rear elevation sections of glazed bricks in particular, would have some impact on the living conditions of the occupiers of the properties and gardens directly to the rear of the premises. Whilst this is the case, once again, similar works could in any event be implemented under permitted development rights by reason of Schedule 2, Part 1, Classes B and C (*note that these aspects of the works are similar to those considered under the unimplemented certificate submission ref. CL/11/0321*). Furthermore, in an attempt to improve the impact of these rear changes upon the living conditions of the occupiers of adjacent properties to the east, the applicant has since altered the rear elevation windows to improve this relationship. As such and taking into account this important material consideration coupled with the revised/improved proposals, the development scheme is acceptable in terms of LP policy CL5.
- 6.9 The revised drawings also demonstrate the overall sections of glazed areas to the rear have been slightly reduced which means the proposals would also ensure no undue or material light spillage would be occurring as a result of this development.

Structural stability

- 6.10 The application contains a Construction Method Statement (CMS) that has been prepared and signed off by a Chartered Structural Engineer, which includes structural drawings and calculations and results of site investigation. The CMS demonstrates that the basement can be constructed without causing harm to the structural stability of the building and neighbouring properties as per the requirements of CL7. Further issues relating to the structural stability of the basement are dealt with under the Party Wall Act 1996. Recommended Condition 6 is necessary to ensure that the works are carried out by a suitably qualified person.

Construction impact

- 6.11 The excavation of a basement can create unacceptable levels of noise, vibration and dust during the construction phase. The submitted CMS contains an statement on managing construction impacts as per CL7 which demonstrates that the impacts would be kept to acceptable levels and the proposed basement would not harm the living conditions of neighbouring occupiers during construction, in accordance with policy CL7. Recommended Conditions 5 and 8 are necessary to ensure respectively that the applicant enters into the Considerate Constructors Scheme and its published Code of Considerate Practice as well as that the applicant adheres to the Council's own Code of Construction Practise which was adopted in April 2019.

Transportation impact

- 6.12 The impact of basement development on the highway needs to be appropriately managed. The application contains a draft Construction Traffic Management Plan (CTMP) which has been reviewed by the Council's Directorate of Transportation & Highways who has raised concerns in relation to a number of aspects of it. Whilst this is the case, due weight is given to alternative plans that have been provided for earlier submissions. Subject to a condition ensuring the submission of a final and in this case more robust and well considered CTMP (which has been subject to a more in depth pre-consultation with local residents), the development would be acceptable in this regard. Recommended Condition 4 is therefore necessary to secure the submission of this final CTMP prior to the commencement of development. The final CTMP would strictly address the comments by the Council's Transport Officer and would also take into account co-ordination with other vehicles relating to other development proposals that may be granted in the meantime, so that the proposed development would have an acceptable impact on pedestrian, cycle, vehicular

and road safety, as required by CT1 and CL7 (k).

Issues and balancing

- 6.13 Once complete the proposals would preserve the character or appearance of the property and those of its surrounding area. The proposals would not result in material harm to the living conditions of neighbouring properties and conditions are recommended to mitigate the impact of the construction process as far as is reasonably possible under planning control. The proposed basement would safeguard the structural stability of the property and neighbouring properties, and would have an acceptable impact on the highway and flood risk. The proposals are compliant with the relevant policies in the Development Plan and satisfy the statutory requirement for a conservation area.
- 6.14 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. 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 23 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 16th February 2024. A statutory notice advertising the application was posted near the site on 16th February 2024.
- 8.2 4 letters were received objecting the application, summarised as:

	Comment	Response
1	Concerns that no drawings were available at the time in that I have initially reviewed this application.	All submitted drawings were uploaded to the Council website on submission. Revised drawings have also been made available online. It is also noted the concerned resident has since been able to inspect the said drawings online.
2	Concerns over the increased massing resulting from the rear roof extension . The proposed extension including its windows would have an unacceptable impact upon daylight and sunlight and privacy of my rear windows.	The proposed roof extension would result in a degree of increased sense of enclosure and possible reduced sunlight and daylight however a similar extension could in any event be built under permitted development rights which is a material consideration. The proposals are therefore considered to be acceptable in this particular instance.
3	Concerns raised in relation to the new windows within the rear elevation as these will result in my garden and rear windows being overlooked. In addition, these openings will result in light pollution	The proposals have been amended during the course of the application in that no windows are now being proposed to the rear thus resulting in no mutual overlooking between these properties. The overall area of glazing has also been reduced with the

	to the detriment of my property.	new glazed bricks. This means the development whilst resulting in some light spillage, would not lead to a material impact as such and is thus supported.
4	Design and access statement shows photo of a tree which is over 14 years old and do not reflect the current situation.	The tree depicted within the submitted photo is set directly behind Nos. 8 and 10 RGM which is set some distance away from the back of No. 12 RGM. There are no trees directly behind the application site that could otherwise be adversely impacted by this development. The proposals are acceptable in terms of LP policy CR6.
5	Concerns over the potential use of the basement for other purposes other than those shown on the drawings (i.e as bedrooms and TV lounges). The basement lack an emergency exit which was a requirement for the next door development at No. 10 and which if considered to be acceptable would represent an inconsistent way of decision making.	<p>The proposed basement would be provided as an extension to the existing above ground building as opposed to a new dwelling. Submitted drawings clearly indicate this area would be provided as ancillary living accommodation to the main building above.</p> <p>The proposals which would need to comply with Building Regulations and Fire Regulations are planning policy compliant. There are no policies in this particular instance which require the provision of a secondary means of escape from this basement if permitted and built.</p>
6	Concerns over disruption caused during implementation phase.	Conditions have been attached to mitigate the impact of construction as far as practically possible under the planning regime.
7	Concerns over damage to my adjacent property being caused by this development.	A suitable construction method statement has been received and the development will still be subject to Party Wall Agreements and relevant Building Regulations.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	Whilst currently submitted CTMP is not entirely adequate, no objection subject to imposition of a condition requiring final CTMP prior to implementation.	Para 6.12 and condition 4.
Director of Environmental Health – Land Contamination	Acceptable subject to condition.	Para 6.5 and condition 9.

9. Recommended conditions if the application is granted

1. Time Limit

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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 *Location Plan dated 09th Feb 2024; Site Plan; 0021-P-006 rev. A date 18.1.18 received 11th April 2024 (Proposed Basement Plan); 0021-P-007 received 11th April 2024 (Proposed LO PLAN - Ground Floor); 0021-P-008 received 11th April 2024 (Proposed L1 Plan - First Floor); 0021-P-009 rev. A date 11.04.24 received 11th April 2024 (Proposed L2 Plan - Loft Level); 0021-P-010 rev. A date 11.04.24 received 11th April 2024 (Proposed Roof Plan); 0021-P-011 rev. A date 11.04.24 received 11th April 2024 (Proposed Rear Elevation); 0021-P-012 received 11th April 2024 (Proposed Front Elevation) and; 0021-P-013 rev. A date 11.04.24 received 11th April 2024 (Proposed Section AA).*

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

3. Materials - To match existing

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

Reason - To preserve 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, CL2, CL3 and CL6 of the Local Plan 2019.

4. 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) routeing 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.

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. 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

7. Sewer flooding

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

times.

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

8. 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.

9. 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).

INFORMATIVES

1 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.

2 Your attention is drawn to the Conditions of this Permission and to the Council's powers of /PP/24/00903: 10

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 Conditions no(s) 4, 5, 6, 8 and 9 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
- 4 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

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

5 Highways Technical Approval - Separate Approval

Technical Approval in accordance with the Design Manual for Roads and Bridges CG 300 will be required for any structural works/alterations/repairs to structures over, under or adjacent to the public highway, in order to ensure highways loading is considered within the design process. The procedures only grant approval under the Highways Act 1980 (as amended.) The granting of planning permission and building consent does not imply that such approval is given.

Please contact the Directorate of Transport and Regulatory Services for advice on 020 7361 3001 or email highways@rbkc.gov.uk

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

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

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

Monday to Friday 8am – 6pm
Saturday, Sunday and public holidays – none permitted

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

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

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

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/24/00903. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Mr. R. Colalillo

Telephone: 07739-313-846