

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 21/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

<b>Application:</b>	PP/24/01607	<b>Agenda Item:</b>	N58	
<b>Address:</b>	17 Addison Road, LONDON, W14 8DJ			
<b>Proposal:</b>	Demolition and replacement of two-storey modern side wing; provision for single storey basement set away from main house; minor modifications to four-storey listed building to improve internal layout and restore original appearance.			
<b>Applicant:</b>	MrHedger			
<b>Agent:</b>	Mr Martyna Przybolewska 23 Architecture			
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>
13	1	0	0	0
<b>Listed building:</b>	<b>Grade II</b>			
<b>Conservation area:</b>	<b>Holland Park</b>			

## 1. Summary

- 1.1 The proposed development would preserve the special architectural and historic interest and heritage significance of the listed building and would preserve the character and appearance of the conservation area.
- 1.2 Subject to the recommended conditions, the proposals would comply with the relevant policies in the local development plan, including the Basements SPD, as well as complying with the statutory requirements for development within a conservation area and affecting a listed building. The proposal would maintain good standards of living conditions for the occupiers of neighbouring properties and would have an acceptable impact on both trees, flooding and highway safety.
- 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

- At the request of Councillor Thalassites.

### 3. The site and its surroundings

- 3.1 17 Addison Road is a grade II listed house dating to the early nineteenth century. The house was built along with nos. 8-16 by 1839. No. 17 is a semi-detached pair with no. 16, with which it was symmetrical. It is likely to have been built by the builder and developer Nicholas Phillips Rothery. No. 17 is three storeys over a lower ground floor and is faced in stucco. A closet wing was present by 1869 (subsequently demolished) and a side wing was built between 1913 and 1935. A larger side extension was added in 1957, which was later rebuilt in 2000/2001.
- 3.2 The site is also located within the Holland Park Conservation Area and benefits from a large private rear garden.

### 4. The proposal and any relevant planning history

- 4.1 Planning permission and associated listed building consent (ref. LB/24/01608) have been sought for:
- Demolition and replacement of the existing side wing extension;
  - Excavation of a single-storey basement with a swimming pool;
  - External front and rear lightwells;
  - Internal alterations; and
  - Other associated works
- 4.2 Officers visited the site on 13/02/2024.
- 4.3 The relevant planning history is set out below:

Reference	Description	Decision
LB/99/00178	Erection of rear extension and raised terrace at raised ground floor level and garage at side at garden level; installation of lantern light at first floor level, elevational alterations at front and rear and internal alterations.	Granted (26.07.00)
PP/99/00177	Erection of rear extension at raised ground floor level and garage at side at garden level.	Granted (26.07.00)
PP/00/02746 & LB/00/02747	Erection of rear extensions at ground and first floor levels, alterations to front and rear elevations together with internal alterations.	Granted (02.04.01)
PP/03/00188 & LB/03/00189	Erection and retention of sections of 750mm high open trellis to rear garden walls.	Refused (02.06.03)
LB/24/00119 & PP/23/00118	Demolition and replacement of two-storey modern side wing; provision for single storey basement set away from historic fabric; modifications to the four-storey historic building to improve internal layout and restore original character and appearance of the house.	Withdrawn (23.02.24)

### 5. Main policies and strategies relevant to the decision

## The development plan

5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan
Conservation areas	CL3, CL11
Listed building	CL4
General townscape	CL1, CL2, CL6, CL9
Living conditions	CL5, CE6
Basement development	CL7, CT1
Flood Risk and Trees	CE2, CR6

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:

- Holland Park Conservation Area Proposal Appraisal
- Trees and Development
- Basements
- Noise
- Transport and Streets
- Greening

5.6 These documents can be read online at:

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

## 6. Evaluation

- 6.1 In terms of land contamination, condition 11 and informative 4 and 5 are recommended to ensure any risks from ground gas and vapours and other contamination are minimised, to comply with the NPPF and development plan policies and in particular contaminated land policy CE7 of the Local Plan.
- 6.2 The site is situated within Flood Zone 1 and is within the Holland Park Critical Drainage Area. The applicant has submitted a supporting Flood Risk Assessment (FRA) and Sustainable Urban Drainage Strategy (SuDS) prepared by Jomas Associates dated 04/12/2023. The Council's Flooding and Drainage Officer has reviewed the submitted material and concludes that the proposal would restrict surface water run-off rates. The report has provided the necessary outline of a SuDS and has stated that sustainable drainage elements will be considered further during the detailed design, however, these elements are not yet confirmed. Therefore a revised SuDS should be submitted and approved by the local planning authority, which has been recommended via condition 7. Subject to this condition, the proposal would therefore comply with policy CE2.
- 6.3 The decisive issues are:
- i Whether the proposed basement would be acceptable when assessed against policy CL7;
  - ii Whether the proposals would safeguard the special architectural or historic interest of the listed building;
  - iii Whether the proposals would continue to preserve or would take opportunities to enhance the character and appearance of the building and the wider Holland Park Conservation Area; and
  - iiii Whether the proposals would continue to ensure good living conditions for all neighbouring occupiers.

### Basement

#### *The size and depth of the basement*

- 6.4 The Basements SPD and Local Plan 2019 define basement development as the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property. Policy CL7 is a permissive policy and applies to all basement development. The policy restricts new basement levels to a single storey, extending up to 50% of each garden or open part of the site. The unaffected garden must be a single area.
- 6.5 There is an existing lower ground floor level to the property. The proposed basement would be single-storey in height and would be located under the footprint of the modern side wing extension, rather than the historic building. The basement would extend out, into the front and rear garden of the site. The proposal is not for a double basement and/or additional storey below an existing basement for the purposes of Policy CL7.
- 6.6 The proposed basement, although large in both depth and footprint due to the size of the plot and associated lowering of the lower ground floor, would still comply with the 50% requirement of the front and rear gardens. Policy CL7 does not allow an excavation underneath a listed building and therefore the basement would be carefully positioned. The proposal would also incorporate an appropriate amount of topsoil given the site conditions and siting of the basement, and would retain the existing garden levels. This would impact the proposed depth and siting of the basement below the lower ground floor level. The height of the proposed basement would nonetheless be acceptable.

- 6.7 The height of the basement varies across the footprint in order to retain the existing garden level. Policy CL7 allows for 3 to 4 metres floor to ceiling height and for a small extra allowance for proposals with a swimming pool. The proposed pool area, excluding the pool itself would be approximately 4.1 metres. The proposed gym area would be 3.87 metres, which would include services and ceiling build-up. The overall height, given the swimming pool and services and ceiling build-up, would comply with the policy allowance, and it is considered that the proposed basement cannot be subdivided in the future to create additional floors. The depth also includes the incorporation of a minimum 1m layer of topsoil.
- 6.8 Paragraph 22.3.53 of the Local Plan states “*Restricting the size of basements will help protect residential living conditions in the borough by limiting the extent and duration of construction and by reducing the volume of soil to be excavated. Large basement construction in residential neighbourhoods can affect the health and well-being of residents with issues such as noise, vibration and heavy vehicles experienced for a prolonged period. A limit on the size of basements will reduce this impact*”. The proposed size of the basement would be acceptable, given its location, depth, height, retention of the garden level and large front and rear gardens and therefore would comply with policies CL7 (a, b, c) of the Local Plan. Although there would be some disturbance during construction, conditions are recommended to help minimise the impact of the construction process on nearby properties and therefore subject to the recommended conditions the proposals would comply with Basements policy CL7 and the recommendations of the Basements SPD.

*Impact on the special interest of the listed buildings*

- 6.9 The proposed basement would be located under the footprint of the modern side wing extension, rather than the historic building. The proposed basement extension would not impact on any historic plan form, character or fabric and it has been demonstrated that the listed building would not need to be underpinned.
- 6.10 Overall, subject to recommended conditions, the proposed alterations would preserve the special architectural and historic interest and heritage significance of the building and therefore would comply with policies CL7(f), CL4 of the Local Plan.

*Impact on the character or appearance of the existing building, its setting, townscape and the conservation area*

- 6.11 In terms of external manifestations, there is one lightwell proposed at the front elevation and one lightwell at the rear elevation. The proposed lightwells would be modest in size and would adjoin the host dwelling, and so would be a discreet addition within the conservation area. The proposals would be in accordance with criteria g) and h) of policy CL7.

*Impact on trees of townscape value*

- 6.12 The application is supported by an Arboricultural Impact Assessment (AIA) prepared by Central London Tree Surveys dated 1 December 2023. The tree constraints plan and AIA accurately assess the conditions of the trees on site so there will be minimal adverse impacts on the retained trees. Protection of the trees will need to be detailed in a Site Specific Method Statement and Tree Protection Plan and therefore conditions are recommended. Therefore, subject to conditions, the proposals would be in accordance with criterion d) of policy CL7.

*Flooding and Sustainable Drainage System measures*

- 6.13 The site is located within Flood Zone 1 and within the Critical Drainage Area therefore a SuDS and Flood Risk Assessment has been submitted.

- 6.14 The submitted proposed basement floorplan shows the provision of suitable pump devices which would be located within the basement in order to protect against sewer flooding. Condition 10 has been recommended to ensure that the pump devices are installed before the development is occupied. The proposals would therefore satisfy criterion n) of policy CL7.
- 6.15 Policy CL7j requires a minimum of one metre of soil above any part of the basement beneath a garden. The proposal would comply with this requirement. As previously mentioned, condition 7 is recommended to ensure that a reviewed surface water drainage strategy is submitted and approved by the local planning authority to ensure the proposal meets policies CL7i and CE2g which require the provision of SuDS to reduce surface water run-off.

*Traffic and construction activity associated with the development*

- 6.16 A draft Construction Traffic Management Plan (CTMP) has been submitted with the application. The Council's Highways Officer has reviewed the CTMP and has requested that a final CTMP is submitted to and approved by the Council before works can commence on site. Condition 4 is recommended to secure an acceptable final CTMP prior to the commencement of the development. Therefore, subject to condition 4, the proposals are acceptable when assessed against criterion k) of policy CL7.
- 6.17 A Noise, Vibration & Dust Control Statement has been submitted in support of the application. The document does provide a good understanding of the requirements and lists some relevant mitigation measures, however, due to the size of the proposals and without an appropriate Dust Risk Assessment, it cannot be reliably determined if the proposed measures will provide sufficient mitigation for the proposed works. Condition 8 is recommended to ensure that a Dust Management Plan and approved in writing by, the local planning authority.
- 6.18 Condition 6 is recommended to ensure that the construction would be overseen by a professional engineer. Condition 5 is recommended to ensure that the contractor would be signed up to the considerate constructors scheme. Condition 4 is recommended to ensure that the works would be overseen by the Council's construction management team.
- 6.19 The Construction Method Statement has been prepared by a qualified structural engineer and it has been confirmed that the impact on surrounding properties/structures would be less than 1 on the Burland Scale, which would be acceptable.
- 6.20 The information provided within the application demonstrates that the basement and all associated structural works would be designed sensitively to the existing building and nearby buildings and therefore the proposal would comply with policy CL7(m). Condition 6 would ensure that the works are managed by a suitably qualified person, in accordance with policy CL7(m).

**Impact on the Listed Building and Conservation Area**

- 6.21 The significance of the building derives from its original and historic architectural design, features, planform, elevational hierarchy that is reflected in the internal arrangement, remaining historic fabric, and contribution to the pair and wider group of Regency semi-detached houses on Addison Road.
- 6.22 The proposed internal alterations would preserve the special architectural and historic interest and heritage significance of the listed building, in accordance with policy CL4 of the Local Plan 2019.
- 6.23 The majority of the existing side extensions date from the 2000/2001 alterations to the site and although the design is in keeping with the character of the listed building, the extensions are very large and dominate the original building. The existing extension has a fenestration that is not aligned on the front elevation and the rear is overly grand for the

secondary character of this elevation. Overall, it is considered that the existing extensions have a harmful impact on the character and appearance of the listed building and there is scope for improvement.

- 6.24 As part of the extensions date to the early twentieth century (between 1913 and 1935) there is some historic interest as part of the evolution of the listed building. Nonetheless, these elements are heavily altered and the original form is no longer legible. The proposed development seeks to resolve and rationalise this. As proposed, the proposal would successfully preserve the character and appearance of the conservation area, and safeguard the special interest of the building.
- 6.25 The proposal is therefore in accordance with policies CL1, CL2, CL3, CL4, CL6, CL7, CL9 and CL11 of the Local Plan 2019. The design and treatment on all elevations would be acceptable and there are welcome heritage benefits.

### **Living conditions**

- 6.26 Local Plan policy CL5 requires development to ensure good living conditions for occupiers of existing and neighbouring buildings. To achieve this, the policy requires development to take into account the prevailing characteristic of the area, ensure that good standards of daylight and sunlight are achieved in existing properties which are affected by new development; and where they are already substandard, that there is no material worsening of conditions. Furthermore, policy CL5 requires that there is reasonable visual privacy for occupants of new development and for occupants of existing properties affected by new development and that there is no harmful increase in the sense of enclosure to existing buildings and spaces, neighbouring gardens, balconies and terraces. The policy also ensures the living conditions for occupiers of new development is acceptable.

### Daylight and Sunlight

- 6.27 The preamble to policy CL5 sets out that in assessing whether sunlight and daylight conditions are good, both inside buildings and in gardens and open spaces, the Council will have regard to the most recent Building Research Establishment (BRE) guidance (updated 8 June 2022).
- 6.28 A daylight and sunlight report, carried out in accordance with BRE Guidelines, has been submitted by the applicant to address the impact of the redevelopment on the surrounding area in terms of loss of light prepared by Right Of Light Consulting dated 9 October 2023.
- 6.29 This assessment demonstrates that the results of the Vertical Sky Component (VSC) out of 45 neighbouring windows tested around the site. The compliance rate is 100% and so demonstrates that neighbouring properties would not result in an unacceptable loss of daylight and sunlight. The proposal would therefore not result in a material loss of daylight and sunlight to neighbouring occupiers.

### Privacy/Sense of Enclosure

- 6.30 The proposal would not result in an increased sense of enclosure, overlooking or loss of privacy beyond the existing conditions. Given the existing built form of the side wing, the proposed extension would not result in a significant increase in bulk or massing that would increase a sense of enclosure to neighbouring properties. Given the existing terrace and rear balcony off the reception room, the proposed rear terrace would not result in a harmful level of overlooking. The proposed terrace would also be set back from the neighbouring boundary to minimise overlooking. The proposal would reduce the number of window openings on the flank elevations of the side wing extensions. Therefore, overlooking would not be increased over and above that of the existing situation.

### Construction activity

- 6.31 The impact of the construction activity associated with the development on the living

conditions of neighbouring occupiers, including from the duration of works, dust, vibration and construction traffic, are all discussed above and are found to be acceptable subject to the recommended conditions.

- 6.32 As such, the proposals would continue to ensure good living conditions for all neighbouring occupiers in accordance with policy CL5 of the Local Plan 2019.

### Issues and balancing

- 6.33 The proposed development would preserve the special architectural and historic interest and heritage significance of the listed building and would preserve the character and appearance of the conservation area. The proposals would have an acceptable impact on neighbouring living conditions. Although there would be some disturbance during construction, conditions are recommended to help minimise the impact of the construction process on nearby properties. Subject to the recommended conditions the proposals would preserve the living conditions of neighbouring occupiers and would safeguard the trees of amenity value and would comply with Basements policy CL7 and the recommendations of the Basement SPD.
- 6.34 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 and to the need for special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.16 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

## 7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would not require a payment towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

## 8. Consultations carried out

### Comments from interested parties

- 8.1 13 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 22/03/2024.
- 8.2 No letters were received supporting the application.
- 8.3 1 letter was received objecting to the application, summarised as:

	Comment	Response
1	<p><u>Consultation timing</u></p> <p>Concerns were raised regarding the timing of the consultation period.</p> <p>Concerns were raised that the consultation period was not carried out over the statutory timeframes and that neighbours were not properly notified.</p>	<p>The timing of the consultation period is a statutory time period of three weeks and the Local Planning Authority are required to register applications as they are received. The timing of application submissions is not a material planning consideration for the purposes of determining this application.</p>



2	<p><u>Environmental impact of demolition</u></p> <p>Concerns were raised regarding the potential environmental impacts resulting from the demolition of the side wing extension. Concerns related to the 'unnecessary' demolition of a modern building resulting in waste and increased carbon footprint.</p> <p>Concerns were raised that the demolition would be contrary to the Council's Green Plan priorities.</p> <p>Concerns were raised that the applicant has not submitted an assessment of the environmental impact and that the proposal could be achieved without the proposed demolition of the entire side wing.</p>	<p>Whilst the Council would encourage the retention of the existing built form, the submitted material has been heavily scrutinised and the proposed substantial demolition would not warrant a reason for refusal.</p> <p>Given the scale of development, it would not be reasonable to request a sustainability statement to support the proposal.</p>
3	<p><u>Construction works</u></p> <p>Concerns were raised regarding the potential noise and dust issues resulting from the construction works and the impact on the health of surrounding neighbours (including children). It was raised that the applicant has not submitted sufficient material to demonstrate the mitigation of noise/dust beyond 'minimum requirements'.</p> <p>Noise, dust and vibrations from construction work may adversely affect the well-being of all those living around, thus having a negative impact on the quality of life in our community.</p> <p>Concerns relating to noise, dust and disruption to the neighbourhood for an extended period of time</p>	<p>Whilst it is appreciated that construction works can be disruptive, the noise generated by excavation or construction works would not warrant a reason for refusal. The Council's Code of Construction Practice is used to minimise disruption to surrounding neighbours as far as practicable, pre-commencement condition 3 has been included with this recommendation. Condition 6 has also been recommended to ensure that a professional engineer is appointed before works can commence on site.</p> <p>The Council's Construction Management Team are able to monitor the works and should the applicant not adhere to the Code of Construction Practice, the CMT can be contacted. The expectation is that all construction sites in the Borough meet the requirements and best practice set out in the Code, reducing disruption for residents. Further information can be viewed via the Council's website:  <a href="https://www.rbkc.gov.uk/environment/advice-builders/code-construction-practice">https://www.rbkc.gov.uk/environment/advice-builders/code-construction-practice</a></p> <p>Whilst the concerns regarding demographics and impact on health are noted and acknowledged, these would not be material planning considerations for the purposes of determining this planning application. The Council are required to assess each application against the policies contained within the Development Plan unless material considerations indicate otherwise.</p> <p>The proposals are supported by an</p>

		acceptable set of noise, dust and mitigation measures and so meet the criteria set out in policy CL7 of the Local Plan 2019. The application is supported by an acceptable Construction Method Statement. Additionally, Condition 8 is recommended to ensure that a Dust Management Plan and approved in writing by, the local planning authority.
4	<p><u>Impact on Addison Road</u></p> <p>Concerns were raised regarding the potential impact of increased traffic during construction work on Addison Road and its worsening condition.</p>	<p>Whilst the concerns are noted and understood, the Council's Highways Officer has reviewed and scrutinised the submitted material in detail and has raised no objection to the proposals, subject to the submission of a final Construction Traffic Management Plan (CTMP).</p> <p>Condition 4 has been recommended to ensure that a final CTMP is submitted before any development can commence on site.</p>

#### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	No objection, subject to conditions.	6.16
Flooding and Drainage Officer	No objection, subject to conditions.	6.2
Director of Environmental Health (Air Quality)	No objection, subject to conditions.	6.17
Director of Environmental Health (Contaminated Land)	No objection, subject to conditions.	6.1
Conservation and Design Officer	No objection, subject to conditions.	6.21 - 6.25.
Arboricultural Officer	No objection, subject to conditions.	6.12

### 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 ARC632-EX001; ARC632-PL001 P5; ARC632-PL101 P5; ARC632-PL102 P5; ARC632-PL103 P5; ARC632-PL104 P5; ARC632-PL105 P5; ARC632-PL106 P5; ARC632-PL107 P5; ARC632-PL108 P5; ARC632-PL109 P5; ARC632-PL110 P5; ARC632-PL111 P5; ARC632-PL112 P5; ARC632-PL113 P5

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

3. **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](mailto: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.*

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) 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.

**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. Sustainable Drainage Systems Strategy**

No development shall commence until a Sustainable Drainage Systems Strategy with the following information is submitted to and approved in writing by the Local Planning Authority:

**Sustainable Drainage Systems (SuDS)**

- A detailed analysis of surface water run-off and attenuation volume (to demonstrate how the proposed measures will aim to comply with Local Plan Policy CE2 (g), which is to achieve a reduction of 50% of existing rates including climate change in the calculations and factoring in all flows into the sewer system including groundwater or other flows).
- Information about the proposed SuDS types, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance. (More sustainable green SuDS should be favoured over attenuation tanks).
- Section/profile drawings of the SuDS, if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc.).
- Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system if necessary.

During construction of the development hereby permitted the approved Sustainable Drainage System (SuDS) and Flood Risk measures 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. 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.

**8. Small Scale Dust Management Plan (SSDMP)**

No development (including demolition) shall commence until a Dust Management Plan [setting out best practical means to minimise construction dust in line with the Mayor of London's guidance - The Control of Dust and Emissions from Construction and Demolition] is submitted to, and approved in writing by, the local planning authority.

The SSDMPP shall be fully implemented during demolition and development.

*Reason:* To ensure any impact on air quality is both minimised and managed and

to comply with the NPPF (2021), development plan policies and Air Quality policies of the Local Plan.

**9. Protection of trees during construction – Details required**

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

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

**10. Pumped device**

**Prior to occupation of any part of the basement, a suitable pumped device shall be provided within the basement and be so maintained thereafter.**

*Reason – To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Local Plan 2019.*

**11. 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).*

**12. 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.*

## **INFORMATIVES**

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

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

- 3 This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Place.
- 4 Land Contamination Guidance- Reference must be made to the CLC3 (small-scale ground gas and vapour protection) and CLC5 (testing for imported or reused soils) guidance (<https://www.rbkc.gov.uk/environment/land-contamination/land-contamination>) produced by the Pollution Regulatory Team. Local information, which should be obtained, includes a search of the Pollution Regulatory Team's records (email [EH-Pollution@rbkc.gov.uk](mailto:EH-Pollution@rbkc.gov.uk)), freely available recent and historical planning information (<https://www.rbkc.gov.uk/planning/searches/default.aspx>) and potentially information available at the local studies library at Kensington Library (<https://www.rbkc.gov.uk/libraries-0/libraries-and-room-hire/local-studies-and-archives>). Current UK Health Security Agency advice is that all basements should be regularly monitored for radon gas. We strongly recommend that a competent and appropriately qualified environmental professional undertakes or oversees all work. Please be aware that the responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by the Council lies with the owner/developer of the site.
- 5 Radon monitoring- The UK Health Security Agency and HSE policy and guidance recommends and, in some cases, requires, that the owner and/or occupier of buildings undertake radon monitoring in all occupied and used basement areas. Radon monitoring should therefore be undertaken in line with these requirements. If monitoring identifies radon levels above the target level of 100Bq/m<sup>3</sup> within a dwelling or above the relevant action level for occupational exposure, actions are recommended and for workplaces, may be required by the HSE. If radon is identified above 100Bq/m<sup>3</sup> during future monitoring, please inform the Council at [EH-Pollution@rbkc.gov.uk](mailto:EH-Pollution@rbkc.gov.uk)
- 6 If combustion plant to service, the dwelling and its amenities is proposed a further application will be necessary. Any combustion plant is required to meet the boroughs emission standard of 40 mg/KWh NO<sub>x</sub> (@ 0% O<sub>2</sub>) or less.
- 7 If solid fuel fireplaces or wood burning stoves are to be utilised in the internal fit out of the development, they must meet the requirements as set out by DEFRA and RBKC's Smoke Control Area.

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](http://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](mailto: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/24/01607](http://www.rbkc.gov.uk/PP/24/01607). Access to computers is also available in the Customer Service Centre at the Town Hall.**

**Contact officer:**

Ms. S. Winter-Irving

**Telephone:** 07977-756-265