

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 11/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/01321	Agenda Item:	N007	
Address:	39-41 Victoria Road, LONDON, W8 5RJ			
Proposal:	Variation of condition 2 (compliance with approved drawings) of planning permission PP/22/01575 (Change of use of Nos 39-40 Victoria Road from education use (Class F1a) to residential use (Class C3) and continued use of No 41 Victoria Road as residential (Class C3), to provide 8 apartments, addition of a mansard roof, partial demolition to the rear and provision of small rear extensions at ground and first floors, provision of terraces.) to allow: Amendments to the size of the internal lift, internal layout (no changes to the mix of units); Lift overrun at roof level; Additional ventilation grills; Changes and addition to fenestration; Additional steps at the front (Major Development)(Conservation Area)(Setting of listed buildings)			
Applicant:	W8 Developments Ltd			
Agent:	Mr Oakden Savills			
Properties notified:	Objections:	Support:	Comments:	Petition:
40	2	0	0	0
Conservation area: De Vere				

1. Summary

- 1.1 Planning permission was granted in 2023 (ref: PP/22/01575) for the change of use of 39-41 Victoria Road from education use as Thomas's School to provide 8 residential apartments. This application was submitted in conjunction with three other applications (refs: PP/22/01399, PP/22/01575 and PP/22/01575) which granted the relocation of Thomas's School from 39-41 Victoria Road and 17-19 Cottesmore Gardens to create a consolidated school facility at Atlantic House. As a result of the proposal at Atlantic House, both Cottesmore Gardens and Victoria Road sites have planning permission to be converted back to housing.
- 1.2 This current application seeks permission for material amendments to planning permission PP/22/01400 under Section 73 of the Town and Country Planning Act 1990 ("TCPA") by way of variation of condition 2 (approved drawings). The extant planning permission continues to carry significant weight in the determination of this application.

- 1.3 The proposed amendments would, on balance, retain the architectural quality and preserve the character and appearance of the property and conservation area. Various conditions are recommended to secure the detailed design and to ensure that the proposal would maintain good living conditions for neighbouring properties. Subject to conditions and a legal agreement, the proposals would comply with the Development Plan and the statutory requirements for development within a conservation area. There are no material considerations to suggest a decision other than in accordance with the Development Plan.
- 1.4 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 8. Where appropriate and necessary, conditions are recommended to address the concerns raised.

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

It is recommended the Committee authorises the Director, Planning & Place:

1.	Delegate authority to the Director of Planning and Place to grant planning permission on the satisfactory completion of a legal undertaking or agreement to secure the matters detailed in Section 7 of this report and the conditions listed in Section 9 of this report; or
2.	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 30 April 2025 for the reason that the proposed development would not be accompanied by associated necessary infrastructure improvements.

2. Reason for committee consideration

- The Director considers it appropriate that the Committee determines the application.

3. The site and its surroundings

- 3.1 The site is located within the De Vere Conservation Area. It has been developed as part of the Inderwick Estate in the mid-C19; these unlisted buildings are identified in the Conservation Area Appraisal for the De Vere Conservation Area as making a positive contribution to the character and appearance of the Conservation Area. They are a paired set of townhouses of two storeys plus basement, in the form of a grand villa with a shallow pitched roof and flanked on either side by pavilion wings set slightly back from the front elevation. The buildings are finished in painted render. The long elevation of no.39 running along St. Alban's Grove show stylistic differences from the front building, with three bays of six over six sash windows set at the outer place of the elevation with no reveal, reflecting an earlier style of building. Map regression shows that this part of the structure was initially a separate building, but this and a series of other ancillary buildings on site, were progressively subsumed into the whole, resulting in the current amalgamation of the properties and near-total site coverage with built form.
- 3.2 There is a mixed character and heights and massing of the buildings within the vicinity of the site and the wider Conservation Area. Properties adjacent to the site, along Launceston Place, have a commercial use on the ground floor level with residential use above. Some properties along Launceston Place and Victoria Road benefit from roof terraces. Properties 5-22 Launceston Place are listed.

4. The proposal and any relevant planning history

4.1 Planning permission (ref: PP/22/01575) was granted on 18 May 2023 for the following development:

Change of use of Nos 39-40 Victoria Road from education use (Class F1a) to residential use (Class C3) and continued use of No 41 Victoria Road as residential (Class C3), to provide 8 apartments, addition of a mansard roof, partial demolition to the rear and provision of small rear extensions at ground and first floors, provision of terraces.

4.2 The current application comprises of amendments to the extant permission. These changes include:

- Additional demolition to include the internal party wall at the lower and ground floor level, demolition of the flank wall on the southern elevation at the lower ground, ground and first floor levels and all windows on the north and west elevations;
- Internal alterations including amendments to the internal layouts of all units (with no changes to the overall housing mix), the addition of a communal lift to the lower ground floor and relocation of the plant room and bin store;
- Changes to the fenestration on the eastern and southern elevations and the introduction of low-level windows on the northern elevation to serve Unit H;
- Alterations at roof level including the introduction of sections of flat roof, lift overrun and an automatic opening vent (AOV);
- Addition of air bricks and vents;
- Fire Strategy Amendments

4.3 Officers visited the site on 16/01/2025.

4.4 The extensive planning history is set out below:

Reference	Description	Decision
TP/53677	Use as a private school for young children	Granted, 1st June 1950
N/A	Erection of single storey addition to the existing garage at the rear and the conversion of the extended garage to a class room.	Granted, 7th March 1955
N/A	Conversion of existing garage at the rear into an additional classroom.	Granted, 12th September 1957
N/A	Reconstruction of single storey classroom at the rear	Granted, 28th July 1961
N/A	Erection of a two storey rear extension and alterations to the front elevation	Granted, 23rd June 1967
TP/81/0518 & TP/81/0519	Extension to provide assembly hall, cloakroom, library and classroom.	Granted, 16/07/1981
TP/88/0912	Erection of conservatory on rear elevation at existing flat room.	Granted, 12th July 1988

PP/99/02570	Erection of single storey classroom, resurfacing of playground new trellis screen to playground and solar shading to two storey classroom block.	Granted, 25th February 2000
PP/05/01697	Infilling and enclosure of existing lightwell with new flat roof at the height of the surrounding roof.	Granted, 28th September 2005
PP/05/02338	Erection of a small extension to an existing classroom at ground floor to provide a new corridor link into the main school.	Granted, 19th December 2005
PP/05/02339	Creation of part basement level to no. 39 introduction of new window to Victoria Road elevation and five new low level windows into St. Albans Grove elevation and alterations to existing window on front elevation to re-instate a symmetrical elevation.	Granted, 21st December 2005
PP/05/02388	Construction of a mansard roof extension at first floor to the rear of the property to form a new school office over existing classroom.	Refused, 23rd December 2005
PP/06/01870	Formation of a first floor art room infill to extension to existing void between the two existing buildings.	Withdrawn
PP/15/04365	Demolition and rebuilding of classroom extension to rear lower ground floor level.	Granted, 7th September 2015
PP/16/04174	Variation of Condition 2 (approved drawings) of permission PP/15/04365.	Granted 7th July 2015
PP/22/01575	Change of use of Nos 39-40 Victoria Road from education use (Class F1a) to residential use (Class C3) and continued use of No 41 Victoria Road as residential (Class C3), to provide 8 apartments, addition of a mansard roof, partial demolition to the rear and provision of small rear extensions at ground and first floors, provision of terraces.	Granted 18 th May 2023

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	CD3, CD4	HC1, HC3
General townscape	CD1, CD2, CD10, CD12, CD13, CD15	D1, D3, D4, D5
Living conditions	CD9, GB10	D13
Trees	GB16	

Environmental and Sustainability	GB3, GB4, GB6, GB7, GB8, GB18	SI2, SI3, SI4, S17, G5, G6
Travel	TR6	T4
Fire Safety	CD16	D11, D12

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>

Other local strategies or publications

5.3 The main relevant supplementary planning documents adopted by the Council are:

- De Vere Conservation Area Proposal Appraisal
- Access Design Guide
- Planning Contributions (S106)
- Trees and Development
- Noise
- Transport and Streets
- Greening

5.4 These documents can be read online at:

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

6. Evaluation

6.1 Where changes are proposed to a development following the grant of planning permission an applicant is able to make a material amendment by applying to vary or remove conditions attached to a planning permission, including the approved plans condition. This type of application is made under section 73 of the Town and Country Planning Act. The changes to the scheme are as outlined above section 4.2 of this report.

6.2 Since the granting of this planning permission, the Council has adopted the Local Plan 2024. However, there have been no material changes in policy or circumstance that are relevant to the current application.

6.3 The works approved under this previous planning permission PP/22/01575 are therefore still considered acceptable and in compliance with the Development Plan. The assessment below therefore focuses on the changes to the scheme.

6.4 Where changes are proposed to a development following the grant of planning permission an applicant is able to make a material amendment by applying to vary or remove conditions attached to a planning permission, including the approved plans condition. This type of application is made under section 73 of the Town and Country Planning Act. The changes to the scheme are as outlined above section 4.2 of this report.

- 6.5 Amendments are proposed to the previously approved Planning Fire Safety Report to include an AOV. These amendments are required to allow compliance with fire safety regulations outside of the planning system. The amended Fire Statement has been reviewed by the Council's Fire Safety Team. This high-level review has been carried out for the purpose of establishing whether the London Plan Policy D12 Fire Safety requirements have been satisfied. The expectation is that detailed matters regarding means of escape, internal and external fire spread, and fire firefighting access within the site, will be covered in detail by the design team as part of their duty to comply with the Building Regulations. Therefore, this document should not be regarded as confirming compliance with Building Regulations. Matters of maintenance are also covered by the Regulatory Reform (Fire Safety) Order 2005.
- 6.6 The decisive issues are:
- i Whether the proposed development would ensure good living conditions for future occupants;
 - ii Whether the proposed development would preserve or enhance the character, appearance and significance of the conservation area; and
 - iii Whether the proposed development would safeguard the living conditions of neighbouring properties.

Quality of housing

- 6.7 Amendments to the internal layouts of all units, with no changes to the overall housing mix, are proposed. Unit H has been reconfigured in part to accommodate the lift to the lower ground floor and reduction in size of the plant room. The increased footprint of the unit is welcomed, however, concerns were raised in relation to the high level windows with security bars that serve the living room/ bedroom. Amended plans were accepted showing the removal of these bars. The windows would be bottom hung and open inwards. Overall, on balance, the internal layouts remained well planned well with dual aspect units and dedicated amenity space in line with Local Plan policy CD9.

Whether the proposed development would preserve or enhance the character, appearance and significance of the conservation area;

Demolition

- 6.8 The extent of demolition has been increased to include the internal party wall at the lower ground and ground floors, all windows on the north and west façade and the southern flank wall. Whilst the additional demolition is regrettable, the proposals would match the existing in terms of materials and design and would therefore continue to preserve the appearance of the building and conservation area.

Fenestration

- 6.9 This application seeks the addition of 5 new windows at the lower ground floor to service Unit H. The windows would align with the existing fenestration pattern and would be consistent in terms of design. Alterations to the design of the fenestration is also proposed on the south and east elevation. The proposed design and detailing would be consistent across the lower ground, ground and first floors. Given their location within the building, the proposals would be screened from wider or public view by other building and would not have a significant effect on the character or appearance of the conservation area.

Works to roof

- 6.10 The proposed works to the roof include the introduction of sections of flat roof, the introduction of a lift overrun and the introduction of an AOV. The introduction of sections of flat roof would generally reflect the variety of roof forms present more widely in the

conservation area. Condition 30 has been added to prevent the installation of plant equipment on the proposed flat roof. Given the height of the building the proposed AOV and lift overrun would be somewhat screened from public views. Condition 3 (c) has been added to secure detailed drawings of these proposals. Given the mixed character of the conservation area and the variety of heights seen within it, the principle of the proposed roof alterations would be considered acceptable on balance.

Vents and airbricks

- 6.11 The proposals seek to introduce roof vents on the rear of the property and cast-iron air bricks on the front and rear elevations. The proposals are acceptable subjected to detailed drawings and samples being provided. Condition 3 (b) has been added to secure these details.
- 6.12 The application site is located within the setting of the listed terrace at number 5-22 Launceston Place, which faces the rear side of the site towards the south-east. As such, an assessment has been made on the setting of these listed buildings. It has been concluded that the juxtaposition with the listed buildings on Launceston Place is such that there would be no harm to their setting.

Whether the proposed development would safeguard the living conditions of neighbouring properties

- 6.13 Due to the size and scale of the proposed alterations, there would be no material impact on neighbouring residential amenity in terms of a sense of enclosure or an impact on daylight/ sunlight. Whilst new windows are proposed on the northern elevation, these are low level and would therefore not introduce a new line of sight in to neighbouring properties.
- 6.14 The proposed plant equipment would comply with the Noise SPD. Living conditions of neighbouring occupier would therefore not be materially impacted as a result of these proposals.

Issues and balancing

- 6.15 Overall, the proposed amendments to the previously approved scheme would be minor in nature. Furthermore, the proposed amendments do not conflict with the operative part of planning permission PP/22/01567 and therefore meet the criteria for variations under section 73 of the TCPA.
- 6.16 This application has been made pursuant to section 73. Permission granted under s.73 takes effect as a new, independent permission to carry out the development as previously permitted subject to new and amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. Considering the above, and the weight given to the extant permission, the proposal is considered acceptable and would comply with the Development Plan. In preparing this officer recommendation, all conditions have been reconsidered and applied afresh and are considered to be necessary and reasonable in all respects in accordance with national guidance for conditions. Where applicable, conditions have been amended to reflect details already approved.
- 6.17 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. Overall, the proposed development would respond well to the building and wider conservation area and the proposals would preserve the character, appearance and significance of the De Vere Conservation Area. The proposal would comply with policies CD1, CD2, CD3, CD4, CD9, CD10, CD12, CD13, CD15, CD16, GB3,

GB4, GB6, GB7, GB8, GB10, GB16, GB18 and TR6 of the Local Plan and with the statutory requirements for development within a conservation area.

- 6.18 The proposed amendments, subject to conditions and a legal agreement would have an acceptable impact on living conditions for neighbouring properties and on public transport and highways operation.

7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would 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.

Necessary associated infrastructure improvements

- 7.2 The applicant will need to enter into a Deed of Variation under Section 106 of the Town and Country Planning Act 1990, to ensure that the planning obligations secured in the existing overarching S106 agreement relating to planning permissions PP/22/01567 (Atlantic House), PP/22/01399 (17-19 Cottesmore Gardens – Flats), PP/22/01400 (17-19 Cottesmore Gardens – Houses) and PP/22/01575 (39-41 Victoria Road) will also apply to the s.73 planning permission (if granted). Furthermore, the Applicant submitted a Unilateral Undertaking to the Council on 18 December 2023 in relation to planning permission PP/22/01567. In summary, the Undertaking provides that if requested to do so by the owner of 11a Douro Place, the Applicant will pay for the installation of triple or double glazing at 11a Douro Place and will not continue with the development until an initial sum towards the cost of these works has been paid to the owner of this property. If planning permission is granted for the section 73 application, it will not be necessary for the applicant to submit a new Unilateral Undertaking to the Council containing the same terms because the definition of "Planning Permission" in the Unilateral Undertaking dated 18 December 2023 includes any subsequent planning permissions granted pursuant to section 73 of the TCPA. Some of the heads of terms secured in the original overarching s106 agreement are set out in the table below.

1.	Land swap- linking 3 sites (Atlantic House, 39-41 Victoria Road and 17-19 Cottesmore Gardens)
2.	Local Procurement Code Fee
3.	Monitoring Fee
4.	Public Art
5.	To enter into a highways agreement
6.	Traffic Management Plan/Travel Plan Funding Mechanisms
7.	Funding school street consultation and (in the event a school street is implemented) funding the implementation and ongoing operation/management of the school street
8.	Energy and sustainability

8. Consultations carried out

Comments from interested parties

- 8.1 40 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 21/03/2024.
- 8.2 No letters were received supporting the application.
- 8.3 2 letters were received objecting to the application, summarised as:

	Comment	Response
1	Objection to the loss of the school in this location.	Thomas's School would be relocated from 39-41 Victoria Road and 17-19 Cottesmore Gardens to a consolidated school facility at Atlantic House. This was approved under the following planning applications (P/22/01399 PP/22/01400, PP/22/01567 and PP/22/01575). The change of use of the property is outside the scope of this application.
2	The residential units would result in an increase pressure on parking in the local area.	The units previously approved under the extant permission are permit free and therefore will not impact on local parking pressures.
3	The proposed alterations would not preserve the character of the building, especially the cast iron air bricks and the impact of the lift on the roof form.	The proposals would generally reflect the variety of roof forms present more widely in the conservation area.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Environmental Health	No objection – subject to conditions.	Section 6.14
Conservation and Design Officer	No objection – subject to conditions.	Section 6.8 - 6.12

9. Recommended conditions if the application is granted.

- Time Limit**
The development hereby permitted shall be begun before the expiration of three years from 18/05/2023, being the date of the original permission granted under ref. PP/22/01575.
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.
- Compliance with approved drawings**
The development shall not be carried out except in complete accordance with the details shown on submitted plans *Location Plan: B01000 REV P2*

Proposed Site Plan: B03000 REV P2
Demolition Lower Ground Floor Plan: BO21LG REV P3
Demolition Ground Floor Plan: P2 BO2100 REV P3
Demolition First Floor Plan: BO2101 REV P3
Proposed Lower Ground Floor Plan: BO31LG REV P6
Proposed Ground Floor Plan: BO3100 REV P6
Proposed First Floor Plan: BO3101 REV P4
Proposed Second Floor Plan (Mansard): BO3102 REV P4
Proposed Rood Plan: BO3103 REV P4
Proposed West Elevation-Street Elevation: BO3200 REV P2
Proposed North Elevation: BO3201 REV P4
Proposed East Elevation: BO3202 REV P3
Proposed South Elevation: BO3203 REV P4
Proposed West Elevation: BO3204 REV P3
Proposed West Courtyard Elevation: BO3205 REV P4

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

3. Submission of details (Full PP)

Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:

- (a) Detailed of terraces including privacy screens and railings;
- (b) Details of the roof vents and cast-iron air bricks
- (c) Details drawings of the lift overrun

Reason - To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.

4. 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 CD1, CD2, CD4 and CD10 of the Local Plan 2024.

5. Contamination – preliminary risk assessment report

No development shall commence until a Preliminary Risk Assessment (PRA) and a Proposed Intrusive Site Investigation Design (PSID) for the site and surrounding area are submitted to, and approved in writing by, the local planning authority. The PRA and PSID shall be prepared in accordance with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates.

Reason - To ensure any risks from land contamination are minimised, and to comply with the NPPF and development plan policies, in particular policy GB18 of the Local Plan 2024. The condition specifies "No development shall commence until" to ensure that wherever possible site reconnaissance may take place and that risks identified during the preliminary risk assessment (for example from soil contamination, soil vapour, ground gas and water pollution) are appropriately

addressed during the course of the development.

6. Contamination – Site investigation and quantitative risk assessment

No development shall commence (except for demolition above ground level) until the approved Proposed Intrusive Site Investigation Design (PSID) has been fully implemented and a report including full details of the intrusive site investigation, Risk Assessment (RA), an Options Appraisal (OA) and a Remediation Strategy (RS) has been submitted to, and approved in writing by, the local planning authority. The intrusive site investigation, RA, OA, RS and any associated reporting shall be undertaken in line with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates.

Reason - To ensure any risks from land contamination are both minimised and managed and to comply with the NPPF and development plan policies and in particular policy GB18 of the Local Plan 2024. It is necessary for the condition to be on the basis that "No development shall commence (except for demolition above ground level) until" as ground works and building design need to be considered within the Options Appraisal and Remediation Strategy to ensure safe development, appropriate building design and in order to ensure an appropriate level of verification information is collected during the course of the development.

7. Contamination – Verification report

No occupation or use of the development shall occur until the approved Remediation Strategies are implemented and a Verification Report (VR) has been submitted to, and approved in writing by, the local planning authority. The VR shall include full details of requirements for ongoing monitoring and maintenance and be prepared in line with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates. Ongoing monitoring and maintenance shall be implemented in line with the approved Verification Report.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy GB18 of the Local Plan 2024

8. Contamination – Unexpected

A. If during development work unexpected contamination is encountered or suspected, on each occasion development work shall cease in the affected area, other than for actions to make the area safe and prevent further contamination or pollution occurring. Unexpected contamination shall be reported to the Council within 2 working days or as soon as possible if there are significant risks to people or the environment.

B. Further Intrusive Site Investigation (FSI) shall be undertaken and a Remediation Statement (RS), addressing the unexpected contamination, shall be submitted to and approved in writing by the local planning authority. The FSI and RS shall include full details of requirements for ongoing monitoring and maintenance and be prepared in line with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates.

Reason - To ensure any risks from land contamination are minimised, and to comply with the NPPF and development plan policies, in particular policy GB18 of the Local Plan 2024.

9. Flood Risk Assessment

No development shall commence until a Flood Risk Assessment with the following information is submitted to and approved in writing by the Local Planning Authority:

Flood Risk Assessment (FRA)

- A Flood Risk Assessment to analyse all potential flood risks to the site

and ensure that the development is protected against flood risk and will not lead to off-site flooding. Any proposed protection, mitigation and resilience measures should be shown on submitted plans.

- Details of the doors within the lower ground floor level;
- Flood Evacuation Plan for Unit H

During construction of the development hereby permitted the approved Flood Risk measures shall be fully implemented and maintained thereafter.

Reason – To reduce flood risk and to contribute to sustainability in accordance with policy GB12 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 2024.

10. Flood Risk Assessment/Sustainable Drainage Systems Strategy

No development shall commence until a Final Sustainable Drainage Systems Strategy is submitted to and approved in writing by the Local Planning Authority. 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 GB12 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 2024.

11. Sewer network

Prior to the use of the building measures to protect the existing lower ground floor from the risk of back flow from the sewer network shall be submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented and maintained thereafter.

Reason – To reduce flood risk and to contribute to sustainability in accordance with policy GB11 and GB12 of the Local Plan 2024.

12. Porous surfaces

All external hard surfacing in the development shall be constructed using porous materials and so maintained thereafter. If any permeable surfaces are removed, they must be replaced only with permeable surfaces.

Reason – To reduce flood risk and to contribute to sustainability in accordance with policy GB11 and GB12 of the Local Plan 2024.

13. Air Source Heat Pumps (ASHP), Ground Source Heat Pumps (GSHP), Photovoltaic Panels & Electric Boiler Compliance

Prior to occupation, details of the installation of ASHP / GSHP, Photovoltaic Panels or Electric Boilers to be provided for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to occupation / use of the development and thereafter permanently retained and maintained.

Reason: To Comply with Policies as required by Policy GB6 of the Local Plan 2024 and 7.14 a and c of the London Plan.

14. Air Quality Dust Management Plan (Demolition & Construction)

Prior to the commencement of demolition works a site specific Air Quality Dust Management Plan (Demolition & Construction) (AQDCMP) shall be submitted to and approved in writing by the Local Planning Authority. The

AQDCMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 (and its subsequent amendments) and the identified measures recommended for inclusion within the AQDCMP. The AQDCMP submitted must comply with the Mayor's SPG and include;

- a) an Inventory and Timetable of dust generating activities during demolition;
- b) site specific dust mitigation and emission control measures in table format as contained within Appendix 7 of the Mayors SPG including for on-road construction traffic;
- c) Detailed list of Non-Road Mobile Machinery (NRMM) used on site;
- d) Details of MCERTS compliant monitoring of Particulates (PM₁₀) used to prevent levels exceeding predetermined PM₁₀ threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

NRMM should meet as a minimum the criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register prior to the commencement of any demolition works and thereafter retained and maintained until occupation of the development; use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles in accordance with the emission hierarchy (1) Electric (2) Hybrid (Electric-Petrol) (3) Petrol, (4) Hybrid (Electric-Diesel) (5) Diesel (Euro 6 and Euro VI).

Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

Reason: To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan and Policy GB6 of the Local Plan 2024.

15. Air Quality Dust Monitoring

The developer shall monitor the levels of dust pollution using an objective method of measurement for each working site. The developer shall submit to the Local Planning Authority the proposed method, the frequency and location of monitoring. Baseline levels of dust shall be agreed prior to the commencement of works of demolition and construction. The developer shall also agree action levels of dust pollution with the Local Planning Authority. When these levels are exceeded the developer shall take action to ensure that the levels of dust are reduced to comply with the agreed action level.

Reason – To comply with the requirements of the NPPF, Policies 7.14a-c of the London Plan and Policy GB3 and GB4 of the Local Plan 2024.

16. Ventilation Strategy

Prior to commencement of above ground works in the development hereby permitted, (excluding site clearance, demolition and basement works) a Ventilation Strategy report for C3 class use in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The assessment should be supported with dispersion modelling

and or onsite monitoring to predict façade concentrations at sensitive receptor locations and specific the ventilation requirements to ensure that the national Air Quality Objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}) are not exceeded in receptor location. The Ventilation Strategy report should include the following information:

- a) Details and locations of the air intake locations at rear roof level of the buildings;
- b) Details and locations of non-openable windows for Habitable Rooms (Bedrooms, Living Rooms);
- c) Details and locations of ventilation extracts, chimney/boiler flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens and terraces; and
- d) If part (a) is not implemented details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevations to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason - To Comply with Policies as required by Policy GB6 of the Local Plan 2024 and SI1 London Plan.

17. Ventilation Strategy (Compliance)

Prior to occupation of the development, details of a post installation report of the approved ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason - To Comply with Policies as required by Policy GB6 of the Local Plan and SI1 London Plan.

18. 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 CD9, TR6, CB6, CB7 and GB8 of the Local Plan 2024. 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 2024.

19. 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 GB16 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 2024.

20. Trees and landscaping – Details required

No development shall commence until a scheme of landscaping, to include all existing trees and shrubs and proposed trees shrubs and paths and their surfacing materials, and layout of the front of the site to ensure the scheme would provide as much on-site circulation and congregate space as possible has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policies GB16, TR5 of the Local Plan 2024. 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.

21. Trees - lopping and topping

For the duration of works the tree(s) existing on the site at the date of this permission shall be protected so as to prevent damage above and below ground, and no tree shall be lopped, topped, or felled, or root pruned, without the prior written approval of the local planning authority.

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 GB16 of the Local Plan 2024.

22. Set up and installation of approved tree protection measures

No development shall commence until a report from a qualified

arboriculturist shall be supplied confirming the site set up and the installation of approved tree protection measures. Throughout the remaining duration of the project monthly reports shall be produced to ensure that tree protection measures are still being adhered to and submitted to the local planning authority for their record.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy GB16 of the Local Plan 2024.

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.

23. Acoustic report

No development shall take place before an acoustic report, detailing a scheme of internal and external sound insulation to address the proposed use, designed to prevent the transmission of excessive airborne and impact sound between the building and the surrounding residential buildings, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. The use shall not commence, until the approved insulation scheme has been fully implemented and a commissioning report provided.

Reason - To safeguard the amenity of neighbouring property and to accord with policies of the development plan, in particular policies CD9 and GB6 of the Local Plan 2024. It is necessary for the condition to be on the basis that "No development shall take place before" 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.

24. Noise from building services plant and vents

Noise emitted by all building services plant including from condenser units, extract systems and atmospheric vents shall be -10dBA below the existing measured lowest LA90(15min) background noise level at any time when all plant is in use, where the plant noise source is tonal it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and to comply with development plan policies, in particular policy CD9 of the Local Plan 2024.

25. Anti-vibration mounts for air-conditioning/ extraction equipment

All building services plant located externally within the development shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the transmission of vibration and regenerated noise to within adjacent parts of the proposed building(s) and these shall be so maintained thereafter.

Reason - To prevent any significant disturbance to residents of nearby properties and to comply with development plan policies, in particular policy CD9 of the Local Plan 2024.

26. Building services plant

No installation of building services plant shall commence until a noise

survey and report have been submitted to and approved in writing by the Local Planning Authority. The report shall show how noise from building services plant, whether located internally or externally within the development, when installed will comply with the noise criteria outlined in the Noise SPD.

Reason - To protect the amenities of residential occupiers and ensure compliance with policies CD9, GB7 and GB8 of the Local Plan 2024.

27.

Bats

No development shall commence before

- a) Details of the findings of the surveys as set out within the Preliminary Bat Roost Assessment and
- b) Details of Habitat Enhancement

have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the protection of biodiversity in accordance with the development plan, in particular policy GB14 of the Local Plan 2024. 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.

28.

Transport - Details required

Use of the permitted building shall not be commenced until

- a) Details of cycle parking approved at the front including security details and design
- b) Waste Management Plan

have been submitted to, and approved in writing by, the local planning authority, and the facilities so approved shall be so maintained.

Reason - To ensure that the development does not lead to the obstruction of adjacent streets, in accordance with policies of the development plan in particular policies CD1, CD2, TR5 and TR6 of the Local Plan 2024.

29.

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 CD11, TR5, TR8 and CD9 of the Local Plan 2024. 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.

30. Flat Roof

No items such as plant equipment or other items, shall be affixed to or placed upon the flat roof as shown on plan ref: BO3103 REV P4, at any time.

Reason - To preserve the appearance of the property and character of the area by ensuring the terrace is unobtrusive, in accordance with policies of the development plan, in particular policies CD1, CD2, CD4 and CD9 of the Local Plan 2024.

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 Waste Comments Thames Water would advise that with regard to the COMBINED WASTE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your

development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Water Comments If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater). On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. Yours faithfully Development Planning Department Development Planning, Thames Water, Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ Tel:020 3577 9998 Email: devcon.team@thameswater.co.uk

- 5 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](#)

- 6 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.
- 7 Non Road Mobile Machinery (NRMM) used on any site within the CAZ or Canary Wharf is required to meet Stage IV of EU directive 97/68/EC as a minimum, and NRMM used on the site of any major development within Greater London is required to meet Stage IIIB of EU directive 97/68/EC as a minimum or higher emission standards as set within the NRMM LEZ at the time of development.
- 8 The main set of contaminated land conditions are attached to this decision notice as contamination of soil or water is judged to have the potential to harm people, property, or the wider environment or to pollute waters. Reference must be made to any CLC1 guidance produced by the Pollution Regulatory Team (<https://www.rbkc.gov.uk/environment/land-contamination/land-contamination>). Local information which should be obtained includes a search of the Pollution Regulatory Team's records (email 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/local-studies-and-archives>). We strongly recommend that a competent and appropriately qualified environmental professional undertakes or oversees the work to discharge the conditions. 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.

- 9 Secured by Design - Kensington and Chelsea has high crime rates and it is important to observe the Secured by Design (SBD) principles in designing new buildings. SBD is known as the "Police Preferred specification" and compliance with this specification is more comprehensive than approved document Q of the Building Regulations. You are advised to refer to the Secured by Design web site for the appropriate residential guide and approved product: <https://www.securedbydesign.com/> . If properly applied you are recommended to then seek SBD accreditation for your development. t
- 10 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.
- 11 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).
- 12 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
- 13 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/24/01321. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. M. Summers

Telephone: 07970-599-531