

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 11/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/01317	Agenda Item:	N008	
Address:	17-19 Cottesmore Gardens, LONDON, W8 5PR			
Proposal:	Variation of condition 2 (Compliance with approved drawings) of planning permission PP/22/01399 (Change of use of Nos 17-19 Cottesmore Gardens from education use (Class F1a) to residential use (Class C3) to provide 5 apartments, addition of a mansard roof, partial demolition to the rear and provision of small rear extensions at ground, first and second floors, provision of terraces.) to allow: Relocation of the plant room; Inclusion of air bricks and vents; Amendments to the size of internal lift, internal layout (no changes to the mix of units) Lift overrun at roof level; Changes to fenestration (Major Development)(Conservation Area)			
Applicant:	W8 Developments Ltd			
Agent:	Mr Oakden Savills			
Properties notified:	Objections:	Support:	Comments:	Petition:
103	10	0	0	0
Conservation area: De Vere				

1. Summary

- 1.1 Planning permission was granted in 2023 (ref: PP/22/01399) for the change of use of 17-19 Cottesmore Gardens from education use as Thomas's School to provide 5 residential apartments. This application was submitted in conjunction with three other applications (refs: PP/22/01567, PP/22/01400 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/22/01399 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 retain the architectural quality and preserve the

character, appearance and significance 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 the completion of 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

- Three or more objections were received during the consultation period and the recommendation is to grant.
- The Director considers it appropriate that the Committee determines the application.

3. The site and its surroundings

- 3.1 17-19 Cottesmore Gardens is a four-storey property within the De Vere Conservation Area. This pair of classically inspired houses of three storeys plus basement dates from the second half of the C19. The site is located on the corner of Cottesmore Gardens and Stanford Road.
- 3.2 The buildings are also identified within the Conservation Area Appraisal as making a positive contribution to the character and appearance of the Conservation Area. The gap to the rear of no.19 which accommodates a mature London Plane tree as well as glimpses through to lush planting in rear gardens along the terrace, has been identified as important within the Conservation Area Appraisal.
- 3.3 The property is not listed or in the immediate setting of any listed buildings. The property was a residential house until approximately 1954 when the permission was granted to use nos. 15, 17 and 19 Cottesmore Gardens as a hostel by the Convent of the Assumption and since 1979 it has been used as a preparatory school by Thomas's School.
- 3.4 The area is residential in character, with a mix in terms of heights and massing of the buildings within the vicinity of the site and the wider Conservation Area.

4. The proposal and any relevant planning history

4.1 Planning permission was granted on 18 May 2023 for the following development:

Change of use of Nos 17-19 Cottesmore Gardens from education use (Class F1a) to residential use (Class C3) to provide 5 apartments, addition of a mansard roof, partial demolition to the rear and provision of small rear extensions at ground, first and second floors, provision of terraces.

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

- Additional demolition comprising of the internal part wall at lower and ground floor, a small section (1.8 m) of the 1st floor closet wing on the eastern elevation, all windows on the front façade.
- Relocation and increased footprint of plant room at the lower ground floor.
- Amendments to the internal layouts of units (with no changes to the overall housing mix), including the addition of a communal lift pit at lower ground floor within the existing Unit A.
- Addition of lift overrun, automatic opening vent (AOV), at roof level
- Changes to fenestration
- Addition of air bricks and vents on the front and rear façade.
- 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
16905/A	The use for a temporary period of Nos. 15, 17 and 19 as a hostel by the Convent of the Assumption	Granted, 18th August 1954
TP/3734/3	Change of use from a temporary hostel to a permanent hostel for students of the Convent training college.	Granted, 20th June 1972.
TP/79/312	Change of use to a private day school at 15, 17, 19 Cottesmore Gardens.	Granted, 15th October 1979
TP/81/0845	Change of use to a private day school at 17&19 Cottesmore Gardens	Granted, 3rd September 1981
TP/89/0705	Erection of a lower ground floor rear extension for new school facilities.	Granted, 7th July 1989
TP/92/043	Variation of condition 5 attached to planning permission TP/81/0845 dated 03/09/81 to allow the premises to be used during school holidays for adult education.	Refused 13th May 1992
PP/00/00398	Pursuant to Section 73 of the Town and Country Planning Act 1990, variation to Condition No. 4 of Planning Permission dated 3rd September 1981 (Ref: TP/81/0845) to extend the planning permission for a private day school, personal to Mr. and Mrs. David Thomas, to include their sons, Tobyn Thomas	Granted on 12th May 2000

	and Ben Thomas.	
PP/05/00761	Retrospective planning permission to retain enclosure located within the side recess for use as additional storage space in connection with the use of the premises as a school.	Granted on 14th June 2005
PP/13/06970	Rear extension, new and replacement windows and doors and associated works	Granted on 20th March 2014.
PP/18/08614	Creation of landscaping to front of property.	Granted 12 th March 2019
PP/22/01399	Change of use of Nos 17-19 Cottesmore Gardens from education use (Class F1a) to residential use (Class C3) to provide 5 apartments, addition of a mansard roof, partial demolition to the rear and provision of small rear extensions at ground, first and second floors, provision of terraces. (Major development)	Granted 18 th May 2023
PP/22/01400	Change of use of no.s 17-19 Cottesmore Gardens from education use (Class F1a) to residential use (Class C3) to provide 2 houses, addition of a mansard roof, partial demolition to the rear and provision of small rear extensions at ground, first and second floors.(Major development)	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	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 the previous planning permission PP/22/01399 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 Numerous internal alterations are proposed including the removal of the former part wall at lower ground and ground floor, the addition of a lift pit within unit A and internal layouts to all units. The proposed internal alterations are minor in nature and would not impact on the good standards of living achieved and therefore continues to comply with Local Plan policy CD9.
- 6.5 Amendments are proposed to the previously approved Planning Fire Safety Report to include an evacuation lift and 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, would 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 preserve or enhance the character, appearance and significance of the conservation area; and
- ii Whether the proposed development would safeguard the living conditions of neighbouring properties.

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

Demolition

6.7 The extent of demolition has been increased to include the internal party wall at the lower ground and ground floors, all windows on the front façade and a small section (1.8m) of the eastern elevation of the closet wing. The removal of the party wall (for structural reasons) and the additional demolition of the closet would not have a material impact on the appearance of the building. The proposed windows would match the existing in terms of materials and design and would therefore continue to preserve the appearance of the building and conservation area.

Windows and skylights

6.8 Additional alterations to the windows are proposed, including the removal of two dormer windows at roof level and the introduction of sliding doors (of the same design) at the ground floor on the north elevation. On the west elevation the windows on the ground floor infill extension would be retained in their existing arrangement. These proposals would have a limited impact on the character and appearance of the property and would therefore continue to preserve the appearance of the wider conservation area, in line with local plan policies CD1, CD2 and CD4.

Vents and airbricks

6.9 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 (c) has been added to secure these details.

Alterations to roof

6.10 The proposed lift overrun will be clad in rolled led sheeting and will be largely shield from public view by the existing chimney stack. The AOV would be located on the balcony at the 3rd floor level and largely sits below the parapet wall, providing some screening. Given the height of the buildings these additions would be discreet and would not be highly visible from public and private views. The proposals are considered to have an acceptable impact on the appearance of the property and Condition 3 (d) has been added to secure the detailed design of the lift overrun.

Alterations to plant room

- 6.11 The relocation and increased footprint of the plant room would not materially alter the appearance of the property as there are no physical manifestations associated with these works. The proposed plant area would not trigger policy CD11 (Basements) of the Local Plan as it would not create any habitable accommodation.

Conclusion

- 6.12 The proposed alterations to the design as a whole would be acceptable and would ensure that the overall development would remain of a high architectural quality and would respond well to the building and wider conservation area. Overall, the proposed alterations would be considered coherent with the previously approved development, due to their location, size, scale, design and materials. The proposals would continue to preserve the character, appearance and significance of the conservation area. The proposals would therefore comply with policies CD1, CD2, CD4, CD10, CD12, CD13 and CD15 of the Local Plan 2024, the London Plan policies and national requirements for assessment of development within conservation areas as set out in the National Planning Policy Framework ("NPPF").

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

Alterations to roof

- 6.13 The change to the fire enclosure, given its size and scale would not result in a material increase in terms of daylight/sunlight impact and would not create a sense of enclosure.

Terraces and use of flat roofs

- 6.14 Under the previous application the arrangement and orientation of terraces were raised as a concern, especially at the upper floors. A condition was attached to the preclude the use of terraces on the west elevation of the site. The amended plans show the following terraces would provide 'maintenance access only' on the following terraces:

- 1st floor – one terrace on the western elevation
- 2nd floor – two terraces on the northern elevation
- 3rd floor- two terraces, one on the northern and one on western elevation

- 6.15 Given the potential impact of the terraces on the neighbouring properties, conditions 29 and 30 have been recommended to ensure terraces would not be used as amenity space and the associated fixed planters shall not be erected.

Plant room

- 6.16 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

- 6.17 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.

- 6.18 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.

6.19 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.

6.19 The proposed amendments, subject to conditions and the completion of 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 Cottessmore Gardens – Flats), PP/22/01400 (17-19 Cottessmore 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 Cottessmore Gardens)
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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

- 8.1 103 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 10 letters were received objecting to the application, summarised as:

	Comment	Response
1	The works would cause access issues, noise and disruption to surrounding properties during the construction phase	The proposals would not materially worsen the construction impacts, however, Condition 27 secures the submission of a final CTMP and would be submitted to and approved by the Local Planning Authority.
2	New flats will result in additional cars on the road which is bad for the environment	The application does not propose to alter the number of flats approved under PP/22/01399
3	The introduction of amenity spaces on the flat roof is contrary to Planning Committees decision in relation to PP/ and conditions 3 (b) and 29. A condition should be attached to ensure these areas are for maintenance purposes only.	Conditions 3 (b) and 29 precluding the use of the flat roof areas as terraces would be re-attached to this application. An additional condition (No. 30) would be attached to ensure these spaces would be used for maintenance purposes only and the removal of the fixed planters.
4	The balconies previously precluded from the planning application should not be reintroduced within this application and Condition 3 (b) should be complied with.	As above, Condition 3 (b) and 29 would be reattached to this application and Condition 30 has also been added to remove the fixed planters to ensure the flat roofs cannot be used as amenity spaces.
5	The revised plant room covers more 50% of the front garden and would result in the loss of trees.	The proposed plant area would not trigger policy CD11 (Basements) of the Local Plan as it would not create any habitable accommodation.
6	The proposed development would have an overbearing impact on 12 Stanford Road and pose a threat to light and privacy.	This application seeks small scale alterations to the previously approved scheme and would not change the overall bulk or mass of the application site.

7	Who would enforce noise associated with the plant equipment if it was not maintained?	Condition 22 limits the noise impacts associated with the plant equipment. If the plant equipment exceeds this level it should be switched off.
8	The noise associated with sharing a party wall with 5 new residential apartments would cause sever disturbance.	The principle of 5 residential units has been established under the previous planning application. This application relates to a series of small amendments detailed in section 4.2 of this report.
9	Why do the plans show the addition of 13 roof vents and cast-iron bricks?	This element did not form part of the previous application and they have been added to the proposed drawings as the applicant is now seeking planning permission for these additions. They are required for ventilation purposes.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Environmental Health	No objection – subject to conditions.	Section 6.11
Conservation and Design Officer	No objection – subject to conditions.	Section 6.3 - 6.8

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 18/05/2023, being the date of the original permission granted under ref. PP/22/01399.

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

Except as required by condition 30, the development shall not be carried out except in complete accordance with the details shown on submitted plans *Location plan: C01000 REV P2*

Proposed site plan: C03000 REV P2

Proposed Site Plan: AO3000 REV P6

Demolition Lower Ground Floor Plan: AO21LG REV P3

Demolition Ground Floor Plan: AO2100 REV P3

Demolition First Floor Plan: AO2101 REV P3

Demolition Second Floor Plan: AO2102 REV P3

Proposed Lower Ground Floor Plan: AO31LG REV P3

Proposed Ground Floor Plan: AO3100 REV P6

Proposed First Floor Plan: AO3101 REV P7

Proposed Second Floor Plan: AO3102 REV P7

Proposed Third Floor Plan (Mansard): AO3103 REV P6

Proposed Roof Plan: AO3104 REV P6

Proposed North Elevation: AO3201 REV P5

Proposed East Elevation: AO3202 REV P5

Proposed South Elevation: AO3203 REV P3

Proposed West Elevation: AO3204 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) Details of terraces including privacy screens and railings;
- b) Detailed drawings of doors/windows to the flat roofs where the terraces are being precluded for a use as terraces as per condition 29;
- c) Details of the roof vents and cast-iron air bricks;
- d) 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/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 GB11 and 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. **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.
11. **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.
12. **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.
13. **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.

14. 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.

15. 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 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.

16. 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 2024 and SI1 London Plan.

17. 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, GB6, GB7 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.

18. 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.

19. 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.

20. 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.

21. 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.

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.

22. **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.
23. **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.
24. **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.
25. **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.
26. **Transport - Details required**
Use of the permitted building shall not be commenced until
a) Details of cycle parking including security details, location, design
b) Details of refuge storage including design

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.

27. 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.

28. 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.

29. Use of roof as terrace precluded

Notwithstanding the approved plans the terraces as shown on the Proposed West Elevation drawing ref. A03204 REV P4 and on the Proposed Second Floor Plan and Proposed Third Floor Plan (Mansard) as shown on drawings refs. A03102 REV P7 and A03103 REV P6 shall not be used at any time as a terrace/amenity space and the associated railings shall not be erected.

Reason: To preserve the appearance of the building and 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 and to avoid overlooking and disturbance to neighbouring properties and so accord with policies of the development plan, in particular policy CD9 of the Local Plan 2024

30. Use of roof as terrace precluded

Notwithstanding the approved plans the flat roofs as shown and labelled 'maintenance access only' on the Proposed Second Floor Plan drawing ref: A03102 REV P7 and the Proposed Third Floor Plan (Mansard) drawing ref: A03103 REV P6 shall not be used at any time as a terrace/amenity space and the associated fixed planters shall not be erected.

Reason: To preserve the appearance of the building and 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 and to avoid overlooking and disturbance to neighbouring properties and so accord with policies of the development plan, in particular policy 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 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided

written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

The scheme was submitted in accordance with advice provided through pre-application discussions.

- 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 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.

- 7 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.

- 8 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.

- 9 The applicant is encouraged to discuss construction works with the neighbouring properties and could offer to clean windows of the adjacent properties.

- 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/24/01317. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. M. Summers

Telephone: 07970-599-531