

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 11/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

|   |   |                     |                  |                  |  |
|---|---|---------------------|------------------|------------------|--|
| <b>Application:</b>                             | PP/24/07555   | <b>Agenda Item:</b> | S010             |                  |  |
| <b>Address:</b>                                 | 5 Mallord Street, LONDON, SW3 6DT   |                     |                  |                  |  |
| <b>Proposal:</b>                                | Provision of basement below property and part rear garden; and erection of first-floor front/side extension |                     |                  |                  |  |
| <b>Applicant:</b>                               | MrLynch Huggins   |                     |                  |                  |  |
| <b>Agent:</b>                                   | Mrs Thomson<br>ADL Planning Pty Ltd   |                     |                  |                  |  |
| <b>Properties notified:</b>                     | <b>Objections:</b>  | <b>Support:</b>     | <b>Comments:</b> | <b>Petition:</b> |  |
| 9   | 11  | 0                   | 0                | 0                |  |
| <b>Conservation area: Chelsea Park/Carlisle</b> |   |                     |                  |                  |  |

## 1. Summary

- 1.1 The proposed basement and side/front extension would be acceptable. Overall, the proposals would continue to preserve the character, appearance and significance of the property, terrace group and wider Chelsea Park/Carlisle Conservation Area and would continue to ensure good living conditions for all neighbouring occupiers. The proposals would be in accordance with policies CD1, CD2, CD3, CD4, CD9, CD10, CD13, CD16, GB5, GB6, GB7, GB8, GB10, GB11, GB12, GB16 and GB18 of the Local Plan 2024.
- 1.2 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 some of the concerns raised.

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

## 2. Reason for committee consideration

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

## 3. The site and its surroundings

- 3.1 The application site contains a three-storey terraced house, located on the southern side of Mallord Street in a predominantly residential area. Near to the site is 9-15 Mallord Street, which are Grade II listed buildings.

- 3.2 The property is not listed but is located within the Chelsea Park/Carlyle Conservation Area. The Chelsea Park/Carlyle Conservation Area Appraisal document identifies the building as a 'positive building', that being a building that makes a positive contribution to the historic and architectural character and appearance of the conservation area.
- 3.3 The site is not located within a critical drainage area nor a flood zone.

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

- 4.1 Planning permission is sought for the erection of a basement below the property and part of the rear garden, and a front/side extension at first floor level. The proposed basement would contain a rear lightwell and spiral staircase within. No front lightwell is proposed. The proposed front/ side extension would infill the small setback between a similar projection at the adjoining neighbouring property at the same depth.
- 4.2 The relevant planning history is set out below:

| Reference   | Description  | Decision              |
|-------------|--|-----------------------|
| PP/13/01065 | Excavation of a single storey basement under the footprint of the property with a rear lightwell.  | Granted<br>25/04/2013 |
| PP/16/05430 | Construction of rear basement with lightwell and access stairs to garden   | Granted<br>11/11/2016 |
| PP/22/00157 | Creation of basement level with lightwell to rear and access stair to garden. Re-organisation of internal layout and refurbishment of ground, first and second floors                  | Granted<br>07/03/2022 |
| CL/24/05905 | Replacement of all existing timber windows with timber double glazed units to match existing and provision of rooflights at main roof level. (Certificate of Proposed Development/Use) | Granted<br>29/10/2024 |

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

##### The development plan

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

|                                      | Local Plan           |
|--------------------------------------|----------------------|
| Conservation areas                   | CD3, CD4, CD15       |
| Listed buildings (and their setting) | CD5                  |
| General townscape                    | CD1, CD2, CD10, CD13 |
| Living conditions                    | CD9, GB7, GB10       |
| Construction Management              | GB6, GB7, GB8        |
| Basement development                 | CD11                 |
| Overheating                          | GB5                  |
| Fire Safety                          | CD16                 |
| Contaminated Land                    | GB18                 |
| Flooding and drainage                | GB11, GB12           |
| Trees                                | GB16                 |

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>

### **Other local strategies or publications**

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

- Chelsea Park and Carlyle Conservation Area Proposal Statement/Appraisal
- Trees and Development
- Basements
- 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 Policy GB18 of the Local Plan requires a preliminary risk assessment of contaminated land at the planning application stage for basement developments. The site and submitted preliminary risk assessment has been assessed by the Council's Environmental Health Officer. The current preliminary risk assessment is not complete and does not fully acknowledge potentially contaminating uses on and adjacent to the site. A full and updated copy of the preliminary risk assessment will need to be submitted addressing the issues raised by the Environmental Health Officer. Therefore, conditions 9 to 12 have been recommended, to ensure potential contamination is appropriately dealt with in line with Local Plan policy GB18.

6.2 Policy GB5 requires all developments to minimise overheating risk. The proposed lightwells and slimline framed sliding doors fully glazed to the proposed basement at the rear would be modest in scale and would therefore not result in overheating risk.

6.3 Policy CD16 sets out that all development proposals must demonstrate that they achieve the highest standards of fire safety. A Fire Statement Strategy has been submitted by Matt Scully Design Ltd and demonstrates that a fire safety strategy has been considered, in line with the

6.4 A draft Construction Traffic Management Plan (CTMP) has been submitted by ADL Planning Pty Ltd dated 11 November 2024 Revision A. The Council's Transport Officer has assessed the submitted Construction Traffic Management Plan and raised no objection subject to a final version of the CTMP being submitted to and approved by the Local Planning Authority prior to the start of the works.

6.5 The application site is not located within a critical drainage area or a flood zone 2 or 3. The submitted Flood Risk Assessment and Sustainable Drainage Strategy indicates that the most appropriate way to manage runoff at this site is through a 1.4m<sup>3</sup> soakaway in the garden, in addition to a sedum green roof. This is proportionate to the scale of

development and reflects the site constraints, and therefore complies with Local Plan policies GB11 and GB12.

- 6.6 The decisive issues are:
- i Whether the proposals would preserve or enhance the character, appearance and significance of the group of buildings and the conservation area.
  - ii Whether the proposals would ensure good living conditions for occupants of neighbouring buildings.
  - iii Whether the proposed basement would comply with the requirements of Local Plan policy CD11 (basements).

### **Design and Heritage**

- 6.7 The proposed basement with sliding fully glazed doors to the rear would not harm the character or appearance of the existing building, its setting or townscape, as the only external manifestations of this basement would be the rear lightwell with no public views and very limited (if any) private views). The external manifestations of the basement would be modest in size, and discreetly located in accordance with the guidance within the Basements SPD.
- 6.8 The proposed first-floor front/side extension would be acceptable. This extension would be modest in scale and would align with a similar projection at the adjoining neighbouring property at the same depth, creating a flush elevation at this set back. The existing main set back between these properties would remain (5 and 7). Therefore, this element of the proposals would preserve the character, appearance and significance of the property, group of buildings and wider conservation area.
- 6.9 It is noted that there are Grade II listed buildings located in close proximity to the site (9-15 Mallord Street). While the proposed front/side extension would be visible from the street, within the setting of these listed buildings, for the reasons set out above, the proposals would preserve the setting of these neighbouring listed buildings.

### **Living Conditions**

- 6.10 Local Plan policy CD9 requires new developments to safeguard the living conditions of neighbouring occupiers both during and after construction. This has been demonstrated through submission of noise, dust and vibration mitigation measures. Construction will be overseen by a professional engineer and signed up to the considerate constructor's scheme. Works will be overseen by the Council's construction management team. This would all be secured by recommended conditions 5, 6, 7 and 8.
- 6.11 Policy GB7 states that relevant developments as specified in the RBKC Code of Construction Practice (the Code) must not create unacceptable impact on local residential amenity including neighbouring properties as a result of demolition and construction impacts by complying with the Code and therefore a pre-commencement condition requiring a Code of Construction Practice has been recommended (condition 5).
- 6.12 The proposed first-floor front/side extension would not extend beyond the existing similar projection at the adjoining neighbouring property and would be modest in scale. Therefore, this element of the proposals would not cause harm on the living conditions of the neighbouring properties in terms of loss of sunlight/daylight, sense of enclosure and overlooking.
- 6.13 While a large extent of glazing is proposed within the basement lightwell, the location of these openings at basement level would ensure there would be no harmful light spill or light glare to a degree that would harm the living conditions of those living nearby.

- 6.14 Given all of the above, the proposals would be in accordance with policy CD9 of the Local Plan.

### **Basement**

- 6.15 Policies CD11 parts A, B and C requires the size and depth of the basement to be in accordance with the policy. The proposed basement would be single storey and would extend less than 50% of the rear garden. It would also not result in an additional basement level below an existing one.
- 6.16 Policy CD11 part D requires development to not harm trees of townscape value. The applicants have submitted a report from Haydens dated 5/11/24 and has been assessed by the Councils Arboricultural Officer. The works will require the removal of a small shrub/tree (T2 – Cotoneaster) and another shrub, this will have little or no wider impact. A root from the neighbour's Magnolia tree will also have to be pruned but this is unlikely to have any impact on its welfare.
- 6.17 The only external manifestations of this basement would be the rear lightwell and spiral staircase with no public views and very limited (if any) private views). The external manifestations of the basement would be modest in size, and discreetly located. It is also noted that the application site does not contain a listed building. Therefore, the proposals would be in accordance with policy CD11, parts E, F, G and H.
- 6.18 Policies CD11 parts I and J, GB11 and GB12 requires basements to be protected from flooding and incorporate SUDs measures. The site is not located in a flood zone nor critical drainage area; however, a SUDs and Flood Risk Assessment has been submitted with the application. The proposal would include 1m of topsoil above the relevant part of the basement at the rear and would be acceptable. Sufficient information has been provided to demonstrate compliance with parts I and J of Local Plan policy CD11.
- 6.19 Policy CD11 part K requires the proposal to demonstrate that the development, traffic and construction activity associated with the development would not cause unacceptable harm to pedestrian, cycle, vehicular and road safety. This has been demonstrated through the submission of an acceptable draft Construction Traffic Management Plan. A Condition has been recommended to secure a final CTMP prior to the implementation of works (condition 6).
- 6.20 Policy CD11 part L requires construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works. This has been demonstrated through the submission of a suitable Construction Management Plan and a Noise, Dust and Vibration Management Plan. Condition 5 has been recommended to ensure that the impact of construction work is mitigated.
- 6.21 Policy CD11 Part M requires basements to ensure the structural stability of the host and neighbouring properties would be safeguarded. This has been demonstrated through the submission of an acceptable Construction Method Statement prepared by a qualified structural engineer and signed. In addition, condition 8 has been recommended to ensure the professional management of engineering works.
- 6.22 Policy CD11 part N requires the development to be protected from sewer flooding through the installation of a suitable pumped device. Condition 13 has been recommended to ensure this.
- 6.23 Given all of the above, the proposed basement is in general accordance with policy CD11 and the Basements SPD.

### **Issues and balancing**

- 6.24 For the reasons outlined above, the proposed development is in general accordance with the relevant Development Plan policies, including policy CD11 (basements). The proposed

development would also comply with Local Plan policies CD1, CD2, CD3, CD4, CD5, CD9, CD10, CD13, CD16, GB5, GB6, GB7, GB8, GB10, GB11, GB12, GB16 and GB18 of the Local Plan. There are no material reasons to reach a decision other than in accordance with the Local Plan.

- 6.25 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 and to the need for special regard to the desirability of preserving the building adjacent to the site of special architectural or historic interest which it possesses, under s.16 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

## 7. Consultations carried out

### Comments from interested parties

- 7.1 21 nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 22/11/2024. A statutory notice advertising the application was posted near the site on 22/11/2024.
- 7.2 0 letters were received supporting the application.
- 7.3 11 letters were received objecting to the application, summarised as:

|   | Comment  | Response  |
|---|--|---|
| 1 | It seems similar to the house next door (conservatory) but it also affects the first floor ("erection of first-floor front/side extension"). I would simply say it reduces the amount of "breathable" space, and I hope it doesn't give ideas to #3 Mallord Street which would severely affect my view and sense of "space.  | This concern is noted. However, given the modest scale of the proposed extension, it would preserve the character and appearance of the host dwelling and wider area.   |
| 2 | The Council has also already sanctioned the removal of parking bays and regular truck delivery / pick ups of up to 30 per week often in reality leaving less than 3 m passage for vehicles. This has significantly impeded the flow of traffic on Mallord St including preventing the rubbish collection truck from getting through at times. We would suggest that approval for 5 Mallord St be granted on the condition that works start ONCE the 19 Mallord St project associated traffic management plan is no longer required and the flow of trucks and vans for construction / fitting out purpose have finished. | This concern is noted. If granted, this development would be subject to recommended condition 6, which requires the submission of a final Construction Traffic Management Plan, which will need to take into account neighbouring developments. |
| 3 | I disapprove of this construction taking place at the moment   | This concern is noted. Please see response above.   |

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|   | <p>because we have currently a major work site on number 19 of the same street (old BT Exchange). Mallord Street is narrow and busy with parking because of its proximity to the Kings Road commercial sites. It cannot handle both construction sites simultaneously.</p>   |  |
| 4 | <p>It will result in insufficient parking facilities for the street's residents as numerous parking bays will be closed; It will increase traffic congestion on the street given the huge amount of additional and heavy vehicle traffic, as well as even more construction noise. It will result in potential safety issues for those that live on the south side of the street as they will often have to cross the road in order to exit the street as in both directions there will be frequent pavement blockages. This is of particular importance with regards my young children.</p> | <p>This concern is noted. Any closure of parking bays would be temporary and where possible would be returned to us outside of construction hours. This in itself would be insufficient to sustain a reason for refusal.</p>                           |
| 5 | <p>I live on Mallord St and we have no issues with the renovations of 5 Mallord st to be carried out. However, our objection is the timing of the works. As it stands we have another large project being constructed on our st that is ongoing and having any further car spaces suspended is a concerning matter. Parking had already been a problem for us this year. I believe this should be delayed to a later date in order to keep the traffic and street as free and accessible as possible for the residence.</p>  | <p>This concern is noted. If granted, this development would be subject to recommended condition 6, which requires the submission of a final Construction Traffic Management Plan, which will need to take into account neighbouring developments.</p> |
| 6 | <p>The new proposals provide for a 3 metre high ground level extension of the existing house which will extend one metre into the rear garden. This will mean that the originally proposed light well will now have to be set back by one metre and so the works will be much closer to our mature magnolia tree which has been in our garden for over 40 years and is on the boundary between 3 and 5 Mallord Street. Consideration of an independent tree surveyor appointed by us (Marcus Foster with his report also here enclosed</p>   | <p>The proposed ground floor rear extension has now been removed from the application.</p>   |

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|----|---|--|
|    | <p>and to be enclosed as well in the Party Wall Act) at the cost of the owners of 5 Mallord Street; That the works should be carried out in compliance with any recommendations included in that report for the protection of any tree roots of more than 25 mm in diameter.</p>  |  |
| 7  | <p>As the ground level extension is likely to affect the access of light into our ground floor living room from the south west side one wish to limit the additional adverse effects which might be caused by ancillary guttering, cornicing and downpipes to this extension. Accordingly, we would ask that if planning permission is granted, that conditions to the following effect should please be included That all new guttering, cornicing and downpipes should be sited within one metre of the existing rear wall of the property</p>  | <p>The proposed ground floor rear extension has now been removed from the application.</p>                     |
| 8  | <p>The proposals include a new Juliet balcony at first floor level. This will severely affect the character of the rear façade of the parade of properties of which 3, 5 and 7 Mallord Street form part of. This in our view should be not be permitted.</p>  | <p>The proposed Juliet balcony to the rear at first floor level has now been removed from the application.</p> |
| 9  | <p>As already mentioned to the party wall surveyors when they came for the inspection the original bordering fence between the two gardens is the dark brown one that can be seen from the garden in No 5 and not the light grey one with horizontal wood lines that we had to build on our side in order for it to be straight so we want the brick wall to be constructed, and the eventual new fence between the two gardens, in place of the old brown one without removing or altering the grey fence that was added later by us and that sits in our garden (picture enclosed).</p> | <p>While this concern is noted, this would be a civil matter and not a material planning consideration.</p>    |
| 10 | <p>The first is that I have previously been led to believe that a full width rear extension would damage the character and cohesion of the three houses at nos 3, 5 and 7 Mallord Street and as such I would object</p>   | <p>The proposed ground floor rear extension has now been removed from the application.</p>                     |



|    |  |   |
|----|--|---|
|    | to the extension.  |   |
| 11 | In respect of the objections received relating to considering the planning application for the above address please also be mindful that you have approved an application on the back side of Carlyle square which gives on to Old Church Street at the T junction with Mallord street which is as a result often back up as well. Please see the enclosed photo. 5 Mallord st is very close to these works. Hence these works should also taken into account as they disrupt traffic, passage etc in addition to 19 Mallord St. | This concern is noted. If granted, this development would be subject to recommended condition 6, which requires the submission of a final Construction Traffic Management Plan, which will need to take into account neighbouring developments. |

### Consultees

| Consultee                               | Comment                             | Where in the report this is considered |
|---|-------------------------------------|--|
| Director of Transportation and Highways | No Objections subject to conditions | Paragraph 6.4                          |
| Director of Environmental Health        | No Objections subject to conditions | Paragraph 6.1                          |
| Arboricultural Officer                  | No Objections subject to conditions | Paragraph 6.16                         |

## 9. Recommended conditions if the application is granted

### 1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.*

### 2. Compliance with approved drawings

The development shall not be carried out except in complete accordance with the details shown on submitted plans 4059\_OS\_0, 4059\_AV\_01, 4059\_100\_00 Rev 09 '24, 4059\_100\_01 Rev 09 '24, 4059\_100\_02 Rev A, 4059\_100\_03, 4059\_100\_04, 4059\_100\_05, 4059\_100\_06, 4059\_100\_07 Rev A, 4059\_100\_08 Rev A, 4059\_100\_09, 4059\_100\_10 Rev A, 4059\_100\_11 Rev A, 4059\_100\_12 Rev A, 4059\_100\_13 Rev A

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

### 3. Materials - To match existing

All work and work of making good shall be finished to match the existing exterior of the building(s) in respect of materials, colour, texture, profile

and, in the case of brickwork, facebond and pointing, and shall be so maintained.

*Reason - To preserve or enhance the appearance of the building and/or the character of the area in accordance with policies of the development plan in particular policies CD1, CD2, CD4 and CD10 of the Local Plan 2024.*

**4. Sash windows in painted timber**

The window/windows hereby permitted shall be timber framed, white painted and so maintained.

*Reason - To preserve or enhance the appearance of the building and/or the character of the area, in accordance with policies of the development plan in particular policies CD1, CD2 and CD4 of the Local Plan 2024.*

**5. Code of Construction Practice**

No development shall commence until:

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

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

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

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

*Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements and Transport and Streets SPDs and policies CD9, 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.*

**6. Construction Traffic Management Plan (CTMP)**

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

- a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;

- g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway; and
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

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

*Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CD8, CD9 and CD11 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.*

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

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

*Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements SPD and policy CD11 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.*

**8. Professional management of engineering works**

No development shall commence until

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

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

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor has been appointed to supervise their completion and their appointment

confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

*Reason* - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Basements SPD and policy CD11 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

**9. Contamination – Preliminary risk assessment report and proposed site investigation**

No development shall commence until the GEA Desk Study and Basement Impact Assessment Report dated November 2023 Rev 0 is updated to address the items identified within the Pollution Regulatory Team's advice to Planning dated 20 September 2024 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 Preliminary Risk Assessment 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 both minimised and managed and to comply with the NPPF and Policy GB18 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 may result in unacceptable harm contrary to the policies of the Local Plan

**10. Contamination – Quantitative risk assessment and remediation strategy**

No development shall commence (except for demolition above ground level) until any 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 Policy GB18 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 may result in unacceptable harm contrary to the policies of the Local Plan.

**11. 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 both minimised and managed and to comply with the NPPF and Policy GB18 of the Local Plan. It is

*necessary for the condition to be on the basis that “No occupation or use of the of the development shall occur” as compliance with the requirements of the condition at a later time may result in unacceptable harm contrary to the policies of the Local Plan.*

- 12. Contamination – Unexpected contamination or ground conditions**
- A. If during development work unexpected contamination or ground conditions are 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 Council’s guidance or any subsequent updates.**

*Reason - To ensure any risks from land contamination are both minimised and managed and comply with the NPPF and policy GB18 of the Local Plan*

## **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 Conditions no(s) 5, 6, 7, 8, 9, 10, 11 and 12 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
- 3 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.  
  
Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)
- 4 Due to the small-scale nature of the works, under best practice guidance MoL SPG ‘*The Control of Dust and Emissions from Construction & Demolition Sites*’ and the IAQM’s ‘*Assessment of dust from demolition and construction*’ the site would be determined as ‘Low Risk’ with regards to dust impacts. Any Environmental Management Plans, Construction Management Plans or Construction Traffic Management Plans should reference these guidance documents and include a list of the appropriate mitigation measures to be utilised on site where necessary. The physical onsite inspection for the generation of dust and soiling effects will be sufficient in this case when utilised alongside other mitigation measures.

- 5 All NRMM operation on this site will have to meet, as a minimum, Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments (unless it can be demonstrated that Stage IIIB equipment is not available and therefore will need to be retrofitted). To prevent emissions from NRMM the applicant should ensure that onsite electrical power is maintained and where appropriate ensure that zero emission equipment is used on site.
- 6 If combustion plant to service, the developments heating requirements is proposed a further application will be necessary. Any combustion plant is required to meet the boroughs emission standard of 40 mg/KWh NOx (@ 0% O<sub>2</sub>) or less.
- 7 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.
- 8 The UK Health Security Agency and Health and Safety Executive policy and guidance recommends and, in some cases, requires, that the owner and/or occupier of buildings undertake radon monitoring in regularly occupied basement areas. Radon monitoring should therefore be undertaken in line with these requirements. If monitoring identifies radon levels above the target level of 100Bq/m<sup>3</sup> within a dwelling or above the relevant action level for occupational exposure, actions are recommended and for workplaces, may be required by the HSE. If radon is identified above 100Bq/m<sup>3</sup> during future monitoring, please inform the Council at [EH-Pollution@rbkc.gov.uk](mailto:EH-Pollution@rbkc.gov.uk).
- 9 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered, although not used in this instance.

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

- 10 You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)
- 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](http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx). From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).
- 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](mailto:dehcmt@rbkc.gov.uk)

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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/24/07555](http://www.rbkc.gov.uk/PP/24/07555). Access to computers is also available in the Customer Service Centre at the Town Hall.**

**Contact officer:**

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