

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 25/02/2025

REPORT BY THE DIRECTOR, PLANNING AND PLACE

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|---|--|---------------------|------------------|------------------|--|
| Application: | PP/24/08324 | Agenda Item: | N011 | | |
| Address: | 27 Brunswick Gardens, LONDON, W8 4AW | | | | |
| Proposal: | Excavation of lower ground floor and courtyard. External vaults (x 2) to be incorporated at lower ground floor level as internal space to create laundry and plant room. Lower ground floor rear extension including sky light above. Dormers to be extended front and rear. Replacement windows with double glazed timber sash windows to match existing throughout. Demolish rear closet wing and rebuild to match existing roof terrace on rear closet wing. Existing Stucco render and detailing to be refurbished and redecorated. Replace roof tiles roof to match. Remove white paint on rear ground floor level to re-instate London stock brick. Air source heat pump | | | | |
| Applicant: | Mr and MrsBorg | | | | |
| Agent: | Mrs Hjort Asa Hjort Architects | | | | |
| Properties notified: | Objections: | Support: | Comments: | Petition: | |
| 10 | 5 | 0 | 0 | 0 | |
| Conservation area: Kensington Palace | | | | | |

1. Summary

- 1.1 The proposals would preserve the character and appearance of the host building and the conservation area, as well as the living conditions of neighbouring occupiers.
- 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 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 is a five-storey, mid-terrace, single dwellinghouse, located on the eastern side of Kensington Church Street.
- 3.2 The property is not listed but lies within the Kensington Palace Conservation Area.

4. The proposal and any relevant planning history

4.1 Planning permission is sought for:

- Windows to be replaced with double glazed timber sash windows to match existing in appearance throughout.
- Lower ground floor and courtyard to be excavated and lowered between 900-1000mm.
- Two external vaults to in be incorporated at lower ground floor level as internal space to create a laundry and plant room; floor level to be lowered by 1300-1400mm to allow for new foundations and insulation.
- Single storey lower ground floor rear extension with a rooflight, adding an additional 2.5sqm of floorspace.
- Rear closet wing to be demolished and rebuild to match existing in scale and height.
- Roof terrace on rear closet wing.
- White paint on the rear ground floor level façade to be removed and the existing London stock brickwork to be cleaned and re-pointed.
- Roof tiles to be replaced at main roof level with matching material as existing.
- Dormers to be extended to the front and rear elevations.
- Installation of an air source heat pump to provide hot water and heating in the courtyard.

4.2 Officers visited the site on 15th October 2024 when the pre-application advice request was sought. Given how recent the visit was carried out, a following site visit was not carried out for this planning application.

4.3 There is no relevant planning history.

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 2024 |
|--------------------|----------------------------|
| Conservation areas | CD3, CD4, CD15 |
| General townscape | CD1, CD2, CD10, CD12, CD13 |
| Living conditions | CD9, GB10 |
| Flooding/drainage | GB12 |
| Trees | GB16 |
| Climate Change | GB5 |
| Fire Safety | CD16 |

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

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

- Kensington Palace Conservation Area Proposal Statement
- Trees and Development
- Noise
- Greening

5.6 These documents can be read online at:

- Conservation Area Proposal Statements:
<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 It is very unlikely that the lowering of the front garden would directly harm RBKC street trees. However, street trees are vulnerable to damage when an adjacent property becomes a building site. Condition 13 has therefore been recommended to ensure that details of protection of these trees is submitted and approved prior to implementing the planning permission.
- 6.2 The submitted acoustic report demonstrates that the proposals would comply with the RBKC noise criteria, preserving the living conditions of neighbouring occupiers. Conditions 9 and 10 have been recommended to ensure that the mechanical equipment is switched off if it fails to comply with the noise criteria and can only be switched back on when it can comply.
- 6.3 The submitted SuDS report does not fully demonstrate that the proposal would achieve compliance with Policy GB12. Therefore, condition 12 has been recommended to ensure compliance.
- 6.4 Overall, the proposals would not impact the living conditions of neighbouring occupiers in regard to loss of sunlight/daylight, loss of privacy/overlooking, sense of enclosure nor light pollution, given the scale of the proposed works in comparison to the existing, the location of the additional bulk proposed, and given the scale of the openings proposed.
- 6.5 Biodiversity net gain (BNG) has become mandatory from 12 February 2024 under the Environment Act 2021. The development would be below the threshold for BNG, and therefore, would be exempt.
- 6.6 Policy CD16 sets out that all development proposals must demonstrate that they achieve the highest standards of fire safety. The submitted Planning Fire Safety Strategy demonstrates compliance with the policy.
- 6.7 Condition 14 has been recommended to ensure that 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. This condition satisfies

compliance with GB18 given the nature and scope of the development.

6.8 The decisive issue is:

- i Whether the proposal would preserve or enhance the character, appearance of the property and the significance of the Conservation Area.

Character and conservation area

Excavation of lower ground floor

- 6.9 The proposal seeks to excavate the lower ground floor and courtyard for a new foundation and underpinning works. During the pre-application site visit, it was evident that the lower ground floor was in a poor condition and that the works are necessary for the redevelopment of the dwelling. The application has been accompanied by a structural survey confirming that the suspended timber joists at the ground floor level are in extremely poor condition showing several signs of rot and degradation. Lowering the floor level allows for new foundations and underpinning works due to the poor structural conditions. The floor to ceiling height would be similar to the existing height (+130mm). The excavation depths will allow for a foundation with insulation and a ceiling void to run services.
- 6.10 Given that these works are internal, they would not impact on the character and appearance of the property or the wider conservation area and are acceptable. The proposed lowering of the ground level would not trigger the requirements of the basement policy CD11.

Lowering of the front vaults

- 6.11 The proposal seeks to incorporate two external vaults at lower ground floor level (front) as internal floor space for the dwelling to create a laundry and plant room. A similar example of this has been implemented at 25 Brunswick Gardens which was approved under planning permission PP/13/02500. The proposals would rearrange access into the front lightwell to allow for a new internal corridor to the vault space as well as excavation or demolition within the vault space to increase the floor to ceiling heights and combine the two vaults; the structure of the vaults would remain unchanged, and waterproofing would be installed inside of the brick structure. Incorporating the vaults as internal floorspace is acceptable as it would be discreet and would not impact the external appearance of the host property. The new entrance door within the front lightwell at lower ground floor level would be set back to minimise its visibility from the street.

Lower ground floor rear extension

- 6.12 The proposals seek a lower ground floor extension which involves extending the rear wall of the dwelling by approximately 1m towards the rear boundary wall and the installation of a skylight above. The scale of the works would be minor and given its discreet location within a very concealed rear courtyard, the extension would not impact on the wider conservation area as it would not be highly visible from any private views or any public views at all. Contemporary works at this level including new large glazing to the side and rear elevations is acceptable, in this context.
- 6.13 The site is subject to an Article IV Direction (No. 57) which removes permitted development rights to paint the exterior of any parts of the building or work which fronts onto a highway. As such, planning permission is required to either remove or repaint the rear façade. The proposal has incorporated the removal of the white paint between proposed lower ground extension and the top of the window on the ground floor to re-instate the original London Stock brickwork. This is acceptable.

Dormer windows

- 6.14 The proposals seek to extend the existing front and rear dormers at roof level. The dormers would be traditional and subordinate. The dormers would be positioned in the centre below the ridge and set in from the sides. The front dormer has been designed to be slightly wider than that No. 25, but narrower than No. 31. The existing parapet has an unusual cutout which is narrow and deep with a bar in front. The proposed parapet would match the size of No. 25, creating a sense of continuity between the buildings. The windows would be constructed in timber to match the material and design of the existing fenestration of the host property.

Window and door replacements

- 6.15 Window replacements to the front and rear façade are acceptable as they would be replaced like for like in regard to material, design, colour and overall design within the existing openings.

Roof terrace

- 6.16 The roof terrace appears to have been present for many decades, despite no planning permission being found. As such, it is likely to be lawful due to the period of time that it has existed. The applicant seeks to replace the enclosure around the terrace with simple design metal railings set behind the parapet. This element of the proposal is acceptable.

Rebuilding the rear closet wing

- 6.17 The structural engineer has carried out a survey of the rear closet wing and based on their findings it is recommended that the outrigger is in poor structural condition. On balance, in this particular case, this is accepted.
- 6.18 The replacement closet wing would be re-built to the same height and overall scale using white bricks as the applicant does not wish to paint brickwork. Given that there are no public views of the rear and only some private views it is proposed to rebuild it in white bricks, which would not significantly alter the character and appearance of the building and its contribution to the wider conservation area. Condition 3 has been recommended to provide a sample panel of the bricks and the mortar, pointing etc to be used as this would ensure that once the closet wing has been constructed and finished it would not be visually harmful.

Air source heat pump

- 6.19 The proposed air source heat pump is to be located within the rear courtyard, housed within an acoustic enclosure and would not be visible from public or private views. The heat pump in this location is acceptable as it would have no impact on the character and appearance of the building and the wider conservation area.

Other front façade and front entrance works

- 6.20 The proposed street elevation changes to retain, refurbish as/where necessary and redecorate the existing stucco render, existing metal railings and pedestrian gate would be acceptable.
- 6.21 The submission states that the front new stairs from street level to lower ground floor would replace the existing concrete steps. It is proposed to replace the stairs with clad in Yorkstone or similar. Therefore, condition 3 has been recommended to provide the final details of the material proposed to ensure that the character and appearance of the property and wider conservation area would be preserved.

Issues and balancing

- 6.22 The proposals would preserve the character, appearance of the host property and the surrounding conservation area. It would also preserve the living conditions of neighbouring

occupiers, achieve a betterment and contribute towards a reduction in the rate and volume of surface water run-off, would have no adverse impact on surrounding trees, in accordance with the relevant policies of the Local Plan. Subject to all the relevant recommended conditions, the proposal would therefore be in accordance with Local Plan policies CD1, CD2, CD3, CD4, CD9, CD10, CD11, CD13, CD15, CD16, GB5, GB8, GB10, GB12, GB13 and GB16.

- 6.23 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Community Infrastructure Levy

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

8. Consultations carried out

Comments from interested parties

- 8.1 Ten nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 03/01/2025. A statutory notice advertising the application was posted near the site on 03/01/2025.
- 8.2 Four letters were received objecting to the application, with one submitted after the public consultation period ended, summarised as:

| | Comment | Response |
|---|--|--|
| 1 | The basement construction may impact the current foundations to our building. | No basement has been proposed under this application. The proposed excavation would not trigger the basement policy CD11. |
| 2 | There is no mention of the impact the basement excavation would have to neighbouring buildings. | No basement has been proposed under this application. The proposed excavation would not trigger the basement policy CD11. |
| 3 | There is no surveyor report. | No basement has been proposed under this application. Therefore, the documents which are required and submitted for a basement application does not apply to this application. |
| 4 | The surveyor report days that the current foundations are in fine condition. Therefore, the excavation is largely for aesthetic reasons. | The letter from the structural engineers confirms that: "Based on the above findings, we are of the opinion that the lower ground floor structure needs replacing and that underpinning for the foundations is likely |

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| | | to be viable to reach the proposed lowered floor level.” |
| 5 | In the neighbourhood, like 42 Palace Gardens Terrace basement excavation has resulted in damage to the neighbouring buildings. | <p>No basement has been proposed under this application.</p> <p>The proposed excavation would not trigger the basement policy CD11.</p> <p>To mitigate the impact of the construction work upon the levels of amenity of the neighbouring occupiers, the development would be required to be carried out in accordance with the Appendix A Checklist and approved Site Construction Management Plan (see condition 11 – Code of Construction Practice).</p> |
| 6 | The proposed demolition and rebuilding of the rear closet wing would represent a significant loss of historic fabric. Based on the findings of the structural engineer given the impression that the demolition is not essential. | <p>The letter from the structural engineers confirms that:</p> <p>“Based on the above findings, we are of the opinion that the outrigger is in poor structural condition and demolition and replacement should be considered.”</p> <p>The letters continues to state that the steel beams are heavily corroded showing clear signs of rusting. The tarnished steel is likely damage due to water ingress and lack of adequate waterproofing. Often reinstating waterproofing at an existing structure can be difficult to achieve, therefore, replacing the full structure is advised.</p> <p>They then summarise by stating that the SD Engineers recommend the most appropriate approach would be to remove and replace in its entirety.</p> <p>Therefore, it is concluded by the officer that it is necessary to replace the existing closet wing due to structural concerns and its replacement is acceptable.</p> |
| 7 | The proposed dark brown brick to rebuild the closet wing and contemporary fenestration in would not be in keeping with the host property and introduce modern incongruous elements. | Agreed, condition 3 has been recommended seeking a sample panel of the brickwork to ensure that the character and appearance of the building and conservation area is preserved. |
| 8 | Policy CD11 (basements) includes provisions to protect neighbours during construction of basements. There are concerns for subsidence like 42 Palace Gardens Terrace, where the basement excavation has resulted in damage to the | <p>No basement has been proposed under this application.</p> <p>The proposed excavation would not trigger the basement policy CD11.</p> <p>This would be covered under a separate</p> |

| | | |
|---|--|--|
| | neighbouring buildings. | <p>legislation to planning, which would be the Party Wall Act 1996.</p> <p>To mitigate the impact of the construction work upon the levels of amenity of the neighbouring occupiers, the development would be required to be carried out in accordance with the Appendix A Checklist and approved Site Construction Management Plan (see condition 11 – Code of Construction Practice).</p> |
| 9 | The roof terrace would have an adverse impact on the amenity of neighbouring properties. | <p>The roof terrace appears to have been present for many decades, despite no planning permission being found. As such, it is likely to be lawful due to the period of time that it has existed.</p> <p>The council records do not show any enforcement case or compliant in regard to the flat roof being used as a roof terrace.</p> <p>Given the close proximity of the rear elevations of this part of Brunswick Gardens and the rear of Kensington Church Street there is already mutual overlooking between the properties. Also, there are existing roof terraces at this level at Nos. 23 and 21A within the group.</p> <p>Therefore, the roof terrace would not have significant impact on the living conditions of neighbouring occupiers.</p> |

Other consultees and organisations

| Consultee | Comment | Where in the report this is considered |
|--|---|---|
| Director of Environmental Health (Air Quality) | No objection, subject to recommended informatives. | Informatives 7 and 8 |
| Director of Environmental Health (Contamination) | No objection, subject to the recommended condition and informative. | Condition 14 and associated informative |
| Director of Environmental Health (Noise) | No objection, subject to the recommended conditions. | Conditions 9 and 10 |
| Arboricultural Officer | No objection, subject to the recommended condition. | Condition 13 |

9. Recommended conditions if the application is granted.

1. Time limit (Full PP)

The development hereby approved 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 hereby approved shall be carried out in complete accordance with drawing/document title number(s) 012BG-A-001P, 012BG-A-002P, 012BG-A-200P, 012BG-A-201P Rev 1, 012BG-A-202P Rev 01, 012BG-A-203P Rev 01, 012BG-A-204P Rev 01, 012BG-A-205P, 012BG-A-250P Rev 01, 012BG-A-251P Rev 01, 012BG-A-252P Rev P01, 012BG-A-270P Rev P01, 012BG-A-271P Rev 01 .

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)

The development hereby approved shall not be commenced until **full particulars of the following** have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Materials to be used for the new external stairs and ledge to the front of the property at ground floor level.
- (b) Sample panel of the proposed white bricks, including the mortar, pointing etc.

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. 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.

4. Materials - To match existing

All work of making good shall be finished to match the existing exterior of the building 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 the character of the area in accordance with policies of the development plan in particular policies CD1, CD2, CD3 and CD10 of the Local Plan 2024.

5. Sash windows and doors in painted timber

External windows and doors hereby permitted (except for the aluminium windows/doors to the rear at lower ground floor level) shall be timber framed and painted, with the windows being double hung, white painted, sliding sashes, with integral glazing bars and overall thickness of no more than 14mm, and so maintained.

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

6. **Roof Terrace – Black painted railings**
The railings/gate to the roof terrace and to the front boundary shall be painted black, and so maintained.
Reason - To preserve or enhance the appearance of the building and the character of the area, in accordance with policies of the development plan in particular policies CD1, and CD10 of the of the Local Plan 2024.
7. **Dormer windows**
The cheeks of the dormer windows shall be clad in lead and be so maintained.
Reason - To preserve or enhance the appearance of the building and the character of the area, in accordance with policies of the development plan in particular policies CD1, CD2 and CD3 of the Local Plan 2024.
8. **Roof Terrace – No Tall Items**
No items such as plants, umbrellas, heaters, screens, trellises, or other items, which rise higher than 1100mm from finished floor/decking level, shall be affixed to or placed upon the terrace at any time.
Reason - To preserve the appearance of the property and character of the area by ensuring the terrace is unobtrusive, in accordance with policies of the development plan, in particular policies CD1 and CD10 of the Local Plan 2024.
9. **Noise from building services plant and vents**
Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.
Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy GB8 of the Local Plan 2024.
10. **Anti-vibration mounts for air-conditioning/ extraction equipment**
The plant hereby approved shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy GB8 of the Local Plan 2024.
11. **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 and GB7 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.

12. **C.079 Flood Risk Assessment/Sustainable Drainage Systems Strategy**
No development shall commence until a Sustainable Drainage Systems Strategy with the following information is submitted to and approved in writing by the Local Planning Authority:

Sustainable Drainage Systems (SuDS)

- i. A detailed analysis of surface water run-off and attenuation volume (to demonstrate how the proposed measures will aim to comply with Local Plan Policy GB11 and GB12).
- ii. Information about the proposed SuDS types, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance. (More sustainable green SuDS should be favoured over attenuation tanks).
- iii. Section/profile drawings of the SuDS, if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc.).
- iv. Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system if necessary.

During construction of the development hereby permitted the approved Sustainable Drainage System (SuDS) 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. 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.

13. **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.

14. 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 National Planning Policy Framework and policy GB18 of the Local Plan 2024.

INFORMATIVES

- 1 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

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

- 2 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.

- 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 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.
- 5 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.
- 6 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](#)

- 7 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.
- 8 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.

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

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough

please see the Council's website:

www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

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

Monday to Friday 8am – 6pm

Saturday, Sunday and public holidays – none permitted

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

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

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

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/24/08324. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Ms. S. Iqbal

Telephone: 020 7361- 4394