

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Major Planning Development Committee 11/02/2014

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT

Application:	/PP/13/06787	Agenda Item:	STR7	
Address:	195 Warwick Road, LONDON, W14 8PU			
Proposal:	Variation of condition 2 (amend residential mix, design changes to blocks 1A, 1B, 4 and 5, re-positioning of blocks 4 and 5) of planning permission 12/05114 For "Demolition and redevelopment of the site to provide up to 32,192 Sqm of use class C3 (Up to 243 units); Up to 12,700 sqm of use class C2 (Up to 89 units); up to 430 sqm of flexible commercial/community use (Use classes A1/A2/A3/A4/D1/B1), hard and soft landscaping works; highway and infrastructure works; engineering works including basement and lower basement excavation works; Plant and equipment and all necessary associated ancillary works." (MAJOR APPLICATION).			
Applicant:	St. Edward Homes Ltd			
Agent:	Ms H Bizoumis Gerald Eve LLP,			
Properties notified:	Objections:	Support:	Comments:	Petition:
432	0	0	1	0

1.0 SITE

1.1 The site is located on the west side of Warwick Road and is bounded by the Former West London Telephone Exchange to the north, Warwick Road to the east, Warren House immediately to the south and the West London railway line to the west. A terrace of residential properties and the Council Depot with residential units above lie to the east and the residential properties to Avonmore Road lie to the west. The total site area is 1.13 hectares. It is currently occupied by the Homebase retail store, which occupies 50% of the site area and provides 3,999 sq m floorspace (GEA). The remainder of the site is occupied by the car parking area which provides 165 spaces. There are no listed buildings within the site or within its immediate vicinity. It does not lie within a conservation area, but the Edwardes Square, Scarsdale and Abingdon Conservation Area lies directly to the east and the Olympia and Avonmore Conservation Area is situated on the opposite side of the railway line to the west within the London Borough of Hammersmith and Fulham.

1.2 The site is included as one of the four sites in the Warwick Road Planning Brief Supplementary Planning Document (SPD), adopted on 11 January 2008. It is the 'Homebase' site within this SPD area.

2.0 PROPOSAL

2.1 The proposals are for:

- Re-positioning of blocks 4 and 5;
- Change in footprint to block 1A, including change to footprint of commercial unit;
- Facade changes to blocks 1A and 1B, including the insertion of balconies;
- Facade changes to block 5;

- Flat layout changes to blocks 1A, 1B and 5;
- Changes to the photovoltaic (PV) cell distribution on the roof of blocks 1A and 1B and change in location and size of lift over-run on the roof to both blocks;
- Changes to the basement layout.

2.2 Changes to the residential mix are also proposed, with the introduction of social rented and intermediate units to the lower levels of block 5, and a change from intermediate to social rented for block 1A. This would result in the following changes to the residential mix from the consented position:

	Private		Intermediate		Social rented	
	Consented	Proposed	Consented	Proposed	Consented	Proposed
1-bed/studio	69	62 (-7)	5	26 (+21)	1	0 (-1)
2-bed	98	93 (-5)	6	0 (-6)	4	11 (+7)
3-bed	51	44 (-7)	0	0	5	6 (+1)
4+-bed	0	0	0	0	4	9 (+5)
Total	218	199 (-19)	11	26 (+15)	14	26 (+12)

The overall totals are as follows:

	Total Consented	Proposed
1-bed/studio	75	88 (+13)
2-bed	108	104 (-4)
3-bed	56	50 (-6)
4+bed	4	9 (+5)
Total	243	251 (+8)

The Extra Care provision, to be provided in Block 2, would remain the same as consented. The commercial floorspace in block 1A would change marginally as a result of the changes to the footprint of the block, as would the proposed class A1, A2, A3, A4 and D1 floorspace.

Revised drawings

2.3 Revised plans were submitted on 23 December 2013 to update the proposed Wheelchair Unit Type 4 Plan, 9 January 2014 to clarify the existing and proposed floorspace schedules, and 22 January 2014 to correct inconsistencies in the proposed plan set.

S106 Heads of Terms

2.4 The Heads of Terms of the original planning agreement would be maintained in the new S106 agreement, but the figures would be updated to reflect the revised residential mix. The Heads of Terms would include: affordable housing, education, public art, construction training, management of garden square, public access/adoption of the Linear Park, provision of dedicated playspace, construction management plan, travel plan, highways works, off-site community facilities, health, safer neighbourhood community facility, servicing management plan, traffic management plan, parking permit free, highway and traffic works and adoption, CTMP and monitoring payments.

In addition to the above, new clauses are proposed to be included in a new S106 to support the delivery of the affordable housing elements and to the secure provision of the school as proposed in application PP/13/07159. These include:

- Not to permit occupation of the private residential units in Block 3 until the school has been practically completed.

In addition, further controls in relation to the 'Telereal' (PP/13/06790) and 'Charles House' (PP/13/06801) sites are also proposed to be included in their

respective S106 agreements. These include:

- Not to permit occupation of the private residential units in Blocks B and C of the 'Charles House' site until the basement contract for the school has been let;
- Not to permit occupation of the 'Telereal' private residential units until the Basement Box for the school has been constructed (but not fitted out);
- Blocks B and Block C of the 'Charles House' site cannot be occupied until the affordable housing on the 'Telereal' site has been constructed and a binding agreement entered into with a Registered Provider.

3.0 RELEVANT PLANNING HISTORY

3.1 Planning permission (ref. PP/10/02817) was granted 20 March 2013 for *"Demolition and redevelopment of the site to provide up to 32,192 Sqm of use class C3 (Up to 243 units); Up to 12,700 Sqm of use class C2 (Up to 89 units); up to 430 Sqm of flexible commercial/community use (Use classes A1/A2/A3/A4/D1/B1, hard and soft landscaping works; highway and infrastructure works; engineering works including basement and lower basement excavation works; Plant and equipment and all necessary associated ancillary works. (Major Development)"*.

3.2 The original permission has been varied by one application under s73 of the Town and Country Planning Act 1990 (ref. PP/12/05114) to vary condition 2 to amend the approved drawings to allow for alterations at basement level, at roof level to all blocks, and to highways layout and landscaping at ground floor level. This is reflected in the assessment in section 4.0 below. The basement level alterations allowed for the basement of the site to join with the adjacent 'Telereal' site and for the provision of a combined energy centre for both sites. The associated planning application for the Telereal site was ref. PP/12/05112.

4.0 PLANNING CONSIDERATIONS

4.1 The main considerations in this case relate to:

- The impact on design;
- The suitability of the revised residential tenure split and flat size mix.

Also of interest in the impact on transport, s106 planning obligations, sustainability, air quality, living conditions and flood risk. It must also be noted that the proposed residential mix links to the associated applications on the 'Telereal' and 'Charles House' Warwick Road Masterplan sites and the school site. This is reflected throughout the assessment below.

4.2 The Core Strategy of the Local Development Framework for the Royal Borough was adopted on 8 December 2010, and contains planning policies which have succeeded the majority of those in the Unitary Development Plan (UDP). For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the 'Development Plan' now comprises the Core Strategy, the London Plan (July 2011), plus relevant 'saved' policies from the UDP. Also of relevance to this proposal is the Warwick Road Masterplan Sites SPD (2008), the Planning Obligations SPD (2010), the Transport SPD (2008) and the Edwardes Square, Scarsdale & Abingdon Conservation Area Proposals Statement (CAPS). The National Planning Policy Framework has been considered.

Design

4.5 Blocks 4 and 5 are to be re-positioned further away from the railway line by 0.3m. This small change would have no material impact on the layout or appearance of the proposals. It would also reflect the proposals, simultaneously being applied for under planning application ref. PP/13/06790, to re-position the campanile block to the 'Telereal' site. The internal layout changes to block 5, at basement to

3rd floor levels, to reflect the changes to tenure in these areas, would increase the number of single aspect units by approximately 10%, but the impact of this would be eased by the east-west orientation of these units and that they would not be very deep. This is therefore acceptable. The layout changes to blocks 1A and 1B would remove inset balconies to be replaced by small projecting balconies, resulting in a reduction in private outside space, but this would be off-set by the corresponding increase in internal floorspace. Because of the small size of the projecting balconies, they would not materially impact upon the amount of sunlight and daylight reaching the apartments at the levels immediately below them. The small change to the footprint of block 1A would have minimal impact on the appearance of the building, which, although increasing the angle of the return elevation, would retain its distinctive pointed corner. The commercial unit at ground floor would benefit from this change and would have a more useable floorplan.

4.6 The changes to the fenestration of block 5 would maintain the visual links to block 4, maintaining their paired elevational composition. The changes to the PV cells at roof levels to blocks 1A and 1B would be minimal and would have no material impact on their visibility or appearance. The change to the lift core over-runs, particularly to block 1B, would have a greater visual impact. However, the cores would be of a similar size and appearance to existing and to those to other buildings on the site, and would be largely hidden from view by the shoulder of the main part of the building. Even when visible from upper levels, they would be of acceptable appearance and of similar bulk to the structures as approved.

4.7 The proposals would therefore be acceptable in design terms, would preserve the setting of the nearby conservation areas, and would comply with Core Strategy Policies CL1(a)(b)(c)(e)(f), CL2(a)(b) and CL3 and UDP Policy CD63.

Residential

4.8 Changes to the residential mix are proposed, with the introduction of social rented and intermediate units to the lower levels of block 5, and a change from intermediate to social rented for block 1A. Flat layouts are also to change within these blocks and block 1B. The resulting change to the unit split and mix is set out in detail in section 2 above. Overall, eight additional units are proposed. In terms of affordable housing, the number of intermediate units would increase by 15, and all consented 2-bed units would change to 1-bed units. The number of social rented units would increase by 12, six of them family-sized. In terms of floorspace, the consented proposals provide 3,991 sq m (GEA) affordable floorspace, equating to 12% of the total residential floorspace. The proposals would be for 6,378 sq m of affordable housing, at 20% of the total residential floorspace.

4.9 The changes to the residential offer are part of the package offered by the applicant in relation to the provision of a primary school (ref. PP/13/07159), and further changes to two other sites within the Warwick Road Masterplan area ('Charles House' (ref. PP/13/06801) and 'Telereal' (ref. PP/13/06790)), all three of which have been applied for simultaneously. The change to the residential mix across all three sites is proposed to be:

Overall

	Consented	Proposed	Difference
1-bed/studio	247	251	+4
2-bed	396	384	-12
3+-bed	277	272	-5
Total	920	907	-13

Private

	Consented	Proposed	Difference
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1-bed/studio	213	220	+7
2-bed	341	363	+22
3+-bed	219	214	-5
Total	773	797	+24

Intermediate

	Consented	Proposed	Difference
1-bed/studio	30	26	-4
2-bed	33	0	-33
3+-bed	0	0	0
Total	63	26	-37

Social rented

	Consented	Proposed	Difference
1-bed/studio	4	5	+1
2-bed	22	21	-1
3+-bed	58	58	0
Total	84	84	0

- 4.10 Across all three applications, the total number of social rented units would remain at 84, and the number of 3+bed social rented units would remain at 58. This offer is in line with the identified need for social rented units in the Strategic Housing Market Assessment (SHMA), with the retention of the same number of 3+bed units particularly supported. Intermediate units would fall from 63 to 26, with all 2-bed and four 1-bed units lost. The loss of 2-bed intermediate units is acceptable in this instance as, in these locations, they would be relatively unaffordable units that would be unlikely to meet the test of being available at the 'usefully affordable point' at a mid-point between social rented and entry-level market housing. Although the 'Charles House' site would become private housing only, both 'Telereal' and 'Homebase' would provide affordable housing. When considered across the masterplan area, a mix of housing would be retained, helping to achieve the aim of providing mixed tenures of homes. Considered across all three sites, the amount of affordable housing would be 12%, by floorspace, with 14,582 sq m out of a total of 123,366 sq m of residential accommodation. The affordable housing offer has been independently assessed by Knight Frank. This assessment demonstrates that the housing offer is the maximum reasonable amount of affordable housing, taking into account the revised proposals for the school and as assessed across all three sites.
- 4.11 The overall changes to the mix of private units is minor when considered in the context of the total number of units proposed and would still provide a suitable mix of unit sizes to reflect the needs of the Royal Borough as identified in the SHMA.
- 4.12 Overall, the proposals would provide a new school that meets the needs of the local community and would provide the maximum reasonable amount of affordable housing. Therefore, the proposals are supported and would comply with Core Strategy Policies CH1 and CH2 in this respect.
- 4.13 In terms of design, the blocks to include either entirely or partially affordable housing would be fully integrated into the development and the design would be tenure blind. The mixed tenure block 5 would include a social rented unit which would be accessed directly from the street, and a shared core above for intermediate and private units. As the shared core would serve private and intermediate units, rather than social rented units, this would be satisfactory. The proposals would therefore accord with Core Strategy Policy CH2(n)(o). All the proposed units would meet the GLA's minimum size standards. It has been demonstrated that the revised layouts would still meet the lifetime homes standards. The proposals would therefore accord with Core Strategy Policy

CH2(b).

Transport

- 4.14 The Director of Transportation has reviewed the proposals. The proposed changes would result in an increase in total trips of six during the am peak and five in the pm peak. This would have no material impact on traffic congestion, and the proposals would accord with Core Strategy Policy CT1(b). The changes to the ramp and minor layout changes at basement level are supported. The proposed changes to the locations of blocks 4 and 5 would bring the street width towards the minimum required to achieve a traditional street layout with parallel footways and carriageway. However, there would still be sufficient street width to achieve a satisfactory street layout.
- 4.15 In terms of car parking, the number of spaces would remain the same as permitted. Given that the total number of residential units is to increase, this would represent a fall in the proportion of car parking spaces per unit, which would help to encourage the use of modes of transport other than the car. This is therefore supported in principle, and the proposals would accord with Core Strategy Policy CT1(d) in this respect. It is also noted that the changed ratios would still comply with condition 5, which required that no more than 0.66 car parking spaces be provided per residential unit. 337 cycle parking spaces are proposed, all within the basement. This is in excess of the policy requirement, as set out in para 13.5.13 of the UDP, of one space per dwelling, and accords with Core Strategy Policy CT1(f).

Mayoral Community Infrastructure Levy (CIL)

- 4.16 The original planning permission (ref. PP/10/02817) was granted on 20 March 2013. The Mayoral CIL came into force on 1 April 2012. The CIL Regulations (2010) as amended state that when a s73 minor-material amendment application is made in relation to a planning permission issued after a CIL comes into force, as is the case with this site, account should be taken of any additional floorspace and CIL charged on this increase. The proposals would result in an overall increase in floorspace of 254 sq m. The Royal Borough is charged at £50 per sq m, so the total CIL liability would be £12,700.

Other matters - sustainability, air quality, living conditions, flood risk

- 4.17 The revisions would have minimal impact on the proposals in terms sustainability. The reduction in number of private units with associated comfort cooling has reduced the energy demands of the proposals. The numbers of photovoltaic (PV) cells would therefore decrease. All the energy and sustainability impacts of the proposals would therefore decrease in comparison to the consented scheme, which is supported, and the proposals would accord with Core Strategy Policy CE1.
- 4.18 The reduction in energy demand and very limited increase in traffic generation would have a negligible impact on air quality. The proposals have been reviewed by the Director of Environmental Health, who raises no objection. The proposals are supported in this respect and would comply with Core Strategy Policy CE5.
- 4.19 The applicant has reviewed the impact of the re-positioned blocks and design changes on the sunlight, daylight and overshadowing impacts of the proposed buildings on neighbouring properties and vice versa. It is concluded that there would be no material change from the consented position. The proposals would therefore be acceptable in this respect and would comply with Core Strategy Policy CL5(a). The slight re-positioning of blocks and introduction of projecting balconies would have no material impact on the future occupiers of the development, or neighbouring occupiers, in terms of sense of enclosure or loss

of privacy, and the proposals would comply with Core Strategy Policy CL5(b)(c).

- 4.20 The changes to the footprint of the buildings are minor and would have no material impact on surface water run-of or flood risk, and the proposals would accord with Core Strategy Policy CE2 in this respect.

Environmental Impact Assessment (EIA)

- 4.21 The original application was accompanied by an EIA. The original Environmental Statement (dated April 2008) remains valid in relation to the revised proposals, because the proposed changes would not be likely to have any significant environmental effects, as assessed by the applicant in their Statement of EIA Conformity letter, dated 1 November 2013.

Greater London Authority (GLA)

- 4.22 The application is referable under Categories 1A and 1B(b) of Part 1 of the Schedule of the Mayor of London Order 2008 (as amended). The GLA have been consulted and have confirmed that the Royal Borough should proceed to determine the application without consulting them again.

5.0 PUBLIC CONSULTATION

- 5.1 Neighbouring addresses were notified of the proposals and a site notice was erected outside the site. No objections have been received.

6.0 CONCLUSION

- 6.1 Changes to the residential mix are proposed, with the introduction of social rented and intermediate units to the lower levels of block 5, and a change from intermediate to social rented for block 1A. These changes are part of a wider package offered by the applicant in relation to simultaneous applications made for the provision of a school (ref. PP/13/07159), and for changes to the 'Charles House' (ref. PP/13/06801) and 'Telereal' (ref. PP/13/06790) sites. Appropriate controls are to be provided in the s106 planning obligations to control the delivery of the affordable housing units and the school and the applicant has demonstrated through a viability assessment that the proposed housing mix would represent the maximum reasonable amount of affordable housing. In design terms, the re-positioned of blocks 4 and 5 would have no material impact on the layout or appearance of the proposals. The layout changes are supported. The small change to the footprint of block 1A would have minimal impact on the appearance of the building, which would retain its distinctive pointed corner. The changes to the fenestration of block 5 would maintain the visual links to block 4, maintaining their paired elevational composition. The changes to the PV cells and cores at roof levels would retain a similar appearance and bulk to existing and to are supported. The proposals would have no material impact on traffic congestion and the layout and highways arrangements would be acceptable. The proposals would be acceptable in all other respects, would comply with Core Strategy Policies CL1, CL2, CL3, CT1, C1, CE1, CE2, CE5, CH1 and CH2 and UDP Policy CD63, and are supported.

7.0 RECOMMENDATION

- 7.1 **Grant planning permission subject to a s106 planning obligations agreement and direction by the Mayor of London**

1. **The development hereby permitted shall be begun before the 20th March 2017 (C001)**

Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)

2. **Compliance with approved drawings**

The development shall not be carried out except in complete accordance with the details shown on submitted plans **P_AL_C645_001; P_AL_C645_100; P_00_JA12_001; E_01_JA12_001; E02_JA12_001; E03_JA12_001; E_04_JA12_001; P_B1_C645_100, P_LG_C645_100; P_00_C645_100; P_01_C645_100 Rev A , P_02_C645_100 Rev A; P_03_C645_100 Rev A; P_04_C645_100 Rev A; P_05_C645_100 Rev A; P_06_C645_100; P_07_C645_100; P_08_C645_100; P_09_C645_100 ; P_10_C645_100; P_RF_C645_100; S_AA_C645_100 Rev A; S_BB_G200_001 Rev D; S_CC_C645_100 Rev A; S_DD_C645_100 Rev A; S_EE_G200_001 Rev D; S_FF_C645_100 Rev A; S_GG_C645_100; S_HH_C645_100 Rev A; S_JJ_G200_001 Rev B; S_KK_G200_001 Rev B; S_LL_G200_001 Rev B; S_MM_G200_001 Rev C; S_NN_G200_001 Rev B; S_PP_G200_001 Rev B; B1_E_03_G251_100; B1_E_03_G251_101; B3_E_01_G251_001 Rev A; B3_E_01_G251_002; B3_E_02_G251_003; P_D811_001_0P01 Rev B; P_D811_001_0P02 Rev B; P_D811_001_0P03 Rev B; P_D811_001_0P04 Rev B; P_D811_001_0P05 Rev A; P_D811_001_0P06 Rev B; AA 1491/2.1/01**

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

3. **Full particulars of the following in respect of each relevant part of the development shall be submitted to and agreed in writing by the Local Planning Authority before the relevant part of the development hereby permitted commences (save for demolition). The development shall not be carried out otherwise in accordance with the details so agreed.**

(a) **samples of materials to be used on the external faces of the relevant block**

(b) **samples of materials and detailed drawings of the fenestration, balustrades, panelling and framing to the relevant block**

(c) **samples of materials and detailed drawings of the penthouse floors to the relevant block**

(d) **details of all open land within the site, including hard or soft landscaping, this shall include details of the type and size of trees within the site showing the associated tree pits together with any proposed exterior lighting.**

Reason - The particulars are considered to be material to the acceptability of the development and the Local Planning Authority wishes to ensure the details of the development are satisfactory.

4. **Full particulars of the following shall be submitted to and agreed in writing by the Local Planning Authority prior to the construction of the relevant part of the development and the development shall not be carried out otherwise in accordance with the details so agreed**

(a) **details of the means of external ventilation to basement car park or relevant block**

(b) **all boundary treatment including any walls, fences, railings or balustrades that do not form part of Blocks 1A, 1B, 2, 3,4 or 5)**

(c) **details of rooftop plant to the relevant block**

(d) details of green/brown roofs to the relevant block

(e) detailed drawings (at scale 1:20) of the wheelchair units to the relevant block

(f) detailed drawings of the photovoltaic cells and their relationship to each roof

Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory. (R011)

5. **The whole of the car parking accommodation shown on the drawings hereby approved shall be provided before the occupation of any part of the development . The level of provision shall be a maximum of 205 parking spaces and two car club bays with no more than 0.66 spaces per standard residential unit (within Class C3) . The ratio shall be 0.5 for the extra care units (within Class C2). This accommodation shall be permanently retained for the parking of vehicles of the residents of the buildings hereby approved and for no other purpose The two car club spaces shall be made publicly available for car club operations(C029)**

Reason - To avoid adding to traffic congestion in the immediate area, to safeguard the amenity of the area, and to comply with the Council's Policies of traffic restraint (R029)

6. **The building(s) hereby permitted shall not be occupied until the means of vehicular access has been constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. (C038)**

Reason - To ensure that the development functions satisfactorily, and to protect the safe and free flow of traffic on neighbouring highways. (R035)

7. **Details of electric charger points located in the basement car park shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant part of the development. The electric charger points shall be installed prior to the occupation of the relevant part of the development and retained as so approved.**

Reason - In order to encourage energy efficiency and sustainability in accordance with the Council's Transport SPD.

8. **Not more than one restaurant shall be created pursuant to this permission at ground floor level to either Block 1A or Block 1B , and this restaurant shall not provide more than 75 covers. (C051)**

Reason - To safeguard the amenity of neighbouring property. (R048)

9. **The four commercial/community units (within Classes A1, A2, A3, A4 and D1) hereby permitted shall be retained with the floor areas as shown on the drawings which form part of this permission and shall not be amalgamated.**

Reason - To safeguard the amenities of surrounding area.

10. **Notwithstanding the provisions of the Article 3, Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) Order 1995, none of the premises subject of this permission located at ground floor level of Block 1A and Block 1B (within Classes A1, A2, A3, A4 and D1) shall be used at any time as a food supermarket.**

Reason - In order to safeguard the amenities of the surrounding area.

11. **The uses hereby permitted (within Classes A1, A2, A3, A4 or D1) at ground floor level to Block 1A and Block 1B shall not be carried out between 23:00 hours and 08:00 hours the following day. (C045)**

Reason - To safeguard the amenity of neighbouring property. (R042)

12. **Details of the cycle parking together with associated shower and locker facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant part of the development. The cycle parking and facilities shall be installed prior to the occupation of the relevant part of the development and retained as so approved.**
Reason - To comply with Core Strategy Policy CT1.
13. **Notwithstanding the provisions of Article 3, Schedule 2, and Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) , no telecommunications equipment shall be erected on the roofs or facades of any of the buildings hereby approved without the prior approval of the Local Planning Authority. (C070)**
Reason - To safeguard the external appearance of the buildings and the surrounding area.
14. **Facade sound insulation shall be of a 'good' standard to achieve noise levels within bedrooms and living rooms of the residential dwellings as recommended in Table 5 of BS 8233:1999 (revised) 'Sound insulation and noise reduction for buildings'- Code of Practice' . Where achieving the recommended internal levels requires windows to be closed shut then alternative ventilation, as necessary shall be provided. Details of the final glazing fabrication and acoustic specifications shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and shall be installed prior to occupation of the relevant part of the development and be so maintained.**
Reason - To safeguard levels of residential amenity.
15. **Noise emitted by all building services plant and equipment shall be -10dBA below the existing measured lowest LA90 (10 min) background noise level at any time when all plant is in use where the plant noise source has a tonal spectrum 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 plant and equipment shall be serviced regularly in accordance with manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained.**
Reason - To safeguard levels of residential amenity.
16. **The buildings shall not be occupied until a noise report has been submitted to and approved in writing by the Local Planning Authority. The report shall show how the noise emitted by the plant as finally installed will comply with Condition 15 and the Noise Design Criteria in Table 6.16 , Chapter 6, Volume 1 of the Environmental Statement prepared by WSP July 2010.**
Reason - To safeguard levels of residential amenity.
17. **Ventilation systems, should they be necessary in order to show compliance with Condition 14, shall comply with Document F1 of the Building Regulations and shall be of the passive stack type. All ventilation systems will have adequate sound attenuation properties that maintain the facade sound insulation as required by Condition 14.**
Reason - To safeguard levels of residential amenity.
18. **Prior to the construction of any floor to be occupied by residential dwellings a scheme of sound insulation designed to prevent the transmission of excessive airborne and impact noise between the commercial uses and the residential dwellings to the upper floors of the relevant part of the development (Block 1A and Block 1B) shall be submitted to and agreed in writing by the Local Planning Authority. The sound insulation shall be installed and maintained in accordance with the details so agreed. The residential dwellings of the relevant Blocks shall not be occupied until the agreed scheme has been fully implemented for the relevant block.**

Reason - To safeguard levels of residential amenity.

19. **No music shall be played within the premises at ground floor level of Block 1A and Block 1B subject of this permission so as to be audible outside the premises. (C048)**
Reason - To safeguard the amenity of neighbouring property. (R048)
20. **No loudspeakers or relay equipment, or musical instruments, shall be used on the premises at ground floor level of Block 1A or Block 1B in such a manner as to cause noise nuisance to occupants of neighbouring property. (C049)**
Reason - To safeguard the amenity of neighbouring property. (R048)
21. **Prior to commencement a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by Local Planning Authority . The CEMP shall detail construction and demolition methodology and plant utilising the Best Practicable Means, to mitigate construction noise, vibration and dust affecting adjacent and adjoining occupied residential premises. The development shall only be carried out in accordance with the agreed document.**
Reason - To safeguard the amenities of neighbouring properties.
22. **The dwelling(s) shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved. (C111)**
Reason - To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Core Strategy.
23. **The non-residential floorspace hereby approved shall achieve a BREEAM rating of Excellent. None of the non-residential floorspace hereby approved shall be occupied until a post construction review certificate has been issued for it certifying that a BREEAM rating of Excellent has been achieved. (C112)**
Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Core Strategy.
24. **No development shall be carried out until such time as the person carrying out the work is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public. (C109)**
Reason - To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy and to comply with the Subterranean Development SPD and policy CL5.
25. **The development hereby permitted shall not commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification 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 is at that time currently appointed and their appointment has been notified to this Authority in accordance with this Condition. (C106)**
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 Subterranean Development SPD and policy CL2. (R106)

26. **Development shall not commence until a desk top study and preliminary risk assessment have been undertaken, and submitted to and agreed in writing by the Local Planning Authority. The risk assessment shall assess the degree and nature of any potential contamination and assess the risk posed to human health, controlled waters and the wider environment.**
Reason - To comply with the requirements of PPS23 and ensure the lan is suitable for the proposed use.
27. **Prior to commencement (save for demolition), a site investigation and a satisfactory risk assessment shall be undertaken and submitted to and agreed in writing by the Local Planning Authority relating the conditions found on site with appropriate standards. The risk assessment shall assess the degree and nature of any contamination identified in the site investigation and assess the risk posed by any contamination to human health, controlled waters and the wider environment. This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' . The methodology and scope of the site investigation shall be submitted to and agreed in writing by the Local Planning Authority and shall be carried out as so agreed.**
Reason - To comply with the requirements of PPS23 and to ensure the land is suitable for the proposed use.
28. **Prior to commencement (save for demolition) if required, an appropriate remediation strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall deal with any contamination and risks identified in the desk top study, site investigation and risk assessment reports. the strategy shall include all works to be undertaken, proposed remediation objectives and criteria, timetable of works and site management procedures. The development shall not be carried out otherwise in accordance with the details as so agreed.**
Reason - To comply with the requirements of PPS23 and to ensure the land is suitable for the proposed use.
29. **If required, following completion of measures identified in the remediation strategy that has been agreed by the Local Planning Authority, where it has been deemed necessary, a validation report (as referred to in PPS23) that demonstrates the effectiveness of the remediation carried out must be produced and should be submitted to and agreed in writing by the Local Planning Authority and the measures in the report shall be implemented in full.**
Reason - To comply with the requirements of PPS23 and to ensure the land is suitable for the proposed use.
30. **Prior to commencement a risk assessment based on the Mayor's Best Practice Guidance (the control of dust and emissions from construction and demolition) has been undertaken and a method statement for emissions control (including an inventory and timetable of dust generating activities, emission control methods and where appropriate air quality monitoring) has been submitted to and agreed in writing by the Local Planning Authority. These measures shall be incorporated into the CEMP subject to Condition 21. The development shall be carried out in accordance with the details as so agreed.**
Reason - To comply with Core Strategy Policy CE5.
31. **Prior to commencement a low emissions strategy shall be submitted to and agreed in writing by the Local Planning Authority. This strategy shall detail the measures that will be taken in order to achieve a reduction in NOx and PM10 emissions as a result of the development from both transport and stationary sources. The low emission strategy shall be undertaken in accordance with the Council's Air Quality SPD and Defra Good Practice Guidance (2010) Low Emissions Strategies. The development shall be carried out in accordance with the details as agreed.**
Reason - To comply with Core Strategy Policy CE5.

32. **Prior to commencement (save for demolition) emissions calculations for all relevant heating and energy options being proposed shall be submitted to and agreed in writing by the Local Planning Authority. All combustion plant must be exempt appliances under the Clean Air Act . To meet a minimum Code Level 4 , the Local Planning Authority requires that 3 pollution credits are obtained for NOx emissions i.e boilers and plant must meet emission standards of 40mg/kWh.**
Reason - To comply with Core Strategy Policy CE5.
33. **Prior to commencement (save for demolition) impact studies of the existing water supply infrastructure shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. These studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.**
Reason - To ensure that the existing water supply infrastructure has sufficient capacity to cope with the additional demand.
34. **Prior to commencement of development (save for demolition) a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure and the programme for works) shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the agreed method statement unless otherwise agreed in writing by the Local Planning Authority in consultation with Thames Water.**
Reason - The proposed works will be in close proximity to underground water and sewerage infrastructure. Piling can have potential impact on this infrastructure.
35. **Prior to commencement (save for demolition) a detailed surface water drainage scheme has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency . This scheme shall include the provision of SUDS measures should include those included in the Ramboll Drainage Strategy Stage C Report (Ref: 5034/1.05/EA017210YP dated 17/12/2010). The scheme shall also include full details as to how the drainage system will be managed and maintained in perpetuity. The development shall be carried out in accordance with the details as so agreed.**
Reason - To comply with Core Strategy Policy CE2 and to ensure future maintenance of the drainage network.
36. **Prior to the commencement of development (save for demolition) full details of the pipe drainage layout and calculations demonstrating the following runoff rates and provision of attenuation volumes for the 100 year rainfall event have been achieved.**
- . proposed surface run off rates shall be limited to Greenfield rates of 121/sec for the site. No less than 724 cubic metres of attenuation storage is to be provided
 - . porous paving areas at grade should include 1225 square metres of landscaped areas
 - . no less than 1595 sq metres of green roofs on buildings
- This shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency and the development shall be carried out in accordance with the details as agreed with all of the measures fully implemented prior to the occupation of the development.**
Reason - To comply with Core Strategy Policy CE2.

37. **Prior to the commencement of development (save for demolition) a detailed Waste Strategy shall be submitted to and agreed in writing by the Local Planning Authority and shall include the following:**

- locations of bin storage areas and collection points
- routes through development for collection vehicles
- measures undertaken for on site management of waste

The development shall be carried out in accordance with the details as agreed implemented in full.

Reason - The Council considers the details material to the acceptability of the proposal.

38. **No development shall take place until arrangements have been made for an archaeological "watching brief" to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the "watching brief" so approved. The "watching brief" shall be carried out by a suitable qualified investigating body approved in writing by the Local Planning Authority. (C101)**

Reason - To minimise any damage to any archaeological remains that may exist on site and to ensure satisfactory recording in accordance with the guidance contained in Planning Policy Guidance Note 16, and the Core Strategy Policy CL4. (R100)

39. **Prior to commencement of Block 2 , a proposed management plan for the extra care facility shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of the proposed level of care provision , staff ratios and confirmation that domiciliary care provision will satisfy the requirements of Care Quality Commission (CQC).**

Reason - To comply with Core Strategy Policy CH2.

40. **No water tank, lift motor room, or other roof structure, shall be erected on top of the roofs of the buildings hereby approved unless agreed in writing by the Local Planning Authority. (C077)**

Reason - To safeguard the appearance of the area. (R077)

41. **A minimum soil depth of one metre shall be provided and retained above all basement areas which are not occupied by the buildings and roads subject of this permission.**

Reason - To comply with Core Strategy Policy CL2 and the Subterranean Development SPD.

42. **No development shall take place until a Method Statement detailing how the proposed excavation is to be undertaken, and basement constructed, has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be prepared by a suitably qualified person, namely a Member of the Institute of Structural Engineers (M.I.Struct. E.) or a Member of the Institution of Civil Engineers (M.I.C.E.). The development shall only take place in accordance with the Method Statement so approved.**

Reason - To ensure adequate safeguard to the structural integrity of neighbouring buildings.

43. **Notwithstanding the drawings hereby approved, full details of all carriageway widths, footway widths and junction arrangements should be submitted to and approved in writing by the Local Planning Authority prior to the construction of Blocks 4 and 5 and the development shall be carried out in accordance with the details so agreed.**

Reason - The particulars are considered to be material to the acceptability of the development and the Local Planning Authority wishes to ensure the details of the development are satisfactory.

44. **A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to each demolition, excavation or construction phase of the development, or any other construction related activity likely to result in additional traffic or disruption on the highway related to the development. The statement (s) should include:**

- **routing of demolition, excavation and construction vehicles;**
- **access arrangements to the site;**
- **the estimated number of vehicles per day/week;**
- **details of any vehicle holding area;**
- **details of any vehicle call up procedure;**
- **hours of vehicle access to the site**
- **estimates for the number and type of parking suspensions that will be required;**
- **details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works; work programme and/or timescale for each phase of the demolition, excavation and construction works; and**
- **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, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.**

Each of the phases of the development and/or any other construction related activity likely to result in additional traffic or disruption on the highway related to the development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason - In the interest of highway safety and to safeguard the amenity of the area.

INFORMATIVES

- 1 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).
- 2 In granting this permission the Council has had regard to Planning Obligation(s) under Section 106 of the Town and Country Planning Act 1990, as amended. (I08)
- 3 Conditional Planning Permission is hereby granted for the development as shown on the approved drawings. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further permission. You are advised to consult the Directorate of Planning Services before work commences if this is the case. (I09)
- 4 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. You are advised that from the 6th April 2008 there is a formal system by which planning conditions should be discharged. The appropriate application form can be downloaded from the Council's website (www.rbkc.gov.uk) or requested from the Planning Information Office at the Town Hall. In most instances there will be a fee associated with each request for the discharge of conditions. Please see the guidance notes and fee regulations on the Council's website or telephone 020 7361 3012 for further advice. (I10)

- 5 Separate approval for the works hereby granted planning permission may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Director of Building Control, Town Hall, Hornton Street, W8 7NX should be consulted before works commence. (I21)
- 6 Any proposals for external fire escapes, exit housings, roof walkways, or safety railings arising from the requirements of the Building Regulations may require further planning permission, and approval under those Regulations does not imply that planning permission will be granted. The Directorate of Planning Services will be pleased to advise on the implications of any changes. (I22)
- 7 The development hereby permitted must comply with the Highways Act 1980. The Directorate of Transportation and Highways, Room 311, Town Hall, Hornton Street W8 7NX (020-7361-2737) should be consulted on the positioning of buildings in relation to the highway, points of vehicle access and the width of the highway. (I24)
- 8 You are advised that in the determination of this case, the London Plan July 2011 was taken into consideration, Supplementary Planning Guidance contained in the Transportation Supplementary Planning Document, the ** Conservation Area Proposals Statement and policies contained within the Core Strategy, as set out below. (I69)
- 9 The Naming and Numbering Legislation requires that premises display their street number, and no name or number other than that formally assigned may be displayed. Requests for the assignment of names and numbers to new development should be made to the Executive Director, Planning and Borough Development, Town Hall, Hornton Street, W8 7NX well in advance of the completion of the building. (I39)
- 10 The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability has been a material planning consideration and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty of support or stability for adjoining properties. (I63)
- 11 Any works/events carried out either by, or on behalf of the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and Traffic Management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in the Royal Borough of Kensington and Chelsea.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with The Royal Borough of Kensington and Chelsea's Traffic Manager (Telephone 020 7341 5746). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time. (I27A)

- 12 The Director of Transportation and Highways, Council Offices, Pembroke Road, London, W8 6PW (020-7341-5256) should be informed 28 days before any earth moving or abnormal use of highways adjoining the site commences so that arrangements for the routing of earth moving vehicles and cleansing the highway can be made. Contractors should be reminded that it is an offence to deposit mud on the public highway. If any spillage is not immediately cleared the Council will carry out the necessary cleansing and recharge the cost to the Contractor. (I27)
- 13 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.
- 14 From 1 July 2013, the requirement of Core Strategy policy CE2(e) to incorporate Sustainable Urban Drainage Systems (SUDS) within development will be applied to all new planning applications. Applications for development of buildings and gardens registered after that date will be expected to show how they comply with policy CE2(e), which is to:
- “Require sustainable urban drainage (SUDS), or other measures, to reduce both the volume and speed of water run-off to the drainage system ensuring that surface water run-off is managed as close to its source as possible in line with the hierarchy in the London Plan. In particular, major development must make a significant reduction in the current volume and speed of water run-off to the drainage system”*
- In projects granted permission prior to 1 July you are encouraged to include measures to reduce run-off to the drainage system, wherever practicable.
- 15 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).

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/PP/13/06787 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Mr. O. Woodward

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