

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 16/08/2022

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/22/02390	Agenda Item:	STR05		
Address:	Bin storage yard, Old Ferry Wharf, Lots Road/Cremorne Road, LONDON				
Proposal:	Construction of temporary street sweepers accommodation				
Applicant:	Royal Borough of Kensington and Chelsea				
Agent:	Mr P Jenkins Proun				
Properties notified:	Objections:	Support:	Comments:	Petition:	
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Conservation area:	Thames				

1. Summary

- 1.1 The application seeks temporary planning permission for a period of up to three years for a streetsweepers' facility for the borough at Old Ferry Wharf. The proposals would relocate the existing streetsweepers' facility at the southwestern end of Lots Road.
- 1.2 Subject to the recommended conditions, the proposals would preserve the character and appearance of the Thames Conservation Area and would have an acceptable impact on neighbouring living conditions, the highway, and on flooding and drainage, in compliance with the statutory requirement for development within a conservation area and the Development Plan.

It is recommended the Committee grants planning permission with the conditions listed in Section 8 of this report.

2. Reason for committee consideration

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

3. The site and its surroundings

- 3.1 The application relates to a site at Old Ferry Wharf which is currently used by SUEZ on behalf of the Council as bin storage (sui generis). Specifically, the site has been used for the storage of Euro Bins awaiting repair or recycling, which have been removed from commercial properties in the borough. During the course of the application the bins have been removed from the site, and, will be serviced from Pembroke Road Depot for the temporary lifetime of the application proposals.

- 3.2 The application site fronts Lots Road at the junction with Cremorne Road and Cheyne Walk to the north and has an existing timber gated access from Lots Road. There is a large internally illuminated advert displayed within tall vertically planked timber hoardings on the boundary of the application site fronting the road junction. Also surrounding the site are Cremorne Gardens to the south-west, RBKC Parks Office and public toilets to the south, and Chelsea Yacht & Boat Company boat yard to the east and north-east.
- 3.3 The site is located within Thames Conservation Area.
- 3.4 There are no relevant Article 4 Directions on this site.
- 3.5 The site is located within Flood Zone 3a.

4. The proposal and any relevant planning history

- 4.1 Streetsweeping facilities are located at strategic points around the borough to maintain a reasonable operating distance for street operatives to walk with their barrows. The existing streetsweepers' facility for this part of the borough is located at the southwestern end of Lots Road, as part of a larger compound used by RBKC's Highways Team.
- 4.2 The borough boundary of RBKC and London Borough of Hammersmith and Fulham (LBHF) intersects the land of the existing streetsweepers' facility. The existing structure is located on LBHF land.
- 4.3 The existing facility, which caters for approximately 38 street operatives and two managerial staff, contains:
 - A modular two storey structure:
 - Ground floor: Offices and hand barrow store
 - First floor: Showers, toilets, changing rooms, canteen, kitchen and drying room
 - Vehicle parking for:
 - 2 cars
 - 4 caged vehicles
 - 1 skip
 - 40 wheeled hand barrows (stored in the ground floor store)
 - 1 storage container
- 4.4 The existing facility operates between 6:30am – 5pm on all days, including Bank Holidays. During this time, street operatives with hand barrows leave the site approximately between 7am – 7:15am, and return between 3:45pm – 4pm. There is limited movement throughout the rest of the day,
- 4.5 The application proposes to relocate this existing facility to Old Ferry Wharf. The application seeks temporary planning permission for a period of up to three years for a streetsweepers' facility for the borough at Old Ferry Wharf.
- 4.6 The proposed streetsweepers' facility would be similar to existing, catering for 40 staff, and contain:
 - A modular two storey structure for:
 - Ground floor: Manager' office and hand barrow store
 - First floor: Showers, toilets, changing rooms, canteen, kitchen and drying room
 - Vehicular parking for:
 - 2 cars
 - 40 wheeled hand barrows (stored in the ground floor store)
 - 1 storage container
 - 2 x 1,110 litre Euro Bins

- 4.7 The modular structure for the proposed facility would be constructed in a manner that could be easily built and dismantled/removed. The construction would consist of:
- Steel frame (with prefabricated elements) supported on concrete foundations
 - Modular (prefabricated) building positioned on top of the steel frame
 - Steel staircase (prefabricated)
 - Lightweight roof over the hand barrow storage area supported off the first floor steel frame
 - LED external batten fittings to provide lighting below the cabins
- 4.8 The application states that RBKC Parks Team has agreed to temporarily provide a small area of their land used for storage as part of the proposed streetsweepers' facility, for the site manager's office and staircase. An opening would be formed through the brick wall behind the Parks' Office to allow the external stairs to access the first floor, and the site manager's office to be located at ground floor to provide security when the street operatives are out.
- 4.9 The application also states that the adjacent boat yard has agreed to provide a small area of their land as part of the proposed facility, for barrow stores. This requires the removal of a small timber shed and perimeter wall.
- 4.10 The proposals would require minor alterations to the frame supporting the retained advertisement hoarding to allow the installation of the proposed two storey structure. During the course of the application the proposals have been revised so that, rather than installing wider timber gates to the access from Lots Road, the width of the existing gates and width would be retained in line with the existing crossover, as shown on a revised Proposed Ground Floor Plan.
- 4.11 There would be no storage of refuse on site, other than refuse contained within the two Euro Bins. During the course of the application a revised Proposed Ground Floor Plan has been submitted to show the positions of the two Euro Bins. Most of the street operatives deposit their barrow collections at set points on their route, and only street operatives in proximity to the site bring collections sacks back.
- 4.12 Vehicle parking for 4 caged vehicles would not be re-provided at the proposed facility. These would continue to be parked and operate out of the existing site at Lots Road. The use of these vehicles is normally related to general works around the borough, as well as making infrequent visits to the proposed facility at Old Ferry Wharf to pick up and drop off street operatives who work in remote locations.
- 4.13 The proposed facility would operate at the same hours as existing (between 6:30am – 5 pm on all days, including Bank Holidays).
- 4.14 The proposed relocation of the existing facility from Lots Road would enable future intended works by the Council for redeveloping land at Lots Road.
- 4.15 There is no relevant planning site history at Old Ferry Wharf.

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 2019
Conservation Area	CL3, CL11

General townscape	CL1, CL2, CL6
Living conditions	CL5
Highway	CT1, CR7
Flooding and drainage	CE2

These policies can be read online at:

- Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>
- London Plan:
<http://www.london.gov.uk/priorities/planning/london-plan>

Other local strategies or publications

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

- Thames Conservation Area Appraisal
- Transport and Streets

These documents can be read online at:

Conservation Area Proposal Statements and Conservation Area Appraisals:

<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>

Other documents:

<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

6. Evaluation

6.1 The proposals would ensure that streetsweeping facilities remain in this part of the borough.

6.2 The decisive issues are:

- i Whether the proposals would have an acceptable townscape impact and preserve or enhance the character or appearance of the conservation area;
- ii Whether the proposals would have an acceptable impact on neighbouring living conditions;
- iii Whether the proposals would have an acceptable impact on the highway; and
- iv Whether the proposals would have an acceptable impact on flood risk and drainage.

Townscape and Conservation Area

6.3 The proposed facility would be largely screened by the retained advert hoarding fronting Cremorne Road.

Living Conditions

- 6.4 The size and siting of the proposals and the relationship with nearby residential occupiers, along with hours of operation, would have an acceptable impact on neighbouring living conditions, in terms of light, enclosure, privacy and noise, in compliance with Local Plan Policy CL5.

Highway

Layout and parking

- 6.5 The revised Proposed Ground Floor Plan shows how 40 streetsweepers' barrows would be accommodated, alongside the position of two x 1,110l Euro Bins.
- 6.6 The two proposed car parking spaces would be used by the site manager and assistant who open the and closes the facility and a 'SUEZ' small van to assist in the street cleaning operations. These vehicles are likely to remain parked throughout the day, and therefore vehicle movements to and from the site are expected to be minimal.
- 6.7 The revised Proposed Ground Floor Plan shows two cycle parking spaces below the stair to the first floor level, as Sheffield or similar hoop installed for security, in compliance with Local Plan Policy CT1 (f)

Vehicular site access

- 6.8 There is double red line marked at the kerbside adjacent to the site. This means that no waiting loading or stopping is permitted at the kerbside outside the site at any time. The kerbside designation serves to accommodate a cycling route (National Cycling Route 4) that passes across the frontage of the site connecting Chelsea Embankment to Lots Road.
- 6.9 The originally submitted proposal to widen the site access would have been problematic. It would mean vehicles crossing the public footway at a point where a shared facility for cyclists on an important cycling route that follows the route of the Thames Path. The proposed widening of the site access does not sit comfortably with the street layout and would impact detrimentally on highway operation contrary to RBKC Local Plan Policy CT1 (g), (h), (p).
- 6.10 The revised proposal has removed the widening of the gates from the application. The existing gates would remain in line with the crossover, which is acceptable.

Servicing

- 6.11 The proposals would have a modest servicing requirement and the proposed servicing arrangements as secured by recommended Condition 4 would satisfy Local Plan Policy CR7. The only vehicles accessing the site would be the vehicles using the car parking. The picking up and dropping off of operatives, would be undertaken away from the red route and not involve vehicles accessing the site. The pickup and drop off would be undertaken at a safe kerb side location and be undertaken in approximately 2 minutes.
- 6.12 Vehicles for collecting refuse would not drive into or reverse out of the site. The refuse would be collected from the kerb side (this should not occur on a red route, subject to TfL enforcement). The two Euro Bins would be moved to the edge of the site on collection day to ensure the refuse vehicle is present for the minimum time.

Construction

- 6.13 Given that the site is a sensitive location, a Construction Traffic Management Plan (CTMP) is justified for these proposals. The lifting in of the modular units could impact highway operation at a sensitive location. As well as being an important cycle route, the frontage of the site is on the access route to the Tideway and Lots Road Power Station constructions sites. Recommended Condition 3 would ensure that a CTMP would be submitted for approval.

Flooding and drainage

- 6.14 The proposed development would be a “less vulnerable” use as defined by Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change. It would be located within Flood Risk Zone 3a. The Environment Agency considers the proposed use to be appropriate within Flood Zone 3, provided that an adequate Flood Risk Assessment is undertaken. The submitted Flood Risk Assessment demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere.
- 6.15 The site is protected by the Thames Tidal flood defences up to a 1 in 1,000 (0.1%) change in any year flood event. The Environment Agency’s most recent breach hazard modelling study shows the site to be outside of the areas impacted by flooding if there was to be a breach of the defences or they were overtopped. The Environment Agency considers this development to be at low risk of tidal and fluvial flooding. Informative 5 provides information from the Environmental Agency on obtaining a permit from them for certain activities.
- 6.16 With regards to surface water flooding, the Lead Local Flood Authority has advised that, as the proposal is temporary and the site is currently entirely impermeable, there would be no expectation for attenuation of surface water.

Issues and balancing

- 6.17 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 6.18 Subject to the recommended conditions, the proposals would preserve the character and appearance of the Thames Conservation Area and would have an acceptable impact on neighbouring living conditions, the highway, and on flooding and drainage, in compliance with the statutory requirement for development within a conservation area and the Development Plan.

7. Consultations carried out

Comments from interested parties

Three nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 29/04/2022. A statutory notice advertising the application was posted near the site on 26/04/2022.

No representations were received about the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection. Informative recommended.	Paragraphs 6.14 – 6.15
Lead Local Flood Authority	No objection.	Paragraph 6.16

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Director of Transportation and Highways	No objection subject to the revisions showing the location of the 2 x proposed Euro Bins, confirmation of where the existing damaged bins have been re-located, retention of existing vehicular site access, further proposed servicing details, cycle parking details, and CTMP by pre-commencement condition.	Paragraphs 6.5 – 6.13

8. Recommended conditions if the application is granted

1. Limited period

The permitted structure and use shall be retained for a limited period only, of three years from the date of the grant of planning permission, on or before which date the structure shall be removed, the land restored to its former condition and the use discontinued.

Reason - The structure is permitted for a limited period only, because of the special circumstances of the case.

2. Compliance with approved drawings

The development shall not be carried out except in complete accordance with the details shown on submitted plans *3504/P/01 Existing Site Plan; 3504/P/06 Rev A Proposed Block Plan; 3504/P/07 Rev D Proposed Ground Floor Plan; 3504/P/08 Rev A Proposed First Floor Plan; 3504/P/09 Rev A Proposed Section CC and AA; 3504/P/10 Rev A Proposed Section DD and FF; 3504P/11/ Rev A Proposed Section BB and EE; 3504/P/12 Rev A Proposed Elevation and Section XX.*

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

3. Construction Traffic Management Plan (CTMP)

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

- a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway; and
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens,

pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

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

Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Local Plan 2019. 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. **Servicing**

The servicing of the development hereby granted planning permission shall be carried out only in accordance with the following details at all times:

- The only vehicles accessing the site shall be the vehicles using the permitted car parking spaces as shown on drawing no. 3405/P/07 Rev D Proposed Ground Floor Plan;
- Picking up and dropping off of site operatives shall be undertaken away from the red route adjacent to the site and shall not involve vehicles accessing the site
- The 2 x Euro Bins shown on drawing no. 3405/P/07 Rev D Proposed Ground Floor Plan shall be moved to edge of the site on collection day to enable refuse to be collected from the kerb side. Refuse vehicles shall not drive into or reverse out of the site.

Reason – To minimise the impact of servicing on the highway, in accordance with the Development Plan, in particular Local Plan Policy CR7 and the Transport and Streets SPD.

INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Conditions no(s) ********* impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
- 3 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)
- 4 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 **Flood Risk Activity Permit**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6 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.

7 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.

8 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>

9 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).

10 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

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

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/PP/22/02390 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Ms. C. Saverus

Telephone: 020 7361- 3235