

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE PLANNING COMMITTEE 03/06/2021

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	LB/20/03217	Agenda Item:	STR05	
Address:	South Kensington Underground Station; 20-48 (even) and 36-46 (odd) Thurloe Street; 1-9 (odd) Pelham Street; 20-34 Thurloe Square, LONDON			
Proposal:	**APPLICATION AMENDED 11.01.2021** Restoration and refurbishment of the retail facades within the arcade, alterations to the ticket hall within the South Kensington Station to provide for step-free access, construction of a fire escape stairwell, construction of two retail facades within the subway, demolition of the brick wall along Pelham Street and other associated works.			
Applicant:	Native Land (Kensington) Ltd, South Kensington Properties Ltd and London Under			
Agent:	DP9 Ltd			
Properties notified:	Objections:	Support:	Comments:	Petition:
0	46	1	0	0
Listed building:	Grade II			
Conservation area:	Thurloe and Smith's Charity			

1. Summary

- 1.1 The proposals are for the redevelopment of land around South Kensington Underground Station in five areas; the 'Bullnose', Thurloe Street, Pelham Street, Thurloe Square, and within the station itself. Revisions to initially submitted proposals were submitted by the Applicant and a reconsultation took place between 11 January 2021 and 26 February 2021.
- 1.2 The relevant works for the purposes of the listed building consent application include alterations to the ticket hall to facilitate step free access, refurbishment of the arcade including creating two openings in the western wall, the creation of openings within the subway, and the demolition of the existing Bullnose. The wider application also includes the creation of a series of new buildings up to five storeys in height, the demolition behind retained façade, refurbishment of the retail facades and addition of a mansard roof addition to the existing 20 – 34 Thurloe Street, as well as other ancillary works.
- 1.3 The demolition of the existing Bullnose, curtilage listed by virtue of its connection with the historic planned development of the station but in itself of little architectural merit, would result in less than substantial harm to the designated heritage asset, at the low end of the spectrum.

- 1.4 The proposals would also see alterations to the listed station arcade and the station itself through introducing step free access, other improvements, and the refurbishment of the shopfronts. The works include the creation of two openings into the western wall of the arcade and this will result in a loss of fabric to this surviving Victorian wall. The loss of historic fabric would result in less than substantial harm, although the wider refurbishment and station works would, however, result in an improvement to the special architectural and historic interest of these parts of the station and is a heritage benefit.
- 1.5 Similarly, elements of the wall to the historic subway will be removed. Again, this will result in less than substantial harm through the loss of historic fabric.
- 1.6 In accordance with Paragraph 196 of the NPPF, this less than substantial harm must be weighted against the public benefits of the proposals including, where appropriate, securing its optimum viable use.
- 1.7 In this case, there are a number of public benefits attributed to the redevelopment, the most prominent of which are the provision of new high quality commercial floorspace in this key town centre location, the delivery of 50 new homes including 17 affordable homes and the delivery of Step Free Access as part of this scheme, which would link with the previously consented works and complete Step Free Access to this station of London wide significance. The housing benefits are moderated by their failure to directly address the evidenced housing need of the Borough, but they remain a significant benefit nonetheless.
- 1.8 Less than substantial harm has been identified to the Grade II listed station. However, considering the public benefits of the proposals against the identified harm, the less than substantial harm is deemed to be outweighed in the heritage balance.
- 1.9 Please see report for PP/20/03216 for a full assessment of the application, including detailed consideration of all listed building matters.

It is recommended the Committee grants listed building consent with the conditions listed in Section 3 of this report.

2. Consultations carried out

Comments from interested parties

Full consultation was undertaken against PP/20/03216. However, 47 comments have been received in relation to this application for listed building consent. That includes 46 objections and one letter of support.

These objections are summarised and addressed in Section 9 of the report for PP/20/03216, alongside all the comments submitted in relation to that application.

3. Recommended conditions if the application is granted

1. Time limit

The works hereby granted shall be begun before the expiration of three years from the date of this consent.

Reason - As required by Section 18 of the Planning (Listed Buildings and Conservation Areas Act) 1990, to avoid the accumulation of consents.

2. Compliance with drawings

The works forming the subject of this consent shall not be carried out except in complete accordance with the details shown on submitted plans *RSHP-A-00010-P-00 Rev P1; RSHP-A-00020-P-00 Rev P1; RSHP-A-00999-P-B1; RSHP-A-01000-P-00 Rev P1; RSHP-A-01001-P-01 Rev P1; RSHP-A-01002-P-02 Rev P1; RSHP-A-01003-P-03 Rev P1; RSHP-A-01004-P-04 Rev P1; RSHP-A-01005-P-05 Rev P1; RSHP-A-01006-P-06 Rev P1; RSHP-A-01099-P-B1; RSHP-A-01100-P-00 Rev P1; RSHP-A-01110-P-01; RSHP-A-01120-P-02; RSHP-A-01130-P-03; RSHP-A-01140-P-04 Rev P1; RSHP-A-01150-P-05 Rev P1; RSHP-A-01199-P-B1; RSHP-A-01200-P-00 Rev P1; RSHP-A-01210-P-01 Rev P1; RSHP-A-01220-P-02 Rev P1; RSHP-A-01230-P-03 Rev P1; RSHP-A-01240-P-04 Rev P1; RSHP-A-01250-P-05 Rev P1; RSHP-A-01299-P-B1; RSHP-A-01300-P-00 Rev P1; RSHP-A-01310-P-01; RSHP-A-01320-P-02; RSHP-A-01330-P-03; RSHP-A-01340-P-04; RSHP-A-01350-P-05; RSHP-A-01399-P-B1; RSHP-A-01400-P-00 Rev P1; RSHP-A-01410-P-01 Rev P1; RSHP-A-01420-P-02 Rev P1; RSHP-A-01430-P-03 Rev P1; RSHP-A-01440-P-04 Rev P1; RSHP-A-01499-P-B1; RSHP-A-01500-P-00; RSHP-A-01505-P-00; RSHP-A-01510-P-01 Rev P1; RSHP-A-01520-P-02 Rev P1; RSHP-A-01530-P-03 Rev P1; RSHP-A-02000-S-AA Rev P1; RSHP-A-02001-S-BB Rev P1; RSHP-A-02002-S-CC Rev P1; RSHP-A-02003-S-DD Rev P1; RSHP-A-02004-S-EE Rev P1; RSHP-A-02005-S-FF Rev P1; RSHP-A-03000-E-N Rev P1; RSHP-A-03010-E-S Rev P1; RSHP-A-03020-E-E Rev P1; RSHP-A-03030-E-W Rev P1; RSHP-A-04000-D-XX Rev P1; RSHP-A-04001-D-XX Rev P1; RSHP-A-04002-D-XX Rev P1; RSHP-A-04003-D-XX Rev P1; RSHP-A-04004-D-XX Rev P1; RSHP-A-04005-D-XX Rev P1; RSHP-A-04006-D-XX Rev P1; RSHP-A-04007-D-XX Rev P1; RSHP-A-04008-D-XX Rev P1; RSHP-A-04009-D-XX Rev P1; RSHP-A-04010-D-XX Rev P1; RSHP-A-04011-D-XX Rev P1; RSHP-A-04012-D-XX Rev P1; RSHP-A-04013-D-XX Rev P1; RSHP-A-04014-D-XX Rev P1; RSHP-A-04015-D-XX Rev P1; RSHP-A-09999-P-B1; RSHP-A-10000-P-00 ; RSHP-A-10001-P-01 ; RSHP-A-10002-P-02; RSHP-A-10003-P-03 ; RSHP-A-10004-P-04 ; RSHP-A-10005-P-05; RSHP-A-11000-P-00; RSHP-A-11999-P-B1; RSHP-A-12000-P-00 ; RSHP-A-12100-P-01; RSHP-A-12200-P-02; RSHP-A-12300-P-03; RSHP-A-12400-P-04; RSHP-A-12500-P-05; RSHP-A-13000-P-00; RSHP-A-14000-P-00; RSHP-A-14999-P-B1; RSHP-A-15000-P-00; RSHP-A-15100-P-01; RSHP-A-15400-P-02; RSHP-A-20000-S-AA; RSHP-A-20001-S-BB; RSHP-A-20002-S-CC; RSHP-A-20003-S-DD; RSHP-A-20004-S-EE; RSHP-A-20005-S-FF; RSHP-A-30000-E-N; RSHP-A-30001-E-S; RSHP-A-30002-E-E; RSHP-A-30003-E-W; RSHP-A-30000-E-N; RSHP-A-30001-E-S; RSHP-A-30002-E-E; RSHP-A-30003-E-W. and shall be so maintained.*

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building.

3. Notification of start of works

No works shall commence under this listed building consent before written notification of the intended start of works has been provided to the local

planning authority [*Town Hall, Hornton Street, London W8 7NX*] with such notification providing not less than 14 days notice prior to the commencement of works. For the period of 14 days before works commence, access shall be enabled to the building, on request from the local planning authority, to allow photographs and/or measured drawings to be undertaken.

Reason - In order that the local planning authority may be given the opportunity of monitoring the progress of works on site to ensure there is no harm to the special architectural or historic interest and heritage significance of the building. You should expect that a Council Officer may arrive to inspect the works at any time to ensure that the extent of works permitted by the listed building consent is not being exceeded.

4. Submission of details

Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:

- (a) cleaning of brickwork;
- (b) pointing/brickwork repairs, including mortar mix;
- (c) detailed drawings including elevations and sections of new internal shopfronts to the arcade;
- (d) samples of new shopfront materials;
- (e) all new architectural features including cornices, skirtings, architraves and internal doors;
- (f) proposed new servicing, including details of all service runs, any new ducts or vents.

Reason – In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Local Plan and HC1 of the London Plan.

5. Work to match retained fabric

All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Local Plan 2019.

6. Brick bond

The brickwork bond shall match the original bond on the building.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Local Plan 2019.

7. Pointing, re-pointing, and jointing

The mortar mix shall match the original construction mortar of the building with regard to the grading of the aggregate, finish, and colour. The mortar must be lime based (NHL as per EN459) with no cement content. The pointing profile shall match the original profile on the building.

If the original pointing no longer exists, details of the re-pointing profile should be submitted to and approved in writing by the local planning authority before any such re-pointing takes place.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Local Plan 2019.

8. Retention of fabric

All existing fabric including existing wall and ceiling plasterwork shall be retained, unless notated otherwise on the drawings approved under this consent.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Local Plan 2019.

9. Demolition and stability

Before any work is undertaken in pursuance of this consent to demolish any part of the building, such steps shall be taken and such works carried out as shall, during the progress of works permitted by this consent, secure the safety and stability of all parts of the building to be retained.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Local Plan 2019.

10. Pipework

No plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building other than those shown on the drawings forming part of this consent.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the building and comply with policy CL4 of the Local Plan 2019.

11. Partitions

All partitions hereby granted consent shall be of lightweight construction, easily removable, and be so maintained.

Reason:- To preserve the special architectural character and heritage significance of the listed building and comply with Policy CL4 of the Local Plan 2019.

INFORMATIVES

- 1 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.
- 2 You are reminded that no work should commence on implementing this Listed Building Consent until all matters, samples, and details reserved by condition have been submitted to, and approved by, this local planning authority. It is an offence to carry out work to a Listed Building unless all such conditions have been complied with. Any proposed departure from the works specified in the approved drawings should be brought to the attention of the planning department for further consideration before the work is carried out. The Council will use its enforcement powers, including use of Breach of Condition Notices or Prosecution, to ensure compliance with conditions and prevent harm to the special historic character and historic interest of Listed Buildings. You are advised that there is currently a maximum fine of £20,000 if the offence is dealt with summarily, and if the offence is dealt with by indictment the fine is unlimited.

- 3 You are reminded that the original historic fabric of the listed building should be retained unless specifically authorised for removal by the Council as part of a listed building consent. Historic fabric which must be retained would include lath and plaster ceilings and walls, floor boards, original skirting boards, dado rails, cornice, fireplaces, staircases, and any other surviving historic fabric. Where these elements are in poor condition, repair and restoration could be undertaken by competent workmen, with the minimum amount of intervention to the historic fabric.

You are reminded that the installation of recessed ceiling lights and speakers in most cases will require listed building consent. Any proposals for these particular works must be first approved by the Council as part of a listed building consent before they are installed within the listed building. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

Advice can be sought if a problem has occurred during consented works, but it is clearly preferable to seek advice at as early a stage as possible.

- 4 This consent does not cover the removal or alteration of any currently hidden features of architectural or historic interest that may be revealed during the course of building works; removal or alteration of any such features may well require listed building consent.
- 5 You are advised of the importance to ensure that all works and measures necessary to stabilise and protect all parts of the building to be retained have been put in place before the consented demolition is commenced.
- 6 The re-pointing and cleaning of external walls may require listed building consent. The appropriate mortar mix, profile and colour of the re-pointing are crucial in preserving or re-introducing the original appearance of the building and in turn its special architectural or historic interest and heritage significance. It should be also noted that inappropriate mortar mix and pointing profile can lead to future deterioration of the brickwork. The mortar mix should match the original construction mortar of the building with regard to the grading of the aggregate, finish and colour. The original mortar mix would always be lime based. Cement started to be used in the 19th century, however its setting capacity was similar to lime and much weaker than the cement used today. The pointing profile should always match the original profile. Where the original pointing no longer exists, the re-pointing profile should be flush pointed slightly recessed off the arises.

Guidance on how best to re-point your building can be obtained by consulting the Council's Conservation Officer through our advice service: [Planning Advice Service](#)

- 7 The appropriate mortar mix, profile and colour of pointing are crucial in preserving and enhancing the character and appearance of buildings in conservation areas and other areas of the Royal Borough of Kensington and Chelsea. Inappropriate mortar mix and profile can lead to future deterioration of brickwork, and weatherstruck pointing should normally be avoided. Guidance on how best to re-point your building can be obtained through our planning advice service: [Planning Advice Service](#)
- 8 The Council will be pleased to advise on matters relating to the restoration of architectural features such as cornices and mouldings. Please seek the advice of the Directorate of Planning and Borough Development in this regard: [Planning Advice Service](#)
- 9 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 8(2)(c), owners of a listed building must give the Historic Research and Conservation Support Section, English Heritage, 30 days notice of works involving any element of demolition for which consent has already been granted, and allow English Heritage access to the building so that it may if it wishes make a record of the building before work begins.
- 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

- 11 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](#)
- 12 You should engage with neighbours and local residents associations in advance of submitting your Construction Traffic Management Plan (CTMP). It is also advisable to engage in further pre-application discussions with the Local Planning Authority prior to submission of the CTMP. You are reminded of the purpose of the CTMP, which is to mitigate impact upon the living conditions enjoyed by residents of neighbouring properties as well as to ensure the safe and unobstructed function of the highways in the vicinity. You are also reminded of the membership of the Considerate Constructors Scheme, required by condition and which has similar objectives. Care and sensitivity is required when carrying out development in residential areas.
- 13 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).
- 14 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:

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Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/LB/20/03217 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Mr. J. Whitworth

Telephone: 07739-313-792