

# THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Major Planning Development Committee 11/02/2014

## REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT

<b>Application:</b>	/PP/13/06790	<b>Agenda Item:</b>	STR8	
<b>Address:</b>	213-215 Warwick Road, LONDON, W14 8PU			
<b>Proposal:</b>	Variation of conditions 2, 24 and 25 (amend residential mix, re-positioning of blocks A and B, changes to design of blocks A, B and D, changes to roof levels of blocks A, B and D, telecommunications equipment) of planning permission PP/12/05112 for "Redevelopment of the site to provide 99 market residential units and 59 affordable housing units, 542 square metres of Class A1, A2, A3 or D1 use within four buildings of 7 - 17 storeys in height together with the provision of public and private open space, new access road, basement car parking and associated hard and soft landscaping" (MAJOR APPLICATION).			
<b>Applicant:</b>	St Edward Homes Limited			
<b>Agent:</b>	Ms H Bizoumis Gerald Eve LLP,			
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>
830	0	0	1	0

### 1.0 SITE

1.1 The site is located on the north-west side of Warwick Road south of the junction with Kensington High Street and is bounded by the Former TA site immediately to the north, the Homebase site to the south, the West London Railway line to the west and Warwick Road to the east. The residential block Durrels House lies on the opposite side of Warwick Road, to the east. The total site area is 0.55 hectares. The site is currently occupied by a number of buildings comprising the four storey Telephone Exchange building fronting Warwick Road, a temporary 'Europcar' portakabin and a large warehouse/garage to the rear abutting the railway line. There are no listed buildings within, or within the immediate vicinity of, the site and it does not lie within a conservation area, but the Edwardes Square, Scarsdale and Abingdon Conservation Area lies nearby 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 'Telereal' site within this SPD area.

### 2.0 PROPOSAL

2.1 The proposals are for:

- Block A - re-positioning of block away from the railway line, elevational changes to match the campanile on the 'Charles House' site, internal layout changes, and increase in height of 900mm at roof level;
- Block B - re-positioning of block away from the railway line, slight re-alignment of footprint;
- Block D - change to footprint of penthouse at seventh floor level, layout

changes, and changes to elevations;

- At roof level to blocks A, B and D - changes to the PV cell arrays to the roofs, changes to the plant and lift core structures, and changes to allow for the future provision of telecommunications equipment to the roofs.

2.2 The private residential mix within Block A is to change, with four fewer units. Block D is proposed to change from a mixture of intermediate and private accommodation to solely social rented accommodation, with nine fewer units overall. The result of these changes would be as follows:

	Private		Intermediate		Social rented		Total	
	Consented	Proposed	Consented	Proposed	Consented	Proposed	Consented	Proposed
<b>1-bed/studio</b>	6	3 (-3)	0	0	3	5 (+2)	9	8 (-1)
<b>2-bed</b>	49	37 (-12)	20	0 (-20)	10	10 (0)	79	47 (-32)
<b>3-bed</b>	47	45 (-2)	0	0	15	23 (+8)	62	68 (+6)
<b>4+-bed</b>	2	7 (+5)	0	0	11	20 (+9)	13	27 (+14)
<b>Total</b>	<b>104</b>	<b>92 (-12)</b>	<b>20</b>	<b>0 (-20)</b>	<b>39</b>	<b>58 (+19)</b>	<b>163</b>	<b>150 (-13)</b>

2.4 It is also important to understand the overall change in residential mix from the originally consented position (as detailed in section 3 below), in order to understand the cumulative impacts of the various s73 planning permissions granted in relation to this site:

	Private		Intermediate		Social rented		Total	
	Original	Proposed	Original	Proposed	Original	Proposed	Original	Proposed
<b>1-bed/studio</b>	3	3 (0)			3	5 (+2)	6	8 (+2)
<b>2-bed</b>	43	37 (-6)	20	0 (-20)	10	10 (0)	73	47 (-26)
<b>3+-bed</b>	53	52 (-1)			26	43 (+17)	79	95 (+16)
<b>Total</b>	<b>99</b>	<b>92 (-7)</b>	<b>20</b>	<b>0 (-20)</b>	<b>39</b>	<b>58 (+19)</b>	<b>158</b>	<b>150 (-8)</b>

### Revised drawings

2.6 Revised information in relation to the consented and proposed floorspaces was submitted on 9 January 2014.

### S106 planning obligations

2.7 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 linear park, provision of dedicated playspace, CTMP, travel plan, highways works, off-site community facilities, off-site health, safer neighbourhood community facility, servicing management plan, traffic management plan, parking permit free, highways adoption and monitoring payment.

In addition to the above, a number of 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 until the basement for the school has been constructed (but not fitted out);

In addition, further controls in relation to the 'Homebase' (PP/13/06787) and 'Charles House' (PP/13/06801) sites are proposed:

- 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 private residential units in Block 3 of the 'Homebase' development until the school has been practically completed.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 Planning permission ref. PP/08/01214, granted on 11 December 2008, was the original application for the site and was for *"Redevelopment of the site to provide 99 market residential units and 59 affordable housing units, 542 square metres of Class A1, A2, A3 or D1 use within four buildings of 7 - 17 storeys in height together with the provision of public and private open space, new access road, basement car parking and associated hard and soft landscaping."*

3.2 The original permission has been varied by three applications under s73 of the Town and Country Planning Act 1990 (refs. PP/11/01175, PP/12/05106 and PP/12/05112) to change the trigger points of several conditions, and for design changes and changes to the proposed residential mix, a revised highways layout including 'interim' car lifts and a 'permanent' car ramp, and associated works. This is reflected in the assessment in section 4.0 below. Basement level alterations were also proposed to allow for the basement of the site to join with the adjacent 'Homebase' site and for the provision of a combined energy centre for both sites. The associated planning application for the 'Homebase' site was ref. PP/12/05114.

### **4.0 PLANNING CONSIDERATIONS**

4.1 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 Air Quality SPD and the Edwardes Square, Scarsdale & Abingdon Conservation Area Proposals Statement (CAPS). The National Planning Policy Framework has been considered.

4.2 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 to the proposals are their impact on air quality, transport; S106 planning obligations, land contamination and flood risk. It must also be noted that the proposed residential mix links to the associated applications on the 'Homebase' and 'Charles House' Warwick Road Masterplan sites and the school site. This is reflected throughout the assessment below.

#### **Design**

4.3 The re-positioning of block A away from the railway line would allow the block to align with the relevant blocks on the 'Homebase' site, which are also proposed to be moved by the same amount as part of the simultaneous application ref. PP/13/06787. The elevational changes to the building, which is the campanile building, to match the campanile on the 'Charles House' site are supported, as the two towers are viewed as a pair. These appear as similar as possible in order for the legibility of the repeated towers down the Warwick Road Masterplan sites to be retained. The increase in height of 900mm at roof level

would have minimal impact on the appearance of the building and would match the previously approved changes to increase height of block C (the sister campanile building) on the 'Charles House' site. Again, this would be supported as it would help to maintain the visual links between the two buildings and sites.

- 4.4 The re-positioning of block B away from the railway line would allow it to match the location of block A and of the blocks which are proposed to be simultaneously moved on the 'Homebase' site. The slight re-alignment of footprint would make no material difference to the appearance of the building.
- 4.5 The change to the footprint of the penthouse level of block D would slightly increase the footprint and therefore evident bulk of this penthouse level. However, the difference would be marginal and a significant set back to the shoulder height of the building would be maintained. The design of the revised penthouse level would be of high quality and is supported. The changes to the fenestration of this block would be relatively minor. The increase in the amount of glazing to the end elevations would be supported, as the increase in glazing would be minimal, and the end elevations would maintain their subservient appearance in comparison to the principal long east and west elevations.
- 4.6 The roof level alterations for changes to the PV cell arrays and to the plant and lift core structures would be acceptable, as the roofs of these buildings already provide lift cores, PV cells and plant areas as consented. The proposals are simply for minor changes to the locations and footprints of these items, and have been designed so that they would have minimal impact on the appearance of the roofscape.
- 4.7 The proposed design changes are therefore supported, would protect the setting of nearby conservation areas, and would comply with Core Strategy Policies CL1, CL2 and CL3 and UDP Policy CD63.

### **Residential**

- 4.8 Changes to the residential mix are proposed, with the loss of all 20 intermediate units (all 2-beds), an increase in social rented units of 19 (from 39 to 58), including 17 family sized units, and the loss of seven private units. The overall unit numbers would decrease by 13 from the consented position (from 163 to 150). In terms of floorspace, the proposals would result in a change from 6,925 sq m (GEA) affordable floorspace, at a percentage of the total residential floorspace of 26%, to 7,657 sq m (GEA) (an increase of 732 sq m) at a percentage of the total of 29%. By number of units, the proportion of affordable would change from 36% to 39%.
- 4.9 In terms of design, 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 slight changes to the location and footprint of the blocks would have no material impact on the proposals in terms of sunlight, daylight and overshadowing, or in terms of sense of enclosure or loss of privacy to the proposed occupants of the residential units. The social rented housing would be within blocks B and D and the private units within blocks A and C. The split of the tenures into separate buildings would allow for easier management of the blocks. The tenures would still both be represented on-site and a mixed and balanced community would be retained. The proposals would therefore accord with Core Strategy Policies CH2 and CL5.
- 4.10 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 'Homebase' (ref. PP/13/06787)), all three of which have been applied for simultaneously. The change to the

residential mix across all three sites is proposed to be:

*Overall*

	<b>Consented</b>	<b>Proposed</b>	<b>Difference</b>
1-bed/studio	244	251	+7
2-bed	396	387	-9
3+-bed	277	272	-5
<b>Total</b>	<b>917</b>	<b>910</b>	<b>-7</b>

*Private*

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

*Intermediate*

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

*Social rented*

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

4.11 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.

4.12 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.

**Air quality**

4.13 The Director of Environmental Health has reviewed the proposals. Concern is /PP/13/06790: 5

raised regarding the increase in height of block A, which is located adjacent to block B (where the energy centre is to be located), and the increase in height of block A may further impact the effective dispersion of emissions from the energy centre. The applicant highlights that block A is upwind of block B and that the 900mm difference in height, when the difference between the heights of the buildings is already 20m, would make no material difference to dispersal conditions. It is further noted that the proposals provide mechanical ventilation, which would help to mitigate any air quality impacts of the energy centre. The change in height of block A would not therefore cause a material worsening of air quality, and the proposals are acceptable in this respect and would comply with Core Strategy Policy CE5.

### **Transport**

- 4.14 The Director of Transportation has reviewed the proposals. The number of proposed units would fall, and the number of proposed car parking spaces would remain as consented. The ratio of car parking to units would therefore slightly increase, but as no more car parking is proposed than as consented, there would be no increase in traffic congestion and the proposals would accord with Core Strategy Policy CT1 in this respect. Also in respect of car parking, the proposed changes would result in the repositioning of the structural columns within the basement, and tracking diagrams have been submitted by the applicant which confirm that this would not hinder access to the car lifts at basement level. Cycle parking would remain as consented, and would also slightly increase as a ratio to proposed units, which would encourage modes of transport other than the car, as supported by the Transport SPD and Policy CT1. The proposed re-positioning of blocks A and B would have the effect of reducing the extent of the public domain within the site by equivalent distances, but there would be no material impact on the quality of the public domain or the functionality of the proposed streets. The proposals would therefore maintain the high quality streetscape and would comply with Core Strategy Policy CR4.

### **Mayoral Community Infrastructure Levy (CIL)**

- 4.15 The original planning permission ref. PP/08/01214 was granted on 11 December 2008 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 before a CIL comes into force, as is the case with this site, the proposals are not CIL liable. The proposals are therefore not liable for Mayoral CIL.

### **Environmental Impact Assessment (EIA)**

- 4.16 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.

### **Greater London Authority (GLA)**

- 4.17 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.

### **Other matters - land contamination, flood risk, telecommunications equipment**

- 4.18 It has been confirmed that the proposals would have no material impact on land contamination.

- 4.19 The repositioning of the blocks could have an impact in the Counters Creek sewer system which runs along the road. Therefore, it is important that the developers consult with Thames Water before the construction of the basement levels commences. This is set out in an informative.
- 4.20 A plan has been submitted outlining an area on the roof of block A that could be used in the future for the placement of telecommunications equipment. No details of the equipment itself has been provided so no assessment can be made of the visual impact of this. However, this would be the roof of the tallest building on the site, and would therefore be the most acceptable location for the placement of telecommunications equipment. This is therefore acceptable, in principle, subject to review of the detailed design of any future submissions. This would be controlled by condition 25, which would be re-worded, as set out below.

### Changes to conditions

- 4.21 In order to facilitate the changes to the scheme assessed above, the following alterations to the conditions attached to planning permission ref. PP/12/05112 would be required:

Nu.	Original	Proposed	Explanation
2	The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans...	The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans...(but with the new plan reference numbers)	Updated to reflect the revised plans
24	No water tank, lift motor room, or other roof structure, shall be erected on top of the roof of any of the buildings hereby approved	With the exception of those areas identified on plan ref. L13-280 SW_(00)_002 rev P1, no water tank, lift motor room, or other roof structure, shall be erected on top of the roof of any of the buildings hereby approved	To reflect that photovoltaic cells have already been permitted, and to allow for further proposed alterations to the roof as detailed above
25	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 in writing of the	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 with the exception of the rooftop area indicated on plan ref. L13-280 SW_(00)_004 rev P1. The details of the equipment must be	To allow for the insertion of telecommunication s equipment on the roof of the buildings, within defined areas

Local Planning Authority. submitted and approved in writing by the local planning authority prior to installation

## **5.0 PUBLIC CONSULTATION**

- 5.1 Neighbouring addresses were notified of the proposals and a site notice was erected outside the site. There has been one letter received requesting further floorspace information, which was subsequently provided.

## **6.0 CONCLUSION**

- 6.1 Changes to the residential mix are proposed, with the loss of all 20 intermediate units (all 2-beds), an increase in social rented units of 19, including 17 family sized units, and the loss of seven private units. 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 'Homebase' (ref. PP/13/06787) 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-positioning of blocks A and B away from the railway line would allow the block to align with the relevant blocks on the 'Homebase' site and the elevational changes and increase in height of the campanile building to match the campanile on the 'Charles House' site are supported. The design of the revised penthouse level and revised fenestration to Block D would be of high quality and is supported. The roof level alterations for changes to the PV cell arrays and to the plant and lift core structures would be acceptable, as the roofs of these buildings already provide lift cores, PV cells and plant areas as consented. There are no concerns in relation to transport, air quality, land contamination, flooding or any other matters. The proposals are acceptable in all respects, would comply with Core Strategy Policies CL1, CL2, CL3, CT1, C1, CR4, 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 was implemented on 9 December 2011**

*Reason - To reflect that the development has been implemented*

2. **Compliance with approved drawings**

The development shall not be carried out except in complete accordance with the details shown on submitted plans 'Permanent': P\_AL\_C645\_001; P\_AL\_C645\_100; P\_B1\_C645\_100; P\_LG\_C645\_100; P\_00\_C645\_100; P\_01\_C645\_100; P\_02\_C645\_100; P\_03\_C645\_100; P\_04\_C645\_100; P\_05\_C645\_100; P\_06\_C645\_100; P\_07\_C645\_100; P\_08\_C645\_100; P\_09\_C645\_100; P\_10\_C645\_100; P\_11\_C645\_100; P\_12\_C645\_100; P\_13-15\_C645\_100; P\_14-16\_C645\_100; P\_RF\_C645\_100; E\_01\_C645\_100; E\_02\_C645\_001 rev C; E\_03\_C645\_100; E\_04\_C645\_003 rev B; E\_05\_C645\_100; E\_06\_C645\_100; E\_07\_C645\_002 rev C; E\_08\_C645\_001 rev C; E\_09\_C645\_002 rev A; S\_AA\_C645\_003 rev B; S\_BB\_C645\_003 rev B; S\_CC\_C645\_002 rev C; S\_GG\_C645\_100; S\_HH\_C645\_100 rev A; D\_00-08\_C645\_001; D\_09-10\_C645\_001; D\_01\_G251\_003 rev A;

'Interim' (where different to 'permanent'): P\_B1\_C645\_101; P\_LG\_C645\_100; P\_00\_C645\_100; E\_01\_C645\_101; E\_02\_C645\_002 rev B; E\_03\_C645\_101; E\_04\_C645\_002 rev B; E\_05\_C645\_101; E\_06\_C645\_101; S\_AA\_C645\_002 rev A; S\_BB\_C645\_002 rev A; P\_00\_C645\_111

*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 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the first Block (either A, B, C or D) and the development shall not be carried out otherwise than in accordance with the details so approved:**

- a) **Details of cycle route**
- b) **Details of the servicing arrangements of the commercial units at ground floor level**
- c) **Details of the cycle parking. (C011)**

*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)*

4. **Full particulars of the temporary pavilion building, the interface with the access road and details of traffic management related to operation of the car lifts shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the temporary pavilion building. The temporary pavilion building shall not be carried out other than in accordance with the details so approved.**

*Reason - In order to ensure satisfactory appearance and operation of the temporary and interim access and to preserve the setting of nearby conservation areas.*

5. **Prior to occupation of Block 4 of the Homebase site, full particulars of the permanent car park access interface with the access road shall be submitted to and approved in writing by the Local Planning Authority. The access arrangements shall not be carried out other than in accordance with the details so approved.**

*Reason - In order to ensure satisfactory appearance and operation of the permanent access and to preserve the setting of nearby conservation areas.*

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

- a) **Details of the means of external ventilation (basement or Blocks A, B, C or D)**
- b) **All proposed boundary treatments including any proposed walls, fences or railings/balustrades**
- c) **The treatment of all open land within the site including hard and soft**

landscaping, this should include details of the type and size of trees within the site together with detailed drawings (at Scale 1:20) showing the associated tree pits;

d) Details of the rooftop plant to Building C;

e) Details of photo voltaic panels to main roofs of all buildings. (C011)

*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)

7. The samples of the materials to be used on the external faces of the relevant Block (either A, B, C or D) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the relevant Block (either A, B, C or D) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so retained.

*Reason* - The particulars 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.

8. Full particulars of the following shall be submitted to and approved 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 than in accordance with the details so approved and shall be so retained:

a) Materials and detailed drawings (at Scale 1:20) of the fenestration, balustrades (including all terraces at main roof level) panelling and framing of the relevant Block (either A, B, C or D);

b) Samples of materials and detailed drawings (at Scale 1:20) of the finish to the accommodation at 9<sup>th</sup> and 10<sup>th</sup> floors to Block C;

c) Details of all elevations, entrance and design of the main roofs to Block A.

*Reason* - The particulars 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.

9. Noise emitted from all building services plant all operating together shall be 10dBA below the lowest existing measured background LA90 (10 min) level measured or predicted at 1.0 metres from the nearest residential window or at a height of 1.2 metres above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. If the noise source exhibits tonality or other distinguishing characteristics then the noise emitted shall be 15dBA below the existing measured background LA90 (10 min) as above. Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply.

*Reason* - To protect the amenities of nearby occupiers.

10. The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter (C57f).

*Reason* - To protect the amenities of nearby occupiers.

11. Work shall not commence on installing plant and equipment until a noise report has been submitted to and approved in writing by the Local Planning Authority. The report shall show how the installed plant and equipment and any noise mitigation system required shall comply with Conditions 6 and 7 above. The report shall also have regard to the absolute noise levels at existing sensitive receptors as detailed in Table 6.14 of the Environmental Statement, Volume 1.

*Reason* - To safeguard the amenities of neighbouring properties.

12. **Noise levels within habitable rooms of the residential dwellings shall comply with 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 then passive or mechanical ventilation as necessary shall also be provided and thereafter maintained.**  
*Reason - To safeguard levels of residential amenity.*
13. **The sound insulation performance and specification of glazing and facade insulation in respect of the relevant Block (either A, B, C or D) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant Block (either A, B, C or D) of the development hereby permitted. The glazing and facade insulation as approved shall be installed prior to occupation of the development and so retained.**  
*Reason - To safeguard levels of residential amenity.*
14. **The demolition works shall be carried out in accordance with the Construction Demolition Statement dated June 2011 or any subsequent document submitted to and approved in writing by the Local Planning Authority that details and advises of the demolition measures in accordance with the best practicable means to be used to minimise demolition noise and vibration likely to affect adjacent residential premises.**  
*Reason - To safeguard the amenities of neighbouring properties.*
15. **Prior to the commencement of construction works of the relevant Block (either A, B, C or D) of the development a detailed Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail and advise of the measures in accordance with the best practicable means to be used to minimise construction noise and vibration likely to affect adjacent residential premises.**  
*Reason - To safeguard the amenities of neighbouring properties.*
16. **Prior to the commencement of construction of the basement a detailed Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail and advise of the measures in accordance with the best practicable means to be used to minimise construction noise and vibration likely to affect adjacent residential premises.**  
*Reason - To safeguard the amenities of neighbouring properties.*
17. **The remediation strategy as set out in the Phase II Environmental Assessment Part 1 and 2 dated 22 November 2011 or any subsequent document submitted to and approved in writing by the Local Planning Authority must be undertaken. On completion of any remediation works required the results shall be submitted to the Local Planning Authority within an appropriate validation report.**  
*Reason - To comply with the requirements of PPS23 and ensure the land is suitable for the proposed use.*
18. **The whole of the car parking space(s) and motor cycle parking shown on the drawings hereby approved shall be provided before the dwellings are occupied and the spaces shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwellings and for no other purpose. (C026)**  
*Reason - To prevent obstruction of the surrounding streets and safeguard the amenity of the area. (R026)*

19. **The demolition works shall be carried out in accordance with the Risk Assessment Report dated August 2011 or any subsequent document submitted to and approved in writing by the Local Planning Authority that provides a risk assessment based on the guidance in the London Best Practice Guidance to control dust and emissions from demolition.**  
*Reason - To ensure that air quality is not reduced as a result of the development.*
20. **Prior to the commencement of construction of the basement, a risk assessment shall be undertaken based on the guidance in the London Best Practice Guidance to control dust and emissions from construction of the basement, and be submitted to and approved in writing by the Local Planning Authority.**  
*Reason - To ensure that air quality is not reduced as a result of the development.*
21. **Prior to the commencement of construction works of the first Block (either A, B, C or D), a risk assessment shall be undertaken based on the guidance in the London Best Practice Guidance to control dust and emissions from construction, and be submitted to and approved in writing by the Local Planning Authority .**  
*Reason - To ensure that air quality is not reduced as a result of the development.*
22. **Prior to the commencement of construction of the basement an additional air quality impact assessment must be submitted to and approved in writing by the Local Planning Authority. The traffic assessment on which it is based should be sufficiently robust for the purpose of determining the air quality impact and include all traffic generated during the construction phase. The air quality assessment must show how air quality will change during the construction phase of the development alone and in combination with other cumulative developments and include a baseline comparison. The London Councils 'Air Quality and Planning Guidance' should be reported in the recommended format. The report should detail the parameters and what steps will be taken to reduce the impact on the local environment. The assessment shall show any mitigation measures with regard to exposure to air pollution levels exceeding the national air quality objectives and how the impact of the development on the local environment will be reduced. Any such measures approved by the Local Planning Authority shall be implemented in accordance with the approved assessment.**  
*Reason - To ensure that air quality in the area is not reduced as a result of the development.*
23. **a. Full details of the single CHP system, single communal network and future proofing to provide the opportunity to link to adjacent sites in order to reduce the CO2 emissions of the residential units within the development by an overall 25% from the current requirement of Part L of the Building Regulations (2010) should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the first Block (either A, B, C or D). The CHP and network shall be installed and maintained as so approved**
- b. The Council requires that either all pollution credits to meet Code for Sustainable Homes Level 4 are obtained or the recommendations of a BREEAM assessment with regard to pollution and emissions are met. Any Combined Heat and Power (CHP) plant shall not be operated without the fitting of suitable NOx abatement equipment or methods to reduce emission levels to a comparable level to that required to meet the standards described above. Prior to the construction of the first Block (either A, B, C or D), technical data and certification to show that the proposed abatement equipment or method can achieve this NOx emissions level is required to be submitted to and approved in writing by the Local Planning Authority. Once installation is complete an emission testing certificate for NOx emissions (carried out by a competent person) should be provided to this department.**

*Reason - To comply with Council's Core Strategy Policies CE1 and CE5 and London Plan (2011) Policies 5.2 and 5.6.*

24. **With the exception of those areas identified on plan ref. L13-280 SW\_(00)\_002 rev P1, no water tank, lift motor room, or other roof structure, shall be erected on top of the roof of any of the buildings hereby approved.**  
*Reason - To safeguard the appearance of the area. (R077)*
25. **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 with the exception of the rooftop area indicated on plan ref. L13-280 SW\_(00)\_004 rev P1. The details of the equipment must be submitted and approved in writing by the local planning authority prior to installation.**  
*Reason - To safeguard the appearance of the buildings and surrounding area.*
26. **The uses (within Class A1, A2, A3 or D1) hereby permitted at ground floor level to Building D 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)*
27. **The premises at ground floor level to Building D shall not at any time be used for the sale of hot food for distribution or for consumption off the premises. (C061)**  
*Reason - To safeguard the amenity of the area, in particular the levels of amenity presently enjoyed by the occupants of neighbouring property. (R059)*
28. **Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, the premises at ground floor level hereby permitted shall not include use as an exhibition hall or as a place for public worship.**  
*Reason - To safeguard the amenities of the surrounding area.*
29. **No development of Block D shall take place before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the ground floor commercial use and the residential dwellings to the upper floors to Building D has been submitted to and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. The residential dwelling(s) shall not be occupied until the approved scheme has been fully implemented. (C53b)**  
*Reason - To safeguard the amenity of neighbouring premises. (R53a)*
30. **No music shall be played within the premises at ground floor level to Building D so as to be audible outside the premises. (C048)**  
*Reason - To safeguard the amenity of neighbouring property. (R048)*
31. **Not more than one restaurant shall be created pursuant to this permission at ground floor level to Building D , and this restaurant shall not provide more than 75 covers. (C051)**  
*Reason - To safeguard the amenity of neighbouring property. (R048)*

## **INFORMATIVES**

- 1 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)
- 2 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)
- 3 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](http://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.
- 4 Any excavation or new ground works at street level associated with this development may expose or damage archaeological remains. Such works include the removal of the existing slab and/or foundations, construction of new foundations or floor slabs, lift pits, underpinning or service trenches. Should any of these works prove necessary on site, the prior written consent of the Council must be obtained and this may result in the need for archaeological investigation and recording to be carried out to facilitate "preservation in situ". (I16)
- 5 The development of this site is likely to damage archaeological remains and archaeological works must be carried out in accordance with the terms of the Permission and Conditions. You are advised to consult the Archaeological Officers of English Heritage 020-7793-3730 to discuss the works required. (I18)
- 6 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)
- 7 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)
- 8 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)
- 9 You are advised to consult the Director of Waste Management and Leisure, Council Offices, Pembroke Road, W8 6PW on the provision of facilities for the storage and disposal of refuse. There is a code of practice available and advice can also be given on certain aspects of industrial and commercial waste as well as household waste. The Council operates a trade refuse service on a rechargeable basis. (I29)

- 10 Demolition and building works are subject to the Control of Pollution Act 1974 and the Environmental Protection Act, 1990. The Council may impose appropriate controls over the construction methods, noise screening, and protection of site, noise, or hours of work and routing of construction traffic . You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I30)
- 11 Your attention is drawn to the British Standards Code of Practice for Demolition, and the Environmental Protection Act 1990 relating to nuisances, the observation of which should considerably reduce the risks and nuisance inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on site and to the general public. (I31)
- 12 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)
- 13 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive Infoline (Tel: 0541-54400).
- 14 You are advised that it is the duty of the occupier of any domestic property to take all such measures available to him/her as are reasonable in the circumstances to secure that any transfer of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. This includes waste materials produced as a result of building works. You may check whether your waste carrier is licensed on the DEFRA website. (I61)
- 15 You are advised that the noise insulation condition above is likely to require a higher standard of sound insulation between the units hereby approved than would be required by the Building Act 1984 / Building Regulations 2000. (I29B)
- 16 Information regarding measures related to deliveries and servicing is required through agreement of a Servicing Management Plan before occupation of the development, as secured through the s106 planning obligation. Accordingly details of the street layout, pursuant to condition 5, should be accompanied by the servicing management plan and traffic management plan (required under the S106).
- 17 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.
- 18 The repositioning of the blocks could have an impact in the Counters Creek sewer system which runs along the road. Therefore, it is important that the developers consult with Thames Water before the construction of the basement levels commences. This is set out in an informative.

- 19 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: [www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx](http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx). From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

**Background papers:**

**Documents associated with the application (except exempt or confidential information) is available at [www.rbkc.gov.uk/PP/13/06790](http://www.rbkc.gov.uk/PP/13/06790) or electronically in our Customer Service Centre, Town Hall, Hornton Street.**

**Contact officer:**

Mr. O. Woodward

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