

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE PLANNING COMMITTEE 15/03/2022

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/21/05052	Agenda Item:	STR02	
Address:	175-177 Kensal Road, LONDON, W10 5BJ			
Proposal:	Variation of condition 2 (Compliance with approved drawings) of planning permission PP/20/00879 to reconfigure 3 residential units, the creation of an additional residential unit with terrace, and increasing the height of the roof over the plant room by up to 1.25m (amended description).			
Applicant:	Royal Borough of Kensington and Chelsea			
Agent:	Victoria Barrett-Mudhoo Lichfields			
Properties notified:	Objections:	Support:	Comments:	Petition:
4	1	0	0	0

1. Summary

- 1.1 Planning permission was granted on 10 November 2020 (PP/20/00879) for the demolition of the existing buildings (community centre and youth facility), and the erection of a part 7 storey, part 5 storey building in connection with the provision of 37 residential units (Use Class C3) 488sqm (GIA) of community space (Use Class D1 at ground floor), 345sqm (GIA of retail (Use Class A1)) at ground floor with associated works. The permission forms part of the Council's New Homes Delivery Programme (Phase 1).
- 1.2 A number of amendments are now sought to that permission under this s.73 application, as follows:
- Reconfiguration of unit 504 to create a 1 bed apartment over a single floor (previously a duplex unit).
 - Reconfiguration of Units 501 and 502 and incorporation of previous plant space into units for residential accommodation. The units will remain four bedroom and two-bedroom units respectively.
 - Creation of a new three-bedroom unit at sixth floor (Unit 602) through repurposing of the plant space and use of floorspace formerly part of unit 504. The private amenity space for the unit will be provided via a new terrace on the east elevation.
 - Increase the height of the roof over the plant room by up to 1.25m.
- 1.3 The development, including the proposed changes from the consented scheme, would continue to be of a high architectural quality and of an appropriate scale, design, and massing. The character and appearance of the consented building and wider area, including the setting of the Grade II listed church located to the south of the site, would

continue to be preserved. The amendments would create an additional unit for social rent, with the consented four bed duplex unit reconfigured to provide a one bed unit at fifth floor level and a three-bed unit at sixth floor level.

- 1.4 The proposals continue to form part of the Council's New Homes Delivery Programme (Phase 1) and would deliver 38 much needed high-quality homes, of which 10 would be intermediate rent and 28 social rent. The proposals would contribute towards meeting the Borough's housing needs and London Plan housing target and based on a portfolio approach would meet the tenure and unit mix requirements of the development plan.
- 1.5 The proposals would continue to preserve the living conditions of existing residents, would ensure the continued safe and efficient operation of the transport network, and would meet relevant climate change and sustainability targets.
- 1.6 In considering the proposals as a whole, the development would continue to bring significant benefits to the local area and borough and would be in compliance with the Development Plan. Given this:

It is recommended the Committee authorises the Director, Planning & Place:	
1.	To grant planning permission on the satisfactory completion of a Unilateral Undertaking to secure the matters in Section 7 of this report and with the conditions listed in Section 9 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

- 3.1 175 – 177 Kensal Road is located in the northern part of the Borough, close to the Regents Canal and the boundary with Westminster. The site is bounded to the north by Kensal Road, to the west by Bosworth Road, to the east by a narrow public footpath and Holmefield House, and to the south by the Grade II listed Roman Catholic Church of our Lady of the Holy Souls, the Presbytery and the Church Hall. Immediately across the site to the north is Harrow House, a five-storey student housing block and James Hill and Emily House to its west, six storey residential blocks. The existing building itself is not listed, is not within a conservation area, and is not near nor visible from any of the borough's conservation areas.
- 3.2 To the west of the site are Emslie Horniman Pleasance and Abu Shanti Park. Together they form an important local open space. Although Emslie Horniman Pleasance is not a designated heritage asset it is of interest. It has been restored with lottery funding in recent years. New development will overlook these open spaces and should help frame and enliven Bosworth Road.
- 3.3 More generally speaking, the buildings between Kensal Road and the Grand Union Canal are mixed in era, character and scale.

4. The proposal and any relevant planning history

- 4.1 Planning permission was granted on 10 November 2020 for the demolition of the existing buildings (community centre and youth facility) and the erection of a part 7 storey, part 5 storey building in connection to provide 37 residential units (Use Class C3) 488sqm (GIA) of community space (Use Class D1 at ground floor), 345sqm (GIA of retail (Use Class

A1)) at ground floor with associated works.

4.2 This minor material amendment application now seeks approval for the following changes to the approved and implemented scheme:

- Reconfiguration of unit 504 to create a 1 bed apartment over a single floor (previously a duplex unit).
- Reconfiguration of Units 501 and 502 and incorporation of previous plant space into units for residential accommodation. The units will remain four bedroom and two-bedroom units respectively.
- Creation of a new three-bedroom unit at sixth floor (Unit 602) through repurposing of the plant space and use of floorspace formerly part of unit 504. The private amenity space for the unit will be provided via a new terrace on the east elevation.
- Increase the height of the roof over the plant room by up to 1.25m.

Reference	Description	Decision
PP/20/00879 (Original Application)	Demolition of the existing buildings (community centre and youth facility), erection of a part 7 storey, part 5 storey building in connection with the provision of 37 residential units (Use Class C3) 488sqm (GIA) of community space (Use Class D1 at ground floor)), 345sqm (GIA of retail (Use Class A1)) at ground floor with associated works.	Granted November 2020
NMA/21/00582	Non-material amendment to planning permission PP/20/00879 (Demolition of the existing buildings (community centre and youth facility), erection of a part 7 storey, part 5 storey building in connection with the provision of 37 residential units (Use Class C3) 488sqm (GIA) of community space (Use Class D1 at ground floor)), 345sqm (GIA of retail (Use Class A1)) at ground floor with associated works. (Major application)) to install a back-up generator in garden store; realign wall adjacent to Church of our Lady of the Holy Souls; lower ground levels to provide accessible ramp compliant with accessibility standards; internal alterations, including reconfiguring central stair core at ground, first, second, third, fourth and fifth floors. In addition, ground floor back of house areas including energy centre and water and sprinklers has been rationalised with associated changes to cycle parking arrangements. Internal arrangement of Unit 108 at first floor has been amended.	Granted March 2021
CON/21/03346	Details required by Conditions 8 (cycle storage), 13 (sound insulation between dwellings), and 14 (sound insulation between community/commercial uses and dwellings) of planning permission PP/20/00879 (Demolition of the existing buildings (community centre and youth facility), erection of a part 7 storey, part 5 storey building in connection with the provision of 37 residential units (Use Class C3) 488sqm (GIA) of community space (Use Class D1 at ground floor)), 345sqm (GIA of retail (Use Class A1)) at ground floor with associated works.	Granted July 2021
NMA/21/05074	Non-material amendment to planning permission 20/00879 (Demolition of the existing buildings (community centre and youth facility), erection of a part 7 storey, part 5 storey building in connection	Granted February 2022

with the provision of 37 residential units (Use Class C3) 488sqm (GIA) of community space (Use Class D1 at ground floor)), 345sqm (GIA of retail (Use Class A1)) at ground floor with associated works. (Major application)) to create an additional residential unit.
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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	London Plan
Housing	CH1 CH2 CH3	H1 H4 – H6 H10 D6 D7 GG4
Design and Townscape	CL1 CL2 CL8 CL9 CR2	D2 – D5 D8 D11 D12 S4
Trees	CR6	
Living Conditions	CL5 CE6	D14
Transport, Servicing and Waste	CT1 CT2 CR1 CR3 CR4 CR7 CE3	T1 – T7
Environment and Sustainability	CE1 CE2 CE4 CE5 CE7	G6 G7 SI1 – SI5 SI7 SI13 GG1 GG2

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:

- Access Design Guide
- Planning Obligations (S106)
- Community Housing
- Trees and Development
- Noise
- Greening
- Transport and Streets

5.3 These documents can be read online at:

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

6. Evaluation

Existing Consent

6.1 The application seeks a minor material amendment under Section 73 of the Town and Country Planning Act 1990 by way of variation of condition 2 (relating to the approved drawings) of permission ref. PP/20/00879. The extant permission carries significant weight in the determination of the application. The changes to the scheme from the previously consented scheme include:

- Reconfiguration of unit 504 to create a 1 bed apartment over a single floor (previously a duplex unit).
- Reconfiguration of Units 501 and 502 and incorporation of previous plant space into units for residential accommodation. The units will remain four bedroom and two-bedroom units respectively.
- Creation of a new three-bedroom unit at sixth floor (Unit 602) through repurposing of the plant space and use of floorspace formerly part of unit 504. The private amenity space for the unit will be provided via a new terrace on the east elevation.
- Increase the height of the roof over the plant room by up to 1.25m.

6.2 The extant permission (PP/20/00879) is a material consideration for this application. While the London Plan 2021 has been adopted since the grant of planning permission, the Council gave considerable weight to the then draft policies within the Intend to Publish London Plan when determining the application and the assessment of the scheme proposals against the policies remains relevant. The Council's Greening SPD has also been adopted since submission of this application and the implications of that are considered in the report. Overall, the consideration of the decisive issues undertaken in relation to the approved permission still remains as set out previously and the works approved under this permission are therefore still considered acceptable and in compliance with the Development Plan. The assessment in this report therefore focuses on the changes to the scheme.

6.4 The decisive issues are:

- i Whether the revised proposals would preserve or enhance the character and appearance of the surrounding area;

- ii. Whether the revised unit and tenure mix is appropriate;
- ii. Whether the revised proposals would have an acceptable impact on neighbouring living conditions.

6.5 Assessment against these issues is taken turn by turn below with regards to the proposed changes.

Impact upon the site and surrounding area

6.6 As described above, a number of internal reconfigurations are proposed. External changes to the building will comprise the following:

- Introduction of a terrace measuring 13.4sqm at sixth floor level to serve unit 602 (proposed new unit) with accompanying windows and doors.
- Increase in height of the roof above the plant room (lower block) by up to 1.25m.

6.7 The proposed creation of a new unit with accompanying terrace would be visible from the eastern elevation. The terrace would likely only have a very minimal perceptible impact from the consented scheme when viewed from street level or from neighbouring properties. The proposed terrace is set back from the eastern elevation which works to minimise the overall visual impact and ensuring that the character and appearance of the building is consistent with the consented scheme and the surrounding area. Similarly, the proposed materials and finishes for the terrace and accompanying windows and doors are proposed to match those consented under the existing permission. The proposed terrace at the eastern elevation is therefore considered acceptable in design terms.

6.8 The amended roof would retain the pitched appearance as per the approved scheme and the maximum height of the building would remain unchanged. The increase in height of the lower block will only be visible from the south and eastern elevations and will still sit well below the height of the seven-storey part of the building, maintaining the stepped appearance. The proposed amendment to the height of the plant room therefore considered acceptable in design terms.

6.9 The proposed amendments will continue to deliver a high-quality scheme in accordance with Local Plan Policy CL2 and will contribute positively to the townscape in line with Local Plan Policy CL1. The proposed amendments preserve the setting of the nearby Grade II listed church comparative to the consented scheme, and as such are compliant with Local Plan Policy CL4.

Tenure and Unit Mix

6.10 The proposed amendments would lead to the creation of an additional unit at sixth floor level (602) which will be provided at social rent. The proposed amendments will also reconfigure the former four bed duplex unit to provide a one-bedroom unit at sixth floor and a three-bedroom unit at sixth floor. The following table sets out the approved and proposed housing mix across tenures:

Type	Social rent		Intermediate		Total	
	Approved	Proposed	Approved	Proposed	Approved	Proposed
1 bed	9	10	1	1	10	11
2 bed	8	8	9	9	17	17
3 bed	8	9	0	0	8	9
4+ bed	2	1	0	0	2	1
Total	27	28	10	10	37	38

6.11 The proposed internal reconfigurations will deliver an additional unit for social rent in accordance with Policy CH1 relating to increasing housing supply in the borough, CH2 which seeks to ensure the on-site delivery of affordable housing and CH3 relating to

housing size mix.

Living Conditions

- 6.12 Private amenity space is provided at unit 602 in the form of a terrace measuring 13.4sqm. The proposed terrace would enhance living conditions at the property. The addition of a terrace at this location would not result in any adverse impact upon the living conditions or amenity of neighbouring properties due to its location relative to them.
- 6.13 The small increase in height of the plant room roof would have a negligible impact upon neighbouring properties comparative to the consented scheme. The proposed increase in height is not anticipated to be materially different in terms of daylight and sunlight impacts to the consented scheme and would not materially worsen daylight and sunlight access both internally and externally. As such, the proposed amendments are compliant with Local Plan Policy CL5.

Greening SPD

- 6.14 Since the granting of the original permission, and since the submission of this application, the Council has adopted a new Greening SPD. The guidance included within the SPD is of relevance to the proposed development included in this application. However, the SPD draws upon the requirements of the Development Plan including the Local Plan 2019 and London Plan 2021, and the development was assessed in full against those requirements when consent was previously granted in 2020.
- 6.15 Matters pertaining to the Greening SPD that apply to the development proposals, including 'Be lean, Be clean, Be green, Be seen' energy hierarchy, air quality, urban greening, flood risk, and biodiversity were detailed in the applicant's supporting documentation and the proposals were and continue to be considered to comply with the relevant policies of the Development Plan in that regard.
- 6.16 The Greening SPD also extends the requirement for Circular Economy Statements and Whole Life Cycle Carbon Assessments to all major development, whereas the London Plan only requires this for developments referable to the Mayor of London. In this instance, given the nature of the development, and that it has been implemented and works well advanced, it is not considered reasonable to retrospectively apply these requirements which were introduced in the SPD after both the grant of the previous permission and the submission of this application.
- 6.17 Therefore, the subsequent adoption of the Greening SPD does not alter the assessment within the report, nor the recommendation, and the proposals are considered consistent with guidance in the Greening SPD.

Issues and Balancing

- 6.18 The proposals would have similar impacts when compared to the consented scheme with regards to land use, living conditions, transport, servicing, waste, environment or sustainability matters and the proposals would continue to comply with relevant policies of the Development Plan in this regard.
- 6.19 Overall, the development carries with it significant public benefits including the provision of new affordable homes, general streetscape and public realm improvements to the site and immediate vicinity, and making use of an underutilised site for use as much needed housing.
- 6.20 The proposed amendments to the consented scheme are acceptable, in compliance with relevant development plan policies and are in accordance with the development plan as a whole. In accordance with the presumption of sustainable development set out in

paragraph 11 of the NPPF, planning permission should be granted without delay.

7. Necessary associated infrastructure improvements

- 7.1 The original application secured the necessary infrastructure improvements required, and these matters will be re-secured in a revised Unilateral Undertaking should permission be granted.

8. Consultations carried out

Comments from interested parties

8 nearby owners/occupiers were notified directly of the application.

The application was advertised in the Gazette on 13/08/2021.

A statutory notice advertising the application was posted near the site on 13/08/2021.

1 letter was received objecting to the application summarised as:

Comment	Response
The proposed amendments to the scheme would adversely affect the church site.	The small increase in the height of the plant room roof level will have a very limited impact upon the setting, character and appearance of the church in comparison to the approved scheme and is compliant with Local Plan Policies CL1, CL2 and CL4.

Consultees and organisations

Consultee	Comment	Where in the report this is considered
Design and Heritage Officer	No objection.	N/A
Transport Officer	No objection subject to the additional flat being suitably secured as permit free.	N/A.

9. Recommended conditions if the application is granted

- Time Limit**
The development hereby permitted shall be begun before the expiration of three years from 07/11/2020, being the date of the original permission granted under ref. PP/20/00879.
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.
- Compliance with approved drawings**
The development shall not be carried out except in complete accordance with the details shown on submitted plans:

NOV-V1-00-DR-A-02000-P7;
17187_07_020;

NOV-V1-00-DR-A-03000-P6;
NOV-V1-00-DR-A-03010-P5;
NOV-V1-00-DRA-03020-P5;
NOV-V1-00-DR-A-03030-P5;
NOV-V1-00-DR-A03040-P5;
NOV-V1-00-DR-A-03050-C01;
NOV-V1-00-DR-A-03060-C01;
NOV-V1-00-DR-A-03070-P01;
NOV-V1-XX-DR-A-5001-P01;
NOV-V1-XX-DR-A-5000-P01;
NOV-V1-ZZ-DR-A-04001-P5;
NOV-V1-ZZ-DR-A-04002-P01;
NOV-V1-ZZ-DR-A-04003-P01;
RBKC-NOV-V1-ZZ-DR-A-03101-P4;
RBKC-NOV-V1-ZZ-DR-A-03102-P01;
17187_07_500;
17187_07_501;
17187_07_502;
WWA-V3-00-DR-L-00101 S2-P04.

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

3. Submission of details

Notwithstanding Condition 2, the development shall not be completed otherwise than in accordance with the details so approved under decision reference CON/21/04477 unless otherwise agreed in writing with the local planning authority:

- (a) Detailed elevations clearly showing the design of the facades, distribution of the differing materials / brick patterns;
- (b) Samples of all new bricks, stones and slate to be provided on site;
- (c) Detailed drawings of all external door and window openings (including balustrades and manufacturers information);
- (d) Details of the proposed roof constructions and details of the roofing materials;
- (e) Details of the boundary treatments, lighting and furniture to the main communal terrace area;
- (f) Drawings showing the location of proposed plant equipment and any enclosure;
- (g) Drawings showing the location of any downpipes or ventilation flues.

Reason - To preserve the character and appearance of the area in accordance with policies of the development plan in particular policies CL1, CL2, and CL6 of the Local Plan 2019.

4. Sample Panel

The approved sample panel under decision reference CON/21/04477 shall be retained on site until construction work is completed. Development shall be carried out in accordance with the approved details and sample panel unless otherwise agreed in writing with the Local Planning Authority.

Reason - To preserve the character and appearance of the area in accordance with policies of the development plan in particular policies CL1, CL2, and CL6 of the Local Plan 2019.

5. Use Class Restriction Community Floorspace

The community floorspace within Class D1 use forming the subject of this permission shall not at any time be used as a school, nursery, or creche.

Reason – To minimise disturbance to occupants of surrounding residential properties and so accord with policy CL5 of the Local Plan 2019.

6. Travel Plan – Details reserved

No building(s) hereby approved shall be occupied until a travel plan has been submitted to, and approved in writing by, the local planning authority. The travel plan shall be monitored and reviewed in accordance with any targets within the plan, and such record made available upon request by the local planning authority.

Reason - To ensure the safe and sustainable movement of traffic on neighbouring highways, in accordance with policies of the development plan in particular policy CT1 of the Local Plan 2019.

7. Delivery and Service Management Plan

Prior to the occupation of the development, a final Delivery and Service Management Plan (including hours of servicing) shall be submitted to, and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved, and so maintained thereafter.

Reason - To ensure that the development does not lead to the obstruction of adjacent streets, and to minimise the impact upon highway safety and nearby residents' enjoyment of their properties in accordance with policies CR7, CT1 and CL5 of the Local Plan 2019.

8. Provide cycle storage prior to occupation

All bicycle storage facilities across the site including the storage and the allocation of the spaces to the uses across the development shall be carried out in accordance with the approved amended drawings approved under decision reference CON/21/03346 unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure the safe and sustainable movement of traffic on neighbouring highways, in accordance with policies of the development plan in particular policy CT1 of the Local Plan 2019.

9. Construction Traffic Management Plan (CTMP)

The development shall be carried out in accordance with the approved Construction Traffic Management Plan under decision reference CON/21/00755. 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.

10. No music audible outside

No music, musical instruments, or loudspeakers shall be played or used within the community use floorspace forming the subject of this permission so as to be audible outside the premises outside the hours of 09.00 to 18.00 daily.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

11. Noise from building services plant and vents

Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or

at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

12. Anti-vibration mounts for air-conditioning/ extraction equipment

The plant shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

13. Sound Insulation Between Dwellings

The sound insulation shall be installed and maintained only in accordance with the scheme of sound insulation designed to prevent the transmission of excessive airborne and impact noise between the dwellings in the development, to also take into account isolation of kitchen fitting and appliances and insulation of the structure, where kitchens are non uniformly stacked adjacent to both laterally and vertically to bedrooms approved under decision reference CON/21/03346. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 and CE6 of the Local Plan 2019.

14. Sound Insulation Between Community/Commercial Uses and Dwellings

The sound insulation shall be installed and maintained only in accordance with the scheme of sound insulation designed to prevent the transmission of excessive airborne and impact noise between the community and commercial floorspace and dwellings in the development approved under decision reference CON/21/03346. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 and CE6 of the Local Plan 2019.

15. Sound Insulation - facade construction

Details of The facade construction, including glazing, with commensurate composite sound insulation performance predictions, and which demonstrate shall ensure that noise levels within habitable rooms shall comply with the recommendations of BS8233: 2014 Sound insulation and noise reduction for buildings', in accordance with the details approved under decision reference CON/21/05023.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 and CE6 of the Local Plan 2019.

16. Demolition Environmental Management Plan (DEMP)

The development shall be carried out only in accordance with the Demolition Environmental Management Plan so approved under decision reference CON/21/00509.

Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Local Plan 2019 in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best Practice Guidance 'Control of dust and emissions from construction and demolition'.

17. Construction Environmental Management Plan (CEMP)

The development shall be carried out only in accordance with the Construction Environmental Management Plan so approved under decision reference CON/21/01975.

Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Local Plan 2019 in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best Practice Guidance 'Control of dust and emissions from construction and demolition'.

18. Non-Road Mobile Machinery

Non-Road Mobile Machinery (NRMM), other than that approved under decision reference CON/21/00509, shall not be used on the development site unless details of the NRMM to be used are submitted to and approved in writing by the Local Planning Authority. All NRMM shall meet as minimum the Stage IIIA emission criteria of Direction 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. An inventory of all NRMM shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM shall be regularly serviced and service logs kept on site for inspection. Records shall be kept on site which details proof of emission limits for all equipment.

Reason - To comply with the requirements of the NPPF, policy 7.14 of the London Plan, and policy CE5 of the Local Plan 2019 in ensuring that impact upon air quality in the area is minimised, in accordance with the London Councils 'Air Quality and Planning Guidance' recommended format.

19. Air Quality Monitoring

Air Quality Monitoring of NO₂ and PM should be undertaken and used to prevent levels exceeding predetermined Air Quality threshold trigger levels in accordance with the approved site-specific Dust & Air Quality Monitoring Plan approved under decision reference CON/21/00509.

Reason - To comply with the requirements of the NPPF and policy CE5 of the Local Plan 2019 in ensuring that impact upon air quality in the area is minimised, in accordance with the London Councils 'Air Quality and Planning Guidance' recommended format.

20. Considerate Constructors Scheme (CCS)

No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements SPD and policy 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.

21. Energy Performance

The development shall be constructed in accordance with the submitted Energy Strategy Report EPN0385/R001 Rev 00, demonstrating how the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure the minimum 55% reduction in CO2 emissions beyond the baseline of Part L of the Building Regulations 2013 as outlined in the strategy.

Prior to occupation of the development, evidence shall be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved Energy Strategy unless otherwise agreed by the Local Planning Authority in writing.

Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Local Plan 2019.

22. Sustainable Urban Drainage System (SuDS)

The drainage scheme shall be completed in accordance with the details approved under decision reference CON/21/01975.

Reason – To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Local Plan 2019.

23. Contamination – Site Investigation Scheme

The development shall be completed in accordance with the amended Site Investigation Scheme approved under decision reference CON/21/0197.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019 and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

24. Contamination – Site investigation and quantitative risk assessment

The site investigation shall be undertaken in compliance with the approved Site Investigation Scheme and a Quantitative Risk Assessment Report under decision reference CON/21/01975.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019 and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

25. Contamination – Remediation method statement

The development shall be completed in accordance with the Remediation Method Statement approved under decision reference CON/21/01975.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019 and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

26. Contamination – Verification report

Prior to occupation, the measures in the approved Remediation Method Statement shall be implemented and a Verification Report (VR) shall be submitted to, and approved in writing by, the local planning authority. The VR shall include full details of requirements for ongoing monitoring and maintenance and be prepared in line with the Environment Agency's current

Land Contamination Risk Management Guidance and Royal Borough of Kensington & Chelsea informatives/guidance or any subsequent updates. Ongoing monitoring and maintenance shall be implemented in line with the approved Verification Report]

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019.

27. Contamination – Unexpected

If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority. The approved measures shall be implemented in full.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing).

28. Roof structures and appliances

Except as shown on the approved drawings, no water tank, lift motor room, or other structure or appliance, shall be erected upon the roof.

Reason - To preserve or enhance the appearance of the building and/or the character of the area, in accordance with policies of the development plan in particular policies CL1, CL2 and CL6 of the Local Plan 2019.

29. Code of Construction Practice

No development shall commence until:

A) A Code of Construction Checklist and Site Construction Management Plan (SCMP) for the development have been approved, in writing, by the Council’s Construction Management Team, and then

B) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record.

[The Council’s Construction Management Team work independently of the planning department. For further information regarding the Code and how the required details should be submitted to them, the Council’s Construction Management Team can be contacted on email at: dehcmt@rbkc.gov.uk or tel: 020 7361 3002]

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements and Transport and Streets SPDs and policies CL5, CT1, CE5 and CE6 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 Local Plan 2019.

30. Accessible and Adaptable Dwellings

A minimum of 10% of all dwellings shall be built to requirement M4(3) wheelchair user dwellings contained within Part M volume 1 of the Building Regulations, as identified on the plans approved under condition 2 and thereafter maintained. All other dwellings shall be built to requirement M4(2)

accessible and adaptable dwellings contained within Part M volume 1 of the Building Regulations and thereafter maintained.

Reason – To ensure satisfactory provision for people with disabilities and meet the changing needs of households in accordance with development plan policies in particular policy CH2 of the Local Plan 2019.

31. Water consumption -

Water efficient fixtures and fittings shall be provided in all residential units to achieve a water use target of no more than 105 litres per person per day.

Reason - To ensure efficient use of water and minimise waste, in accordance with Policy 5.15 of the London Plan (2016).

32. Protection of trees during construction – Details required

The development shall be carried out only in accordance with the details of the method(s) by which all existing trees on the site to be retained and those on adjacent land, are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, so approved under decision reference CON/21/00509.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Local Plan.

33. Trees and landscaping

The landscaping (including all existing retained trees and shrubs and proposed trees shrubs and paths and their surfacing materials) shall be carried out and maintained in accordance with the details so approved under decision reference CON/21/04477 unless otherwise agreed in writing with the local planning authority

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Local Plan 2019.

34. Bird and Bat Boxes

The building shall not be occupied until details of a scheme of 'artificial nesting opportunities' have been submitted to and approved in writing by the Local Planning Authority. These details shall incorporate bird and bat boxes. The details to be submitted to the Local Planning Authority for approval shall include a timetable for provision and shall be implemented in accordance with the approved timetable and thereafter retained in accordance with the approved details.

Reason - To ensure that satisfactory provision is made for 'artificial nesting opportunities' within the development in accordance with Policy 7.19 of the London Plan (2011) and Policy CE4 of the Local Plan 2019.

35. Quantum of development

The development hereby permitted shall comprise 38 residential units; 488 sqm (GIA) of community space at ground floor and 345 sqm (GIA) of retail floorspace at ground floor.

Reason - to define the development and ensure it is acceptable in accordance with policies relating to land use, in particular CH1, CK1, CF1 and CF2 of the Local Plan.

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 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](#)

- 3 In granting this permission the Council has had regard to the unilateral undertaking that has been entered into by the applicant, under Section 106 of the Town and Country Planning Act 1990, as amended.
- 4 The submitted Fire Statement meets the requirements of Policy D12 of the Intend to Publish London Plan. However, further approval (to include greater depth of information and detail than required as part of the planning process) will be needed under the Building Regulations regime.
- 5 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide working near our assets to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near our pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect developers to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team as follows:

Email: wwqriskmanagement@thameswater.co.uk

Phone: 0203 577 9483

Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) well need to check that your development doesnt reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Should you require any further information please contact Thames Water.

Email: developer.services@thameswater.co.uk

Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm)

Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1

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

please see the Council's website:

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

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/PP/21/05052 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Ms. L. Fogarty

Telephone: 07779-567-499