

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 09/04/2020

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	LB/19/08499	Agenda Item:	N17	
Address:	The Old Dance Studio, 42D Linden Gardens, LONDON, W2 4ER			
Proposal:	Rearrangement of internal layout and new service runs; installation of new windows and doors within enclosed courtyard; formation of two infill extensions at first floor above entrance hall to the north and study to the south of the property; removal of roof lantern, installation of roof lights and roof mounted condenser unit within acoustic enclosure on northern side of the roof			
Applicant:	Mr AFoglio			
Agent:	Mr A Frendo Savills			
Properties notified:	Objections:	Support:	Comments:	Petition:
0				
Listed building:	Grade II			
Conservation area:	Pembridge			

See report PP/19/08498.

- Time limit**
The works hereby granted shall be begun before the expiration of three years from the date of this consent.
Reason - As required by Section 18 of the Planning (Listed Buildings and Conservation Areas Act) 1990, to avoid the accumulation of consents.
- Submission of details**
Detailed drawings or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:
 - 1:20 joinery details including cross-section and elevation of all new external doors and windows, in timber, with a painted finish.
 - Siting, dimensions, design and materials of the roof-mounted air conditioning condenser unit and its enclosure.

Reason - In order to safeguard the special architectural or historic interest and

heritage significance of the building and comply with policy CL4 of the Local Plan 2019.

3. Work to match retained fabric

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

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

4. Brick bond

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

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

5. Pointing, re-pointing, and jointing

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

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

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

6. Conservation rooflights

The rooflight(s) shall be of a traditional conservation type, flush with the roof and slim framed, and so maintained.

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, and CL2 of the Local Plan 2019.

INFORMATIVES

- 1 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.

The scheme was submitted in accordance with advice provided through pre-application discussions.

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

- 3 You are reminded that the original historic fabric of the listed building should be retained unless specifically authorised for removal by the Council as part of a listed building

consent. Historic fabric which must be retained would include lath and plaster ceilings and walls, floor boards, original skirting boards, dado rails, cornice, fireplaces, staircases, and any other surviving historic fabric. Where these elements are in poor condition, repair and restoration could be undertaken by competent workmen, with the minimum amount of intervention to the historic fabric.

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

[Planning Advice Service](#)

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

- 4 This consent does not cover the removal or alteration of any currently hidden features of architectural or historic interest that may be revealed during the course of building works; removal or alteration of any such features may well require listed building consent.

- 5 You are 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).

- 6 Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

Monday to Friday 8am – 6pm

Saturday, Sunday and public holidays – none permitted

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at dehcmt@rbkc.gov.uk

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

Background papers:

Documents associated with the application (except exempt or confidential information) is available at www.rbkc.gov.uk/LB/19/08499 or electronically in our Customer Service Centre, Town Hall, Hornton Street.

Contact officer:

Ms. S. Iqbal

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