

Policy CE5 Air Quality

"The Council will carefully control the impact of development on air quality, including the consideration of pollution from vehicles..."

CE6 Noise and Vibration

"The Council will carefully control the impact of noise and vibration generating sources which affect amenity both during construction and operational phases of development.

To deliver this the Council will:

- c. Resist all applications for noise and vibration generating development that would have an unacceptable noise and vibration impact on surrounding amenity;*
- d. Require that development, protects, respects and enhances the special significance of the borough's tranquil areas."*

For the reasons set out below, it is clear that the Applications fail all of the tests set out in these policies and fail to adequately address the specific concerns and constraints identified in the adopted SPD.

5. RBKC's previous approach to applications in the locality

There are also two comparatively recent planning decisions in the vicinity of the application site which highlight the Council's approach to the consequences of development in or near South End.

First: the Council granted planning permission reference PP/12/05013, in respect of an application to turn the Esmond Court Garage (at the end of Ansdell Terrace) in to an office. Planning permission was granted subject to the imposition of conditions to protect residential amenity. The relevant conditions were 3 and 5 which provided:

"3. The use hereby permitted shall only be carried out between 0900 hours and 1730 hours. Mondays to Fridays, and shall not be carried out at any time on Saturdays, Sundays, or public holidays. (CO42) Reason – to safeguard the amenity of neighbouring property (RO42)

5. No more than 22 staff shall be on the premises at any one time (C51b) Reason – To safeguard the amenity of neighbouring property (R51b)"

The officer's report to the Planning Applications Committee in respect of that application explained the reasoning for the conditions as follows:

"4.11 The proposed use as an office would be for a maximum of 22 people with operating hours of 0900 -1730 Monday – Friday. Condition 3 and 5 are proposed to limit both the hours and the number of employees in line with this. By imposing those conditions, the proposal will not result in high levels of activity outside of working hours and prevent the proposed office from being a source of disturbance to residents of Ansdell Terrace".

Notwithstanding the point made next that the new use would be less disruptive than the then current use