

**Planning and Borough Development**

Kensington Town Hall, Hornton Street, LONDON, W8 7NX

**Executive Director Planning and Borough Development**

Jonathan Bore



THE ROYAL BOROUGH OF  
**KENSINGTON  
AND CHELSEA**

Mr C Tabb  
DP9 Planning Consultants  
100 Pall Mall  
LONDON  
SW1Y 5NQ

Date: 14/11/2013

My Ref: /PP/11/01937  
Your Ref: CDT/jr/DP2077

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING**  
**(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010**

**OUTLINE PLANNING PERMISSION**

The Borough Council hereby permits the development referred to in the under-mentioned schedule subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by those plans or by the said conditions. Your attention is drawn to the enclosed information sheet.

**SCHEDULE**

**Development:**

Demolition and alteration of existing buildings and structures and the comprehensive redevelopment of the site including new open space, vehicular and pedestrian accesses and routes and a mixed use development comprising buildings to accommodate residential use (Class C3), office use (Class B1), retail use (Classes A1-A5), hotel and serviced apartments uses (Class C1), education, health, community, culture and leisure use (Class D) below ground ancillary space (including parking/plant /servicing), vehicle parking and associated highways alterations, structures for decking over existing rail lines and tunnels, waste and utilities, enabling works including related temporary works including construction of an access road and structures and other works incidental to the development.(MAJOR DEVELOPMENT and EIA DEVELOPMENT)

**Site Address:**

**Land Bounded by West Cromwell Road, Warwick Road, Philbeach Gardens, Eardley Crescent, Lillie Road, Old Brompton Road and the Railway Lines, LONDON**

**RBKC Drawing Nos:**

PP/11/01937 PP/11/01937/A PP/11/01937/B  
PP/11/01937/C PP/11/01937/D PP/11/01937/E

**Applicant's Drawing Nos:**

ACCESS PLANS - 0926/GA/15 Rev C, 0926-GA-15-P1 Rev A, 0926-GA-15-P2 Rev B, 0926-GA-15-P9 Rev A, PARAMETER PLANS, ECM2-PA-03-001\_A, 002\_A, 003\_A, 004\_A, 017\_A, 018\_A, 019\_B, 020\_A, 021\_B, 022\_B, 023\_B, 024\_A, 025\_A, 026\_A, 027\_A, 028\_A (SITE PLANS) ECM7/PA/02/001 002, (PLOT WV01), ECM7/SK/03/001, ECM7/PA/03/ 010, 100, 300, 301, 302, 400, 500, 501, (PLOT WV02) , ECM7/SK/04/001, ECM7/PA/04/010, 100, 200, 201, 300, 301, 302, 303, 500, 501, 502, 503, 510, 511, 512, 513, 600, 601, PLOT WV05, ECM7/SK05/001, ECM7/PA/05/010, 100, 200, 201, 300, 301, 302, 303, 500, 501, 502, 503, 510, 511, 512, 513, 600, 601, LANDSCAPE DRAWINGS, 384 - ECM7-LS-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 200, 201 and Development Parcel Plan ECM14-PA-03-120-B

**Application Dated:**

22/06/2011

**Application Completed:**

11/08/2011

**Application Revised**

23/02/2012 07/03/2012 19/06/2012 09/08/2012  
27/09/2012

**FULL CONDITION(S), REASON(S) FOR THEIR IMPOSITION AND INFORMATIVE(S)  
ATTACHED OVERLEAF**

## **CONDITION(S) AND REASON(S) FOR THEIR IMPOSITION**

### **Definitions**

"**Above Ground Works**" means any works to a proposed building within the development above the ground floor slab

"**Advance Infrastructure and Enabling Works**" means infrastructure and enabling works required for the development as agreed with the Local Planning Authority :pursuant to Condition 27

**Application 1:** submitted to Royal Borough of Kensington and Chelsea and subject of this planning permission (ref: PP/11/1937)

**Application 2** submitted to London Borough of Hammersmith and Fulham and subject of planning permission 2011/2001/OUT

"**Development Parcel**" or "**Parcel**" means the parcel or parcels within each Development Plot and identified on plan ref ECM14-PA-03-120-B (the "**Development Parcel Plan**") and which shall be treated as a phase for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) SAVE WHERE an application for Reserved Matters is for part only of a Development Parcel in which case the development within the application for Reserved Matters shall be treated as the phase for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended)

"**Development Plot**" means the development plot or plots identified on plan ref ECM2-PA-03-106\_A and labelled WV01, WV02, WV03, WV04, WV05, WV06 and WK04

"**EIA Phasing Plan**" means the six stages of development comprising the sites included within Application 1 and Application 2 assessed as the 'site wide option' within the environmental impact assessment and recorded within the Environmental Statement (as shown on plan ref ECM4\_SKO157H)

**Environmental Statement** means the Environmental Statement submitted with Application 1 in June 2011) together with the Addendum (Dec 2011) and additional information submitted June 2012

**Mandatory Design Guidelines** means those provisions within the Design Guidelines Rev A (Dec 2011) which are indicated therein as mandatory

### **Reserved Matters Applications Specification**

No Reserved Matters Application shall be submitted in relation to any Development Parcel(s) or building unless it is accompanied, as appropriate, by the following documents and/or information:

i) a phasing reconciliation statement to demonstrate how the proposed development of a Development Parcel(s) is in accordance with the EIA Phasing Plan and how it relates to Development Parcel(s) commenced and to be commenced;

ii) an explanatory statement demonstrating how the proposed quantum and mix of land uses proposed within the Development Parcel(s) are consistent with the limitations set in Conditions 15, 16, 17 and 18

and in relation to the matter of **LAYOUT** a Reserved Matters Application shall include:

i) a report and plans detailing layout of the proposed building or buildings and any relevant roads or landscaping associated with the Development Parcel(s) to which the reserved matter application relates;

ii) a reconciliation plan showing how the proposed detailed layout of the roads, pedestrian and cycle routes, and the detailed layout of open spaces within the Development Parcel(s) are consistent with the parameters and principles for the layout of the wider development set out in the Mandatory Design Guidelines;

iii) a report and plans detailing any necessary temporary layout associated with boundary treatment and condition between Development Parcel(s) of the development; and

iv) a report and plans detailing layout below ground, including parking areas, servicing areas and plant areas;

v) a report and plans detailing the internal layout of any buildings

vi) where new residential units are included , an explanatory statement demonstrating how the proposed relevant residential unit(s) complies with the design and construction standards contained in the Mayor's Housing SPG (November 2012)

and in relation to the matter of **SCALE** a Reserved Matters Application shall include:

i) a statement (including accompanying design material) to demonstrate that the scale of the development accords with the relevant maximum and minimum parameters described in the Parameter Plans and substantially accords with the Mandatory Design Guidelines;

and in relation to the matter of **APPEARANCE** a Reserved Matters Application shall include:

i) plans, drawings, sections and elevations to explain full details of the

materials to be used on all external surfaces (including hard landscaping) and, where practicable, samples shall be provided; and

ii) a statement (including accompanying design material) to demonstrate the selection of materials substantially accords with the Mandatory Design Guidelines;

and in relation to the matter of **LANDSCAPING** a Reserved Matters Application shall also include:

i) plans, drawings, sections and specifications to explain full details of proposed landscaping works, including finished ground levels and proposed drainage arrangements;

ii) a statement (including accompanying design material) to demonstrate the landscape works substantially accord with the Mandatory Design Guidelines;

iii) specification for surface changes and the size, type and appearance of all paving or other hard surfaces;

iv) outline specification for street furniture;

v) tree planting details and outline specification of all other planting and cultivation;

vi) management and maintenance details in accordance with the Site Wide Estate Management Framework;

vii) details of proposed green or brown roofs including specifications and a supporting explanatory statement to demonstrate the anticipated distribution of green or brown roofs within that Development Parcel(s) substantially accords with the Mandatory Design Guidelines;

viii) details of external lighting together with material to demonstrate substantial accordance with the Mandatory Design Guidelines;

ix) details of hard landscaping, including, means of enclosure, means of access to each building, any shared vehicular and pedestrian surfaces (including surface materials and kerb details that ensure a safe and convenient environment for blind and partially sighted people), car parking layouts, pedestrian access and circulation areas, cycle parking layouts, hard surfacing, external furniture, play equipment and refuse storage;

x) details of soft landscape works including planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance), schedules of plants, species, plant sizes, proposed numbers or densities (where appropriate), height and maturity of any trees and shrubs, sections through mounds, tree

containers and raised shrub beds above the basement car park and communal roof top gardens; and

xi) details of the programme for implementing and completing the planting.

**Temporary Works** means works of a temporary nature, such as, temporary hard and/or soft landscaping or temporary vehicular routes

For the purposes of Condition 11 the following terms mean:

"**Commencement**" means the initiation of development as defined in Section 56(4) of the Town and Country Planning Act 1990 (as amended) and "**Commence**" shall be construed accordingly;

"**Confirmatory Deed**" means a confirmatory deed as defined in and in accordance with the Section 106 Agreement and in substantially the form attached at Appendix 6 of the Section 106 Agreement

"**Section 106 Agreement**" means the deed dated 14<sup>th</sup> November 2013 (as may be amended from time to time) entered into by the Royal Borough of Kensington and Chelsea ("RBKC") and other parties as named therein pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) and other enabling powers as referred to therein and which is secured as part of this planning permission

The expressions "**Relevant Leasehold Interest**", "**EC1&2 Land**", "**LUL Land**", "**Network Rail Land**", "**RBKC Land**" and "**Third Party Land**" have the same meaning as defined in the Section 106 Agreement.

## TIME LIMITS AND PHASING CONDITIONS

### Time Limits

- 1 All applications for the approval of Reserved Matters in Development Parcels WV03, WV04-2, WV06-3, LP-3, LP-5, LP-7, LP-8 and LP-10 , shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission.

*Reason* - In accordance with section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted in Development Parcels WV03, WV04-2, WV06-3, LP-3, LP-5, LP-7, LP-8 and LP-10 shall be begun no later than whichever is the later of the following dates:

(i) either before the expiration of 5 years from the date of this permission; or

(ii) 2 years from the date of the final approval of the Reserved Matters for that Development Parcel, or in the case of approval on different dates, the final approval of the last such matter to be approved.

*Reason* - In accordance with section 92 of the Town and Country Planning Act 1990.

- 3 All applications for the approval of Reserved Matters in Development Parcels WV04-1, WV04-3, WV06-1, WV06-2, LP-1, LP-2, LP-4 and LP-9 shall be made to the Local Planning Authority no later than the expiration of 5 years from the date of this permission.

*Reason* - In accordance with section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted in Development Parcels WV04-1, WV04-3, WV06-1, WV06-2, LP-1, LP-2, LP-4 and LP-9 shall be begun no later than whichever is the later of the following dates:

(i) either before the expiration of 7 years from the date of this permission; or

(ii) 2 years from the date of the final approval of the Reserved Matters for that Development Parcel, or in the case of approval on different dates, the final approval of the last such matter to be approved.

*Reason* - In accordance with section 92 of the Town and Country Planning Act 1990.

- 5 All applications for the approval of Reserved Matters in Development Parcels WK04, LP-32 and LP-38 shall be made to the Local Planning Authority no later than the expiration of 15 years from the date of this permission.

*Reason* - In accordance with Section 92 of the Town and Country Planning Act 1990.

**6 The development hereby permitted in Development Parcels WK04, LP-32 and LP38 shall be begun no later than whichever is the later of the following dates:**

**(i) either before the expiration of 17 years from the date of this permission; or**

**(ii) 2 years from the date of the final approval of the Reserved Matters for that Development Parcel, or in the case of approval on different dates, the final approval of the last such matter to be approved.**

*Reason - In accordance with Section 92 of the Town and Country Planning Act 1990.*

**7 The development hereby permitted in Development Parcel WV02 shall be begun before the expiration of 5 years from the date of this permission.**

*Reason - In accordance with section 92 of the Town and Country Planning Act 1990.*

**8 The development hereby permitted in Development Parcel WV05 shall be begun before the expiration of 5 years from the date of this permission.**

*Reason - In accordance with section 92 of the Town and Country Planning Act 1990.*

**9 The development hereby permitted in Development Parcel WV01 shall be begun before the expiration of 17 years from the date of this permission.**

*Reason - In accordance with section 92 of the Town and Country Planning Act 1990.*

## **EIA Phasing Plan**

**10 The development hereby permitted shall be carried out in accordance with the EIA Phasing Plan.**

*Reason - To ensure that the development accords with the provisions and assessment of the Environmental Statement and Addendum and to ensure that the development is carried out in a satisfactory manner in accordance with Policies 3.1, 3.6, 5.3, 5.5, 5.6, 5.7, 5.10, 5.11, 5.13, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.14, 7.15 and 7.21 of the London Plan 2011 Policies CP10, CA7, CL5, CE1, CE2, CE3, CE4, CE5 and CE6 of the Core Strategy 2010 and Policies PU03 and PU04 of the Unitary Development Plan (2002).*

**11 Restriction of development on land**

**No development shall Commence on an Area of Land (or any part thereof) detailed in the Schedule below unless and until:**



**(i) all parties with any freehold or Relevant Leasehold Interest in that Area of Land (excluding Network Rail Infrastructure Limited (or any successor to its operational functions) in relation to item 2 below) have entered into a Confirmatory Deed to bind the relevant Area of Land in its entirety (or, in relation only to BGL93744 at item 2 below, in up to four parts) by the planning obligations contained in the Section 106 Agreement; and**

**(ii) the Council has confirmed in writing it is satisfied, having been provided with and investigated title, that all such interests in the relevant Area of Land are bound by the said Confirmatory Deed.**

#### **Schedule: Areas of Land**

1. The freehold land shown indicatively shaded red on the attached plan (reference PP/11/01937 - Condition no. 11) within the administrative area of RBKC being part of the freehold land currently registered under title number BGL71558 being land on the Earls Court Site and Lillie Bridge Depot (forming part of the EC1&2 Land). The current registered proprietor is London Underground Limited;
2. The freehold land (or relevant part thereof) shown indicatively shaded brown on the attached plan (reference PP/11/01937 - Condition no. 11) being part of the land currently registered under BGL93744 being land to the north west of Lillie Road (the Network Rail Land). The current registered proprietor is Network Rail Infrastructure Limited;
3. The freehold land shown indicatively shaded yellow on the attached plan (reference PP/11/01937 – Condition no. 11) currently registered under title number BGL33667 being land on the south side of West Cromwell Road (the RBKC Land). The current registered proprietor is The Mayor and Burgesses of the Royal Borough of Kensington and Chelsea;
4. The freehold land shown indicatively shaded green on the attached plan (reference PP/11/01937 – Condition no. 11 ) currently registered under title number BGL45344 being land lying on the south east side of Cromwell Road (forming part of the Third Party Land). The current registered proprietor is The Kildoon Property Company Limited.
5. The freehold land shown indicatively shaded orange on the attached plan (reference PP/11/01937 - Condition no. 11) within the administrative area of RBKC being part of the freehold land currently registered under title number BGL71558 being land on the Earls Court Site and Lillie Bridge Depot (forming part of the LUL Land). The current registered proprietor is London Underground Limited;

*Reason - To ensure that development is restricted on this land until such time that it is bound by a Confirmatory Deed and the planning obligations contained in the s106 Agreement are enforceable in accordance with the aims and objectives of Policies C1 and CA7 of the Core Strategy 2010.*

## DEVELOPMENT CONTROLS

- 12 The development hereby permitted shall not be carried out unless in accordance with the following documents:

**ACCESS PLANS** - 0926/GA/15 Rev C, 0926-GA-15-P1 Rev A, 0926-GA-15-P2 Rev B, 0926-GA-15-P9 Rev A, **PARAMETER PLANS**, ECM2-PA-03-001\_A, 002\_A, 003\_A, 004\_A, 017\_A, 018\_A, 019\_B, 020\_A, 021\_B, 022\_B, 023\_B, 024\_A, 025\_A, 026\_A, 027\_A, 028\_A (**SITE PLANS**) ECM7/PA/02/001, 002, (**PLOT WV01**), ECM7/SK/03/001, ECM7/PA/03/ 010, 100, 300, 301, 302, 400, 500, 501, (**PLOT WV02**), ECM7/SK/04/001, ECM7/PA/04/010, 100, 200, 201, 300, 301, 302, 303, 500, 501, 502, 503, 510, 511, 512, 513, 600, 601, **PLOT WV05**, ECM7/SK05/001, ECM7/PA/05/010, 100, 200, 201, 300, 301, 302, 303, 500, 501, 502, 503, 510, 511, 512, 513, 600, 601, **LANDSCAPE DRAWINGS**, 384 - ECM7-LS-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 200, 201 and **Development Parcel Plan** ECM14-PA-03-120-B

*Reason - In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies 3.1, 3.6, 5.3, 5.5, 5.6, 5.7, 5.10, 5.11, 5.13, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.14, 7.15 and 7.21 of the London Plan 2011, Policies CP10, CA7, CL1, CL2, CL3, CL4, CL5, CR1, CR2, CR3, CR4, CR5, CE1, CE2, CE3, CE4, CE5, CE6 of the Core Strategy 2010 and CD63, PU03 and PU04 of the Unitary Development Plan (2002).*

- 13 Each application for the approval of reserved matters shall contain, as appropriate, the information specified in the Reserved Matters Applications Specification and all such applications shall be in substantial accordance with the Mandatory Design Guidelines.

*Reason - In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies 3.1, 3.6, 5.3, 5.5, 5.6, 5.7, 5.10, 5.11, 5.13, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.14, 7.15 and 7.21 of the London Plan 2011, Policies CP10, CA7, CL1, CL2, CL3, CL4, CL5, CR1, CR2, CR3, CR4, CR5, CE1, CE2, CE3, CE4, CE5, CE6 of the Core Strategy 2010 and CD63, PU03 and PU04 of the Unitary Development Plan (2002).*

- 14 The total gross external floorspace (GEA) areas of the land uses comprising the development hereby permitted shall not exceed the following:

- Residential (C3): 141,339 sqm
- Business (B1): 10,132 sqm
- Retail (A1-A5): 3,414 sqm
- Hotel / Serviced Apartments (C1): 7,381 sqm

- **Education / Health / Community / Culture / Leisure (D1/D2): 6,067 sqm**

- **Ancillary: 27,463 sqm**

*Reason - To ensure the development carried out does not exceed the cumulative maximum approved and to ensure the quantum of floorspace keeps within the parameters assessed pursuant to the EIA in relation to the development in accordance with Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.9 of the London Plan 2011 Policies CP10, CA7, CH2, CF1, CF2, CF3, CF5, CF7 and CF8 of the Core Strategy 2010.*

- 15 The maximum gross external floorspace (GEA) to be provided in each Development Plot shall not exceed that set out in the schedule below:**

<b>Development Plot</b>	<b>Maximum GIA (sqm)</b>	<b>Maximum GEA (sqm)</b>
<b>WV01</b>	<b>2,908</b>	<b>3,061</b>
<b>WV02</b>	<b>6,632</b>	<b>6,977</b>
<b>WV03</b>	<b>12,929</b>	<b>13,398</b>
<b>WV04</b>	<b>58,244</b>	<b>61,281</b>
<b>WV05</b>	<b>10,441</b>	<b>10,963</b>
<b>WV06</b>	<b>58,613</b>	<b>61,669</b>
<b>WK04</b>	<b>10,600</b>	<b>10,984</b>
<b>Total</b>	<b>160,366</b>	<b>168,333</b>

*Reason - To ensure the development carried out does not exceed the cumulative maximum permitted and to ensure the quantum of floorspace keeps within the parameters assessed pursuant to the EIA in relation to the development in accordance with Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.9 of the London Plan 2011 and Policies CP10, CA7, CF1, CF2, CF3, CF5, CF7 and CF8 of the Core Strategy 2010.*

- 16 The total number of Residential Units (within Class C3) hereby permitted shall not exceed 930 units.**

*Reason - To ensure the development carried out does not exceed the cumulative maximum approved and to ensure the quantum of floorspace keeps within the parameters assessed pursuant to the EIA in relation to the development in accordance with Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.9 of the London Plan 2011 Policies CP1, CP10 and CA7 of the Core Strategy 2010.*

- 17 The residential floorspace hereby permitted shall provide units of a mix of sizes within the following ranges:

Unit Type	Proportion Range
1 person apt	0%
1 bed	10% - 15%
2 bed	20% - 40%
3 bed	25% - 40%
4 bed +	25% - 35%

*Reason* - To ensure the development provides a diversity of housing which reflects the housing needs of the Royal Borough in accordance with Policy CH2 of the Core Strategy 2010.

- 18 Motorcycle parking spaces should be provided at a minimum of ten percent of the total car parking provision. The car parking provided on the site and the cycle parking provided on the site shall be provided in accordance with the following ratios:

Land Use	Maximum Parking Ratio Cars	Minimum Parking Ratio Cycles
Residential	Average 0.6 spaces per unit	1 space per 1 or 2 bed unit 2 spaces per 3 or more bed unit
Office	1 space per 1500 m <sup>2</sup>	1 space per 100 sqm
Retail	Disabled only with on-street visitor	1 space per 50 sqm
Hotel and Serviced Apartment	1 space per 20 rooms	1 space per 3staff
Leisure	Disabled only with on-street visitor	1 space per 100 sqm
Private Hospital	Disabled only with on-street visitor	1 space per 10 staff + 1 space per 10 visitors
Education/Health/Community/Culture	Disabled only with on-street visitor	1 space per 10 staff + 1 space per 10 visitors

*Reason* - To ensure the suitable provision of car and cycle and motor cycle parking within the development to meet sustainable transport objectives, in accordance with Policies 6.13 and 7.2 of the London Plan 2011, and Policy CT1 of the Core Strategy 2010.

- 19 **Prior to occupation of each Development Parcel details of the installation including location and type of active electric vehicle charger points within the car parking areas shall be submitted to and approved in writing by the Council. The electric vehicle charging points comprising 20% of the total number of car parking spaces provided on site shall be active electric vehicle charging points; a further 20% of the total number of car parking spaces provided on site shall be passive.**

*Reason* - To encourage sustainable travel in accordance with Policies 5.8 and 6.13 of the London Plan 2011, and Policy CT1 of the Core Strategy 2010.

- 20 **The A Class uses hereby permitted shall be provided in accordance with the following limits:**

**No more than 3,414 sqm (GEA) to be provided as Classes A1-A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order) of which no more than 1,000 sqm (GEA) / 750 sqm (NIA) shall be occupied for Class A1 comparison purposes and no more than 1,000 sqm (GEA) / 650 sqm (NIA) shall be occupied for Class A1 convenience purposes.**

*Reason* - To maintain a suitable mix of retail uses within the development, in accordance Policies CP10, CA7, CF1 and CK2 of the Core Strategy 2010.

- 21 **The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA), carried out by ARUP with job no: 125066-00 dated 14/06/2011, and the following mitigation measures detailed within the FRA:**

**(i) Sleeping accommodation can be set at ground level but must be no lower than 2.8m AOD.**

**(ii) No residential dwellings will be located in basements.**

**(iii) A Flood Management Plan shall be submitted to the Local Planning Authority in accordance with the FRA recommendations at the time of Reserved Matter Application submissions and prior to commencement (save for Advanced Infrastructure and Enabling Works, Temporary Works or demolition works) on a Development Parcel, for approval and implementation. This shall provide identification and provision of safe route(s) or safe refuge areas within the buildings for *occupants to use during times of flood*.**

*Reason* - To reduce the impact of flooding on the proposed development and future occupants in accordance with Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan 2011 Policy CE2 of the Core Strategy 2010.

## DEMOLITION

**22 No demolition works within a Development Parcel shall commence until a Demolition and Waste Management Plan relating to that Development Parcel has been submitted to and approved in writing by the Local Planning Authority. Demolition shall be carried out in accordance with the approved Demolition and Waste Management Plan. The Demolition and Waste Management Plan shall cover the following minimum requirements:**

- **hours of demolition working; (including any works outside core hours);**
- **health and safety;**
- **dust and air quality mitigation; (to include on-site monitoring and reporting);**
- **noise and vibration mitigation (to include s61 procedure and on-site monitoring and reporting);**
- **water management;**
- **pollution control;**
- **ecology and environmental protection (including tree protection);**
- **temporary fencing and/or enclosure;**
- **emergency planning;**
- **community liaison;**
- **site logistics and operations including demolition vehicles access arrangements and estimated numbers of vehicles**
- **vehicle routing and lorry holding areas;**
- **contact details for site managers and details of management lines of reporting;**
- **location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;**
- **storage of any skips, oil and chemical storage etc.;**
- **access and egress points to the Parcel or Parcels;**
- **classification of all waste including hazardous waste according to current legislative provisions;**
- **measures to minimise waste generation;**
- **opportunities for re-use or recycling and procedures for re-using materials onsite;**
- **provision for the segregation of waste streams on the Site that are clearly labelled;**
- **licensing requirements for disposals sites;**
- **an appropriate audit train encompassing waste disposal activities and waste consignment notes; and**
- **measures to avoid fly tipping by others on lands being used for construction.**

*Reason - To ensure no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policies 5.18, 5.19, 5.20, 5.21 and 5.22 of the London Plan 2011 and Policies , CL5, CE3, CE5 and CE6 of the Core Strategy 2010.*

## CONSTRUCTION

**23 No Development (save for demolition and advance infrastructure) within a Development Parcel shall commence until the Construction Environmental Management Plan relating to that Development Parcel has been submitted to and approved in writing by the Local Planning Authority. The development of the Development Parcel(s) shall be carried out in accordance with the approved Construction Environmental Management Plan. The Construction Environmental Management Plan shall cover the following minimum requirements:**

- hours of construction working (including any works outside core hours);
- health and safety;
- dust and air quality mitigation (to include on-site monitoring and reporting);
- noise and vibration mitigation (to include s61 procedure and on-site monitoring and reporting);
- water management;
- pollution control;
- waste minimisation and management;
- ecology and environmental protection (inc tree protection);
- emergency planning;
- community liaison;
- site logistics and operations;
- construction vehicle routing;
- contact details for site managers and details of management lines of reporting;
- detailed plan showing different phasing, different developers and constructors to be updated on a 6 monthly basis;
- location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- storage of any skips, oil and chemical storage etc.;
- access and egress points to the Parcel;
- an appropriate audit train encompassing waste disposal activities and waste consignment notes; and
- opportunities for re-use or recycling and procedures for re-using materials on site.

*Reason - To ensure no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policies 7.6, 7.7 and 7.9 of the London Plan 2011, Policies, CL5, CE3, CE5 and CE6 of the Core Strategy 2010.*

- 24 No development within a Development Parcel shall be commenced until a scheme for temporary fencing and/or enclosure relating to that Development Parcel, where necessary, has been submitted to and approved in writing by the Local Planning Authority and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.**

*Reason - To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1, 7.6 and 7.9 of the London Plan 2011, and Policies CR4, CL1 and CL5 of Core Strategy 2010.*

**25 Construction Traffic Management Plan**

**No development (save for demolition and advance infrastructure) within a Development Parcel shall be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement should include:**

- **routing of excavation and construction vehicles;**
- **access arrangements to the site;**
- **the estimated number of vehicles per day/week;**
- **details of any vehicle holding area;**
- **details of the vehicle call up procedure;**
- **estimates for the number and type of parking suspensions that will be required;**
- **details of any diversion, disruption or other abnormal use of the public highway during excavation and construction works;**
- **a strategy for coordinating the connection of services on site with any programmed work to utilities upon adjacent land;**
- **work programme and/or timescale for each phase of the , excavation and construction works; and where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.**

**The development shall not be carried out except in accordance with the approved Construction Traffic Management Plan.**

*Reason - In the interest of highway safety and to safeguard the amenity of the area and to comply with Policies CT1 and CL5 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.*



- 26 No development within a Development Parcel shall be commenced until a Method Statement detailing how any proposed excavation is to be undertaken and/ or basement constructed, has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be prepared by a suitably qualified person, namely a Member of the Institute of Structural Engineers (M.I. Struct. E.) or a Member of the Institution of Civil Engineers (M.I.C.E.).**

*Reason - To ensure adequate safeguard to the structural integrity of neighbouring buildings in accordance with Policy CL2 of the Core Strategy 2010.*

## **ADVANCE INFRASTRUCTURE AND ENABLING AND TEMPORARY WORKS**

- 27 No Advance Infrastructure and Enabling Works within a Development Parcel shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority. The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. Any such details submitted to the Local Planning Authority for approval shall include plans at an appropriate scale which show the proposed works in context, both existing and as proposed. All such details shall be in accordance with the Parameter Plans and, where relevant and appropriate, substantially in accordance with the Mandatory Design Guidelines. For the avoidance of doubt, any Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of Reserved Matters Applications.**

*Reason - To allow for the submission and approval (and thereby implementation) of advance infrastructure and enabling works before reserved and pre-commencement conditions matters submission and approval.*

- 28 No Temporary Works shall commence within a Development Parcel until details of the proposed Temporary Works have been submitted to and approved in writing by the Local Planning Authority. The Temporary Works shall be carried out in accordance with those approved details. For the avoidance of doubt, any Temporary Works may be undertaken prior to the submission or approval of Reserved Matters Applications.**

*Reason - To allow for the submission and approval (and thereby implementation) of temporary works before reserved and pre-commencement conditions matters submission and approval.*

## **SITE WIDE PRE-COMMENCEMENT CONDITIONS.**

- 29 Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works the development shall not be commenced until the Site Wide Sustainability Framework, which shall be in accordance with the Sustainability Statement Strategy has been submitted to and approved in writing by the Local Planning Authority.**

**The framework shall be a strategic framework document setting out guidance for the site which shall include:**

- water consumption including proposals for the recycling of rainwater;**
- the use of recycled materials;**
- methods of construction; and**
- details, for information, on how such issues will be dealt with in London Borough of Hammersmith and Fulham, how any cross boundary issues will be dealt with and how sustainability and energy measures within the Application 1 and Application 2 site will be co-ordinated.**

**The framework shall be reviewed and updated every 5 years until substantial completion of the development to reflect changes to best practice standards and guidance and progression of the development and any subsequent updated version to the frameworks must also be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out unless in accordance with the approved framework.**

***Reason** - The site wide frameworks are to provide further strategic context on a site wide basis to the detailed submissions required in relation to Reserved Matters which may be on a Development Parcel or Development Plot basis.*

- 30 Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works the development shall not be commenced until the Site Wide Waste Framework, has been submitted to and approved in writing by the Local Planning Authority.**

**The framework shall be a strategic framework document setting out guidance for the site which shall include:**

- guidance on how waste should be minimised during construction and in the completed development; and**
- standards for recycling points and storage facilities required within buildings; and**
- details, for information, on how such issues will be dealt with in London Borough of Hammersmith and Fulham , how any cross boundary issues will be dealt with and how waste measures within the Application 1 and Application 2 site will be co-ordinated.**

*Reason* - The site wide frameworks are to provide further strategic context on a site wide basis to the detailed submissions required in relation to Reserved Matters which may be on a Development Parcel or Development Plot basis.

- 31 Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works the development shall not be commenced until the Drainage and Surface Water Management Strategy has been submitted to and approved in writing by the Local Planning Authority.**

The framework shall be a strategic framework document setting out the strategy to dispose of surface and foul water across the site and it shall include details, for information, on how such issues will be dealt with in London Borough of Hammersmith and Fulham, how any cross boundary issues will be dealt with and how surface and foul water measures within the Application 1 and Application 2 site will be co-ordinated.

The framework shall be reviewed and updated every 5 years until substantial completion of the development reflect changes to best practice standards and guidance and progression of the development and any subsequent updated version to the frameworks must also be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out unless in accordance with the framework.

*Reason* - The site wide frameworks are to provide further strategic context on a site wide basis to the detailed submissions required in relation to Reserved Matters which may be on a Development Parcel or Development Plot basis.

- 32 Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works the development shall not be commenced until the Site Wide Estate Management Framework has been submitted to and approved in writing by the Local Planning Authority.**

The framework shall be a strategic framework document for the management and maintenance of the common areas of the site and ecological areas such as green/brown roofs which shall incorporate the following key principles:

- to maintain a well designed and accessible environment for residents, commercial operators and visitors;
- to provide and maintain a safe and secure environment for residents, workers and visitors; and
- to establish maintenance specifications that provide consistency and compatibility across the site.
- details of the operational structure for the management of the common areas;
- details for the management and maintenance regime for all common areas, all play space and all unadopted highways within the relevant Development Parcel; and

- details, for information, on how such issues will be dealt with in London Borough of Hammersmith and Fulham , how any cross boundary issues will be dealt with and how estate management measures within the Application 1 and Application 2 site will be co-ordinated.

The framework shall be reviewed and updated every 5 years until substantial completion of the development to reflect changes to best practice standards and guidance and progression of the development and any subsequent updated version to the frameworks must also be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out unless in accordance with the framework.

*Reason - The site wide frameworks are to provide further strategic context on a site wide basis to the detailed submissions required in relation to Reserved Matters which may be on a Development Parcel or Development Plot basis.*

- 33 Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works the development shall not be commenced until the Site Wide Parking and Servicing Framework has been submitted to and approved in writing by the Local Planning Authority.**

The framework shall be a strategic framework document setting out guidance for the site which shall include:

- an overarching strategy for car park management (to include pricing to deter commuter parking) and the control of parking at ground level and a scheme of enforcement;
- means of separating public, operational and residential parking and enforcing that separation;
- allocation of residential spaces between market and affordable units;
- the approach to allocation of parking for people with mobility problems and wheelchair users;
- car club allocation;
- cycle parking/storage differentiated by residential, public and other users; and
- access controls to the underground parking;
- handling the relationship between private and service vehicles;
- overarching strategy for servicing and deliveries across the site including access controls, regimes for planning and timing of deliveries and the provision of utilities throughout the site; and
- details, for information, on how such issues will be dealt with in London Borough of Hammersmith and Fulham , how any cross boundary issues will be dealt with and how parking and servicing measures within the Application 1 and Application 2 site will be co-ordinated.

The framework shall be reviewed and updated every 5 years until substantial completion of the development to reflect changes to best practice standards and guidance and progression of the development and any subsequent updated version to the frameworks must also be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out unless in accordance with the framework.

*Reason* - The site wide frameworks are to provide further strategic context on a site wide basis to the detailed submissions required in relation to Reserved Matters which may be on a Development Parcel or Development Plot basis.

## **RESERVED MATTERS**

**34** With the exception of Advance Infrastructure Works and/or Temporary Works and/or any demolition works no development within a Development Parcel shall commence until written approval of the following Reserved Matters where relevant has been obtained from the Local Planning Authority:

(i) the layout of buildings above and below ground and associated roads, routes and open space.

The Reserved Matters Application pursuant to this condition shall also be accompanied by indicative plans, sections and elevations of each building proposed within the Development Parcel. Development shall be undertaken in accordance with the approved details.

*Reason* - In accordance with Section 92 of the Town and Country Planning Act 1990.

**35** With the exception of Advance Infrastructure Works Temporary Works and/or any demolition works, no development of Above Ground Works of a building shall commence until written approval of the following remaining Reserved Matters in relation to that building has been obtained from the Local Planning Authority:

- the scale of the building; and
  
- the appearance of the building.

Development shall be undertaken in accordance with the approved details.

*Reason* - In accordance with Section 92 of the Town and Country Planning Act 1990.

- 36 With the exception of Advance Infrastructure Works and Enabling Works and or Temporary Works and or any demolition works. No development of Above Ground Works within a Development Parcel(s) shall commence until written approval of the following Reserved Matter in relation to that Development Parcel(s) has been obtained from the Local Planning Authority:

- landscaping.

Development shall be undertaken in accordance with the approved details.

*Reason - In accordance with Section 92 of the Town and Country Planning Act 1990.*

## DEVELOPMENT PARCEL AND BUILDING PRE COMMENCEMENT CONDITIONS

### Landscaping

- 37 Full particulars of the methods by which all the existing trees to the rear gardens of Philbeach Gardens are to be protected during any advanced infrastructure and enabling works , demolition and construction on the site shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of development on plot WV02 The methods of protection that are agreed shall be provided before the commencement of development of this plot and maintained during construction.

*Reason - to ensure satisfactory protection for existing trees in accordance with Core Strategy Policy CR6.*

- 38 Full particulars of the methods by which all the existing trees to the rear gardens of Eardley Crescent are to be protected during any advanced infrastructure and enabling works , demolition and construction on the site shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of development on plot WV05 The methods of protection that are agreed shall be provided before the commencement of development of this plot and maintained during construction.

*Reason - to ensure satisfactory protection for existing trees in accordance with Core Strategy Policy CR6.*

- 39 No Above Ground Works in development parcel WV02 shall commence until an arboricultural method statement for the continued management and protection of existing trees within the rear gardens of Philbeach Gardens has been submitted to and approved by the Local Planning Authority. Any works to the trees shall be carried out in accordance with the approved method statement.

*Reason* - to ensure satisfactory protection for existing trees in accordance with Core Strategy Policy CR6.

- 40 No Above Ground Works in development parcel WV05 shall commence until an arboricultural method statement for the continued management and protection of existing trees within the rear gardens of Eardley Crescent has been submitted to and approved by the Local Planning Authority. Any works to the trees shall be carried out in accordance with the approved method statement.**

*Reason* - to ensure satisfactory protection for existing trees in accordance with Core Strategy Policy CR6.

- 41 No Above Ground Works within a Development Parcel(s) shall commence until a scheme showing existing trees within that Development Parcel(s) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show which of the existing trees are to be retained and which are to be removed. The scheme shall be accompanied by an arboricultural method statement for the protection of all existing trees indicated to be retained in the scheme which shall be submitted to the Local Planning Authority for approval. None of the existing trees within the Development Parcel(s), which are proposed to be removed, shall be removed until the scheme has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

*Reason* - To ensure a satisfactory external appearance and provision for planting in accordance with Policies 7.5 and 7.19 of the London Plan 2011, Policies CR5 and CR6 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.

- 42 Any works to tree(s) on the site shall be carried out in accordance with BS5837:2012 “Trees in relation to design, demolition and construction – Recommendations”.**

*Reason* - To ensure a satisfactory provision for planting in accordance with Policies 7.1, 7.6 and 7.21 of the London Plan 2011, Policies CR5 and CR6 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.

## **Sustainability**

- 43 No residential unit hereby approved shall be occupied until a Code for Sustainable Homes development completion certificate has been submitted to and approved in writing by the local planning authority to confirm the relevant unit has achieved a Code for Sustainable Homes rating of Level 4 or higher.**

*Reason* - to ensure that the development contributes to the attainment of sustainable development and to comply with Policy CE1 of the Core Strategy 2010.

- 44 The non-residential floorspace hereby approved shall achieve a BREEAM rating of Excellent. None of the non residential floorspace hereby approved shall be occupied until a design stage interim 'Excellent' certificate has been achieved. Following the occupation of the non-residential floorspace, a post construction review certificate, certifying that a BREEAM rating of Excellent has been achieved, shall be submitted to the Local Planning Authority within 1 year of the occupation.

*Reason* - to ensure that the development contributes to the attainment of sustainable development and to comply with Policy CE1 of the Core Strategy 2010.

- 45 Prior to the commencement of a building (save for Advance Infrastructure and Enabling works, Temporary Works and/or demolition works) within a Development Parcel(s) details of the rainwater recycling system for that building shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the maximum level of recycled water that can feasibly be provided. The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.

*Reason* - To ensure that the development is consistent with the Mayor's sustainable design objectives in accordance with Policy 5.15 of the London Plan (2011) and Policy CE2 of the Core Strategy 2010.

## Contamination

- 46 Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition. No development shall commence until a preliminary risk assessment report for the whole of the site area subject of this permission, is submitted to and approved in writing by the Local Planning Authority. This report shall comprise: a site reconnaissance; review of desk top study material to produce a conceptual site model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

*Reason* - to ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policies PU3 and PU4 of the Unitary Development Plan 2002.



- 47 **Unless the Local Planning Authority agree in writing that a set extent of development must commence in order to comply with this condition. No development shall commence until a site investigation scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.**

*Reason - to ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policies PU3 and PU4 of the Unitary Development Plan 2002.*

- 48 **Unless the Local Planning Authority agree in writing that a set extent of development must commence in order to comply with this condition. No development within a Development Parcel shall commence until a site investigation has been undertaken in compliance with the approved site investigation scheme and a quantitative risk assessment report is submitted to and approved in writing by the Local Planning Authority for each Development Parcel. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.**

*Reason - to ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policies PU3 and PU4 of the Unitary Development Plan 2002.*

- 49 **Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition. No development within a Development Parcel shall commence until a remediation method statement (if required) for that Development Parcel is submitted to and approved in writing by the Local Planning Authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. It shall also set out a procedure for dealing with any suspected contamination previously unidentified. All works shall be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.**

*Reason - to ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policies PU3 and PU4 of the Unitary Development Plan 2002.*

- 50** Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition. No development within a Development Parcel shall commence until the approved remediation method statement (if required) has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. Should additional material be brought on to site following the submission of the verification report, further evidence will be required to show that the material is suitable for use, prior to any site occupation.

*Reason* - to ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policies PU3 and PU4 of the Unitary Development Plan 2002.

- 51** Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition. No development within a Development Parcel shall commence until an onward long-term monitoring methodology report (if required) has been produced and is submitted to and approved in writing by the Local Planning Authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

*Reason* - to ensure that the risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policies PU3 and PU4 of the Unitary Development Plan 2002.

## Heritage Assets

- 52** (a) No development within a Development Parcel shall commence until the implementation of a programme of archaeological work for that Development Parcel has been secured in accordance with a written scheme of investigation and recording which has been submitted and approved by the local planning authority. The fieldwork is to comprise of:
- (i) archaeological evaluation and recording;
  - (ii) geo-archaeological assessment;
  - (iii) appropriate mitigation based on the results of (i) and (ii) above; and
  - (iv) historic building recording based on results of a completed historic buildings appraisal.

The approved written scheme of investigation is to be implemented as approved.

**(b) No residential unit within the relevant Development Parcel demolition shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under part (a), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.**

*Reason - Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF, Chapter 12 in accordance with Policy 7.8 of the London Plan, Policy CL4 of the Core Strategy 2010.*

## **Noise and Vibration**

**53 Façade sound insulation including glazing shall achieve noise levels within bedrooms and living rooms of the proposed residential dwellings of a 'good' standard as recommended in Table 5 of BS 8233: 1999 (revised) 'Sound insulation and noise reduction for buildings – Code of Practice'.**

*Reason - To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policy 7.15 of the London Plan 2011, Policies CE6 and CL5 of the Core Strategy 2010.*

**54 Prior to the commencement of a building (save for Advance Infrastructure and Enabling works, Temporary Works and/or demolition works) within a Development Parcel(s), details of the façade construction, including glazing, with commensurate composite sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority and shall be installed as approved prior to occupation of the building and be so retained.**

*Reason - To ensure that no unacceptable adverse effect on the amenity of occupiers in accordance with Policy 7.15 of the London Plan 2011, Policies CE6 and CL5 of the Core Strategy 2010.*

**55 Noise emitted by all building services plant and equipment shall be -10dBA below the existing measured lowest LA90(15min) background noise level at any time when all plant is in use, where the plant noise source has a tonal spectrum it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the façade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant and equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. No plant or equipment shall be installed until full details, including a noise survey and report, have been submitted to and approved in writing by the Local Planning Authority. The reports shall**

**show how noise emitted by the finally installed building services plant and equipment will comply with this condition.**

*Reason - To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policy 7.15 of the London Plan 2011, Policies CE6 and CL5 of the Core Strategy 2010.*

- 56 Ventilation systems, should they be necessary in order to achieve compliance with condition 55 shall comply with Document F1 of the Building Regulations and where possible be a passive stack system. All ventilation systems will have adequate sound attenuation properties that maintain the façade sound insulation as required by condition 53.**

*Reason - To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policy 7.15 of the London Plan 2011, Policies CE6 and CL5 of the Core Strategy 2010.*

- 57 Prior to the commencement of a building (save for Advance Infrastructure and Enabling works, Temporary Works and/or demolition works) within a Development Parcel(s) a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between proposed non residential uses and residential use, shall be submitted to and approved in writing by the Local Planning Authority. For retail and B1 office use, for normal daytime hours of business only, the sound insulation performance shall achieve as a minimum a 5dB improvement in the minimum requirements in ADE. For uses that would be subject to the Licensing Act then a full assessment of the required sound insulation performance will be required. 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.**

*Reason - To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policy 7.15 of the London Plan 2011, Policies CE6 and CL5 of the Core Strategy 2010.*

- 58 Vibration Dose Values, (VDV's), as defined in BS 6472-1:2008 shall not exceed those of Table 1 of that code for 'low probability of adverse comment'.**

*Reason - To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policy 7.15 of the London Plan 2011, Policies CE6 and CL5 of the Core Strategy 2010.*

- 59 The design of vibration isolation, on the buildings that require isolation as indicated on plan 15-9 included within the Environmental Statement Volume 1 will achieve a limit of regenerated noise of 35dBLAmax(s) within the new residential dwellings**

*Reason - To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policy 7.15 of the London Plan 2011, Policies CE6 and CL5 of the Core Strategy 2010.*

## Air Quality

**60** Prior to the commencement (save for temporary works, Advance Infrastructure and Enabling Works) a Site Wide Low Emissions Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Low Emissions Strategy should include as a minimum:

- Calculations of the total NO<sub>x</sub> and PM<sub>10</sub> emissions from the existing use of the site and compare this with the new development based on the information available
- The calculations should include emissions from transport sources and all major combustion plant including, boilers, energy plant and emergency generators. The strategy shall detail all calculations and assumptions used in full. Where detailed information is not available, a commitment shall be made to provide this information once it is obtained
- The strategy should detail the general measures that will be taken to achieve a reduction in emissions of NO<sub>x</sub> and particles (PM<sub>10</sub>)
- Any such measures approved by the Local Planning Authority shall be implemented in accordance with the approved strategy

*Reason* - To ensure the development's air pollution impacts are mitigated in accordance with the requirements of Policy 7.14 of the London Plan 2011, and Policy CE5 of Core Strategy 2010.

**61** No development of a building or buildings within a Development Parcel (save for demolition, Advance Infrastructure and Enabling Work or Temporary Works), shall commence until a Low Emissions Strategy is submitted to and approved in writing by the Local Planning Authority. The low emission strategy must provide finalised calculations of the total NO<sub>x</sub> and PM<sub>10</sub> emissions from the new development by each parcel and provide a list of the low emission measures that will be adopted on site. (Any combustion plant proposed should meet a NO<sub>x</sub> emissions standard of 40mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation emissions certificates will need to be provided and prior to first occupation of any building within the development parcel.

Any such measures approved by the Local Planning Authority shall be implemented in accordance with the approved strategy.

*Reason* - To ensure the development's air pollution impacts are mitigated in accordance with the requirements of Policy 7.14 of the London Plan 2011, and Policy CE5 of Core Strategy 2010.

## Parking, Access and Servicing

- 62 No development incorporating parking and servicing requirements within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works, Temporary Works and/or demolition works) shall commence until, the detailed design, layout and location of coach, car and cycle parking, taxi ranks and service areas, as appropriate or applicable within that Development Parcel have been submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented prior to occupation of any residential unit within that Development Parcel and thereafter retained.**

*Reason - To ensure the suitable provision of parking and servicing within the development to meet the needs of future site occupiers and users, in accordance with Policies 6.13 and 7.2 of the London Plan 2011 and Policies CR7 and CT1 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.*

- 63 No development incorporating parking and servicing requirements within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works, Temporary Works and /or demolition works) shall commence until the Site Wide Parking and Servicing Framework has been reviewed and a Parking and Servicing Plan providing the detail, including drawings, of how the Site Wide Parking and Servicing Framework will be implemented in that Development Parcel(s) has been submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented prior to occupation of any residential unit within that Development Parcel(s) and thereafter maintained. The development within that Development Parcel shall not be operated otherwise than in accordance with the Site Wide Parking and Servicing Framework and Parking and Servicing Plan as approved.**

*Reason - To ensure appropriate levels, mix and location of parking is achieved and suitably integrated into the development and co-ordinated with adequate servicing arrangements and vehicular access, and that management arrangements are in place to control its allocation and use, in accordance with Policies 6.13 and 7.2 of the London Plan 2011, and Policies CR7 and CT1 of the Core Strategy 2010.*

- 64 No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works Temporary Works and/or demolition works) shall commence until details of the footway, kerbs and access ramps to any basement car park (including confirmation of the vertical clearance, width and gradient) have been submitted to and approved in writing by the Local Planning Authority and such details as are approved shall be implemented prior to the occupation or use of the residential units within that Development Parcel and permanently retained thereafter.**

*Reason - To ensure that the detailed design of the access ramps provides sufficient vertical clearance and capacity for vehicle manoeuvring in the interest of public safety and to avoid vehicle/pedestrian conflict in accordance with Policies CR7 and CR1 of the Core Strategy 2010.*

- 65 No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works Temporary Works and/or demolition works) shall commence until details of any turning heads, surface treatments for pedestrian accesses, and traffic calming measures within any covered parking areas within that Development Parcel(s) have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be provided prior to the first occupation of any part of that Development Parcel(s) and thereafter retained.**

*Reason - To ensure the interests of public safety and to avoid vehicle/pedestrian conflict in accordance Policy CT1 of Core Strategy 2010.*

- 66 No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works Temporary Works and/or demolition works) shall commence until details of the means of access, road, footway, footpath and cycleway layout relevant to that Development Parcel(s) have been submitted to, confirmed to be consistent with adoptable standards and are approved in writing by the Local Planning Authority. The submitted details shall show the alignment, widths, surfacing arrangements, forward visibility sight lines and vision splays, speed restraint measures, gradients, street lighting and drainage. The Development Parcel(s) shall be implemented in accordance with the approved details for that Development Parcel(s) and no residential building within a Development Parcel(s) shall be occupied until the approved roads, footways, footpaths and cycleways that provide access to it have been constructed and been made available for use.**

*Reason - To ensure the interests of public safety in accordance with Policy CT1 of the Core Strategy 2010.*

- 67 A Stage 2 Safety Audit shall be carried out on the vehicular access arrangements to the site once the detailed design drawings have been submitted to the Local Planning Authority and any measures recommended in the audit that are required by the Local Planning Authority shall be carried out to the satisfaction of the Local Planning Authority.**

*Reason - To ensure that all access points provided into the site are safe for site and highway users in accordance with Policies 6.3 and 6.10 of the London Plan 2011 and Policy CT1 of the Core Strategy 2010.*

## **Emergency Access**

- 68 No development (save for any Advance Infrastructure and Enabling Works, Temporary Works and/or demolition works) within a Development Parcel(s) shall commence until details of the proposed works to achieve access routes for emergency vehicles for that Development Parcel have been submitted to and approved in writing by the Local Planning Authority. The development within that Development Parcel shall be carried in accordance with the approved details.**

*Reason - To ensure that emergency services have effective access throughout the development in accordance with Policy 7.13 of the London Plan 2011. and Policies CR7 and CR1 of the Core Strategy 2010.*

- 69 **No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works, Temporary Works and/or demolition works) shall commence until details of how the development within that Development Parcel will include details of measures to limit opportunities for crime have been submitted to and approved in writing by the Local Planning Authority. Such statement shall include, but not be limited to, CCTV coverage, access controls, basement security measures, and means to secure the site throughout construction in accordance with BS8300:2009. The approved details shall be carried out prior to occupation of any residential units within the relevant Development Parcel(s) and permanently maintained thereafter.**

*Reason - To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime, in accordance with Policies 7.3 and 7.13 of the London Plan 2011, and Policies CR1 and CL2 of the Core Strategy 2010.*

## **Waste**

- 70 **No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works, Temporary Works and/or demolition works) shall commence until a detailed Waste Strategy, which shall be in accordance with the Site Wide Waste Framework has been submitted to and approved in writing by the Local Planning Authority.**

**The Waste Strategy shall be implemented as approved prior to the occupation of any part of the Development Parcel(s) and maintained permanently thereafter.**

*Reason - In order to ensure that satisfactory provision is made for refuse storage and collection, in accordance with Policies 5.18 and 5.19 of the London Plan 2011, Policy CE3 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.*

## **TV Reception**

- 71 **No development of a building or buildings within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works and/or Temporary Works and/or demolition works) shall commence until details of the methods proposed to identify any television interference to residential properties caused by the proposed development within that Development Parcel, including periods during the construction phases, and the measures proposed to ensure that any television interference that might be identified is remediated in a satisfactory manner has been submitted to and approved in writing by the Local Planning Authority. If any television interference to residential properties is identified following completion of the Development Parcel(s), the approved remediation measures shall be implemented, where feasible, as soon as reasonably practicable.**



*Reason* - To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of the London Plan 2011 and Policy CL5 of the Core Strategy 2010.

## **Flooding, Water and Drainage**

- 72** No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works Temporary Works and/or demolition works) shall be commenced until a scheme to reduce the surface water run off from that Development Parcel(s) to a minimum and to dispose of foul water in accordance with the Drainage and Surface Water Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with details embodied within the scheme. The discharge rates proposed for Development Parcels will be developed relative to the master plan site wide discharge rates established to the meet the recommendations of the Thames Water : Sewer Impact Study : Ref 41519104 SMG 1065.

*Reason* - To prevent pollution of the water environment. To reduce the risk of flooding in accordance with Policies 5.11, 5.13, 5.14 and 5.15 London Plan 2011 CE2 of the Core Strategy 2010.

- 73** No development within a Development Parcel (s) (save for any Advance Infrastructure and Enabling Works, Temporary Works and/or demolition works) shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

*Reason* - To prevent pollution of the water environment. To reduce the risk of flooding in accordance with Policies 5.11, 5.13, 5.14 and 5.15 London Plan 2011 of and Policy CE2 of the Core Strategy 2010.

## **Mobility Issues**

- 74** No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works Temporary Works and/or demolition works) shall be commenced until details of compliance with lifetime homes standards for the residential units and of the provision of 10% of the residential units and/or hotel bedrooms to wheelchair housing standard or accessible to this standard have been submitted to and approved in writing by the Council. The development shall accord with the details as approved.

*Reason* - To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policy 3.8 of the London Plan 2011, and Policies CL2 and CH2 of the Core Strategy 2010.

- 75 No development within a Development Parcel(s) (save for any Advance Infrastructure and Enabling Works Temporary Works and/or demolition works) shall commence until details of the means by which wheelchair access is provided to residential buildings and open spaces, including the provision of parking spaces, have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be carried out prior to any use or occupation of the buildings or open spaces and thereafter permanently retained.**

*Reason - To ensure buildings, parking spaces and amenity spaces are provided for all occupiers in the development, in accordance with policies 7.2 and 7.5 in the London Plan 2011, and Policy CL2 of the Core Strategy 2010.*

## **PRE-OCCUPATION CONDITIONS**

### **Refuse and recycling**

- 76 Prior to first occupation of each individual building within a Development Parcel(s) details of the refuse storage arrangements for that building, including provision for the storage of recycleable materials, shall be submitted to and approved in writing by the Local Planning Authority such details to be in accordance with the approved Waste Strategy for the Development Parcel. No building within a Development Parcel shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.**

*Reason - In order to ensure that satisfactory provision is made for refuse storage and collection, in accordance with Policy 5.3 of the London Plan and Policy CE3 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.*

### **Servicing**

- 77 No residential units in a Development Parcel(s) shall be occupied until a servicing strategy for that Development Parcel(s), including vehicle tracking, have been submitted to and approved in writing by the Local Planning Authority detailing management of deliveries to and throughout the site, emergency access throughout the Development Parcel, collection of waste and recyclables, times of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in accordance with the approved Site Wide Parking and Servicing Framework. The approved measures shall be implemented and continued thereafter for the lifetime of the development.**

*Reason - In order to ensure that satisfactory provision is made for refuse storage and collection, in accordance with Policy 6.11 of the London Plan 2011 and Policy CR7 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.*

## Ecology

- 78** No residential units in a Development Parcel(s) shall be occupied until details of a scheme of 'artificial nesting opportunities' within that Development Parcel 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 Policies CR5 and CE4 of the Core Strategy 2010.

- 79** No residential units in a Development Parcel(s) shall be occupied until an Ecology Management Plan prepared in accordance with the approved site wide Estate Management Framework has been submitted to and approved in writing by the Local Planning Authority or until the site wide framework has been updated to include information specific to that Development Parcel. Any open space, the Lost River Park (or part thereof), green/brown roofs and play space provided as part of each Development Parcel(s) shall be managed and maintained in accordance with the approved Ecology Management Plan for that Development Parcel(s) approved pursuant to this condition.

*Reason* - To ensure the management and maintenance of open space, the Lost River Park, green/brown roofs and play spaces in accordance with Policies 3.1, 5.11, 5.13, 7.19 and 7.21 of the London Plan 2011, and Policies CR5 and CE4 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.

## Landscaping

- 80** Save for landscaping within the Lost River Park and the Pocket Parks within Development Plots WV04 and WV06 (which are to be delivered pursuant to the terms of the Section 106 Agreement), no more than 50% of the residential units within any Development Parcel(s) shall be occupied until the hard and soft landscaping works and planting approved as part of the Reserved Matters approval or approvals for that Development Parcel(s) have been completed. The landscaping works so approved shall be carried out in accordance with the approved programme submitted as part of the Reserved Matters Application.

*Reason* - To ensure a satisfactory external appearance in accordance with Policies 7.18, 7.19 and 7.21 of the London Plan 2011, and Policies CR5 and CR6 of the Core Strategy 2010.

## Play Space

- 81 Before the construction of the play space within any Development Parcel(s), a scheme detailing the play equipment, boundary treatments and ground surface treatment of the play spaces shall be submitted to and approved in writing by the Local Planning Authority. The play equipment will be designed to be fully inclusive to ensure the play spaces are accessible to all. The approved play spaces shall be completed prior to the occupation of 50% of the residential units within the relevant Development Parcel(s) (save for any play spaces to be delivered within the Pocket Park within Development Plot WV04 which shall be completed prior to the occupation of 80% of the residential units within Development Plot WV04 in accordance with the terms of the Section 106 Agreement) in accordance with the approved details and shall be permanently retained thereafter.

*Reason* - To ensure the suitable provision of play space and incidental play opportunities for children throughout the development, in accordance with Policy 3.6 of the London Plan 2011 Policy LR15 of the Royal Borough of Kensington and Chelsea Unitary Development Plan 2002 and Policy CR5 of the Royal Borough of Kensington and Chelsea Core Strategy 2010.

## OPERATIONAL CONDITIONS

### Permitted Development Rights

- 82 Notwithstanding the provisions of Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development within the curtilage of the residential units which form part of the development shall be carried out without planning permission first being granted by the Local Planning Authority.

*Reason* - In the interests of the living conditions of neighbouring properties within the development and to ensure a good standard of design, in accordance with Policy 3.5 of the London Plan 2011 and Policies CL2 and CL5 of the Core Strategy 2010.

- 83 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development, without planning permission first being granted by the Local Planning Authority.

*Reason* - To ensure that the visual impact of telecommunication equipment can be considered, in accordance with Policy 3.5 of the London Plan 2011 and Policy CL6 of the Core Strategy 2010.

### Detailed conditions

- 84 Prior to the commencement of Plot WV02 (Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any

demolition works), full particulars of the following shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise in accordance with the details so agreed.

- a) detailed drawings of elevations (at scale 1:50) and samples of all facing materials including to main roof of buildings
- b) detailed drawings and samples of materials for all fenestration/openings and balustrades
- c) details of all open land within the plot (including all rear gardens) showing hard and soft landscaping, boundary treatment, details of the type and size of any trees (including tree pits) and any exterior lighting
- d) internal layout of residential accommodation

*Reason* - To ensure a good standard of design in accordance with London Plan policy 3, 5 and Core Strategy Policy CL2.

**85** Prior to the commencement of Plot WV05 (Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works), full particulars of the following shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise in accordance with the details so agreed.

- a) detailed drawings of elevations (at scale 1:50) and samples of all facing materials including to main roofs of buildings
- b) detailed drawings and samples of materials for all fenestration/openings and balustrades
- c) details of all open land within the plot (including all rear gardens) showing hard and soft landscaping, boundary treatment, details of the type and size of any trees (including tree pits) and any exterior lighting
- d) internal layout of residential accommodation

*Reason* - To ensure a good standard of design in accordance with London Plan policy 3, 5 and Core Strategy Policy CL2.

**86** Prior to the commencement of Plot WV01 (Save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works), full particulars of the following shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise in accordance with the details so agreed.

- a) detailed drawings of elevations (at scale 1:50) and samples of all facing materials including to main roof of buildings
- b) detailed drawings and samples of materials for all fenestration/openings and balustrades
- c) details of all open land within the plot (including all rear gardens) showing hard and soft landscaping, boundary treatment, details

of the type and size of any trees (including tree pits) and any exterior lighting

- d) details of green roof
- e) details of cycle parking
- f) internal layout of residential accommodation

*Reason* - To ensure a good standard of design in accordance with London Plan policy 3.5 and Core Strategy Policy CL2.

- 87 Notwithstanding the details shown on the submitted drawings for plots WV02 and WV05, details of the position of all of the integral garages to these plots shall be submitted to and agreed by the Local Planning Authority prior to commencement of the plots (save for the Advance Infrastructure and Enabling Works, Temporary Works and/or any demolition works). The development shall be carried out in accordance with the details so agreed.

*Reason* - To ensure that suitable provision of car parking within the development in accordance with London Plan Policy 6.13 and Core Strategy Policy CT1.

- 88 The pavilions to plots WV02 and WV05 and unit to WV05 (as shown on drawings ECM7/PA04/600 and ECM7 /PA05/600) hereby permitted shall only be used for purposes within Class A1/, Class A3/, cultural use (and no other use within Class D2) and community use (and no other use within Class D1) of the Town and Country Planning (Use Classes) Order 1987 as amended.

*Reason* - to safeguard the amenity of surrounding residential properties in accordance with Core Strategy CL5.

- 89 No tables or chairs associated with the use of the pavilions hereby permitted shall be placed outside plots WV02 and WV05 without prior written approval from the Local Planning Authority.

*Reason* - To ensure the free, safe and secure passage of pedestrians in accordance with Core Strategy Policy CR3.

- 90 The uses of the pavilions to plots WV02 and WV05 and unit within plot WV05 hereby permitted (and controlled by condition 90) shall not be carried out between 22:00 hours and 08:00 hours the following day.

*Reason* - to safeguard the amenity of surrounding residential properties in accordance with Core Strategy Policy CL5.

- 91 Prior to the commencement of the development (save for temporary works, advance infrastructure and enabling works), details of the acoustic screening to the Northern Access Road shall be submitted to and agreed in writing by the Local Planning Authority and the acoustic screening shall be provided prior to the use of the Northern Access Road for demolition or construction traffic and shall be retained in situ for the period that the road is in use for this purpose.

*Reason* - to safeguard the amenity of surrounding residential properties in accordance with Core Strategy Policy CL5.

## **INFORMATIVE(S)**

1. The works hereby granted planning permission require separate Listed Building Consent, which must be obtained before the works commence. Any person carrying out unauthorised works to a Listed building may be liable to criminal prosecution. Application for consent should be made to the Executive Director, Planning and Borough Development, Room 325, Town Hall, Hornton Street, W8 7NX. (I03)
2. 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)
3. 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)
4. 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)
5. 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)
6. 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. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Infoline 0870-545-500. (I53)
7. This planning permission permits development to be implemented in phases for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended)

**Demolition and alteration of existing buildings and structures and the comprehensive redevelopment of the site including new open space, vehicular and pedestrian accesses and routes and a mixed use development comprising buildings to accommodate residential use (Class C3), office use (Class B1), retail use (Classes A1-A5), hotel and serviced apartments uses (Class C1), education, health, community, culture and leisure use (Class D) below ground ancillary space (including parking/plant /servicing), vehicle parking and associated highways alterations, structures for decking over existing rail lines and tunnels, waste and utilities, enabling works including related temporary works including construction of an access road and structures and other works incidental to the development.(MAJOR DEVELOPMENT and EIA DEVELOPMENT)**

### **SUMMARY OF REASONS FOR DECISION**

You are advised that this application was determined by the Local Planning Authority with regard to the National Planning Policy Framework (NPPF), Development Plan policies, including relevant policies contained within the Core Strategy of the Local Development Framework, the London Plan, as well as policies 'saved' from the Unitary Development Plan, and was considered to be in compliance with the relevant policies. In particular, the following policies were considered:

#### **Core Strategy adopted 8 December 2010**

CP01	Core Policy: Quanta of Development
CP03	Places
CP10	Earl's Court
CA7	Earl's Court Exhibition Centre
CT1	Improving alternatives to car use
CT2	New and enhanced rail infrastructure
CR1	Street Network
CR2	Three-dimensional Street Form
CR3	Street and Outdoor Life
CR4	Streetscape
CR5	Parks, Gardens, Open Spaces and Waterways
CR6	Trees and landscape
CR7	Servicing
CL1	Context and Character
CL2	New Buildings, Extensions and Modifications
CL3	Heritage Assets - Conservation Areas and Historic Spaces
CL4	Listed Buildings, Scheduled Ancient Monuments & Archaeology
CL5	Amenity
CH1	Housing Targets
CH2	Housing Diversity
CE1	Climate Change
CE2	Flooding
CE3	Waste
CE4	Biodiversity
CE5	Air Quality
CE6	Noise and Vibration
CK1	Social and Community Uses
CK2	Local Shopping Facilities
CK3	Walkable Neighbourhoods and Neighbourhood Facilities
CF1	Location of New Shop Uses
CF2	Retail Development within Town Centres
CF5	Location of Business Uses
CF6	Creative and Cultural Businesses
CF7	Arts and Cultural Uses
CF8	Hotels
C1	Infrastructure Delivery and Planning Obligations
CV1	Vision for the Royal Borough
CV10	Earl's Court Vision



## **'Saved policies of the Unitary Development Plan adopted 25 May 2002**

CD63	Conservation Area Views
CD01	Riverside Views and Vistas
CD02	Chelsea Riverside
CD13	Kensington Gardens and Hyde Park
CD14	Kensington Palace
CD15	Holland Park
CD16	Kensal Green and Brompton Cemeteries
H08	Social and Community Facilities
TR16	Improvements in Public Transport Interchange
TR18	Coach Facilities for Hotels
LR15	Amenity Space for New Family Housing
PU03	Contaminated Land Information
PU04	Protection from Contamination

## **London Plan Spatial Development Strategy for Greater London adopted July 2011**

2.13	Opportunity areas and intensification areas
2.15	Town centres
3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.6	Children and young people's facilities
3.7	Large residential developments
3.8	Housing choice
3.9	Mixed and balanced communities
3.1	Definition of affordable housing
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual schemes
3.16	Protection and enhancement of social infrastructure
4.1	Developing London's economy
4.2	Offices
4.7	Retail and town centre development
4.12	Improving opportunities for all
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.1	Urban greening
5.11	Green roofs and development site environs
5.12	Flood risk management
5.13	Sustainable drainage
5.15	Water use and supplies
5.16	Waste self-sufficiency
5.18	Construction, excavation and demolition waste
6.1	Strategic approach
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.1	Strategic approach
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.1	Walking
6.12	Road network capacity
6.13	Parking
7.4	Local character
7.5	Public realm
7.8	Heritage assets and archaeology
7.14	Improving air quality
7.18	Protecting local open space and addressing local deficiency
4.6	Arts, culture, sport and entertainment provision

Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Transport adopted 10 December 2008 (0803), Building Heights adopted 23 September 2010 (1002), Air Quality adopted 17 June 2009 (0904), Noise adopted 21 May 2009 (0902), Access Design Guide adopted 17 December 2010 (1003), Trees and Development adopted 20 April 2009 (0901), Earl's Court & West Kensington SPD (SPD). These documents were adopted following public consultation. The material circumstances of the case, including site history, location, and impact on amenity were considered. In addition, consideration was given to the results of public consultation.

The principle of the redevelopment of the site within application 1 as part of the comprehensive mixed use development of the Opportunity Area is in accordance with the London Plan Policy 2.13 where 'development proposals should seek to optimise residential and non residential output and densities 'together with the site specific policy contained in Annex 1 of the London Plan (2011) and Core Strategy Policy CA7. The proposed density of development is within the appropriate range identified for the site in Table 3A.2 of the London Plan and the proposals have been considered to comply with the other factors identified in London Plan Policy 3.4. In order to achieve the overarching policy objective in the London Plan 2.13 ( and Annex 1) and Core Strategy Policy CA7 it is considered that linkages between applications 1 and 2 should be secured within the s106 agreement so that the site wide development option can be brought forward on an appropriately phased basis.

The principle of provision of 930 residential units is supported by the site specific land allocation contained in Policy CA7 of the Core Strategy and Policy CH2 of the Core Strategy. The type and mix of affordable housing accords with identified Housing Needs and is in compliance with Policy CH2. The level of affordable housing that is being provided by the proposal has been demonstrated to be the maximum reasonable amount in accordance with London Plan Policy 3.10 and Core Strategy Policy CH2.

The creation of a new centre within the Opportunity Area is consistent with Policy CF1. The scale and nature of the retail provision is consistent with a neighbourhood centre which would serve the day to day needs of the new residents and workers within the Opportunity Area, in accordance with the aims of Policies CK2 and CK3. In addition, the amount of convenience and comparison floorspace proposed would not result in any significant impact on the vitality and viability of existing centres within the Royal Borough. Therefore, the proposal complies with London Plan Policy 4.7 and Policies CF1, CF2, CK2, CK3 and CA7 of the Core Strategy.

The principle of the provision of business floorspace is consistent with London Plan Policies 4.2 and 2.13 and Core Strategy Policies CF5 and CA7. The provision of the Local Employment and Training Strategy provides appropriate and proportionate measures to mitigate the impact of the loss of the existing Exhibition Centre on local businesses and employment.

The provision of the cultural, community, leisure, health and education uses is supported by London Plan Policies 3.16 and 4.6, Core Strategy Policies CK1, CF6, CF7 and CA7. The securing of identified floorspace for cultural use and the commitment to funding a full time post to develop and implement the Cultural Strategy would provide a range of measures to ensure that the Earl's Court brand can be retained. Subject to securing these measures, the proposal would comply with Policies CA7, CF6 and CF7.

The transportation impacts of the proposal have been assessed with regard to their impact on the surrounding traffic and public transport network, pressure on on street parking and on pedestrian and vehicular movement as set out in para 4.56 of this report. The proposal will provide a comprehensive package of mitigation measures which will be secured either within the s106 agreement or by condition. Subject to these mitigation measures being secured, the proposal is considered to be consistent with Core Strategy Policies CT1, CT2, CR1, CR7 and Saved UDP Policies TR16 and TR18.

The proposed layout, scale and massing of the development within application 1 provides a well-reasoned and contextual response to the redevelopment of the site. The layout provides connectivity and extends the existing street network across this part of the Opportunity Area. The scale and massing of the proposals respect the existing edge

conditions of the site and provide a permeable, modulated townscape which represents an improvement to the single, bulky mass of the Exhibition Centre building. The proposal is considered to provide an enhancement to character or appearance of surrounding conservation areas and the setting of listed buildings within the vicinity. For these reasons, the proposal is considered to comply with London Plan Policies 7.4 and 7.6 and Core Strategy Policies CL1, CL2, CL3 and CL4.

The development will generate a demand on existing social infrastructure. However, the proposals within application 1 would include the provision of both floorspace for community use, a day nursery and would provide financial contributions in respect of health, education and leisure to provide for the increase in population in RBKC prior to the delivery of the new primary school, health and leisure facilities within LBHF. The proposals provide sufficient open space and play space to cater for the additional population. All of these would be secured within the Section 106 agreement. Subject to this mitigation measure the proposal would comply with London Plan Policy 3.16, Core Strategy Policies C1, CK1, CR5 and Saved UDP Policy H8.

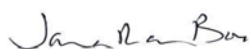
The proposed development would not result in any significant reduction in the existing levels of sunlight or daylight to surrounding buildings or amenity space that would result in a material loss of amenity to occupiers of these properties. The proposal would not result in any material loss of privacy or increased sense of enclosure to occupiers of neighbouring properties. For these reasons, the proposal complies with Policy CL5.

The proposal has been considered with regard to its environmental effects on the Royal Borough as included in the Environmental Statement submitted with application 1. This also included a cumulative impacts assessment of the proposals together with the development proposals within application 2 (as the site wide option) and with other relevant committed schemes in the surrounding area. These assessments included air quality, sustainability, flooding, land contamination, noise and vibration, microclimate and ecology. Subject to the imposition of conditions or mitigation measures secured in the s106 agreement, the proposal is not considered to have any harmful impacts on the levels of amenity to existing residents in the surrounding area, in particular Philbeach Gardens and Eardley Crescent. The proposal is not considered to have any harmful impacts on the amenities of future occupiers or users of the development or any harmful effect on the environment. Subject to conditions requiring the submission of further detailed strategies on a phased basis together with relevant conditions requiring site surveys, the proposal complies with environmental policies CE1, CE2, CE3, CE4, CE5 CE6, and CL4 of the Core Strategy and London Plan policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.10, 5.11, 5.13, 5.15, 5.16 and 5.18.

In conclusion, subject to the recommended conditions and the mitigation measures included within the Section 106 agreement, the proposals within application 1 are considered to accord with the Development Plan policies as contained in the London Plan, Core Strategy and saved Unitary Development Plan and in accordance with government policy contained in the National Planning Policy Framework.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/11/01937>. If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.

Yours sincerely,



**Jonathan Bore**  
**Executive Director, Planning and Borough Development**

## INFORMATION SHEET

When a permission or consent is given it does not convey any approval, consent, permission or licence under any Acts, Byelaws, Orders or Regulations other than those referred to in the permission or consent. Nothing in the permission or consent shall be regarded as dispensing with compliance with such other Acts or Byelaws etc.

In respect of planning permission, your particular attention is drawn to the provisions of the Building Act 1984, and the Building Regulations 2010 (as amended).

Also, the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting the land or the rights of any persons entitled to the benefits thereof.

Your attention is drawn to applicant's rights arising from the refusal of planning permission or Listed Building Consent, and from the grant of permission/consent subject to Conditions, as follows:

- 1) If the applicant is aggrieved by the decision of the local planning authority to refuse planning permission, Listed Building Consent, or approval for the proposed development; or to grant permission or approval/consent subject to conditions, he may appeal to the Secretary of State, under the Town and Country Planning Act 1990, within **six months** of the date of this notice. Appeals must be made using a form available from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 2) If permission to develop land or Listed Building Consent is refused or granted subject to Conditions whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the relevant authority where the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990, or Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) In certain circumstances, a claim may be made against the local planning authority for compensation. The circumstances in which such compensation is payable are set out in Sections 114 of the Town and Country Planning Act 1990, or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.