Dear Sir/Madam,

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

Permission for Development (Conditional)

The Royal Borough of Kensington and Chelsea 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 of former Post Office delivery office, Whitlock House office building and cinema building with retention of cinema facade to Kensington High Street and construction of basement and buildings to provide cinema facilities, 62 residential units (including affordable housing units for elderly people) and associated residential facilities, retail and office accommodation, car parking spaces, cycle parking, plant, hard and soft landscaping public realm improvements and associated works.(MAJOR APPLICATION)

Site Address: 257-265 Kensington High Street, and 4-10 and 24 Earl's Court Road, LONDON, W8

RBKC Drawing Nos: PP/15/02618

Applicant's Drawing Nos: Site Plan (1-1250 @ A3)
G100_P_00_001_A Site Ownership Plan
Existing Elevations (1-1000 @ A1)
JA12_E_N_003_B Existing North Elevation
JA12_E_W_002_B Existing West Elevation

Existing Plan (1-250 @ A1)
JA12_P_LG_001_B Existing Lower Ground Plan
JA12_P_00_001_B Existing Ground Floor Plan
JA12_P_01_001_B Existing First Floor Plan
JA12_P_02_001_B Existing Second Floor Plan
JA12_P_03_001_B Existing Third Floor Plan
JA12_P_04_001_B Existing Fourth Floor Plan
Proposed Bay Study Elevations (1-50 @ A1)
G251_B1_E_W_002_TY_B Bay Study, Block 1, West, Typical
G251_B1_E_S_002_TY_B Bay Study, Block 1, South, Typical
G251_B1_E_W_002_GF_B Bay Study, Block 1, West, Ground Floor
G251_B1_E_S_002_GF_B Bay Study, Block 1, South, Ground Floor
G251_B1_E_S_002_PH_B Bay Study, Block 1, South, Penthouses
G251_B2_E_N_002_B Bay Study, Block 2, North
G251_B2_E_W_002_B Bay Study, Block 2, West
G251_B3_E_E_002_B Bay Study, Block 3, East
G251_B4_E_E_002_B Bay Study, Block 4, East
G251_B5_E_S_002_B Bay Study, Block 5, South
G251_BT_E_N_002_B Bay Study, Townhouses, North
G251_BT_E_S_002_B Bay Study, Townhouses, South
G251_BT7_E_N_002_B Bay Study, Townhouse 7, North
G251_BT7_E_S_002_B Bay Study, Townhouse 7, South
G251_BT7_E_W_002_B Bay Study, Townhouse 7, West

Proposed Bay Study Details (1-20 @ A1)
G251_B1_E_W_003_TY_B Bay Detail, Block 1, West, Typical
G251_B1_E_S_003_TY_B Bay Detail, Block 1, South, Typical
G251_B2_E_N_003_B Bay Detail, Block 2, North
G251_B3_E_E_003_B Bay Detail, Block 3, East
G251_B4_E_E_003_B Bay Detail, Block 4, East
G251_B5_E_S_003_B Bay Detail, Block 5, South
G251_BT_E_N_003_B Bay Detail, Townhouses, North
G251_BT_E_S_003_B Bay Detail, Townhouses, South

Proposed Sections (1-250 @ A1)
G200_S_AA_001_C Proposed Section AA
G200_S_BB_001_C Proposed Section BB
G200_S_CC_001_C Proposed Section CC
G200_S_DD_001_C Proposed Section DD
G200_S_EE_001_C Proposed Section EE

Demolition Drawings (1:250 @ A1)
JC20_P_RF_001_B Demolition Roof Plan
JC20_E_N_001_B Demolition North Elevation
JC20_E_W_001_B Demolition West Elevation
JC20_E_E_001_B Demolition East Elevation
JC20_E_S_001_B Demolition South Elevation

Application Dated: 28/04/2015
Application Completed: 29/04/2015

FULL CONDITION(S), REASON(S) FOR THEIR IMPOSITION AND INFORMATIVE(S) ATTACHED OVERLEAF
1. **Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
*Reason* - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. **Compliance with approved drawings**
The development shall not be carried out except in complete accordance with the details shown on submitted plans, except as required by condition

*Site Plan (1-1250 @ A3)*
G100_P_00_001_A Site Ownership Plan

*Existing Elevations (1-1000 @ A1)*
JA12_E_N_003_B Existing North Elevation
JA12_E_W_002_B Existing West Elevation

*Existing Plan (1-250 @ A1)*
JA12_P_LG_001_B Existing Lower Ground Plan
JA12_P_00_001_B Existing Ground Floor Plan
JA12_P_01_001_B Existing First Floor Plan
JA12_P_02_001_B Existing Second Floor Plan
JA12_P_03_001_B Existing Third Floor Plan
JA12_P_04_001_B Existing Fourth Floor Plan
JA12_P_05_001_B Existing Fifth Floor Plan
JA12_P_RF_001_B Existing Roof Plan

*Existing Elevations (1-250 @ A1)*
JA12_E_N_001_B Existing North Elevation
JA12_E_E_001_B Existing East Elevation
JA12_E_S_001_C Existing South Elevation
JA12_E_W_001_B Existing West Elevation

*Proposed Plans (1-250 @ A1)*
G200_P_B2_001_C Proposed Basement 2 Plan
G200_P_B1_001_C Proposed Basement 1 Plan
G200_P_LG2_001_B Proposed Lower Ground Floor 2 Plan
G200_P_LG1_001_C Proposed Lower Ground Floor 1 Plan
G200_P_00_001_B Proposed Ground Floor Plan
G200_P_01_001_B Proposed First Floor Plan
G200_P_02_001_B Proposed Second Floor Plan
G200_P_03_001_C Proposed Third Floor Plan
G200_P_04_001_C Proposed Fourth Floor Plan
G200_P_05_001_C Proposed Fifth Floor Plan
G200_P_06_001_B Proposed Sixth Floor Plan
G200_P_07_001_B Proposed Seventh Floor Plan
G200_P_RF_001_C Proposed Roof Plan

*Proposed Flat Plans (1-200 @ A3)*
D811_P_LG1_001_B Blocks 1 and 2, TH 7 and 8 - LG1 Floor
D811_P_00_001_B Blocks 1 and 2, TH 7 and 8 - G Floor
D811_P_01_001_B Blocks 1 and 2, TH 7 and 8 - 1st Floor
D811_P_02_001_B Blocks 1 and 2, TH 7 and 8 - 2nd Floor
D811_P_03_001_B Blocks 1 and 2, TH 7 and 8 - 3rd Floor
D811_P_04_001_C Blocks 1 and 2, TH 7 and 8 - 4th Floor
D811_P_05_001_C Blocks 1 and 2, TH 7 and 8 - 5th Floor
D811_P_06_001_B Blocks 1 and 2, TH 7 and 8 - 6th Floor
D811_P_07_001_B Blocks 1 and 2, TH 7 and 8 - 7th Floor
D811_P_B1_002_B Townhouses 1 to 6 Basement 1 Plan
Reason
- The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3.

Details to be submitted - Building 1
Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building
1 commences (save for demolition and below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:
   a) samples of the materials to be used on the external faces of the Building, including construction drawings, and a specification of the colour, tone and texture;
   b) detailed drawings of all windows, doors, entrances, shopfronts, canopies and top storeys (including the plant screen at main roof and the glass panels throughout and the glazing panels and fritted glass at penthouse level) at scale 1:20;
   c) detailed drawings of any proposed walls, fences, railings, balustrades and hard and soft landscaping (including tree pits and species as necessary) at scale 1:20.
   d) detailed restoration and repair proposals for the retained façade;
   e) details of external lighting rationale including lighting to the external terrace areas, locations; lux level; timings and fittings;
   f) details including drawings, samples, signage and lighting of the cinema canopy at 1:20; and
   g) details of the motorcycle parking within the basement.
   h) details of PV panels, green wall and green roofs.

Reason – The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

4. On site sample panel Building 1
A sample panel of facing reconstituted stone cladding as approved in condition 3 showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building 1 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Building 1 (save for, demolition, and below ground works) and the sample panels shall be retained on site until the work is completed.

The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

5. Details to be submitted - Building 2
Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building 2 commences (save for demolition and below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:
   a) samples of the materials to be used on the external faces of the Building, including construction drawings and a specification of the colour, tone and texture;
   b) detailed drawings of all windows, doors and entrances at scale 1:20;
   c) detailed drawings of any proposed walls, fences, railings, balustrades and hard and soft landscaping (including tree pits and species as necessary) at scale 1:20.
   d) details of external lighting rationale including locations; lux level; timings and fittings;
   e) details of the ground floor elevations and the residential access between buildings 1 and 2 at a scale of 1:20
   f) detailed of PV panels and green roofs

Reason – The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to
6. On site sample panel Building 2
Sample panels of facing reconstituted stone cladding and aluminium cladding as approved in condition 5 showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building 2 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Building 2 (save for, demolition, and below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

7. Details to be submitted - Building 3
Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building 3 commences (save for demolition and below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:
   a) samples of the materials to be used on the external faces of the Building, including construction drawings and a specification of the colour, tone and texture;
   b) detailed drawings of all windows, doors, entrances, signage and shopfronts at scale 1:20;
   c) detailed drawings of any proposed walls, fences, railings, balustrades and hard and soft landscaping (including tree pits and species as necessary) at scale 1:20.
   d) details of external lighting rationale including locations; lux level; timings and fittings;
   e) details of PV panels and green roofs.
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

8. On site sample panel Building 3
Sample panels of facing brickwork and reconstituted stone cladding as approved in condition 7 showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building 3 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Building 3 (save for, demolition, and below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

9. Details to be submitted - Building 4
Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building 4 commences (save for demolition and below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:
a) samples of the materials to be used on the external faces of the Building, including construction drawings and a specification of the colour, tone and texture;
b) detailed drawings of all windows, doors, entrances, signage, shopfronts at scale 1:20;
c) detailed drawings of any proposed walls, fences, railings, balustrades and hard and soft landscaping (including tree pits and species as necessary) at scale 1:20.
d) details of external lighting rationale including locations; lux level; timings and fittings;
e) details of PV panels and green roofs.

Reason – The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

10. On site sample panel Building 4
Sample panels of facing opaque rain screen panels and ceramic facing precast panels to south elevation as approved in condition 9 showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building 4 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Building 4 (save for, demolition, and below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

11. Details to be submitted - Building 5
Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of Building 5 commences (save for demolition and below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:
   a) samples of the materials to be used on the external faces of the Building, including construction drawings and a specification of the colour, tone and texture;
   b) detailed drawings of all windows, doors, entrances at scale 1:20;
   c) detailed drawings of any proposed walls, fences, railings, balustrades and hard and soft landscaping (including tree pits and species as necessary) at scale 1:20.
   d) details of external lighting rationale including locations; lux level; timings and fittings;
   e) details of PV panels and green roofs.

Reason – The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

12. On site sample panel Building 5
Sample panels of facing brickwork and rendered finish as approved in condition 11 showing the proposed colour, texture, facebond, and pointing to be used on the external faces of Building 5 shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of Building 5 (save for, demolition, and below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to
ensure that the details of the development are satisfactory.

13. **Details to be submitted - Townhouses**

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development of the Townhouses commences (save for demolition and below ground works) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

a) samples of the materials to be used on the external faces of the Townhouses, including construction drawings and a specification of the colour, tone and texture;

b) detailed drawings of all windows, doors, entrances and the wall to the roof terrace of Townhouse 7 at scale 1:20;

c) detailed drawings of any proposed walls, fences, railings, balustrades and hard and soft landscaping (including tree pits and species as necessary) at scale 1:20.

d) details of external lighting rationale including locations; lux level; timings and fittings;

e) details of PV panels and green roofs.

*Reason* – The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

14. **On site sample panel Townhouses**

Sample panels of facing brickwork to the rear elevation and facing reconstituted stone cladding as approved in condition 13 showing the proposed colour, texture, facebond, and pointing to be used on the external faces of the Townhouse shall be provided on site and approved in writing by the Local Planning Authority prior to the construction of the Townhouses (save for, demolition, and below ground works) and the sample panels shall be retained on site until the work is completed. The development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

*Reason* - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

15. **Tables and Chairs**

Prior to the occupation of Building 1, the details, including the location, of the proposed tables and chairs for the cinema cafe shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained.

*Reason* - The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

16. **Residential Access Link**

Notwithstanding the permitted drawings, the detailed design of the residential access link between Buildings 1 and 2 is not approved.

*Reason* - To accord with the development plan by ensuring that the character and appearance of the area are preserved.

17. **Restricting planning permission granted by GPDO - Removal of PD Rights**

No extensions, additions, insertion of windows, or external alterations shall be carried out to the premises in the absence of planning permission for such development.

*Reason* – Although such extensions, additions, or alterations would, in the
absence of this condition, constitute development permitted under the provisions of Article 3, Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 such development is precluded in this case because the townhouses have been designed as part of a complete architectural composition and any changes must be carefully assessed.

NB This withdrawal of permitted development rights does not remove your right to apply to the local planning authority for planning permission for development precluded through this condition, and such an application would be treated on its merits. It would be prudent to use our pre-application Advice Service before submitting such an application.

18. **Odeon Historic Assessment**

No demolition of the existing Odeon building shall take place until the implementation of a programme of recording and historic analysis of the Odeon building which considers building structure, architectural detail, appropriate reinstatement and archaeological evidence has been undertaken. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by Local Planning Authority.

**Reason** - To secure the provision of historic building recording. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

19. **Noise and vibration from air-conditioning/ extraction equipment, building services plant and vents**

(a) Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating and where tonal it shall be 15 dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with manufacturers instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the Local Planning Authority to be failing to comply with this condition, it shall be switched off and not used again until it is able to comply;

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

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

20. **Sound Insulation**

Prior to the commencement of superstructure to Building 1, a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the proposed non residential uses and residential uses shall be submitted to and agreed in writing by the Local Planning Authority. The sound insulation shall be installed and maintained in accordance with the details so approved and the residential dwellings shall not be occupied until the approved scheme has been fully implemented.

**Reason** - To ensure that no adverse affect on the amenity of future occupiers in accordance with Core Strategy Policies CL5 and CE6

21. **Odours from extraction equipment and swimming pool ventilation/ filtration equipment**

(a) Fumes or odours expelled from any flue serving a stove, oven or other
cooking device shall not be detectable at the property boundary. If at any time the extraction plant is determined by the Local Planning Authority to be failing to comply with this condition, it (or the source device) shall be switched off and not used again until it is able to comply;

(b) Fumes or odours expelled from any flue serving the hygiene plant or providing ventilation to the swimming pool area shall not be detectable at the property boundary. If at any time the extraction plant is determined by the Local Planning Authority to be failing to comply with this condition, it (or the source equipment) shall be switched off and not used again until it is able to comply.

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

22. Parking
The whole of the car parking, motor cycle parking and bicycle parking spaces located at basement level as shown on the drawings hereby approved shall be provided before any dwellings are occupied. The spaces shall thereafter be permanently retained for the parking of vehicles in connection with the residential use of the dwellings and for no other purpose.

Reason - To ensure that adequate parking and cycle parking is provided to mitigate the impact of the development.

23. Townhouse Garages
No more than one vehicle shall be parked within each of the garages to the Townhouses shown on drawing number G200_P_B1_001 C at any time.

Reason - To avoid adding to traffic congestion in the immediate area and comply with development plan policies in particular policy CT1 of the Core Strategy.

24. Electric Charging Points
No dwellings shall be occupied until at least seven of the car parking spaces have been provided with active Electric Vehicle Charging Points and seven spaces have been provided with passive Electric Vehicle Charging Points.

Reason - To ensure that the proposals future proof the provision of electric vehicles and to comply with the London Plan.

25. Tables and chairs – Limit on hours
The use of land outside the buildings for the placing of tables and chairs for commercial purposes shall not commence before 0700 hours Monday to Saturday and 0800 hours Sunday and shall cease no later than 2200 hours on any day. Outside these approved hours the tables and chairs shall be removed from the land and no customers shall be served on it.

Reason - To prevent detriment to the living conditions within nearby residential property, and to ensure unobstructed passage of pedestrians on public areas to accord with the development plan, in particular policies CL5, CT1 and CR3 of the Core Strategy.

26. Protection of trees during construction – Details required
No development shall commence until full particulars of the method(s) by which the London Plane trees on Kensington High Street and the tree to no. 28 Pembroke Place are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures,

have been submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.
Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Core Strategy. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

27. **BREEAM Rating - New build non-residential**
The non-residential floorspace shall achieve a BREEAM rating of Excellent, and none of this floorspace shall be occupied until a Post Construction Review Certificate has been issued for it certifying that a BREEAM rating of Excellent has been achieved.
*Reason* – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Core Strategy.

28. **Code for Sustainable Homes**
The dwellings shall achieve Level 4 of the Code for Sustainable Homes equivalent and none shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
*Reason* – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Core Strategy.

29. **PV Cells**
The PV cells shall be installed in full prior to the first occupation of the building on which they are sited and shall be maintained thereafter.
*Reason* - To secure acceptable CO2 savings on the site to comply with London Plan policy with regard to climate change.

30. **District Heating System**
Facilities for connection to a district heating system shall be provided prior to the first occupation of the development.
*Reason* - To ensure that the proposals retain the ability to connect to district heating systems in the future, in accordance with London Plan policy.

31. **Sustainable Drainage System (SUDS)**
The approved Sustainable Urban Drainage Systems (SUDS) measures shall be fully implemented before substantial completion of the development and maintained thereafter.
*Reason* – To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Core Strategy.

32. **Positive Pumped Device**
Positive pumped device(s) shall be provided prior to the first occupation of the development and thereafter maintained.
*Reason* - To protect the development from sewer flooding.

33. **Construction Environmental Management Plan (CEMP)**
No development shall commence until a site specific Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall be carried out only in accordance with the Plan so approved. This may be broken up into several phases and shall include consideration of the demolition phase.
*Reason* - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, CL7 and CL5 of the Core Strategy in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London’s Best Practice Guidance ‘Control of dust and emissions from construction and demolition’. It is necessary for the condition to be on the basis that “No
34. **Details to be submitted**

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the development and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

- a) playspace;
- b) car park ramp;
- c) cycle parking - management of cinema patrons spaces;
- d) retail cycle parking;
- e) car parking layout showing disabled bays;
- f) vehicle lift management system;
- g) road safety audit;
- h) front forecourt details (including drainage); and
- i) travel plan.

*Reason* — The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

35. **Construction Traffic Management Plan (CTMP)**

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This may be broken up into several phases, and shall include consideration of the demolition works. The statement(s) shall include:

- a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
- k) 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, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan(s).

*Reason* — To minimise the impact of construction works upon highway safety and nearby residents’ enjoyment of their properties in accordance with the Subterranean Development SPD and policies CT1, CL7 and CL5 of the Core Strategy. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.
condition at a later time would result in unacceptable harm contrary to the
policies of the Development Plan.

36. **Professional management of engineering works**
No development shall commence until a Chartered Civil Engineer (MICE) or
Chartered Structural Engineer (MI Struct.E) has been appointed to
supervise the construction works throughout their duration and their
appointment confirmed in writing to the Local Planning Authority. In the
event that the appointed engineer ceases to perform that role for whatever
reason before the construction works are completed those works will
cease until a replacement chartered engineer of the afore-described
qualification has been appointed to supervise their completion and their
appointment confirmed in writing to the Local Planning Authority. At no
time shall any construction work take place unless an engineer is at that
time currently appointed and their appointment has been notified to this
Authority in accordance with this condition.

*Reason* - The details are considered to be material to the acceptability of the
proposal, and for safeguarding the amenity of neighbouring residential properties
and to comply with the Subterranean Development SPD and policy CL2(g) (ii)
and CL7 of the Core Strategy. It is necessary for the condition to be on the basis
that “No development shall commence until” as compliance with the
requirements of the condition at a later time would result in unacceptable harm
contrary to the policies of the Development Plan.

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

*Reason* - To mitigate the impact of construction work upon the levels of amenity
that neighbouring occupiers should reasonably expect to enjoy, and to comply
with the Subterranean Development SPD and policy CL5 and CL7 of the Core
Strategy. It is necessary for the condition to be on the basis that “No
development shall commence until” as compliance with the requirements of the
condition at a later time would result in unacceptable harm contrary to the
policies of the Development Plan.

38. **Combustion and energy plant**
(a) Boilers shall have NOx emissions not exceeding 40mg/kWh of dry NOx
(at 0% O2) and CHP plant not exceeding 95mg/Nm2 (at 5% O2). The use of
diesel generators shall be limited to emergency use and only for routine
test purposes.

Only very low sulphur fuels shall be used in the diesel generators;
(b) No CHP plant shall come into use without the fitting of the appropriate
abatement equipment or technologies to meet as a minimum the Band B
emissions standard (95mg/Nm2 at 5% O2). A NO\(_X\) emissions test shall be
carried out by an accredited laboratory.

*Reason* - To ensure that the proposals would have an acceptable impact on air
quality and to comply with Policies as required by Core Strategy Policy CE5 and
7.14 a and c of the London Plan.

39. **Archaeology**
A) No development other than demolition to existing ground level shall take
place until a programme of archaeological evaluation in accordance with a
written scheme has been submitted to and approved in writing by the Local
Planning Authority in writing and a report on that evaluation has been
submitted to the Local Planning Authority;
B) If heritage assets of archaeological interest are identified by the evaluation under Part (A), then before development other than demolition to existing ground level commences a programme of archaeological investigation in accordance with a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation must also secure the implementation of a programme of building recording and reporting;
C) No development or demolition (other than that undertaken prior to parts (A) and (B) above being agreed) shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B);
D) The development shall not 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 (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
*Reason* - To ensure appropriate evaluation of and protection to archaeology affected by construction of the development.

40. **Cinema Use**
The parts of the building shown on the drawings hereby approved to be used for cinema purposes shall be used for no other purpose including any other purpose within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
*Reason* - The Local Planning Authority considers that this space must be used as such in order to ensure that the cultural use is adequately re-provided to an equivalent or better standard, in accordance with Core Strategy Policy CF7.

41. **Telecommunications Equipment**
Notwithstanding the provisions of Article 3, Schedule 2, and Part 16 of the Town and Country Planning (General Permitted Development) Order 2015, no telecommunications equipment shall be erected on the roofs or façade of any of the buildings hereby approved without the prior approval in writing of the Local Planning Authority
*Reason* - To safeguard the appearance of the buildings and surrounding area.

42. **Use Class restriction (parts of premises)**
At least 88 sq m (GIA) of the part of the premises identified on the approved drawings as being used for mixed class A1-3/D1 within the ground floor and lower ground floor of Building 3 shall be used only for class D1 use, and for no other purpose, of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order re-enacting. This space shall be independently accessible and physically separated from the remainder of the mixed class A1-3/D1 floorspace.
*Reason* - In order to ensure an adequate replacement for the existing class D1 floorspace on the site and thereby protect valuable social and community uses, in accordance with the development plan in articlar Core Strategy Policy CK1.

43. **Delivery and Servicing Waste Management Plan (DSWMP)**
No part of the development shall be occupied until a DSWMP has been submitted to and approved in writing by the Local Planning Authority. The statement should include details of the servicing and waste collection strategy for all buildings and all uses hereby approved. The development shall be operate only in accordance with the approved DSWMP.
*Reason* - To minimise the impact of servicing and waste collection on occupants of the development and neighbouring occupiers and on the highway network, in accordance with the policies CT1 and CE3 of the Core Strategy.

44. **Contamination – preliminary risk assessment report**
No development shall commence (save for agreed demolition) until a Preliminary Risk Assessment Report comprising:

(i) a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;
(ii) information from site inspection;
(iii) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and
(iv) 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

has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

45. Contamination – Site Investigation Scheme
No development shall commence (save for agreed demolition and enabling works) until a Site Investigation Scheme (based on the approved preliminary risk assessment in condition 44) has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

46. Contamination – Site investigation and quantitative risk assessment
No development shall commence (save for agreed demolition and enabling works) until a site investigation has been undertaken in compliance with the approved Site Investigation Scheme and a Quantitative Risk Assessment Report has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

47. Contamination – Remediation method statement (if required)
No development shall commence (save for agreed demolition and enabling works) until a Remediation Method Statement (if required) to address the results of the Site Investigation Scheme has been submitted to, and approved in writing by, the local planning authority.

**Reason** - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014 and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

48. **Contamination – Verification report**

The development shall not be brought into use until the measures contained in the approved Remediation Method Statement have been carried out in full (if required) and a Verification Report confirming:

(i) completion of these works;
(ii) details of the remediation works carried out;
(iii) results of any verification sampling, testing or monitoring including the analysis of any imported soil;
(iv) classification of waste, its treatment, movement and disposal;
(v) and the validation of gas membrane placement.

has been submitted to, and approved in writing, by the local planning authority.

**Reason** - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

49. **Contamination – Unexpected**

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

**Reason** - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing).

50. **Terraces – No Tall Items**

No items such as plants, umbrellas, heaters, screens, trellises, or other items, which rise higher than 1100mm from finished floor/decking level, shall be affixed to or placed upon the terraces to building 1 at any time.

**Reason** - To preserve the appearance of the building and character of the area by ensuring the terraces are unobtrusive, in accordance with policies of the development plan, in particular policies CL1 and CL6 of the Core Strategy.

51. **Use Class restriction (parts of bldg/premises)**

The parts of building 4 identified on the approved drawings as being used for B1 Office Space shall be used only for the specified purpose, and for no
other purpose including any other purpose within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order re-enacting.

Reason - To ensure that the accommodation meets the particular needs of the area and complies with Core Strategy policies relating to Office floor space, specifically CF5.

52. **Cinema Cafe**

Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before any above ground level development takes place on Building 1 (except for demolition and enabling works for below ground level development) and the development shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained:

a) Details of the location and nature of operation of the ground floor cinema food and beverage provision, in the form of a management plan.

Reason – The particulars hereby reserved are considered to be material to the acceptability of the development, and the Local Planning Authority wishes to ensure that the details of the development are satisfactory.

53. **Overheating Analysis**

No development in respect of each building save for demolition and below ground works shall take place until a scoping assessment report identifying the need for overheating analysis in respect to that building (and the assumptions to be used in the analysis) shall be submitted to and agreed in writing by the local planning authority. Where the scoping report (based on SAP design stage outputs for a given dwelling type) identifies a risk of overheating above ‘slight’, an overheating analysis shall be conducted for that dwelling type and any resultant necessary additional passive measures identified. The analysis shall be undertaken using dynamic simulation software to show compliance with CIBSE overheating criteria (using CIBSE TM52 with weather files from TM49). A report providing the results of the analysis and any required mitigation proposals shall be submitted to the local planning authority for approval prior to construction of the relevant building (save for demolition and below ground works).

Reason - To reduce the risk of potential overheating and to comply with Consolidated Local Plan Policy CE1

54. **Heat Network**

A single site-wide heat network shall connect all dwellings and non-domestic building uses. The network shall be supplied from a single energy centre which will be designed to allow connection to a future external heat network.

Reason - To ensure that the site provides energy efficiency and to comply with Consolidated Local Plan Policy CE1

**INFORMATIVE(S)**

1. Thames Water have raised the following issues:

   1. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any
discharge made without a permit is deemed illegal and may result in
prosecution under the provisions of the Water Industry Act 1991;
2. Thames Water will aim to provide customers with a minimum pressure of 10m
head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it
leaves Thames Waters pipes. The developer should take account of this
minimum pressure in the design of the proposed development;
3. Thames Water require a detailed understanding of the existing discharge from
the site including connection point(s) to the public sewer system and peak
flow rates. They believe that this redevelopment has the potential to increase
foul flow rates. They also need to understand the current operation and
discharge from the existing swimming pool; and
4. Surface Water: Thames Water require a detailed understanding of the existing
and proposed discharge from the site including connection point(s) to the
public sewer system and peak flow rates;
Backflow: The proposals should not be occupied until a non-return valve or other
suitable device to avoid the risk of backflow at a later date has been installed, on
the assumption that the sewerage network may surcharge to ground level during
storm conditions

2. With regard to air quality, the GLA have stated the following:
1. The CHP system appears oversized and the second part of the energy
  hierarchy regarding the sizing and proposed running hours for the CHP
  system should be re-provided;
2. Given that the affordable housing units are not to be connected to the energy
  system, they require a whole life cost assessment comparing the two options;
Dynamic thermal modelling should be carried out at the design stage, to ensure
the dwellings are not at risk of overheating.

3. In relation to the historic building recording, it should be in accordance with Level
3-4 of EH guidance Understanding Historic Buildings, A guide to good recording
practice. Reference should also be made to the Design & Access Statement
submitted with the application which outlines the history and interior features of
the existing cinema building which are of interest.

4. Your attention is drawn to the Conditions of this Permission and to the Council's
  powers of enforcement, including the power to serve a Breach of Condition Notice
  under the Town and Country Planning Act 1990, as amended. All Conditions
  must be complied with. If you wish to seek to amend a Condition you should
  apply to do so under s.73 of the Act, explaining why you consider it is no longer
  necessary, or possible, to comply with a particular condition.

5. Conditions nos. 18, 26, 33, 35, 36, 39, 44, 45, 46 and 47 impose requirements
  which must be met prior to commencement of the development. Failure to
  observe these requirements could result in the Council taking enforcement action,
  or may invalidate the planning permission and render the whole of the
development unlawful.

6. Planning permission is hereby granted for the development as shown on the
approved drawings. Any variation to the approved scheme may require further
permission, and unauthorised variations may lay you open to planning
enforcement action. You are advised to seek advice from the Directorate of
Planning and Borough Development, before work commences, if you are thinking
of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but
it is clearly preferable to seek advice at as early a stage as possible. Use the
following link to see how advice can be obtained: Planning Advice Service

7. This property is within a Conservation Area. All building works should, therefore,
be completed with great care. External facing work and detailed treatment should
be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek the advice of the Directorate of Planning and Borough Development.

8. To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

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

9. The archaeological evaluation as required by condition 32 should be prepared by a suitably qualified archaeological practice, as required by the Greater London Archaeology Advisory Service.

10. The London Fire & Emergency Planning Authority have confirmed that they are satisfied with the proposals in relation to fire safety, subject to requirements of the Building Regulations being met, brigade access being maintained at all times and the production of a suitable and sufficient fire risk assessment.

11. Transport for London have requested that any CTMP should be finalised in consultation with them and should form part of a Construction Logistics Plan.

12. You are advised that that construction and demolition work is controlled by the Council under Section 60 and 61 of the Control of Pollution Act 1974. In particular, building work which can be heard at the boundary of the site shall only be carried out between the following hours:

   Monday to Friday - 08.00 to 18.30
   Saturdays – 08.00 to 13.00
   Sundays and Bank Holidays – No noisy works at all

Builders who undertake noisy work outside of these hours may be liable for prosecution and a fine of up to £5,000 where a notice has been previously served under the Control of Pollution Act 1974.

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

14. You are reminded of your duties under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining property freeholders and leaseholders and anyone who has had an interest of 12 months or greater, where the building owner intends to carry out work which involves:

   1. Work involving an existing shared wall with another property;
   2. Building on the boundary with another property;
   3. Excavating near a neighbouring building, and that work falls within the
Notice should be served on neighbours at least one month before commencement of building works. Section 12(1) of the Act provides for the developer to provide security for neighbours through insurance or a security bond.

Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: [Party Wall Act 1996](#).

15. You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council’s website: www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required). (I67A)

16. You are advised that construction and demolition work is controlled by the Council under Section 60 and 61 of the Control of Pollution Act 1974. In particular, building work which can be heard at the boundary of the site shall only be carried out between the following hours:

- **Monday to Friday**: 08.00 to 18.30
- **Saturdays**: 08.00 to 13.00
- **Sundays and Bank Holidays**: No noisy works at all

Builders who undertake noisy work outside of these hours may be liable for prosecution and a fine of up to £5,000 where a notice has been previously served under the Control of Pollution Act 1974.

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

The full report is available for public inspection on the Council’s website at [www.rbkc.gov.uk/190213](http://www.rbkc.gov.uk/190213). 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,
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 section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at 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.

4) The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

5) The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.