

**Planning and Borough Development**

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

**Executive Director Planning and Borough Development**

Graham Stallwood



THE ROYAL BOROUGH OF  
**KENSINGTON  
AND CHELSEA**

Ms H Bizoumis  
Gerald Eve  
72 Welbeck Street  
London  
W1G 0AY

Date: 28/10/2016

My Ref: PP/16/04793

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:**

Variation of condition 2 (Compliance with approved drawings) of planning permission 15/04338 to include new plans reflecting proposed changes including the demolition and rebuild of Friese Green House, alterations to the King's Road elevation, additional basement excavation and provision of additional photovoltaic panels (MAJOR APPLICATION)

**Site Address:**

**196-222 King's Road, LONDON, SW3 5XP**

**RBKC Drawing Nos:**

PP/16/04793

**Applicant's Drawing Nos:**

1520A(00)000, 1520A(00)001, 1520A(00)002, 1520A(00)003,  
1520A(00)004, 1520A(00)005, 1520A(00)006, 1520A(00)007,  
1520A(00)008, 1520A(00)010, 1520A(00)011, 1520A(00)012,  
1520A(00)013, 1520A(00)014, 1520A(00)015, 1520A(00)016,  
1520A(00)018, 1520A(00)020, 1520A(00)021, 1520A(00)022,  
1520A(00)023, 1520A(00)024, 1520A(00)025, 1520A(00)026,  
1520A(00)027, 1520A(00)028, 1520A(00)030, 1520A(00)031,  
1520A(00)032, 1520A(00)033, 1520A(00)038, 1520A(00)040,  
1520A(00)041, 1520A(00)100, 1520A(00)101, 1520A(00)102,  
1520A(00)103, 1520A(00)200, 1520A(00)201, 1520A(00)202,  
1520A(01)000, 1520A(01)001 Rev. P1, 1520A(01)002 Rev.  
P1, 1520A(01)003 Rev. P1, 1520A(01)004 Rev. P1,  
1520A(01)005 Rev. P1, 1520A(01)006 Rev. P1,

1520A(01)007 Rev. P1, 1520A(01)008, 1520A(01)010,  
1520A(01)011, 1520A(01)012, 1520A(01)013, 1520A(01)014,  
1520A(01)015, 1520A(01)016, 1520A(01)018, 1520A(01)020,  
1520A(01)021 Rev. P1, 1520A(01)022 Rev. P1,  
1520A(01)023 Rev. P1, 1520A(01)024 Rev. P1,  
1520A(01)025 Rev. P1, 1520A(01)026 Rev. P1,  
1520A(01)027 Rev. P1, 1520A(01)028, 1520A(01)030,  
1520A(01)031, 1520A(01)032, 1520A(01)033, 1520A(01)038,  
1520A(01)040, 1520A(01)041, 1520A(01)101, 1520A(01)102  
Rev. P1, 1520A(01)103 Rev. P1, 1520A(01)200 Rev. P1,  
1520A(01)201 Rev. P1, 1520A(01)202, 1520A(02)000 Rev.  
P1, 1520A(02)001 Rev. P1, 1520A(02)002 Rev. P1,  
1520A(02)003 Rev. P1, 1520A(02)004 Rev. P1,  
1520A(02)005 Rev. P1, 1520A(02)006 Rev. P1,  
1520A(02)007 Rev. P1, 1520A(02)008 Rev. P1,  
1520A(02)009 Rev. P1, 1520A(02)010, 1520A(02)011,  
1520A(02)012, 1520A(02)013, 1520A(02)014, 1520A(02)015,  
1520A(02)016, 1520A(02)018, 1520A(02)019, 1520A(02)020  
Rev. P1, 1520A(02)021 Rev. P1, 1520A(02)022 Rev. P1,  
1520A(02)023 Rev. P1, 1520A(02)024 Rev. P1,  
1520A(02)025 Rev. P1, 1520A(02)026 Rev. P1,  
1520A(02)027 Rev. P1, 1520A(02)028 Rev. P1,  
1520A(02)029 Rev. P1, 1520A(02)031, 1520A(02)032,  
1520A(02)033, 1520A(02)034, 1520A(02)041, 1520A(02)042,  
1520A(02)043, 1520A(02)044, 1520A(02)051 Rev. P1,  
1520A(02)052 Rev. P1, 1520A(02)053 Rev. P1,  
1520A(02)054 Rev. P1, 1520A(02)055 Rev. P1,  
1520A(02)061, 1520A(02)062, 1520A(02)063, 1520A(02)064,  
1520A(02)065, 1520A(02)071 Rev. P1, 1520A(02)072 Rev.  
P1, 1520A(02)073 Rev. P1, 1520A(02)074 Rev. P1,  
1520A(02)075 Rev. P1, 1520A(02)076 Rev. P1,  
1520A(02)100 Rev. P1, 1520A(02)101 Rev. P1,  
1520A(02)102 Rev. P1, 1520A(02)103 Rev. P1,  
1520A(02)200 Rev. P1, 1520A(02)201 Rev. P1,  
1520A(02)202 Rev. P1, 1520A(02) 203, 1520A(02)204,  
1520A(02)205 Rev. P1, 1520A(02)206 Rev. P1,  
1520A(02)207, 1520A(02)208 Rev. P1, 1520A(91)001,  
1520A(02)080

**Application Dated:** 14/07/2016

**Application Completed:** 08/08/2016

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

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

### 1. Time Limit

The development hereby permitted shall be begun before the expiration of five years from the grant of planning application ref. PP/15/04338 dated 04.02.2016.

*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 1520A(00)000, 1520A(00)001, 1520A(00)002, 1520A(00)003, 1520A(00)004, 1520A(00)005, 1520A(00)006, 1520A(00)007, 1520A(00)008, 1520A(00)010, 1520A(00)011, 1520A(00)012, 1520A(00)013, 1520A(00)014, 1520A(00)015, 1520A(00)016, 1520A(00)018, 1520A(00)020, 1520A(00)021, 1520A(00)022, 1520A(00)023, 1520A(00)024, 1520A(00)025, 1520A(00)026, 1520A(00)027, 1520A(00)028, 1520A(00)030, 1520A(00)031, 1520A(00)032, 1520A(00)033, 1520A(00)038, 1520A(00)040, 1520A(00)041, 1520A(00)100, 1520A(00)101, 1520A(00)102, 1520A(00)103, 1520A(00)200, 1520A(00)201, 1520A(00)202, 1520A(01)000, 1520A(01)001 Rev. P1, 1520A(01)002 Rev. P1, 1520A(01)003 Rev. P1, 1520A(01)004 Rev. P1, 1520A(01)005 Rev. P1, 1520A(01)006 Rev. P1, 1520A(01)007 Rev. P1, 1520A(01)008, 1520A(01)010, 1520A(01)011, 1520A(01)012, 1520A(01)013, 1520A(01)014, 1520A(01)015, 1520A(01)016, 1520A(01)018, 1520A(01)020, 1520A(01)021 Rev. P1, 1520A(01)022 Rev. P1, 1520A(01)023 Rev. P1, 1520A(01)024 Rev. P1, 1520A(01)025 Rev. P1, 1520A(01)026 Rev. P1, 1520A(01)027 Rev. P1, 1520A(01)028, 1520A(01)030, 1520A(01)031, 1520A(01)032, 1520A(01)033, 1520A(01)038, 1520A(01)040, 1520A(01)041, 1520A(01)101, 1520A(01)102 Rev. P1, 1520A(01)103 Rev. P1, 1520A(01)200 Rev. P1, 1520A(01)201 Rev. P1, 1520A(01)202, 1520A(02)000 Rev. P1, 1520A(02)001 Rev. P1, 1520A(02)002 Rev. P1, 1520A(02)003 Rev. P1, 1520A(02)004 Rev. P1, 1520A(02)005 Rev. P1, 1520A(02)006 Rev. P1, 1520A(02)007 Rev. P1, 1520A(02)008 Rev. P1, 1520A(02)009 Rev. P1, 1520A(02)010, 1520A(02)011, 1520A(02)012, 1520A(02)013, 1520A(02)014, 1520A(02)015, 1520A(02)016, 1520A(02)018, 1520A(02)019, 1520A(02)020 Rev. P1, 1520A(02)021 Rev. P1, 1520A(02)022 Rev. P1, 1520A(02)023 Rev. P1, 1520A(02)024 Rev. P1, 1520A(02)025 Rev. P1, 1520A(02)026 Rev. P1, 1520A(02)027 Rev. P1, 1520A(02)028 Rev. P1, 1520A(02)029 Rev. P1, 1520A(02)031, 1520A(02)032, 1520A(02)033, 1520A(02)034, 1520A(02)041, 1520A(02)042, 1520A(02)043, 1520A(02)044, 1520A(02)051 Rev. P1, 1520A(02)052 Rev. P1, 1520A(02)053 Rev. P1, 1520A(02)054 Rev. P1, 1520A(02)055 Rev. P1, 1520A(02)061, 1520A(02)062, 1520A(02)063, 1520A(02)064, 1520A(02)065, 1520A(02)071 Rev. P1, 1520A(02)072 Rev. P1, 1520A(02)073 Rev. P1, 1520A(02)074 Rev. P1, 1520A(02)075 Rev. P1, 1520A(02)076 Rev. P1, 1520A(02)100 Rev. P1, 1520A(02)101 Rev. P1, 1520A(02)102 Rev. P1, 1520A(02)103 Rev. P1, 1520A(02)200 Rev. P1, 1520A(02)201 Rev. P1, 1520A(02)202 Rev. P1, 1520A(02) 203, 1520A(02)204, 1520A(02)205 Rev. P1, 1520A(02)206 Rev. P1, 1520A(02)207, 1520A(02)208 Rev. P1, 1520A(91)001, 1520A(02)080

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

### 3. Submission of details (Full PP)

Prior to commencement of the relevant phase of development as shown on drawing 1520A(02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development

shall not be completed otherwise than in accordance with the details so approved:

- (a) extent and position of internal and surface vehicle parking; and
- (b) details of the provision of vehicle turning space within the site.

*Reason – To provide safe and sustainable movement of traffic on neighbouring highways, in accordance with development plan policies in particular policies CH2(b) and CT1 of the Consolidated Local Plan.*

**4. Demolition Environmental Management Plan**

No demolition works shall be undertaken until a site specific Demolition Environmental Management Plan has been submitted to and approved in writing by the local planning authority. This shall include a risk assessment and appropriate mitigation measures to minimise dust and emissions based on the Mayor's Best Practice Guidance (The Control of Dust and Emissions from Construction and Demolition) or the London Plan control of emissions from construction and demolition SPG. The report shall also include an inventory and timetable of dust generating activities, emission control methods and where appropriate air quality monitoring. The works shall only be carried out in accordance with the approved plan.

*Reason – To minimise the impact of the proposed demolition on the amenity of neighbouring occupiers and to comply with policies of the development plan in particular policies CL5 and CE6 of the Consolidated Local Plan and the requirements of the NPPF and Policy 7.14 b of the London Plan. It is necessary for the condition to be on the basis that "No demolition works shall be undertaken 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.*

**5. Construction Environmental Management Plan**

No construction works shall be undertaken until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. This shall include a risk assessment and appropriate mitigation measures to minimise dust and emissions based on the Mayor's Best Practice Guidance (The Control of Dust and Emissions from Construction and Demolition) or the London Plan control of emissions from construction and demolition SPG. The report shall also include an inventory and timetable of dust generating activities, emission control methods and, where appropriate, air quality monitoring. The works shall only be carried out in accordance with the approved plan.

*Reason – To minimise the impact of the proposed construction on the amenity of neighbouring occupiers and to comply with policies of the development plan in particular policies CL5 and CE6 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No construction works shall be undertaken 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.*

**6. Submission of details (Full PP)**

Prior to commencement development phase E as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Sample panels of both the facing brickwork and the glazed brick, showing the proposed colour, texture, facebond and pointing shall be

provided on site, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved;

(b) Samples of materials to be used on the external faces of the building(s);

(c) Section and elevation details of parapets, window and door reveals;

(d) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5;

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**7. Submission of details (Full PP)**

Prior to commencement development phase F as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

(a) Sample panels of both the facing brickwork and the glazed brick, showing the proposed colour, texture, facebond and pointing shall be provided on site, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved;

(b) Samples of materials to be used on the external faces of the building(s);

(c) Section and elevation details of parapets, window and door reveals;

(d) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5;

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**8. Submission of details (Full PP)**

Prior to commencement development phase G as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

(a) Sample panels of both the facing brickwork and the glazed brick, showing the proposed colour, texture, facebond and pointing shall be provided on site, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved;

(b) Samples of materials to be used on the external faces of the building(s);

(c) Section and elevation details of parapets, window and door reveals; and

(d) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5.

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living*

*near the development suitably protected.*

**9. Submission of details (Full PP)**

**Prior to commencement development phase H as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:**

- (a) Sample panels of both the facing brickwork and the glazed brick, showing the proposed colour, texture, facebond and pointing shall be provided on site, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved;**
- (b) Samples of materials to be used on the external faces of the building(s);**
- (c) Section and elevation details of parapets, window and door reveals; and**
- (d) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5.**

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**10. Submission of details (Full PP)**

**Prior to commencement development phase J as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:**

- (a) Sample panels of both the facing brickwork and the glazed brick, showing the proposed colour, texture, facebond and pointing shall be provided on site, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved;**
- (b) Samples of materials to be used on the external faces of the building(s);**
- (c) Section and elevation details of parapets, window and door reveals; and**
- (d) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5.**

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**11. Submission of details (Full PP)**

**Prior to commencement development phase K as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:**

- (a) Sample panels of both the facing brickwork and the glazed brick,**

showing the proposed colour, texture, facebond and pointing shall be provided on site, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved;

(b) Samples of materials to be used on the external faces of the building(s);

(c) Section and elevation details of parapets, window and door reveals;

(d) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5;

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**12. Submission of details (Full PP)**

Prior to commencement development phase L as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

(a) Sample panels of both the facing brickwork and the glazed brick, showing the proposed colour, texture, facebond and pointing shall be provided on site, and the sample panels shall be retained on site until the work is completed in accordance with the panel(s) so approved;

(b) Samples of materials to be used on the external faces of the building(s);

(c) Section and elevation details of parapets, window and door reveals; and

(d) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5.

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**13. Submission of details (Full PP)**

Prior to the commencement of development phase E as shown on drawing 1520A(02) 080 (save for demolition and excavation of the basement), full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise that in accordance with the details so approved

(a) details of decorative panels to cinema facade and spandrel panels to 194-204 Kings Road; and

(b) details of the method of removal of the paint to the front facade of 206-222 Kings Road.

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**14. Submission of details (Full PP)**

Prior to the commencement of development phase L as shown on drawing 1520A(02) 080 (save for demolition and excavation of the basement), full

particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise that in accordance with the details so approved

(a) details of the insulating render to Friese Green House including how this will be detailed around the window/door reveals and corners of the building; and

(b) Details/samples of windows (including glazing, doors) railings, balcony awnings, with elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:5.

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**15. Signage and shopfront strategy**

Prior to the commencement of any development phases E, F or G as shown on drawing 1520A(02) 080 (save for demolition and excavation of the basement), details of a signage and shopfront strategy including vents and elevations (at Scale 1:20) shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise that in accordance with the details so approved.

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**16. Shopfront and signage**

Prior to the first occupation of each retail unit, details of the shopfront and signage including elevation drawings (at Scale 1:20) and plan and section drawings (at Scale 1:5) shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected.*

**17. Construction - Retained front facade**

Prior to commencement of development a method statement shall be prepared by a Structural Engineer showing how the central portion of the front facade of 206 - 222 King's Road is to be safeguarded and retained during demolition and construction. The method statement shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details.

*Reason - To preserve the appearance of the building and the character of the area, in accordance with policies of the development plan in particular policies CL1, and CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that 'prior to commencement' as compliance with the requirements of this condition at a later stage would result in unacceptable harm contrary to the policies of the Development Plan*

**18. Demolition Traffic Management Plan (DTMP)**

No demolition shall commence until a Demolition Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall include:

a) routing of demolition 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 work associated with the development;
- h) work programme and/or timescale for each phase of preparation demolition, and excavation work associated with the development;
- i) details of measures to protect pedestrians and other highway users from demolition 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 Demolition Traffic Management Plan.

*Reason - To minimise the impact of demolition works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CT1 and CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No demolition 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. Construction Traffic Management Plan (CTMP)**

No construction works shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should 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.**

*Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No construction works 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.*

**20. Provide cycle storage prior to occupation**

**Details of the cycle storage facilities indicated on the approved plans shall be submitted to and approved by the Local Planning Authority prior to occupation of the relevant part of the development and fully implemented and made available for immediate use in accordance with the approved details. The cycle facilities shall thereafter be retained for use at all times.**

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

**21. Vehicles - Point of egress**

**Vehicles egress from the servicing yard to the rear of the site on Hemus Place shall be in forward gear only.**

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

**22. Delivery, Service and Waste Management Plan**

**Prior to occupation of each use within the site, an updated delivery, service and waste management plan for the site detailing the delivery, servicing, refuse and recycling storage facilities and arrangements for the site has been submitted to and approved in writing by the Local Planning Authority and fully implemented and made available for immediate use in accordance with the approved details. The facilities shall thereafter be retained for use at all times and the servicing and delivery arrangements carried out in accordance with the approved details.**

*Reason - To prevent any significant disturbance to residents of nearby properties and the surrounding highway and comply with development plan policies, in particular policies CT1, CL5 and CE5 of the Consolidated Local Plan.*

**22.** The current use is a social and community use (or has been in the recent past).

**23. Travel Plan – Details reserved**

**No buildings hereby approved shall be occupied until a travel plan in relation to the site as a whole, has been submitted to, and approved in writing by, the local planning authority. The travel plan shall be monitored and reviewed in accordance with any targets within the plan, and such record made available upon request by the local planning authority.**

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

24. **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 Basements SPD and policy CL7 of the Consolidated Local Plan 2015. 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.*
25. **Considerate Constructors Scheme (CCS)**  
No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.  
*Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements SPD and policy CL5 of the Consolidated Local Plan 2015. 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.*
26. **BREEAM Rating - New build non-residential**  
The non-residential floorspace hereby approved shall achieve a BREEAM rating of Excellent including all of the retail units, office, cinema and public house/bar floor space. 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 Consolidated Local Plan.*
27. **Energy Performance**  
The dwellings shall achieve Level 4 of the Code for Sustainable Homes equivalent in relation to energy performance and none shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 equivalent for this criterion has been achieved.

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

**28. Trees and landscaping – Details required**

**Before the relevant parts of the development commence, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:**

- i. Details of all proposed trees and shrubs;**
- ii. Details of all paths/shared surfaces within the site;**
- iii. Details of all surfacing materials; and**
- iv. Details of the roof top planting to the roof top bar.**

**The development shall be completed in accordance with the approved details.**

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

**29.**

**Planting and replanting**

**All tree and shrub planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.**

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

**30. Hours of operation - Public House**

**The use of the public house shall not be carried out other than between 08:00 hours and 24:00 hours Monday to Saturday and between 09:00 and 23:30 on Sundays.**

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

**31. Hours of operation - Roof top bar**

**The use of the roof top bar shall not be carried out other than between 08:00 hours and 23:30 hours Monday to Saturday and between 09:00 and 23:00 on Sundays.**

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

**32. Delivery vehicles**

**No deliveries or collections to and from the commercial units shall take place between 22:00 and 08:00 on any day.**

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

33. **No music audible outside**  
No music, musical instruments, or loudspeakers shall be played or used within the public house and roof top bar/restaurant premises forming the subject of this permission so as to be audible outside the premises.  
*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.*
34. **Doors - Self closing**  
Prior to the commencement of the use, the doors to the cinema and roof top bar fronting Chelsea Manor Street shall be made self closing, and the doors shall thereafter be kept closed at all times except when required for the incidental entry or exit of goods and customers.  
*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.*
35. **Sound insulation**  
Prior to commencement of the relevant phase of the development as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, a scheme of sound insulation, designed to prevent the lateral and vertical transmission of excessive airborne and impact noise between the commercial use and the residential use, shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained in accordance with the approved details. The residential dwellings shall not be occupied until the approved scheme has been fully implemented  
*Reason - To safeguard the amenity of neighbouring properties and to comply with development plan policies, in particular Policy CL5 of the Consolidated Local Plan.*
36. **Noise from building services plant and vents**  
Prior to commencement of the relevant phase of the development as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, a noise survey and report shall be submitted and approved in writing by the Local Planning Authority. The report shall show how noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) at any time when the plant is operating, and where the source is tonal it shall be -15dBA. 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.  
*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.*
37. **Anti-vibration mounts for air-conditioning/ extraction equipment**  
The plant and lift 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 Consolidated Local Plan.*

**38. Odours from extraction equipment**

**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.**

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

**39. Facade construction details**

**Prior to commencement of the relevant phase of the development as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, full facade construction details of the new external facades of the new building on Chelsea Manor Street and the north facade of Block C, including glazing, with commensurate composite sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233: 2014 'Sound insulation and noise reduction for buildings.' The development shall be constructed in accordance with the approved details.**

*Reason - To safeguard the amenity of neighbouring properties and to comply with development plan policies, in particular Policy CL5 of the Consolidated Local Plan.*

**40. Combustion plant**

**Prior to the commencement of the above ground works, the details of any combustion plant, including evidence to show that any chimney stack or flue will be located so that it is away from ventilation intakes or accessible areas and at a sufficient height and discharge velocity to disperse the exhaust emissions and details of the selected combustion plant (including abatement equipment), their emissions (and maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. Boilers shall have NOx emissions not exceeding 40mg/kWh of dry NOx (at 0% O2) and CHP plant not exceeding 95mg/Nm3 (at 5% O2). The combustion plant shall be installed in accordance with the approved details and so maintained.**

*Reason - To comply with Policies as required by Consolidated Local Plan Policy CE5c and 7.14 a and c of the London Plan*

**41. Drainage Strategy**

**Prior to commencement of the relevant phase of the development as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, a drainage strategy detailing any on and/or off site drainage works, shall be submitted to and approved by, the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

*Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.*

**42. Level access to shop**

**The shopfronts hereby approved shall include level access from the pavement to the interior, with no step at the door.**

*Reason - To ensure accessibility to people with mobility difficulties and so accord with policies of the development plan, in particular CL2 of the Consolidated Local Plan.*

**43. Use of roof as terrace precluded**

**Except as shown on the approved plans, the roof of the buildings, including the roof spaces identified as accessible or green roofs, forming the subject of this permission, shall not be used at any time as a terrace.**

*Reason - To avoid overlooking and disturbance to neighbouring properties and so accord with policies of the development plan, in particular policy CL5 of the Consolidated Local Plan.*

**44. Crossrail**

**None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:**

- (i) Accommodate the proposed location of the Chelsea Hackney Line structures, including tunnels;**
- (ii) Accommodate ground movement arising from the construction thereof;**
- (iii) Mitigate the effects of noise and vibration arising from the operation of the Chelsea Hackney Line railway within the tunnels and other structures;**

**The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and work comprising within the development hereby permitted which are required by (i), (ii), (iii) and (iv) shall be completed in their entirety before any part of the building is occupied.**

*Reason - To ensure that the development accommodates the development and operation of Crossrail 2 (Chelsea-Hackney Line). 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. Operational Management Plan**

**The roof top bar/restaurant and cinema shall not be occupied until a detailed operational management plan for their use has been submitted to and approved by the Local Planning Authority.**

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

**46. Sustainable Urban Drainage System (SuDS)**

**Prior to commencement of the relevant phase of development as shown on drawing 1520A (02)080, save for demolition and excavation of the basement, a Sustainable Urban Drainage System (SUDS) Strategy shall be submitted and approved in writing by the Local Planning Authority. The statement shall include:**

- (a) Details of the waterproofing strategy of the basement;
- (b) Information on groundwater floor after development to ensure neighbouring areas will not be adversely affected;
- (c) Details of the installation of a positively pumped device;
- (d) Details of the installation of a 100m<sup>3</sup> geocellular storage tank;
- (e) Details of the rainwater harvesting system; and
- (f) Information on the operation and maintenance of the SuDS Strategy; and
- (g) the provision of Green roofs/Sedum roofs as shown in drawings (1520A (02)007 rev and 1520A (02)001 rev).

The development shall be carried out in accordance with the approved details and maintained thereafter.

*Reason* – To reduce flood risk and to contribute to sustainability in accordance with policies CE2 and CL7 of the Consolidated Local Plan, the NPPF and Planning Practice Guidance (written ministerial statement 18th December 2014).

**47. Contamination – preliminary risk assessment report**

No development shall commence 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 Consolidated Local Plan policy CE7. 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 – Site Investigation and quantitative risk assessment**

No development shall commence (save for demolition) until a Site Investigation Scheme has been undertaken and 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 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 Consolidated Local Plan policy CE7 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.*

**49. Contamination – Remediation method statement**

**No development shall commence (save for demolition) 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 Consolidated Local Plan policy CE7 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.*

**50. Contamination – Verification report**

**On completion of the basement excavation, if required, the details set out in the approved Remediation Method Statement shall be carried out in full and a Verification Report shall be submitted to and approved in writing by the Local Planning Authority which addresses the following:**

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

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

**51. 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 Consolidated Local Plan Policy CE7 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).*

**52. Ventilation and extraction**

**Prior to occupation of each use within the site, details of the ventilation and extraction equipment (including any acoustic screening) shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and so maintained.**

*Reason – To accord with the development plan by ensuring that the living conditions of those living near the development suitably protected.*

53. **Solar shading to residential units**  
Prior to the occupation of the residential units, details of the glazing and acoustic louvres, where required, in order to mitigate overheating to the south facing single aspect residential units, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation, and so maintained.  
*Reason – To accord with the development plan by ensuring that the residential units have an acceptable standard of residential accommodation.*
54. **Photovoltaic panels**  
Prior to the occupation of the residential units, details of the design of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels shall be installed in accordance with the approved details prior to occupation, and so maintained.  
*Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan.*
55. **Combustion plant**  
Prior to occupation 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/Nm<sup>3</sup> (at 5% O<sub>2</sub>). A NOX emissions test must be carried out by an accredited laboratory. The certificate and equipment maintenance schedules must be provided to the planning authority for approval.  
*Reason - To comply with Policies as required by Consolidated Local Plan Policy CE5 and 7.14 a and c of the London Plan*
56. **Hours of operation - Terrace to roof top bar**  
The terrace to the roof top bar shall not be carried out other than between 08:00 hours and 22:00 hours on any day.  
*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Consolidated Local Plan.*
57. **Water Efficiency**  
The dwellings shall achieve compliance with optional requirement G2 (2) (b) and none shall be occupied until Building Regulations approval has been issued for it certifying that these criteria have been achieved.  
*Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan.*

## **INFORMATIVE(S)**

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

possible, to comply with a particular condition.

2. The applicant is advised that there are conditions which 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.
3. 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](#)

4. Any Advertisements to be erected at the premises may require consent under the Control of Advertisement Regulations 2007. You are advised to consult the Directorate of Planning and Borough Development.
5. 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.
6. Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Director of Building Control, Town Hall, Hornton Street, W8 7NX should be consulted before works commence.
7. Naming and Numbering requirements provided under the Towns Improvement Clauses Act 1847 and the Public Health Act of 1925 mean that that premises must display their street number, and that no name or number other than that formally assigned may be displayed. Any requests for the assignment of names and numbers to new development should be made to the Executive Director, Planning and Borough Development, Town Hall, Hornton Street, W8 7NX well in advance of the completion of the building.
8. 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, 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.

9. You should engage with neighbours and local residents associations in advance of submitting your Construction Traffic Management Plan (CTMP). It is also advisable to engage in further pre-application discussions with the Local Planning Authority prior to submission of the CTMP. You are reminded of the purpose of the CTMP, which is to mitigate impact upon the living conditions enjoyed by residents of neighbouring properties as well as to ensure the safe and

unobstructed function of the highways in the vicinity. You are also reminded of the membership of the Considerate Constructors Scheme, required by condition and which has similar objectives. Care and sensitivity is required when carrying out development in residential areas.

10. 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 scope of the Act

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](#)

11. 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.

12. 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](http://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)

13. Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2016. Under the terms of the Code, works heard at the boundary of the site are restricted to:

**Monday to Friday 8am – 6pm**  
**Saturday, Sunday and public holidays – none permitted**

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

14. 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/202520](http://www.rbkc.gov.uk/202520) . 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,

**Graham Stallwood**  
**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 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](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.
- 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.

