

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**

Mr M Brewer
RPS CgMs
140 London Wall
London
EC2Y 5DN

Date: 25/09/2017

My Ref: PP/17/01413

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 structures to rear of the Orangery, construction of extension comprising two level basement and single storey above ground, and provision of two internal links to extension with associated alterations. New landscaping of Orangery lawn to the south, including new gardener's store. Provision of temporary marquee during period of construction. Associated works and landscaping.

Site Address:

Queen Anne's Orangery, Palace Green, LONDON, W8 4PZ

RBKC Drawing Nos:

PP/17/01413

Applicant's Drawing Nos:

KPO/PL: /00.1, /01.1, /02.1, /03.1, /03.2, /03.3, /04.1, /04.2, /04.3, /05.1, /05.2, /05.3, /05.4, /06.1, /06.6, /11.1, /12.1, /13.1, /13.2, /13/3, /14.1, /14.2, /14.3, /14.4, /15.1, /15.2, /15.3, /15.4, /16.1, /16.4, /16.5, /16.6, /20.1, /21.1, /22.1 and /22.2.

Application Dated:

01/03/2017

Application Completed:

02/03/2017

**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 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 *KPO/PL: /00.1, /01.1, /02.1, .03.1, /03.2, /03.3, /04.1, /04.2, /04.3, /05.1, /05.2, /05.3, /05.4, /06.1, /06.6, /11.1, /12.1, /13.1, /13.2, /13/3, /14.1, /14.2, /14.3, /14.4, /15.1, /15.2, /15.3, /15.4, /16.1, /16.4, /16.5, /16.6, /20.1, /21.1, /22.1 and /22.2.*

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

3. **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. The statement should include:

- a) routing 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 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.

4. **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.

5. **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.

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

During construction of the development hereby permitted the submitted Sustainable Urban Drainage System (SuDS) shall be fully implemented and maintained thereafter.

Reason - To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Consolidated Local Plan.

7. **Sewer Flooding**

Prior to first occupation/use of the basement hereby approved, the basement shall be fitted with a positively pumped device designed to remove sewer floodwater from the building, which shall be maintained and functional at all times.

Reason - To protect the building from sewer flooding, in accordance with policies CE2 and CL7 of the Consolidated Local Plan.

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

No development shall commence until full particulars of the following have been 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) Cycle parking and storage for a minimum of 10 cycles.

(b) Details of tree and shrub planting to be installed around temporary marquee

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. 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.

9. **Marquee to be removed on completion of works**

The temporary marquee shall be dismantled and removed, and the ground restored and landscaped, upon completion of the construction works for the development hereby permitted.

Reason - To ensure that the character and the appearance of the Kensington Palace Conservation Area are preserved, and the setting of Kensington Palace is not harmed.

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. Conditions 3, 4 and 8 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. The Director of Transportation and Highways, Council Offices, Pembroke Road, London, W8 6PW (020-7341-5256) should be informed 28 days before any earth moving or abnormal use of highways adjoining the site commences so that arrangements for the routing of earth moving vehicles and cleansing the highway can be made.

Contractors should be reminded that, under Section 151 of the Highways Act 1980, it is an offence to deposit mud on the public highway. If any spillage is not immediately cleared the Council will carry out the necessary cleansing and recharge the cost to the Contractor.

4. 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.

6. Construction Traffic Management Plan - required revisions

Q7 – Consultation details and responses should be appended to the final stage CTMP required by condition 3, as the original planning statement would be superseded by the final discharge of condition stage.

Q8/12 – Swept path analysis should be provided showing vehicles accessing and exiting the site from Bayswater Road. This should include the largest proposed vehicles, including those required for one off deliveries. The entrance to Orme Square Gate is very narrow and it may not be possible for the proposed vehicles to access the site without modifications to the entrance. This is required to ensure that vehicles can access and exit Orme Square Gate without unduly impacting the operation of Bayswater Road.

Q11 – A more detailed site plan must be included showing vehicles in the proposed loading/ unloading position.

Q20 – The answer to this question suggests that the intention is for more than one vehicle to be on site at any one time. A more detailed site plan must demonstrate that there is capacity on site for more than one vehicle to ensure no vehicles are required to wait on the highway or at any point on Jubilee Walk.

7. 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.

8. 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)

9. 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.

10. 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/208587 . 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.
- 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.

