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**PLANNING AND CONSERVATION**

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**THE TOWN HALL HORNTON STREET LONDON W8 7NX**

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**Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS**

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**THE ROYAL  
BOROUGH OF**

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Hugh Bullock,  
Gerald Eve,  
7 Vere Street,  
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**KENSINGTON  
AND CHELSEA**

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**22 DEC 1999**

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My Ref: PP/99/01446/MAJO/41/4165  
Your Ref: J3683

Please ask for: South East Area Team

Dear Sir/Madam,

**FILE COPY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988**

**Permission for Development (Conditional) (DP1)**

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

**SCHEDULE**

**DEVELOPMENT:**

Redevelopment of part of site to include provision for retail (Class A1), offices (Class A2 and B1), food and drink (Class A3), non residential institutions (Class D1) and residential use (Class C3) and landscaping proposals, including demolition and redevelopment of A Block to provide accommodation on basement, ground and three upper floors, Class A1 use on basement and part ground floor, Class A2 use on part first floor and Class B1 use on part ground, part first, second and third floors and including a new vehicular access.

**SITE ADDRESS:**

**The Duke of York's Headquarters, King's Road, Chelsea,  
S.W.3**

**RBK&C Drawing Nos:**

**PP/99/01446, PP/99/01446/A and PP/99/01446/B**

**Applicant's Drawing Nos:**

**1126/PL/S/00 (location plan), 1126/PL/A/04, 1126/PL/A/05,  
1126/PL/A/06, 1126/PL/A/07, 1126/PL/A/08, 1126/PL/A/09,  
1126/PL/A/10/A, 1126/PL/A/11/A, 1126/PL/A/12/A,  
1126/PL/A/13/A, 1126/PL/A/14/A, 1126/PL/A/15/A,  
1126/PL/A/16/A, 1126/PL/A/17/A, 1126/PL/A/18-1/A Sheet 1,  
1126/PL/A/18-2/A Sheet 2, 1126/PL/A/30, 1126/PL/A/31,  
1126/PL/A1/04/A, 1126/PL/A1/05/A, 1126/PL/A1/06/A,**

1126/PL/A1/07/A, 1126/PL/B/04, 1126/PL/B/05,  
1126/PL/B/06, 1126/PL/B/07, 1126/PL/B/08, 1126/PL/B/09-A,  
1126/PL/B/10-A, 1126/PL/B/11-A, 1126/PL/B/12-A,  
1126/PL/B/13-A, 1126/PL/B/14-A, 1126/PL/B/15-A,  
1126/PL/B/16-A, 1126/PL/B1/04-A, 1126/PL/B1/05-A,  
1126/PL/B1/06-A, 1126/PL/B1/07/A, 1126/PL/B1/08/A,  
1126/PL/B2/04, 1126/PL/B2/05, 1126/PL/B2/06,  
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1126/PL/C/04, 1126/PL/C/05, 1126/PL/C/06, 1126/PL/C/07,  
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1126/PL/C/12, 1126/PL/C/13, 1126/PL/D/04, 1126/PL/D/05,  
1126/PL/D/06, 1126/PL/D/07, 1126/PL/D/08, 1126/PL/D/09,  
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1126/PL/L/10, 1126/PL/L/11, 1126/PL/L/12A, 1126/PL/L/13,  
1126/PL/L/14, 1126/PL/L/15, 1126/PL/L/16, 1126/PL/L/17,  
1126/PL/L/18/A, 1126/PL/L/19, 1126/PL/L/020, 1126/PL/Q/04,  
1126/PL/Q/05, 1126/PL/Q/06, 1126/PL/Q/07, 1126/PL/Q/08,  
1126/PL/Q/09/A, 1126/PL/Q/10/A, 1126/PL/Q/11/A,  
1126/PL/Q/12/A, 1126/PL/Q/13/A, 1126/PL/Q/14/A,  
1126/PL/LS/03, 1126/PL/LS/04, 1126/PL/LS/05,  
1126/PL/LS/06 and 1126/PL/LS/07

**Application Dated:** 22/06/1999

**Application Completed:** 14/07/1999

**Application Revised:** 04/10/1999 and 11/10/1999

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

## **CONDITIONS AND REASONS FOR THEIR IMPOSITION**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)

*Reason* As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)

2. Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:

- (a) the materials to be used on the external faces of the building(s)
- (b) the use and treatment of any part of the site not proposed to be covered by buildings
- (c) the treatment of the open land within the site including hard and soft landscaping
- (d) any proposed walls, fences, or railings
- (e) the provision of access for people with disabilities
- (f) the provision to be made for the storage and disposal of refuse
- (g) the means of external ventilation
- (h) street lighting within the development
- (i) security arrangements, including CCTV cameras, and 24 hour on site security, which shall be submitted within 12 months of the commencement of development
- (j) the Cheltenham Terrace elevation of Queripel House
- (k) all fenestration to new A and B Blocks
- (l) new railings to the north of the running track. (C011)

*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. (R011)

3. The tree(s) existing on the site at the date of this permission shall be protected against damage throughout the period of building and other operations pursuant to this permission. (C020)

*Reason* - To ensure that trees are adequately protected and to safeguard the amenity. (R020)

4. Full particulars of the method(s) by which all the existing trees on the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the

development commences, and the protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site. (C021)

*Reason - To ensure that trees are adequately protected and to safeguard the amenity. (R020)*

5. The space shown on the plans hereby approved for the loading and unloading of vehicles in connection with the development shall be provided before the occupation of the premises pursuant to this permission, and shall be permanently retained and used for that purpose only. (C034)

*Reason - To ensure that the development does not lead to the obstruction of adjacent streets, to the detriment of the amenity of the area. (R034)*

6. The building(s) hereby permitted shall not be occupied until the means of vehicular access has been constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. (C037)

*Reason - To ensure that the development functions satisfactorily, and to protect the safe and free flow of traffic on neighbouring highways. (R035)*

7. No process shall be carried out, or machinery installed, pursuant to this permission so as to cause detriment to the amenity of adjacent property, or of the immediate area, by reason of noise, vibration, smell, smoke, soot, ash, grit, or electrical interference. (C047)

*Reason - To safeguard the amenities of neighbouring properties. (R042)*

8. No customers shall be on the premises with Class A3 use permitted by this permission between the hours of 23.30 and 08.00 the following day.

*Reason - To safeguard the amenities of neighbouring properties. (R042)*

9. No music shall be played within those premises the subject of this permission so as to be audible outside those premises. (C048)

*Reason - To safeguard the amenity of neighbouring property. (R048)*

10. The Class A3 restaurant in the left wing created in pursuance of this permission shall have no more than 120 covers, including external seating.

*Reason - To safeguard the amenity of neighbouring property. (R048)*

11. The cafe within the public open space built in pursuance of this permission shall have no more than 90 covers, including external seating and the area used for external seating shall be restricted to that shown on the approved drawing.

*Reason - To safeguard the amenity of neighbouring property. (R048)*

12. The Class A3 uses permitted in left wing shall have no take away food provision.

*Reason - To safeguard the amenity of neighbouring property. (R048)*

13. The residential accommodation hereby permitted shall not be occupied until it has been insulated in accordance with details submitted to, and approved in writing by, the Local Planning Authority so as to ensure that any occupiers of the accommodation do not suffer excessive airborne or impact noise nuisance from the occupiers of adjoining accommodation. (C053)

*Reason - To safeguard the amenity of neighbouring property. (R052)*

14. All air conditioning units, plant and machinery within the development shall operate at no more than 2dB(A) above the lowest background level when measured one metre from the facade of the nearest residential property and when measured on the site boundary at a height of 1.5 metres above ground level. The units shall be serviced regularly in accordance with manufacturer's instructions, or as necessary to ensure that the requirements of the condition are met. (C057A)  
*Reason - To safeguard the amenity of neighbouring property. (R048)*
15. The Class A1 and A3 premises forming the subject of this permission shall not at any time be used for the sale of hot food for consumption off the premises. (C061)  
*Reason - To safeguard the amenity of neighbouring property. (R048)*
16. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority. (C068)  
*Reason - The details are considered to be material to the acceptability of the proposals, and for safeguarding the amenity of the area. (R068)*
17. All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing. (C071)  
*Reason - To ensure a satisfactory standard of external appearance. (R071)*
18. The roof slope(s) of the building(s)/extension hereby permitted shall be clad in natural slates, and so maintained. (C073)  
*Reason - To preserve and enhance the character and appearance of the Conservation Area. (R072)*
19. No water tank, lift motor room, or other roof structure, shall be erected which rises above the level of the roof hereby approved. (C077)  
*Reason - To safeguard the appearance of the area. (R077)*
20. No additional plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building without the prior written approval of the Local Planning Authority. (C085)  
*Reason - To ensure a satisfactory standard of external appearance. (R085)*
21. Before the building hereby permitted is used or occupied, provision for access by people with disabilities shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the facilities shall be installed only in accordance with the details so approved. (C095)  
*Reason - To ensure adequate access for people with disabilities. (R095)*
22. No construction shall take place until a detailed design and method statement for all foundations and other development more than 3 metres below ground level, which takes account of the proposed running tunnels of the Chelsea/Hackney Line project, including any ground movement arising from the construction and operation of the said project, has been submitted to, and

approved in writing by, the Local Planning Authority. (C102)

Reason - To safeguard the Chelsea-Hackney Line Project as required by London Underground Limited. (R102)

23. The boundary wall to the rear of the houses in Lower Sloane Street shall be retained and shall be protected from damage during construction works.  
Reason - To safeguard the amenity of neighbouring property. (R048)
24. No servicing by vehicles of the uses hereby permitted shall be carried out other than between the hours of 07:00 and 10:00 and 19:00 and 20:00 hours Monday - Saturday and between the hours of 09:00 and 10:00 on Sunday only.  
Reason - To safeguard the amenity of neighbouring property. (R048)
25. All vehicles servicing the uses hereby permitted shall use the Kings Road access only.  
Reason - To safeguard the amenity of neighbouring property. (R048)
26. No vehicular access shall take place or be constructed from Cheltenham Terrace.  
Reason - To safeguard the amenity of neighbouring property. (R048)
27. Vehicular access to the residential car park hereby permitted shall be approved in writing by the Executive Director, Planning and Conservation prior to the first occupation of the residential units hereby permitted.  
Reason - To safeguard the amenity of neighbouring property. (R048)
28. The hours of opening of the retail shops shall be restricted to between 08.00 and 20.00 hours except in particular circumstances as agreed in writing by the Executive Director, Planning and Conservation.  
Reason - To safeguard the amenity of neighbouring property. (R048)
29. Not less than 23 off-street parking spaces shall be provided before the residential accommodation is occupied, and retained in accordance with the current approved Unitary Development Plan policies, in Phase I of the development. Variation to the requirements of this condition will be considered in the light of the proposals for permanent off-street car parking for the remainder of the site and also in the light of car parking policies which then exist. Details of the location of the 23 off-street car parking spaces shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the accommodation in Phase I is occupied.  
Reason - To ensure that the use does not add to traffic congestion in the immediate area contrary to the local planning authority's policies of traffic restraint. (R027)
30. Not more than 18 musical events, including amplified live or other musical performances, shall take place in any one year, except with prior approval by the Executive Director, Planning and Conservation in writing. No musical event shall commence before 08.00 hours, and must cease by not later than 23.00 hours on that day.  
Reason - To safeguard the amenity of neighbouring property. (R048)

31. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Executive Director, Planning and Conservation. The scheme shall include an investigation and assessment to identify the extent of contamination. It shall also specify the measures to be taken to avoid risk to future users/occupiers of the site, the building fabric and the environment during construction and following completion of the development appropriate indemnities shall be provided to the satisfaction of the Council.

*Reason - To safeguard the amenities of the area. (R066)*

### **INFORMATIVE(S)**

1. This permission does not permit the use of the premises to provide temporary sleeping accommodation, including holiday lets, short lets, or timeshare, or for any purpose specified in Section 25 of the Greater London (General Powers) Act 1973, as amended by the Greater London (General Powers) Act 1983, or as timeshare accommodation as specified in Section 5 of the Greater London (General Powers) Act 1984. Use for such purposes would constitute a change of use requiring planning permission. It is the Council's policy to resist such changes of use, and you are advised that planning permission for such a change of use is unlikely to be granted. (I02)
2. Any Advertisements to be erected at the premises may require consent under the Control of Advertisement Regulations 1992. You are advised to consult the Directorate of Planning Services. (I05)
3. In granting this permission the Council has had regard to Planning Obligation(s) under Section 106 of the Town and Country Planning Act 1990, as amended. (I08)
4. Planning Permission is hereby granted for the development as shown on the approved drawings and subject to the Conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further permission. You are advised to consult the Directorate of Planning Services before commencing work. (I09)
5. 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. (I10)
6. This property is within a Conservation Area. 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 consult the Directorate of Planning Services. (I11)
7. Alterations to boundary walls or railings, or the erection of dustbin enclosures, may require a further grant of planning permission. These features can be very

important in the street scene. The Directorate of Planning Services (0171-361-2465) will be pleased to advise on appropriate designs. (I13)

8. Your attention is drawn to the Chronically Sick and Disabled Persons Act 1970 (section 4) and the Disabled Persons Act 1981 which place on developers and their representatives an obligation to provide easy access for the disabled; the Chronically Sick and Disabled Persons Act 1970 (section 5) and the Disabled Persons Act 1981 which place on local authorities and an obligation to provide easy access for the disabled with regard to the provision of toilets; the Chronically Sick and Disabled Persons Act 1970 (section 8) and the Disabled Persons Act 1981 which place on developers and their representatives of educational buildings an obligation to provide easy access for the disabled. Design Guidance notes for schools can be found in the DfEE Design Note 18 - Access for Disabled People to School Buildings. (I43)
9. Separate approval for the works hereby granted planning permission may be required by the Building Act 1984 and the Building Regulations 1991, 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. (I21)
10. Any proposals for external fire escapes, exit housings, roof walkways, or safety railings arising from the requirements of the Building Regulations may require further planning permission, and approval under those Regulations does not imply that planning permission will be granted. The Directorate of Planning Services will be pleased to advise on the implications of any changes. (I22)
11. The Council hereby GRANTS CONSENT under Section 184 of the Highways Act 1980 for the construction of a vehicular pavement crossover. The crossover will be constructed by the Council's Directorate of Transportation and Highways upon a receipt of a written request and payment of a deposit. The total cost of the work may include the cost of making good any existing redundant crossovers. An estimate of the cost can be obtained from the Directorate of Transportation and Highways, Room 317, Town Hall, Hornton Street W8 7NX (0171-361-2103). It should be noted that sunken crossovers will not normally be allowed. (I23)
12. The development hereby permitted must comply with the Highways Acts. The Directorate of Transportation and Highways, Room 317, Town Hall, Hornton Street W8 7NX (0171-361-2103) should be consulted on the positioning of buildings in relation to the highway, points of vehicle access and the width of the highway. (I24)
13. Your attention is drawn to the Statutory provisions relating to projections over the public highway. Doors and windows close to the edge of the public footway must be designed to open inwards. Projections over the highway of any kind are only approved in exceptional circumstances. The Directorate of Transportation and Highways, Room 317, Town Hall, Hornton Street W8 7NX (0171-361-2103) can give further advice. (I26)
14. The Director of Transportation and Highways should be informed 7 days before any earth moving or abnormal use of highways adjoining the site commences so

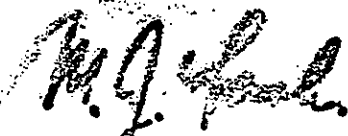


that arrangements for the routing of earth moving vehicles and cleansing the highway can be made. Contractors should be reminded that it is an offence to deposit mud on the public highway. If any spillage is not immediately cleared the Council will carry out the necessary cleansing and recharge the cost to the Contractor. (I27)

15. You are advised to consult the Director of Waste Management and Leisure, Council Offices, Pembroke Road, W8 6PW on the provision of facilities for the storage and disposal of refuse. There is a code of practice available and advice can also be given on certain aspects of industrial and commercial waste as well as household waste. The Council operates a trade refuse service on a rechargeable basis. (I29)
16. Demolition and building works are subject to the Environmental Protection Act, 1990, and appropriate controls over methods, screening, and protection of site, noise, or hours of work, may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I30)
17. Your attention is drawn to the British Standards Code of Practice for Demolition, and the Environmental Protection Act 1990 relating to nuisances, the observation of which should considerably reduce the risks and nuisance inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on site and to the general public. (I31)
18. The premises may be subject to the requirements of the Health and Safety at Work Act 1974,. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I32)
19. If the development is to include any air conditioning unit incorporating a water cooling system, or any other plant or equipment involving large scale heating and distribution of water, you should consult the Director of Environmental Health to ensure adequate mechanical cleaning. (I37)
20. Any plant or equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration, or fumes. The grant of planning permission does not obviate the need to comply with relevant environmental protection legislation, nor imply that these other approvals will be given. The Directorate of Environmental Services should be contacted on the detail of any such plant or equipment. Any changes to plant or equipment required to comply with other legislation may require further planning permission.(I38)
21. The Naming and Numbering Legislation requires that premises display their street number, and no name or number other than that formally assigned may be displayed. Requests for the assignment of names and numbers to new development should be made to the Executive Director of Planning & Conservation, Town Hall, Hornton Street, W8 7NX well in advance of the completion of the building. (I39)

22. The Council does not consider the site south of Queripel House to be a suitable location for car parking, as vehicles parked would obscure important views across the site and you are therefore asked to consider an alternative site for the discharge of Condition 29.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'M. J. French', written over a light, textured background.

**Michael J. French**  
Executive Director, Planning and Conservation