

**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**

Miss N Coakley  
Dalton Warner Davis  
21 Garlick Hill  
LONDON  
EC4V 2AU

Date: 01/06/2017

My Ref: PP/17/02065

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 and reconstruction of section of boundary wall on new foundations; demolition of storage sheds 1-5, and construction of part 3-storey, part 1 storey building with basement comprising 1 commercial unit (Class A1/Sui generis Showroom) at ground floor and 5 residential dwellings (Class C3) at basement to second floor (4 x 2 bed & 1 x 4 bed) together with associated bicycle storage, refuse and recycling storage, and alterations to pedestrian access and removal of vehicle access.

**Site Address:**

**605-609 Harrow Road, LONDON, W10 4RA**

**RBKC Drawing Nos:**

PP/17/02065

**Applicant's Drawing Nos:**

S.00, SP.01, EX.00, EX.01, EX.02, DE.00, DE.01, GA.00, GA.01, GA.02, GA.03, GA.04, GE.00 Proposed Elevations, GE.00 Proposed Sections A & B, GE.01, GE.02, GE.03

**Application Dated:**

27/03/2017

**Application Completed:**

28/03/2017

**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 S.00, SP.01, EX.00, EX.01, EX.02, DE.00, DE.01, GA.00, GA.01, GA.02, GA.03, GA.04, GE.00 Proposed Elevations, GE.00 Proposed Sections A & B, GE.01, GE.02, GE.03

*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)**

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) Details of the demolition and construction process, to include the protection of the Listed Building and Cemetery grave stones during the works.
- (b) Sample panel of the rebuilt section of the cemetery wall to be provided on site
- (c) Sample panel of the brickwork for the new development to be provided on site
- (d) Details of the windows and doors at 1:20

*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.*

**4. 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.*

**5. 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.*

**6. 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.*

**7. Vehicle crossover**

**The new dwellings hereby approved shall not be occupied until the sites two vehicle accesses on Harrow Road have been removed with the footway and kerbline reinstated in their place in materials to match the adjoining footway.**

*Reason - To maintain the quality of the footway and to protect the Borough's streetscape in accordance with CT1 (b)(g) & CR4 (a)(g).*

**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 final CTMP should take into account the following:

Q8 – Confirmation on both the routes to and from the site are required. It is not necessary to explain the entire route from their source to the site but rather just the section from the classified road network to the site. The information provided in relation to routes within the response to Q15 should be in this section;

Q10 – Deliveries to the site on Saturdays would conflict with the RBKC Code of Construction Practice and would not be acceptable. Reference to them should therefore be removed. It needs to be confirmed that no construction traffic will attend the site on Saturdays, Sundays or Public Holidays;

Q14 – Although the submitted site arrangement plan is hand drawn it is to scale and shows the requisite information;

Q15 & Q27 – The applicant needs to submit scale plans with swept paths to demonstrate that the sizes of vehicle set out in the response to Q13 are able to enter and exit the site in a safe and convenient manner. Manoeuvres need to be made in one movement without the need to enter the opposing traffic lanes. The applicant's statement in Q27 that they would rely solely on the existing western vehicle access is not considered to be realistic as its dimensions and tight layout mean that it is not suitable for large vehicles. Subject to what the tracking diagrams show the access will need to be widened accordingly and the use of smaller vehicles may be required;

Q22 – The fourth paragraph relating to the placement of plant and equipment should be removed;

Q23 – The response is not adequate and doesn't satisfy the guidance note;

Q27 – It is likely that the crossover will need to be widened to accommodate construction vehicles but regardless a Temporary Crossover License will be required;

Q28 – Reference to TfL is incorrect as Harrow Road is not part of the TLRN and RBKC is the relevant Highway Authority for this section of it.

3. 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.

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)

- 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.

- 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/209258](http://www.rbkc.gov.uk/209258). 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.

