

**GREATER LONDON AUTHORITY**  
Development, Enterprise and Environment

**MB Kensington Limited**  
c/o Julian Shirley  
DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NO

**GLA ref:** GLA/4810/03  
**Royal Borough of Kensington and Chelsea**  
**Application Ref:** PP/19/00781  
**Date:** 5 June 2020

Dear Mr Shirley,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**

**100 West Cromwell Road**

**GLA reference:** GLA/4810/03

**Royal Borough of Kensington and Chelsea reference:** PP/19/00781

**Applicant:** MB Kensington Limited

**GRANT OF PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS AND SECTION 106 AGREEMENT**

The Deputy Mayor of London, acting under delegated authority and as the Local Planning Authority, hereby grants planning permission for the following development, in accordance with the terms of the above-mentioned application (which expression shall include the drawings and other documents submitted therewith):

*“Partial demolition and reconfiguration of existing structures and erection of eight buildings up to a maximum of 29 storeys (above podium) to provide 462 residential units (C3) including the provision of 186 affordable housing units, a public leisure centre including a gym and pool (D1/D2), commercial/retail space (B1, flexible B1/A1/A3 and B1/D1/D2), alongside hard and soft landscaping, car parking and cycle spaces, public realm improvements and all ancillary and associated works including servicing, storage, plant and equipment.”*

At: 100 and 100A West Cromwell Road, including land to the west of Warwick Road, Kensington, London W14 8PB

**Subject to the following planning conditions:**

**Conditions**

**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 and documents:

### Site and demolition plans (January 2019)

Existing Site Location Plan 1969-JMP-MP-00-DR-A-0001	Existing Plan Level 00 Demolition GIA 1969-JMP-MP-00-DR-A-1051 Rev 1
Existing Block Plan 1969-JMP-MP-00-DR-A-1002	Existing Plan Level 01 Demolition GIA 1969-JMP-MP-01-DR-A-1052 Rev 1
Existing Plan Level 0B Demolition GIA 1969-JMP-MP-0B-DR-A-1050 Rev 1	Existing Plan Level 02 Demolition GIA 1969-JMP-MP-02-DR-A-1055 Rev 1

### Proposed plans (November 2019 Addendum)

Level 0B 1969-JMP-MP-0B-DR-A-5005 Rev 7	Level 10 1969-JMP-MP-10-DR-A-5100 Rev 4
Level 0M 1969-JMP-MP-0M-DR-A-5004 Rev 7	Level 11 1969-JMP-MP-11-DR-A-5110 Rev 4
Level 00 1969-JMP-MP-00-DR-A-5005 Rev 9	Level 12 1969-JMP-MP-12-DR-A-5120 Rev 4
Level 01 1969-JMP-MP-01-DR-A-5010 Rev 8	Level 15 1969-JMP-MP-15-DR-A-5150 Rev 4
Level 1M 1969-JMP-MP-1M-DR-A-5015 Rev 5	Level 14 1969-JMP-MP-14-DR-A-5140 Rev 4
Level 02 1969-JMP-MP-02-DR-A-5020 Rev 5	Level 15 1969-JMP-MP-15-DR-A-5150 Rev 4
Level 05 1969-JMP-MP-05-DR-A-5050 Rev 5	Level 16-26 1969-JMP-MP-16-DR-A-5160 Rev 4
Level 04 1969-JMP-MP-04-DR-A-5040 Rev 5	Level 27 1969-JMP-MP-27-DR-A-5200 Rev 4
Level 05 1969-JMP-MP-05-DR-A-5050 Rev 5	Level 28 1969-JMP-MP-28-DR-A-5210 Rev 4
Level 06 1969-JMP-MP-06-DR-A-5060 Rev 5	Level 29 1969-JMP-MP-29-DR-A-5220 Rev 4
Level 07 1969-JMP-MP-07-DR-A-5070 Rev 5	Level 50 1969-JMP-MP-50-DR-A-5250 Rev 4
Level 08 1969-JMP-MP-08-DR-A-5080 Rev 5	Level 51 1969-JMP-MP-51-DR-A-5240 Rev
4 Level 09 1969-JMP-MP-09-DR-A-5090 Rev 4	

### Proposed Sections (November 2019 Addendum)

Section AA 1969-JMP-MP-AA-DR-A-5000 Rev 2	Section FF/GG 1969-JMP-MP-FG-DR-A-5050 Rev 2
Section BB 1969-JMP-MP-BB-DR-A-5010 Rev 2	Section HH 1969-JMP-MP-HH-DR-A-5060 Rev 2
Section CC 1969-JMP-MP-CC-DR-A-5020 Rev 2	Section JJ 1969-JMP-MP-JJ-DR-A-5061 Rev 2
Section DD 1969-JMP-MP-DD-DR-A-5050 Rev 2	Section KK/LL 1969-JMP-MP-KL-DR-A-5070 Rev

Section EE 1969-JMP-MP-EE-DR-A-5040 Rev 2

### **Proposed Elevations (November 2019 Addendum)**

Elevation North East 1969-JMP-MP-NE-DR-A-4001 Rev 2 Elevation South West 1969-JMP-MP-SW-DR-A-4003 Rev 2

Elevation South East & North West 1969-JMP-MP-SE-DR-A-4002 Rev 2

### **Typical bay details**

Building 01 1969-JMP-01-DE-DR-A-5100 Rev 0

Building 03 1969-JMP-04-DE-DR-A-5301 Rev 0

Building 02 1969-JMP-02-DE-DR-A-5200 Rev 0

Building 04 1969-JMP-04-DE-DR-A-5400 Rev 0

Building 02 1969-JMP-02-DE-DR-A-5201 Rev 0

Building 04 1969-JMP-04-DE-DR-A-5402 Rev 0

Building 03 1969-JMP-02-DE-DR-A-5201 Rev 0

Building 05 1969-JMP-05-DE-DR-A-5500 Rev 0

Building 03 1969-JMP-04-DE-DR-A-5301 Rev 0

Building 03 1969-JMP-04-DE-DR-A-5301 Rev 0

### **Landscaping plans**

Landscape colour plan 1969-JMP-xx-ST-DR-L-1001

Levels - Podium Garden Square 1969-JMP-xx-ST-DR-L-1007

Existing Site Conditions 1969-JMP-xx-ST-DR-L-1002

Podium Garden Promenade 1969-JMP-xx-ST-DR-L-1007

Landscape GA Plan - Streetscape 1969-JMP-xx-ST-DR-L-1003

Sections & Elevations – Streetscape 1969-JMP-xx-ST-DR-L-1202

Landscape GA Plan – Podium 1969-JMP-xx-ST-DR-L-1004

Elevation – Podium 1969-JMP-xx-ST-DR-L-1201

Landscape GA Plan - Roof Gardens 1969-JMP-xx-ST-DR-L-1005

Elevation - Plaza to Podium Link 1969-JMP-xx-ST-DR-L-1201

Levels – Streetscape 1969-JMP-xx-ST-DR-L-1006

### **Planning documents (dated January 2019)**

Planning Statement

Noise and Vibration Impact Assessment

Design and Access Statement

Transport Assessment

Drainage Report

ES Volumes 1 and 3

Sustainability Statement

Energy Statement

### **Addendum/ revised planning documents (November 2019)**

Planning Statement

Energy Statement and appendices

Design and Access Statement

ES Volumes 1 and 3

Drainage Report

Fire Strategy and plans (January 2020)

Sustainability Statement

Transport Assessment

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

### **3) Phasing plan**

A - Prior to commencement of the development a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the enabling/ demolition and construction programme by phase/block. The phasing plan may be updated as required by B to reflect the details agreed for each phase.

B - Prior to commencement of each phase, a detailed plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan(s) shall include the sequencing and timescale for delivery of the proposed site access improvements, pedestrian and cycle routes and landscaping works.

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

*Reason: For the avoidance of doubt and in the interests of proper planning and in the interests of residential amenity and safety, and to mitigate the impacts of the development in accordance with Policies 6.3, 6.9 and 6.10 of the London Plan and Policy T4 of Mayor's the intend to publish London Plan.*

### **4) Submission of details - Building 2**

No development shall commence on the superstructure of Building 2 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) Detailed elevations, plans and sectional drawings of external materials including windows (including side panels, ventilation, reveals) balconies and balustrades, and any pipework (at scale 1:20)
- (b) Details of plant, lift overrun, screening and enclosures at all roof levels;
- (c) Details finishes of the facade;
- (d) Details of any lighting to the external facades.

*Reason: In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policy 7.4 and 7.6 of the London Plan and Policies D4, of the Mayor's intend to publish London Plan.*

### **5) Submission of Samples - Building 2**

No development shall commence on the superstructure of Building 2 until sample panels of facing materials, as approved in condition 4 (above), showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

*Reason – In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policy 7.4 and 7.6 of the London Plan and Policies D3, D4 and D9 of the Mayor's intend to publish London Plan.*

#### **6) Details to be submitted – Buildings 3, 4, and 5**

Prior to commencement on the relevant part of buildings 3, 4 and 5, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the relevant part of the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of all external materials including windows (including side panels, ventilation, reveals) balconies, and balustrades (at scale 1:20)
- (b) Details of winter gardens to residential buildings showing glazing, fixings, reveals and appropriate finishes of internal walls and soffit;
- (c) Details of any plant, lift overrun, screening and enclosures at all roof levels;
- (d) Details finishes of the brickwork;
- (e) Details of any lighting to the external facades;
- (f) Details of all external terraces to the building(s)

*Reason – In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policies 7.4 and 7.6 of the London Plan and D3 and D4 of the Mayor's intend to publish London Plan.*

#### **7) Submission of Samples - Buildings 3, 4 and 5**

No development shall commence on the superstructure of Buildings 3, 4 or 5 until sample panels of facing materials, as approved in condition 6 (above), showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

*Reason – In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policies 7.4 and 7.6 of the London Plan and D3, D4 and D9 of the Mayor's intend to publish London Plan.*

### **8) Submission of details – Buildings 1 and 7**

Prior to commencement on the relevant part of Buildings 1 and 7, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the relevant part of the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of all external materials including windows (including side panels, ventilation, reveals) balconies, and balustrades (at scale 1:20)
- (b) Details of any plant, lift overrun, screening and enclosures at all roof levels;
- (c) Details finishes of the brickwork;
- (d) Details of any lighting to the external facades;
- (e) Details of all external terraces to the building(s)

*Reason – In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policies 7.4 and 7.6 of the London Plan and Policies D3 and D4 of the Mayor's intend to publish London Plan.*

### **9) Submission of Samples - Building 1 and 7**

No development shall commence on the superstructure of Building 1 or 7 until sample panels of facing materials for the relevant building, as approved in condition 8 (above), showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

*Reason – In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policies 7.4 and 7.6 of the London Plan and D3, D4 and D9 of the Mayor's intend to publish London Plan.*

### **10) Submission of details – Building 6**

Prior to commencement on the relevant part of Building 6, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the relevant part of the development shall not be completed otherwise than in accordance with the details so approved:

- (a) Detailed elevations, plans and sectional drawings of all external materials including windows (including side panels, ventilation, reveals) balconies, and balustrades (at scale 1:20)

- (b) Details of any plant, lift overrun, screening and enclosures at roof level;
- (c) Details finishes of the brickwork;
- (d) Details of any lighting to the external facades;
- (e) Details of all external terraces to the building(s)
- (f) Detailed drawings of materials of the railing and fencing, and means of enclosure for the Multi Use Games Area;

*Reason – In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policies 7.4 and 7.6 of the London Plan and D3 and D4 of the Mayor’s intend to publish London Plan.*

### **11) Submission of samples - Building 6**

No development shall commence on the superstructure of Building 6 until sample panels of facing materials, as approved in condition 10, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

*Reason – In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL1 and CL2 of the RBKC Local Plan, Policies 7.4 and 7.6 of the London Plan and Policies D3, D4 and D9 of the Mayor’s intend to publish London Plan.*

### **12) Submission of Details – Wind Mitigation**

Prior to commencement on the relevant part of the development, full design details of the wind mitigation measures as set out in Chapter 10 and relevant Technical Appendices of the Environmental Statement dated January 2019 and Addendum Environmental Statement dated November 2019, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed no later than first use of the podium level for such part of the development and the development shall not be completed otherwise than in accordance with the details so approved and shall thereafter be maintained.

*Reason – In order to ensure that that the mitigation measures are sufficiently robust and would not adversely impact upon the usability or attractiveness of the podium level open space in accordance with policies of the development plan in particular policies CL1, CL2 and CL6 of the Local Plan 2019, Policy 7.5 and 7.6 of the London Plan, and Policy D8 of the Mayor’s intend to publish London Plan.*

### **13) Roof structures and appliances**

Except as shown on the approved drawings no water tank, lift motor room, or other structure or appliance, shall be erected upon the roof of any of the buildings without the written consent of the Local Planning Authority.

*Reason - To preserve or enhance the appearance of the building and/or the character of the area, in accordance with policies of the development plan in particular policies CL1, CL2 and CL6 of the Local Plan 2019, Policies 7.4 and 7.6 of the London Plan and Policies D3 and D4 of the Mayor's intend to publish London Plan.*

#### **14) Podium Access**

Notwithstanding Condition 2, no development shall commence on the relevant part of the development until the detailed design of new public staircases, lifts, and other access from Tesco Plaza and Beckford Close to the podium level, including materials, treads, risers, anti-slip devices, and lighting 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.

*Reason - To ensure these elements are of the highest architectural and urban design quality, maintain the architectural and landscape quality of the scheme, and contribute positively to the townscape, and to ensure compliance with policies CL1, CL2, CL3, CT1, and CR1 of the RBKC Local Plan, Policies 7.2, 7.4 and 7.6 of the London Plan and Policies D3, D4 and D5 of the Mayor's intend to publish London Plan.*

#### **15) Trees and landscaping – Details required**

Notwithstanding Condition 2, prior to commencement on the relevant part of the development a scheme of landscaping for the following areas, to include all existing trees and shrubs and proposed trees (including full details of all tree pits) and shrubs, hard and soft landscaping including pathways and their steps and slopes, lighting, signage, wayfinding signage, enclosures, bins, seating and other furniture, and public art, shall be submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved:

- (a) All publicly accessible gardens or open space including the Tesco Plaza and podium;
- (b) Private and communal rooftop terraces and gardens;
- (c) Green roofs;

All works approved under this condition shall be completed in accordance with the timings agreed in the approved landscaping scheme and retained thereafter.

*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 Local Plan 2019, Policies 5.10, 5.11 and 7.21 of the London Plan and Policy D8 and G5 of the Mayor's intend to publish London Plan.*

#### **16) Protection of trees during construction – Details required**



No development outside of the existing podium shall commence within any phase of the development until full particulars of the method(s) by which all existing trees on the relevant part of the site and adjacent land are to be protected during site preparation, demolition, construction, landscaping, and other operations on that part of the site including erection of hoardings, site cabins, or other temporary structures, shall be submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.

*Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the 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 Local Plan 2019, Policy 7.21 of the London Plan and Policy G7 of the Mayor's intend to publish London Plan.*

### **17) 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 season following the completion of each phase and approval of landscaping details under Condition 15. 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 Local Plan 2019, Policy 7.21 of the London Plan and Policy G7 of the Mayor's intend to publish London Plan.*

### **18) Horticultural management plan**

Prior to the implementation of the landscaping scheme of each phase of the development, a horticultural management plan shall be submitted to and approved in writing by the Local Planning Authority for that phase. The plan for each phase of the development shall set out how the planting will be managed for a minimum of five years to ensure full and successful establishment of plants and trees. The plans shall identify all areas that will be under communal management and clearly specify that properly qualified horticulturists will be contracted to manage the site. The planting shall be thereafter managed in accordance with the approved management plan.

*Reason: In order to ensure the long term successful establishment of the planting in the interests of ecology and visual amenity and in accordance with Policies 7.18, 7.5 and 5.10 of the London Plan (2016) Plan and Policy G7 of the Mayor's intend to publish London Plan.*

### **19) London Underground**

Prior to the commencement of each development phase detailed design and method statements for the proposed demolition and excavation works and all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) in respect of that phase, must be submitted to

and approved in writing by the local planning authority in consultation with London Underground which:

- Provides details on all structures;
- Provides details of tall plant and scaffolding;
- Accommodates the location of any existing London Underground structures;
- Demonstrates that there will at no time be any potential security risk to our railway, property or structures;
- Accommodates ground movement arising from the construction thereof; and
- Mitigates the effects of noise and vibration arising from the adjoining operations within the structures.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with London Underground.

*Reason: To maintain the structural integrity and safe operation of the London Underground and the adjacent Network Rail infrastructure in accordance with Policies 6.1 and 6.3 of the London Plan (2016), Mayor's intend to publish London Plan Policy T3 and RBKC Local Plan Policy CT1.*

## **20) Below ground utilities infrastructure**

No excavation or below ground development of any phase shall commence until a method statement for that phase covering the protection of all below ground utilities infrastructure present on the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with relevant utilities infrastructure providers. The method statement shall include:

- a) details of all underground drainage, water supply and energy (electricity and gas) infrastructure;
- b) a piling method statement including details of the location, depth and type of piling to be undertaken and the methodology by which such piling will be carried out;
- c) measures to prevent and minimise the potential for damage to below ground utilities infrastructure; and
- d) details of other proposed groundworks, earthworks, contouring and levels, and construction works.

The phase of development shall then be undertaken and completed in accordance with the terms of the approved details.

*Reason: To ensure appropriate arrangements are made for servicing, utilities and infrastructure and to avoid potential conflicts between any impacts upon the development as proposed and its servicing, utilities and infrastructure, in the interests of a sustainable development in accordance with the NPPF.*

## **21) Water supply capacity**

No phase of development shall commence (with the exception of ground investigations, groundworks, demolition and site clearance and all works within the existing podium structure) until impact studies of the existing water supply infrastructure capacity for that

phase has been submitted to and approved, in writing, by the local planning authority in consultation with Thames Water to the extent necessary. The studies should determine the level of additional water supply capacity required and identify a suitable connection point.

*Reason: To ensure the required water supply infrastructure to support the development is determined and provided in a sustainable manner, in accordance with Policy 5.15 of the London Plan (2016).*

## **22) Water consumption**

Water efficient fixtures and fittings shall be provided in all residential units to achieve a water use target of no more than 105 litres per person per day.

*Reason: To ensure efficient use of water and minimise waste, in accordance with Policy 5.15 of the London Plan (2016).*

## **23) Residential Travel Plan – Details reserved**

No residential dwellings hereby approved shall be occupied until a travel plan for the residential part of the development has been submitted to, and approved in writing by, the local planning authority in consultation with TfL. The residential travel plan should include a 1 year free cycle hire membership (1 per dwelling) for the Mayor's Cycle Hire scheme. This should be distributed through the 'Residential Welcome Pack', provided on occupation. 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 Local Plan 2019, Policies 6.3 and 6.9 of the London Plan and Policies T4 and T5 of the Mayor's intend to publish London Plan.*

## **24) Commercial Travel Plan – Details reserved**

No commercial floorspace hereby approved shall be occupied until a travel plan for the commercial part of the development has been submitted to, and approved in writing by, the local planning authority in consultation with TfL. 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 Local Plan 2019, Policies 6.3 of the London Plan and Policies T4 of the Mayor's intend to publish London Plan.*

## **25) Leisure Travel Plan – Details reserved**

The Community Leisure Facility hereby approved shall not be occupied until a travel plan for the Commercial Leisure Facility has been submitted, 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 Local Plan 2019 and Policy T4 of the Mayor's intend to publish London Plan.*

## **26) Cycle Parking Details Required**

Notwithstanding Condition 2, prior to commencement of works on the superstructures of each phase, full details of the type of cycle parking spaces for the residential units, visitors' spaces and spaces for the commercial/retail and leisure uses, and shower/changing facilities which should be provided in line with London Cycle Design Standards, these details must be approved in writing by the Local Planning Authority in consultation with TfL. The cycle parking shall be installed and made available prior to occupation of the relevant building, and thereafter retained unless otherwise approved in writing 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 Local Plan 2019, Policy 6.9 of the London Plan and Policy T5 of the Mayor's intend to publish London Plan.*

## **27) Car Park Management Plan**

Prior to the first occupation of the Class C3 residential, Class A1/A3/B1 uses, or the Class D2 leisure uses, a Car Park Management Plan for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The Car Park Management Plan shall include the following details:

- (a) Details of the car park layout including the car club spaces;
- (b) the proposed allocation of and arrangements for the management of parking spaces including disabled parking bays serving the residential development;
- (c) the provision of Electric Vehicle Charging Points (EVCP) including both 20% active and the remaining as passive provision for both the residential and office parking areas;
- (d) Details of the controls of means of entry to the car park; and
- (e) The safety and security measures to be incorporated within the development to ensure the safety of car/cycle parking areas.

The car parking shall be provided and managed in accordance with the approved Plan thereafter, or as otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure that the development does not lead to the obstruction of adjacent streets, in accordance with policies of the development plan in particular policy CT1 of the Local Plan and Policy 6.13 of the London Plan and Policies T6 and T6.1 of the Mayor's intend to publish London Plan.*

## **28) Residential car parking**

The 33 residential car parking spaces should be provided for blue badge holders only and enforced in accordance with the Car Park Management Plan.

*Reason – To ensure that the residential car parking is made available for blue badge holders only in accordance with Policy T6.1 of the Mayor’s intend to publish London plan.*

### **29) Construction Traffic Management Plan (CTMP)**

Prior to the commencement of each phase a Construction Traffic Management Plan must be submitted to and approved in writing by the local planning authority in consultation with TfL. The statement should include:

- a) routing of 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; and
- j) 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 relevant phase of the development shall be carried out in accordance with the approved Construction Traffic Management Plan. A one page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.

*Reason - To minimise the impact of construction works upon highway safety and nearby residents’ enjoyment of their properties in accordance with policies CT1 and CL5 of the Local Plan 2019, Policy 6.14 of the London Plan and Policy T4 and T7 of the Mayor’s intend to publish London Plan..*

### **30) Delivery and Servicing Management Plan – Residential Dwellings**

Prior to occupation of the residential units within any phase of the development, a Delivery and Servicing Management Plan for the residential units within the phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The plan shall detail the refuse and recycling storage and collection details for all of the residential units within the phase. The residential units shall be managed in accordance with the approved plan.

*Reason - To ensure satisfactory arrangements which safeguard highway and pedestrian safety and to comply with policies CT1, CE3 and CR7 of the Local Plan, Policy 6.13 and 6.14 of the London Plan and Policies T3 and T7 of the Mayor's intend to publish London Plan.*

### **31) Delivery and Servicing Management Plan – Leisure Floorspace**

Prior to occupation of the leisure floorspace, a Delivery and Servicing Management Plan for the leisure uses shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The plan shall detail all refuse and recycling storage and collection details for the leisure floorspace. The leisure uses shall be managed in accordance with the approved plan.

*Reason - To ensure satisfactory arrangements which safeguard highway and pedestrian safety and to comply with policies CT1, CE3 and CR7 of the Local Plan, Policy 6.13 and 6.14 of the London Plan and Policy T3 and T7 of the Mayor's intend to publish London Plan.*

### **32) Delivery and Servicing Management Plan – Commercial Uses**

Prior to the occupation of any commercial floorspace within a phase of the development, a Delivery and Servicing Management Plan shall be submitted to, and approved in writing by the local planning authority in consultation with TfL. The commercial floorspace within the relevant phase shall not be completed otherwise than in accordance with the details so approved, and so maintained thereafter.

*Reason - To ensure that the development does not lead to the obstruction of adjacent streets, and to minimise the impact of hotel operations upon highway safety and nearby residents' enjoyment of their properties in accordance with policies CR7, CT1 and CL5 of the Local Plan 2019, Policy 6.13 and 6.14 of the London Plan and Policy T3 and T7 of the Mayor's intend to publish London Plan.*

### **33) Refuse and Recycling**

Prior to occupation of each relevant phase, details of the refuse storage arrangements for those buildings, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the local planning authority. None of the buildings of the relevant phase shall be occupied until the approved refuse storage arrangements for that phase are in place and all approved storage arrangements shall thereafter be retained.

*Reason - In order to ensure that satisfactory provision is made for refuse storage and collection, in accordance with Policy 5.3 of the London Plan and Policy CE3 of the Local Plan 2019.*

### **34) Noise from building services plant and vents**

Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's 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 upon written instruction from the local planning authority 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 Local Plan 2019, Policy 7.15 of the London Plan and D14 of the Mayor's intend to publish London Plan.*

### **35) Anti-vibration mounts for air-conditioning/ extraction equipment**

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

*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019, Policy 7.15 of the London Plan and D14 of the Mayor's intend to publish London Plan.*

### **36) Acoustic Report**

The buildings shall not be occupied until a noise report for the relevant building has been submitted to and approved in writing by the Local Planning Authority. The report shall show how the noise emitted by the plant as finally installed will comply with condition 35.

*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019, Policy 7.15 of the London Plan and D14 of the Mayor's intend to publish London Plan.*

### **37) Facade Insulation**

No development shall commence on the construction of the superstructure of the residential building(s) within a phase until full facade construction details of all buildings within that phase, including glazing and winter gardens where applicable, with commensurate composite sound insulation performance predictions, 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 'Guidance on sound insulation and noise reduction for buildings', and the indoor ambient noise levels for dwellings as detailed in Table 4 of the Standard. The development shall be carried out only in accordance with the details so approved.

*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan, Policy 7.15 of the London Plan and D14 of the Mayor's intend to publish London Plan.*

### **38) Elastomeric Bearings**

Prior to commencement of any phase of the development (save for demolition and temporary works, all works within the existing podium and any works in connection with the construction of Building 7b), details of the elastomeric bearings shall be submitted to and agreed in writing by the Local Planning Authority. The bearings used to isolate the new residential structures shall be installed as so agreed prior to the occupation of the relevant part of the development.

*Reason - To prevent any significant disturbance to residents of the residential properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019, Policy 7.15 of the London Plan and D14 of the Mayor's intend to publish London Plan.*

### **39) Odours from extraction equipment**

Fumes or odours expelled from any flue serving a commercial 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 Local Plan 2019.*

### **40) Odours from swimming pool ventilation/ filtration equipment**

Fumes or odours expelled from any flue serving the hygiene plant or providing ventilation to the swimming pool area shall not be detectable to residents of nearby properties. If at any time the extraction plant is determined by the local planning authority to be failing to comply with this condition, it (or the source equipment) shall be switched off and not used again until it is able to comply.

*Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.*

### **41) Contamination – preliminary risk assessment report**

No demolition, excavation or below ground works should commence within any phase of the development until a Preliminary Risk Assessment Report for that part of the development has been undertaken, comprising:

- (i) a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;
- (ii) information from site inspection;
- (iii) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and
- (iv) a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment



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

*Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019 and policy 5.21 of the London 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.*

#### **42) Contamination – Site Investigation Scheme**

No demolition, excavation or below ground works should commence until a Site Investigation Scheme for such phase has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and has been submitted to, and approved in writing by, the local planning authority.

*Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019. (You are advised that the Scheme must be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater and will be a matter of public record). 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.*

#### **43) Contamination – Site investigation and quantitative risk assessment**

No demolition, excavation or below ground works for any phase of the development should commence until a site investigation has been undertaken in compliance with the approved Site Investigation Scheme and a Quantitative Risk Assessment Report has been submitted to, and approved in writing by, the local planning authority.

*Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019, Policy 5.21 of the London Plan 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.*

#### **44) Contamination – Remediation method statement**

No demolition, excavation or below ground works should commence for any phase of the development until a Remediation Method Statement to address the results of the Site Investigation Scheme for that phase has been submitted to, and approved in writing by, the local planning authority.

*Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019, Policy 5.21 of the London Plan and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.*

#### **45) Contamination – Verification report**

No demolition, excavation or below ground works should commence for any phase of the development until the approved Remediation Method Statement for that phase has been carried out in full and a Verification Report confirming:

- A) completion of these works;
- B) details of the remediation works carried out;
- C) results of any verification sampling, testing or monitoring including the analysis of any imported soil;
- D) classification of waste, its treatment, movement and disposal; and
- E) and the validation of gas membrane placement.

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

*Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019 and Policy 5.21 of the London plan.*

#### **46) Contamination – Unexpected**

If during development of any phase of the development, contamination not previously identified is found to be present at the site, development work within that phase of the development 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. The approved measures shall be implemented in full.

*Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Local Plan 2019, Policy 5.21 of the London Plan 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).*

#### **47) Contamination – Long term monitoring**

A) Where further monitoring is required past the completion of development works to verify the success of the remediation undertaken, there shall be no occupation of the relevant phase of the development until a Long-term Monitoring Methodology Report has been submitted to and approved in writing by the local planning authority.

B) Upon completion of any such approved monitoring work, a Verification Report demonstrating that no residual adverse risks exists shall then be submitted to and approved in writing by the local planning authority.

*Reason - To ensure any long term risks from land contamination are minimised, to comply with the NPPF and development plan policies in particular policy CE7 of the Local Plan 2019 and Policy 5.21 of the London Plan.*

#### **48) Low Emission Strategy required**

No development of any of the superstructure of buildings within a phase shall commence until a Low Emission Strategy has been submitted to, and approved in writing by, the local planning authority for that phase. The Strategy shall demonstrate the total emissions and per unit/area from the existing use of that part of the site and the new development, including transport sources and all combustion plant including, boilers, energy plant and emergency generators, and detail the measures that will be taken to achieve a reduction in emissions of NO<sub>x</sub> and PM<sub>10</sub> that would meet or improve upon the emissions rates and other technical parameters described in the Environmental Statement chapter on Air Quality and in the Air Quality appendix to the Environmental Statement January 2019, as amended dated November 2019. The development shall be carried out only in accordance with the Strategy so approved.

*Reason - To comply with the requirements of the NPPF and policy CE5 of the Local Plan 2019, Policy 7.14 of the London Plan and Policy SI 1 of the Mayor's intend to publish London Plan in ensuring that effects upon air quality in the area are minimised. 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) Construction Environmental Management Plan (CEMP)**

Prior to the commencement of each phase, a Construction Environmental Management Plan including a Construction Dust Management Plan for development of that phase shall be submitted, in writing, to the Local Planning Authority for approval. Construction of the development of the relevant phase shall only be undertaken in accordance with the approved plans.

*Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Local Plan 2019 in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best Practice Guidance 'Control of dust and emissions from construction and demolition'.*

#### **50) Non-Road Mobile Machinery**

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

*Reason - To comply with the requirements of the NPPF, policy CE5 of the Local Plan, policy 7.14 of the London Plan and Policy SI 1 of the Mayor's intend to publish London Plan in ensuring that impact upon air quality in the area is minimised, in accordance with the London Councils 'Air Quality and Planning Guidance' recommended format.*

### **51) Professional management of engineering works**

No development of any phase of the development shall commence until

(A) a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works within the phase and their appointment confirmed in writing to the Local Planning Authority, and

(B) the name, and contact details of the person supervising engineering and construction on site for the duration of building works within the phase have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works for the relevant phase are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor 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 and supervisor are 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 Local Plan 2019. 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.*

### **52) Considerate Constructors Scheme (CCS)**

No development of any phase 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 Local Plan 2019. 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.*

### **53) Code of Construction Practice**

No development of any phase shall commence until:

A) A Code of Construction Checklist and Site Construction Management Plan (SCMP) for the relevant phase of the development have been approved, in writing, by the Council’s Construction Management Team, and then

B) Copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority to be placed on the property record.

[The Council’s Construction Management Team work independently of the planning department. For further information regarding the Code and how the required details should be submitted to them, the Council’s Construction Management Team can be contacted on email at: [dehcmnt@rbkc.gov.uk](mailto:dehcmnt@rbkc.gov.uk) or tel: 020 7361 3002]

*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 and Transport and Streets SPDs and policies CL5, CT1, CE5 and CE6 of the Local Plan 2019. 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 Local Plan 2019.*

### **54) Energy Performance**

Prior to the commencement of the superstructure of the building(s) within each phase of the development the applicant should submit to the local planning authority an updated Energy Strategy for the phase. This is to include (as relevant to each phase):

- A feasibility study for including Waste Water Heat Recovery within the design proposal.
- An update of the Be Lean energy assessment and the Overheating assessment, accounting for the detailed façade design. This should demonstrate that the glazing g-value has been reduced as far as is feasible, whilst maintaining the required Fabric Energy Efficiency performance. The detailed façade design should also consider whether any glazed areas can be replaced with spandrel panels whilst maintaining adequate daylighting levels; this should be reported on in the updated Energy Strategy.
- Updated cooling demand and specification for residential and non-domestic uses, demonstrating that cooling has been minimised. For non-domestic uses, the area weighted average (MJ/m<sup>2</sup>) and total (MJ/year) cooling demand for the actual and notional building should be provided and it should be

demonstrated that the actual is cooling demand is lower than the notional; further passive measures should be considered, if required.

- A commitment to provide guidance to occupants on how to operate their dwellings to mitigate overheating risk in line with the cooling hierarchy.
- Full details of the proposed ASHP solution. The submission should demonstrate that the efficiencies (SCOP) declared within the approved Energy Statement have been achieved by the design as well as full calculations of the expected cost to occupants and details of how monitoring of the performance will be achieved post construction.
- Updated carbon emissions for all stages of the energy hierarchy, reported as per GLA requirements.

*Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Local Plan 2019, Policy 5.2 of the London Plan and Policy SI 2 of the Mayor’s intend to publish London Plan.*

### **55) Compliance with energy strategy**

The development shall be built in accordance with the Energy Strategy approved by the Local Planning Authority, demonstrating how the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure a minimum 35% reduction in CO<sub>2</sub> emissions below the maximum threshold set in Building Regulations Part L 2013.

Prior to occupation of a phase of development, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP or the National Calculation Method) should be submitted to the Local Planning Authority and approved in writing to demonstrate that the phase of development has been carried out in accordance with the approved Energy Strategy unless otherwise agreed by the Local Planning Authority in writing.

*Reason: In the interests of sustainable development and in accordance with policy CE1 of the Local Plan 2019, Policy 5.2 of the London Plan and Policy SI 2 of the Mayor’s intend to publish London Plan.*

### **56) Sustainability standards for non-residential uses**

The development shall achieve an ‘Very Good’ rating under BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) for the Shell/Shell and Core stage and an ‘Very Good’ rating under BREEAM Refurbishment and Fit-out 2014.

- a) Within 6 months of work starting on a phase of development a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell and Core Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted to and approved in writing by the Local Planning Authority to show that a minimum ‘Very Good’ rating will be achieved for that phase.
- b) Within 3 months of first occupation of the non-residential building within a phase of development a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell and Core Final (Post-Construction) Certificate, issued by the BRE, must be submitted, by the developer, and approved in writing by the Local Planning Authority to

demonstrate that an 'Very Good' rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

- c) Within 3 months of commencement of the fit-out of the non-residential building within a phase of development a BREEAM Refurbishment and Fit-out 2014 Parts 3 and 4 Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted, by the fit-out contractor, and approved in writing by the Local Planning Authority to show that a minimum 'Very Good' rating will be achieved.
- d) Within 3 months of first occupation of a non-residential building within a phase of development a BREEAM Refurbishment and Fit-out 2014 Parts 3 and 4 Final (Post-Construction) Certificate, issued by the BRE, must be submitted, by the fit-out contractor, and approved in writing by the Local Planning Authority to demonstrate that an 'Very Good' rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

*Reason: In the interests of sustainable development and in accordance with London Plan Policies 5.2-5.7.*

#### **57) Air Source Heat Pump**

Prior to the finalisation of RIBA Stage 4 for the building(s) within each phase of the development the applicant is required to submit to the local planning authority the details of the proposed ASHP solution for such phase. The submission should demonstrate that the efficiencies declared within the approved Energy Statement have been achieved by the design as well as full calculations of the expected cost to occupants and details of how monitoring of the performance will be achieved.

*Reason: In the interests of energy efficiency and limiting costs to occupants in accordance with London Plan Policies*

#### **58) Photovoltaics**

Prior to commencement of works on the superstructure of the relevant phase, the applicant shall provide an updated roof design for that part of the development to demonstrate that PV provision has been maximised. The applicant should confirm the final carbon offset contribution

*Reason: to ensure that the development maximises opportunities for renewable energy production in accordance with London Plan Policy 5.7, the Mayor's intend to publish London Plan Policy SI 2, and RBKC's Local Plan CE1*

#### **59) Accessible and Adaptable Dwellings**

A minimum of 10% of all dwellings shall be built to requirement M4(3) wheelchair user dwellings contained within Part M volume 1 of the Building Regulations, as identified on the plans approved under condition 2 and thereafter maintained. All other dwellings shall be built to requirement M4(2) accessible and adaptable dwellings contained within Part M volume 1 of the Building Regulations and thereafter maintained.

*Reason – To ensure satisfactory provision for people with disabilities and meet the changing needs of households in accordance with development plan policies in particular policy CH2(b) of the Local Plan 2019.*

### **60) Flood Risk Assessment and Drainage Strategy**

No development of any phase shall commence (save for demolition and temporary works, all works within the existing podium and any works in connection with the construction of Building 7b) until a revised Flood Risk Assessment and Drainage Strategy has been submitted to and approved in writing by the local planning authority. The assessment/strategy shall include:

- a) The specification and location of suitable pump devices to protect the development against sewer flooding;
- b) The reduction/slowing of surface water run-off rates through SuDS;
- b) Further information about the proposed SuDS, their structure, specification, maintenance, and final details, including profile and species of green roofs;
- d) Confirmation / agreement from Thames Water regarding the acceptability of the proposed total discharge rate (surface water and foul flows) into the combined sewer. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy
- e) Further information regarding foul water flow rates and connection, and surface water attenuation and connections.

The relevant phase of the development shall be carried out only in accordance with the details so Approved and thereafter retained.

*Reason – To reduce flood risk and to contribute to sustainability in accordance with policy CE2 of the Local Plan 2019 and Policies 5.12 and 5.13 of the London Plan (2016).*

### **61) Thames Water - Waste and Water Capacity**

Occupation of the residential dwellings within each phase of development cannot take place until confirmation has been provided to the local planning authority that either:

- all water network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place within the relevant phase other than in accordance with the agreed housing and infrastructure phasing plan.

*Reason - The development may lead to no / low water pressure and/or sewer flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available*



*to accommodate additional flows and demand anticipated from the new development. Any necessary reinforcement works will be necessary to avoid sewer flooding and/or potential pollution incidents.*

### **62) Use Class Restriction (premises)**

The Community Leisure Facility (CLF) forming the subject of this permission shall be used only for community leisure purposes, and for no other purpose including any other purpose within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order re-enacting.

*Reason – To minimise disturbance to occupants of surrounding residential properties and so accord with policy CL5 of the Local Plan 2019.*

### **63) Multi Use Games Area**

Prior to first use of the MUGA, hereby approved within Building 6 as shown on the approved drawings, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include, as a minimum:

- (i) how the MUGA will operate;
- (ii) how areas can be booked and used and proposed methods for advertising availability of the facilities to the residents of the development;
- (v) opening hours;
- (vi) Confirmation that the facility will be available for all residents within the development.

The MUGA above Building 6 will be constructed and ready for use prior to the occupation of building 7a and hereby approved and retained thereafter. The MUGA, will operate in accordance with the approved management plan for the lifetime of the development.

*Reason - to prevent any significant disturbance to residents of nearby properties and to ensure that the leisure floorspace provides benefits to borough residents, and to ensure compliance with policies CL5 and CK1 of the Local Plan 2019.*

### **64) Building 6**

Building 6 forming the subject of this permission shall, unless otherwise agreed by the Local Planning Authority, be used only as Class B1 offices or as a creche/ nursery, day centre, art gallery, gym/ fitness facility, health clinic/ doctor's surgery, or training/ educational facility, and for no other purpose including any other purpose within Use Class D2 or Class D1 of the Town and Country Planning (Use Classes) Order 1987, as amended.

*Reason – To prevent disturbance to occupants of surrounding residential properties and so accord with policy CL5 of the Local Plan 2019.*

### **65) Piling method statement**

No piling shall take place within any phase of the development until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority for that phase in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

*Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water.*

### **66) Fire evacuation lift**

Prior to commencement of works on the superstructure of each phase, drawings showing the installation of fire evacuation lifts for each building core shall be submitted and approved in writing by the Local Planning Authority. Fire evacuation lifts shall thereafter be installed within the development hereby permitted in accordance with the approved drawings.

*Reason: To ensure the safe and inclusive emergency evacuation of residents in accordance with London Plan Policy 7.2 and the Mayor's intend to publish London Plan Policies D3 and D12.*

### **67) Fire Strategy**

The development must be carried out in accordance with the provisions of the Fire Strategy dated January 2020 unless otherwise approved in writing by the Local Planning Authority.

*Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's intend to publish London Plan Policies D3 and D12.*

### **68) Playspace**

Full details of the on-site children's playspace provision contained within the central podium landscaped space, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the podium. The details shall include the:

- a) location, layout, design of the playspace;
- b) The timing of delivery; and
- c) Details of equipment/ features.

The playspace and equipment/features shall be laid out and installed in a phased manner with agreement from the Local Planning Authority. The children's playspace shall be provided strictly in accordance with the details so approved and shall be maintained as such thereafter.

*Reason: To secure the appropriate provision and design of children's playspace in accordance with London Plan Policy 3.6 and Policy S4 of the Mayor's intend to publish London Plan, Mayor's Play and Informal Recreation SPD and RBKC's Local Plan Policies CR5 and C1.*

### **69) Safeguarding privacy – buildings 3, 4 and 5**

Prior to the commencement of works on the superstructure of development of the relevant phase, details of the means of preventing a loss of privacy to the dwelling(s) within buildings 3, 4 and 5 facing onto the podium as shown on Level 02 plan Ref. 1969-JMP-MP-02-DR-A-3020 Rev 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: Safeguarding amenity to units facing directly onto the podium London Plan Policy 7.6 and Mayor's intend to publish London Plan Policy D3 and D6 and RBKC's Local Plan Policy CL5.*

### **70) Safeguarding privacy – buildings 5 and 7**

Prior to the commencement of works on the superstructure of the development of the relevant phase, details of the means of preventing a loss of privacy to the dwelling(s) in building 5 with windows facing onto building 7 and visa versa 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: Safeguarding amenity to units facing directly onto the podium London Plan Policy 7.6 and Mayor's intend to publish London Plan Policy D3 and D6 and RBKC's Local Plan Policy CL5.*

### **71) Building and site management**

Prior to the occupation of any residential or commercial units within each phase of development, a Management Strategy for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority for that phase. The strategy should include details of the following:

- a) on-site security measures including the location of security/concierge office, the location and details of lighting and CCTV provision;
- b) Different any controlled/restricted areas of the development and details of those who will have access to each of the identified zones;
- c) Details of access control systems serving communal and residential building entrances;
- d) Management and maintenance framework for internal communal circulation areas and lifts;
- e) Confirmation of disabled access arrangements; and
- f) Vehicle access points and how these will be controlled and managed.

The site shall be managed in accordance with the approved management strategy.

*Reason: In the interests of the proper maintenance, safety and security of the site and to ensure that the quality of the public realm is appropriately safeguarded and that that access is maintained for disabled people and people with pushchairs, in accordance with Policies 3.4, 3.8 of the London Plan, the Housing SPG and RBKC Policy CR2.*

## **72) Ground floor glazing**

The window glass of any ground floor units in commercial, community or ancillary residential use hereby approved shall be visually permeable and shall not be mirrored, tinted or obscured by advertisements or high security roller shutters.

*Reason: To ensure a satisfactory external appearance and avoid dead frontages, in the interest of designing out crime and anti-social behaviour and in accordance with Policy 7.3 of the London Plan and the Housing SPG and RBKC Local Plan Policy CR2.*

## **73) Dedicated lifts for affordable housing residents and public**

Separate dedicated lifts for affordable housing residents and the general public (including residents of Shaftsbury Place) must be provided from street level at the base of building 1 up to podium level and retained in perpetuity.

*Reason: to ensure that the podium level open space is fully accessible to the public and affordable residents as well as residents of the market units in line with RBKC's Access Guide SPD, London Plan Policies 3.6 7.2, 7.5 and Policies D4, D8 and S4 of the Mayor's intend to publish London Plan.*

## **74) Commercial unit at podium level**

The commercial unit at podium level shall only be used as Class A1 and/or A3 and for no other purpose within the Town and Country Planning (Use Classes) Order 1987, as amended, unless otherwise agreed by the Local Planning Authority.

*Reason: To maximise the activation of the podium level and provide a draw to the general public in line with London Plan Policy 7.5 and the Mayor's intend to publish London Plan Policy D4 and D8.*

## **Informatives**

- 1. S106 Agreement** - You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
- 2. Community Infrastructure Levy** - This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge. If you have not already done so you must submit an Assumption of Liability Form to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
- 3. Thames Water** - The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate

measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

4. **Network Rail:** Given the close proximity of the proposed development to Network Rail land and the operational railway, Network Rail strongly recommends the developer contacts Network Rail's Asset Protection team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to any works commencing on site, with a view to enter into an Asset Protection Agreement to enable approval of detailed works. Our Asset Protection team will be able to support the delivery of the works without endangering the safety of the operational railway. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>
5. **Deemed discharge:** All conditions are exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as the development was subject to an Environmental Impact Assessment.
6. **Pre-commencement conditions:** The pre-commencement and pre-occupation conditions attached to this decision notice are considered necessary in order to safeguard transport infrastructure and protect the amenities of existing residents, future occupiers and users of the proposed development and to ensure that the proposed development results in a sustainable and well-designed scheme.
7. **Street naming and numbering** - You are advised that 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.

### **Statement of positive and proactive action in dealing with the application**

In dealing with this application, the Deputy Mayor, acting under delegated authority and as the Local Planning Authority, has expeditiously considered the application against all relevant national, regional and local planning policy; and has decided to grant planning permission in accordance with the recommendation in GLA Representation Hearing report GLA/4810/03. The Deputy Mayor has, therefore, worked in a positive, proactive and creative manner in relation to dealing with this planning application in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of the National Planning Policy Framework. The proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

John Finlayson

## **NOTES TO APPLICANTS**

### **Statement of Applicant's Rights arising from the refusal of planning permission or from the grant of permission subject to conditions.**

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the The Planning Inspectorate, Room 3 O/P, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/government/organisations/planning-inspectorate>.

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.

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.

### **Purchase Notices and Compensation**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subjects to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council requiring the Council to purchase the land in accordance with the provision of Part IX or the Town and Country Planning Act 1990. In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal. These circumstances are set out in sections 169 and related provisions of the Town and Country Planning Act 1990.