

**Planning and Borough Development Business Group**  
Kensington Town Hall, Hornton Street, London, W8 7NX

**Executive Director for Planning and Borough Development**  
Graham Stallwood



THE ROYAL BOROUGH OF  
**KENSINGTON  
AND CHELSEA**

Andrew Payne  
Greater London Authority  
City Hall  
The Queen's Walk  
London  
SE1 2AA

By email only

29 August 2018

Your reference: GLA/3109a  
My reference: PP/17/05782  
Please ask for: Ms Cheryl Saverus

Dear Andrew,

**Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure) England Order 2015 (as amended)**  
**Town and Country Planning (Mayor of London) Order 2008 (as amended)**

**Re: Newcombe House, 45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street, London, W8**

I refer to your letter dated 11 July 2018 requesting observations from the Council on the amended proposal which is being considered by the Mayor of London at the above site.

The amended proposal was considered by the Council's Planning Committee at a public meeting held on 7 August 2018. The increase in the number of affordable homes and associated floorspace and increase in office floorspace are recognised by the Council as positives of the amended scheme in the planning balance. The committee also gave considerable importance and weight to the setting of nearby listed buildings and nearby conservation areas, including the Kensington and Pembridge Conservation Areas. The committee did not consider that the weight attached to the public benefits of the scheme were sufficient material considerations to outweigh the harm to the setting of heritage assets in order for planning permission to be granted contrary to the development plan.

The Council raises objection to the amended proposals for the following reasons:

1. The height of the tall building would be significantly taller than the existing building and the surrounding townscape at a very high land point in the borough. The architecture of the proposed tall building would be of insufficient high design quality and would not have a wholly positive impact on the townscape. The tall building and increased massing to KCS1 and WPB3 buildings would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and when moving around the conservation areas experiencing them as a whole. This would result in substantial harm to those heritage assets, to which the Council attaches considerable importance and weight. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6, 7.7

and 7.8, and the Consolidated Local Plan, in particular policies CL1, CL2, CL3, CL4, CL11 and CL12, and the Notting Hill Gate SPD and Building Height in the Royal Borough SPD. The public benefits would be insufficient to outweigh those harms.

2. Although more affordable housing floorspace is proposed than currently exists, the proposals would result in the loss of social rented homes within the borough, and the Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing, contrary to policies of the London Plan, in particular policies 3.12 and 3.14, and the Consolidated Local Plan, in particular policies CH2 and CH3.

## **Reason 1 – Harm to the townscape and setting of heritage assets**

### Tall building

The tall building would appear within the panoramic view out of Kensington Gardens (grade I registered historic park and garden and conservation area in RBKC and WCC) and on the wider backdrop to the Royal Palace, as identified in the Building Height SPD. TVIA Views no.40 and A5 from the Round Pond, Views nos. 42a and 42c from the Boardwalk, and View no.39 from Lancaster Gate show the new building breaking the distant tree cover and rising above the statue of Queen Victoria, harming the picturesque quality of the view and settings of the heritage assets.

Pembridge Gardens comprises terraces of grade II listed buildings on both sides of the street (View no.38), where the tall building would disrupt the consistent terrace roofline and backdrop and would dominate the setting of this unified group, causing harm to both the listed building and Pembridge Conservation Area.

Kensington Palace Gardens comprises grade II and II\* mansions and detached houses that sit within generous gardens. View no.43 shows the building's increased scale and presence within the backdrop, again causing harm to the setting of the listed buildings and Kensington Palace Conservation Area.

In Linden Gardens (View no.37) the impact of the replacement building would be harmful to the setting of Pembridge Conservation Area, by closing the townscape gap between the two adjacent terraces and blurring the termination of the consistent roofline

In terms of the wider townscape and setting of the surrounding conservation areas, the statutory requirement under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The tall building would be seen in many new views (Views nos. 1, 14, 15, 19, 20, 24, 26, 32, 33, 34) and the additional scale of the tall building would appear negatively.

The submitted viewpoints are static and pinpoint the impact at a single location. However, the experience of the tall building would be kinetic and its impact on its surroundings will vary depending on the viewpoint. The cumulative effect of harmful impact on the conservation areas, listed buildings and the registered park and garden would be substantial.

The elevational designs of the tall building are overly fragmented, and lack a sufficiently strong compositional quality or identity. The tall building would not have a wholly positive impact. The tall building would be more visible within the surrounding townscape, with resultant harm to the setting of grade II listed buildings, the grade I listed Kensington Palace and its registered gardens, and some views within surrounding conservation areas. The harm would be substantial and significant weight must be accorded to these impacts which include the listed properties of Kensington Palace Gardens and Kensington Palace Conservation Area, and the listed properties of Pembridge Gardens and cumulatively to Pembridge Conservation Area.

### WPB3

The additional height of WPB3 would result in a tall, bulky built form that would not respond to the prevailing building heights within its context. It would present high-level bulk onto Notting Hill Gate. It would fail to respect its adjoining context, detracting from the hierarchy and legibility of the traditional urban form and disrupting local townscape views. It would cause harm to the setting of Pembridge Conservation Area. It would also detract from the singular quality of the tall building, detracting from the overall urban design and architectural quality of the scheme.

At 30m in height WPB3 would be the tallest of the perimeter blocks and would be 11m taller than KCS1 and the Notting Hill Gate perimeter building, which are the more significant buildings as they front onto the main roads. As such, the amended building would not respond to the prevailing building heights in the area, contrary to policy CL12. Its scale would contradict the traditional hierarchy of the local built form and detract from the legibility of the townscape, contrary to CL1.

WPB3 would rise above the more domestic scale of Uxbridge Street (southside) with Farmer Street and Jameson Street (not shown in the TVIA) and above the consistent parapet line of the terraced housing in Hillgate Place (View no.25), particularly catching the eye as-and-when its rooftop gardens are in use.

The more significant visual impacts would be on the townscape views from the north-west, where WPB3 would sit significantly above the roofline of David Game House, appearing unrelated in its form and material finish to the street buildings, and presenting high level bulk that would obscure and detract from the slender form of the tall building (View no.8). WPB3 would continue to be read in this way following the construction of the approved extension to David Game House.

Further away, the visual impact of the additional storeys would become more pronounced. From Kensington Park Road (View no.17) WPB3 would be seen within the backdrop to the terraced housing of Pembridge Gardens, where its final storey and roof garden would sit unrelated above the rooftops of Pembridge Road. WPB3 would breach the roofline and blur its roofscape in a more generalised way, detracting from the attractive rhythm and appearance of its chimneystacks. From Kensington Park Road (View no.16) the additional storeys would result in the building becoming more distinct on the skyline as its height and bulk would be expressed above the roofscape of Pembridge Road. In this instance, WPB3 would become the focal point of the view, sitting unrelated above the lower-rise built form of the terraced properties, the bulk and horizontality of its architecture contrasting unfavourably with the finer grained form and verticality of the housing below. At dusk internal lighting and horizontal window proportions would emphasize the incongruous effect. Furthermore, the scale and appearance of WPB3 would have the unfortunate effect of disrupting the landmark quality of the tall building. Its bulk and squat appearance on the skyline would obscure and detract from the singularity and slenderness of the tall building. The white stone-clad tall building would no-longer be perceived as terminating the vista; with the eye drawn to its grey, squat neighbour WPB3. Overall, WPB3 would present a high level bulk that disrupts the local townscape and, along with the tall building, causes substantial harm to the setting of Pembridge Conservation Area.

## **Reason 2 – Affordable Housing**

### Loss of social rented homes

The proposals would result in the loss of existing residential accommodation in Royston Court which fronts onto Kensington Church Street. Royston Court provides 20 bedsit units (1,071 sqm GEA) which previously accommodated former rough sleepers.

CLP policy CH3 (b) states that the Council will ensure a net increase in residential accommodation by “resisting the net loss of both social rented and intermediate affordable housing floorspace and units throughout the borough”. The existing 20 social rented studios in Royston Court would be replaced by 15 social rented homes. Policy CH3 (b) requires a protection of unit numbers as well as floorspace. Whilst the existing floorspace of Royston Court would be replaced and exceeded by 167 sqm (GEA), the proposals do not meet the requirement of policy CH3 (b) in terms of re-provision of unit numbers. There would be a loss of five social rented homes contrary to policy, which is unacceptable.

#### Maximum reasonable amount of affordable housing

The proposals involve the creation of 55 homes of 10,585 sqm (GEA). CLP policy CH2 (i) requires development to provide affordable housing at 50% by floor area on residential floorspace in excess of 800 sqm gross external area. CLP policy CH2 (k) requires this affordable housing provision on site, unless exceptional circumstances exist. The scheme would provide 23 affordable homes (2,641 sqm GEA), which amounts to 24.9% by floor area. The proposals would not comply with the requirement of policy CH2 (k).

The scheme would deliver 1,570 sqm of affordable housing floorspace beyond the floorspace which already exists on site at Royston Court. Once the re-provision of the existing affordable floorspace at Royston Court is discounted (as this must be re-provided anyway in order to satisfy CLP policy CH3 (b)), the 1,570 sqm net additional affordable housing floorspace amounts to 14.8% of the overall residential floorspace. This is significantly lower than the 50% of affordable housing by floor area required by policy CH2 (k) and is unacceptable.

CLP policy CH2 (p) relates to larger schemes delivering in excess of 800 sqm of residential development which fail to provide 50% of gross external residential floorspace for affordable housing. These schemes must demonstrate (i) “the maximum reasonable amount of affordable housing is provided through the provision of a viability assessment using the GLA toolkit, or an agreed alternative” and (ii) “the exceptional site circumstances or other public benefits to justify the reduced affordable housing provision”.

The Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing.

#### **Summary**

The Council will submit a further statement detailing the reasons for objection in advance of the Representation Hearing.

In the Council’s opinion, there are no material considerations in this case that would justify a grant of planning permission for a development that would fail to comply with the policies of the development plan. There are no conditions that would overcome the problems presented by the amended proposals and enable planning permission to be granted that would be reasonable in all respects and satisfy national guidance for planning conditions. The Mayor of London is respectfully requested to refuse planning permission.

Without prejudice to the Council’s position, in the event that the Mayor of London decides to grant planning permission, then the Council has suggested a list of recommended conditions (see Appendix 1) and matters to be secured in the Section 106 legal agreement including obligations to secure the delivery of the affordable homes in tenures that are genuinely affordable in RBKC, nomination rights being secured on all affordable homes to ensure they are provided to persons on the Council’s Housing Register, and an unconditional commitment to the delivery of Step Free Access (see Appendix 2).

Yours sincerely,

Graham Stallwood  
Executive Director  
Planning and Borough Development

## Appendix 1 – Recommended 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**

Except as required by conditions 5, 17, 45, 47, 48, 50, 51, 53, 54, 56, 57, 59, 63, 64, 65, 66 and 75 the development shall not be carried out except in complete accordance with the details shown on submitted plans:

**Site location plans**

P-SITE-AA(0-001 A

P-SITE-AA(0-002 A

**Proposed floorplans**

P-SITE-AA(0-011 A

P-SITE-AA(0-021 A

P-SITE-AA(0-100 A

P-SITE-AA(0-101 A

P-SITE-AA(0-102 A

P-SITE-AA(0-103 A

P-SITE-AA(0-104 A

P-SITE-AA(0-105 A

P-SITE-AA(0-114

P-SITE-AA(0-106 A

P-SITE-AA(0-107 A

P-SITE-AA(0-108 A

P-SITE-AA(0-109 A

P-SITE-AA(0-110 A

P-SITE-AA(0-111 A

P-SITE-AA(0-112 A

P-SITE-AA(0-113 A

**Proposed site sections**

P-SITE-AA(0-201 A

P-SITE-AA(0-202 A

P-SITE-AA(0-203 A

P-SITE-AA(0-204 A

P-SITE-AA(0-205 A

P-SITE-AA(0-206 A

**Proposed elevations**

P-SITE-AA(0-301 A

P-SITE-AA(0-302 A

P-SITE-AA(0-303 A

P-SITE-AA(0-304 A

**Individual buildings**

P-KCS1-AA(0-)100 A  
P-KCS1-AA(0-)101 A  
P-KCS1-AA(0-)102 A  
P-KCS1-AA(0-)201 A  
P-KCS1-AA(0-)202 A  
P-KCS1-AA(0-)203  
P-KCS1-AA(0-)301 A  
P-KCS1-AA(0-)302 A  
P-KCS1-AA(0-)303 A

P-KCS2-AA(0-)100 A  
P-KCS2-AA(0-)101 A  
P-KCS2-AA(0-)102 A  
P-KCS2-AA(0-)201 A  
P-KCS2-AA(0-)301 A  
P-KCS2-AA(0-)302 A  
P-KCS2-AA(0-)303 A

P-WPB1-AA(0-)100 A  
P-WPB1-AA(0-)101 A  
P-WPB1-AA(0-)301 A  
P-WPB1-AA(0-)302 A

P-WPB2-AA(0-)100 A  
P-WPB2-AA(0-)101 A  
P-WPB2-AA(0-)102 A  
P-WPB2-AA(0-)200 A  
P-WPB2-AA(0-)201 A  
P-WPB2-AA(0-)300 A  
P-WPB2-AA(0-)301 A

P-WPB3-AA(0-)301  
P-WPB3-AA(0-)302

P-CB-AA(0-)011 A  
P-CB-AA(0-)100 A  
P-CB-AA(0-)101 A  
P-CB-AA(0-)102 A  
P-CB-AA(0-)103 A  
P-CB-AA(0-)104 A  
P-CB-AA(0-)105 A  
P-CB-AA(0-)111  
P-CB-AA(0-)112  
P-CB-AA(0-)106 A  
P-CB-AA(0-)107 A  
P-CB-AA(0-)108 A  
P-CB-AA(0-)109 A  
P-CB-AA(0-)110 A  
P-CB-AA(0-)201 A  
P-CB-AA(0-)202 A  
P-CB-AA(0-)203

*P-CB-AA(0-)301 A*  
*P-CB-AA(0-)302 A*  
*P-CB-AA(0-)303 A*  
*P-CB-AA(0-)304 A*

*P-CB-AA(4-)400 A*  
*P-CB-AA(4-)401 A*  
*P-CB-AA(4-)402 A*

*P-KCS1-AA(4-)400 A*  
*P-KCS1-AA(4-)401 A*  
*P-KCS1-AA(4-)402 A*  
*P-KCS1-AA(4-)403 A*

*P-WPB2-AA(4-)400 A*  
*P-WPB2-AA(4-)401 A*

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

**3. Use of Flat Roofs**

The areas of flat roof adjacent to the western site boundary at second floor level and shown on drawing P-SITE-AA(0-)102 A shall not be used at any time as a roof terrace except in case of emergency escape or for maintenance.

*Reason* - *To protect the living conditions of those properties on Jameson Street and to comply with policy CL5 of the Consolidated Local Plan.*

**4. Hours of Operation**

All ground floor commercial uses and events in the public square hereby approved shall not operate between 23:00 hours and 07:00 hours the following day.

*Reason* - *To protect the living conditions of nearby residents and future occupiers of the development and to comply with policy CL5 of the Consolidated Local Plan.*

**5. Health Facility Use**

Notwithstanding condition 2, the areas annotated as 'Flexible Surgery/ Office' at fourth, fifth and sixth floor levels on approved drawings P-SITE-AA(0-)104 A, P-SITE-AA(0-)105 A and P-SITE-AA(0-)114, shall only be used as a health facility and not for any other use which falls within Class D1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 and any subsequent amendments to the use classes order.

*Reason* - *To protect the living conditions of nearby properties and ensure an acceptable impact on local transport, traffic and parking to comply with policies CL5, CE6 and CT1.*

**6. Sound insulation between uses- Kensington Church Street buildings**

No development shall take place on the superstructure of the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the dwellings, and between the first floor dwellings and the ground floor commercial uses, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be



installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

*Reason* - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

7. **Sound insulation between uses- Corner building**

No development shall take place on the superstructure of the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the fourth floor dwellings and commercial uses below, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

*Reason* - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

8. **Sound insulation between uses- West Perimeter buildings**

No development shall take place on the superstructure of the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the first floor dwellings and the commercial uses below, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

*Reason* - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

9. **Facade Construction- Kensington Church Street buildings**

No development shall commence (save for demolition, below ground works and temporary works) on the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

*Reason* - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 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.

10. **Facade Construction- West Perimeter buildings**

No development shall commence (save for demolition, below ground works and temporary works) on the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with

commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

*Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 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.*

**11. Facade Construction- Corner building**

No development (save for demolition, below ground works and temporary works) shall commence on the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

*Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 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.*

**12. Vibration Dose Values**

Vibration Dose Values (VDVs), as defined in BS6472-1:2008 Guide to evaluation of human exposure to vibration in building shall not exceed those in Table 1 of BS 6472. The measured or calculated VDVs generated as a result of the vibration affecting the development shall be adjusted as necessary to allow for transfer functions from the ground to the foundations and to all upper floors of the proposed development. Where it is predicted that Vibration Dose Values may exceed those of Table 1, at any floor of any building, then proposals to mitigate vibration to acceptable levels shall first be submitted to and approved in writing by the Local Planning Authority.

*Reason- To ensure a satisfactory standard of accommodation, compliant with policy CE6 and CH2 of the Consolidated Local Plan.*

**13. Energy Performance**

The dwellings shall achieve 35% improvement over Part L of the 2013 Building Regulations in relation to energy performance.

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

**14. Water Efficiency**

The dwellings shall achieve compliance with Optional Requirement G2 (2) (b) of Approved Document G of the Building Regulations 2010 and the dwellings shall not be occupied until Building Regulations approval has been issued in respect of that dwelling certifying that these criteria have

been achieved.

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

**15. BREEAM Rating - New build non-residential**

The non-residential floorspace shall achieve a BREEAM (new construction 2014) rating of Excellent. Each building forming part of the permission shall obtain a Post Construction Review Certificate certifying that a BREEAM rating of Excellent has been achieved within three months of first occupation of that floorspace.

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

**16. Car Park Management Plan**

Prior to the first use of the basement car park, a Car Park Management Plan should be submitted to, and approved in writing by the Local Planning Authority. This should include: details of the layout of the car park, demonstrating the final allocation of spaces between uses, the provision of 20% of car parking spaces with electric charging points, a further 20% with a passive energy supply for future use and provision of motorcycle parking at a minimum of 4 motorcycle spaces; details of the controls of means of entry to the car park, and; a proactive regime of car lift maintenance. The development shall be carried out, and the car park subsequently managed, in accordance with the details approved.

*Reason-* To ensure a satisfactory management regime for the car park to ensure an acceptable impact and local traffic and parking and to comply with policy CT1 of the Consolidated Local Plan.

**17. Cycle Parking**

Notwithstanding the details shown on the approved drawings, prior to commencement of works on the superstructure, details of all bicycle storage facilities across the site including the storage and the allocation of the spaces to the uses across the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved amended drawings and so maintained.

*Reason-* To ensure a satisfactory cycle parking layout and standard of cycle parking facilities and to comply with policy CT1 and CR4. 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.

**18. Office Travel Plan**

Prior to the first occupation of any office accommodation, an office travel plan shall be submitted to and approved in writing by the Local Planning Authority. The office use shall be carried out in accordance with the approved travel plan.

*Reason-* To ensure the end use would have an acceptable impact on local traffic and parking and to comply with policy CT1 of the Consolidated Local Plan.

**19. Road Safety Audit**

Prior to commencement of the development (save for demolition, below

ground works and temporary works) a Stage 2 (detailed design) safety audit of the junction of Newcombe Street and Kensington Place junction shall be undertaken and submitted to, and approved in writing by the Local Planning Authority.

*Reason-* To inform the layout of the new junction and to ensure the creation of a safe and high quality pedestrian environment, to comply with policies CT1 and CR3 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.

**20. Drainage Channel to Jameson Street**

Prior to commencement of works on the superstructure, details of a drainage channel to be installed at the junction of Uxbridge Street and Jameson Street, shall be submitted to, and approved in writing by the Local Planning Authority. The drainage channel shall be installed in accordance with the details approved and shall be installed in full prior to occupation of any part of the development.

*Reason -* To ensure satisfactory drainage of surface water run off on Uxbridge Street and to main a safe vehicular and pedestrian environment.

**21. No Vehicles in the Public Square**

The public square hereby approved shall be accessible only to emergency vehicles, vehicles required for maintenance of the development, and vehicles necessary for the set-up and breakdown of events within the public square. It shall not be used by any other vehicles.

*Reason-* To ensure the provision of highest possible public space and to comply with policies CR3, CR5 and CT1 of the Consolidated Local Plan.

**22. Servicing and Waste Management Plan- Commercial Uses**

Prior to occupation of any commercial use, a Servicing and Waste Management Plan for all retail and office uses shall be submitted to and approved in writing by the Local Planning Authority. The commercial 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 Consolidated Local Plan.

**23. Servicing and Waste Management Plan- Residential**

Prior to occupation of the residential units, a Servicing and Waste Management Plan for the residential units shall be submitted to and approved in writing by the Local Planning Authority. 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 Consolidated Local Plan.

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

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

a) routeing of demolition vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local

- works in the highway;
- b) access arrangements to the site;
  - c) the estimated number and type of vehicles per day/week;
  - d) details of any vehicle holding area;
  - e) details of the vehicle call up procedure;
  - f) estimates for the number and type of parking suspensions that will be required;
  - g) details of any diversion or other disruption to the public highway during preparation, or demolition work associated with the development;
  - h) work programme and/or timescale for each phase of preparation, or demolition work associated with the development;
  - i) details of measures to protect pedestrians and other highway users from demolition activities on the highway;
  - j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land;
  - 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; and
  - l) statement explaining agreement from Transport for London that the methodology would make appropriate provision for the continued safe and efficient operation of the bus stand and stops on Kensington Church Street.

The development shall be carried out in accordance with the approved Demolition Traffic Management Plan.

*Reason - To minimise the impact of demolition works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies 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.*

**25. Construction Traffic Management Plan CTMP)**

No development (save for demolition) shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) routeing of 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, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, 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;

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; and

l) statement explaining agreement from Transport for London that the methodology would make appropriate provision for the continued safe and efficient operation of the bus stand and stops on Kensington Church Street.

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.*

**26. Surface Water Drainage Strategy**

No development (save for demolition) shall commence until a Surface Water Drainage Strategy which achieves greenfield run-off rates has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public sewer system until the drainage works referred to in the strategy have been completed.

*Reason- The development may lead to sewage flooding, to ensure that sufficient capacity is made available to cope with the new development, and in order to avoid adverse environmental impact on the community and comply with policy CE2 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.*

**27. Sewer water flooding**

No part of the development hereby permitted shall be occupied until a positively pumped device has been installed within the development to prevent sewer water flooding to the basement levels.

*Reason- To protect future occupants and users of the development against sewer flooding and to comply with policies CE2 and, CL5, CL7 of the Consolidated Local Plan.*

**28. Sustainable Urban Drainage Systems**

Prior to the occupation of the relevant part of the development, the sustainable urban drainage systems of green roofs and attenuation tanks at basement level identified within the Arup Technical Report Summary dated July 2018, shall be fully installed and be so maintained.

*Reason- To ensure that appropriate measures to reduce surface water runoff are installed within the development and to comply with policies CE2 and CL7 of the Consolidated Local Plan.*

**29. Protection of Bats**

Prior to the occupation of any part of the development, details of measures to be incorporated to improve biodiversity within the development and enhance the site for bat species shall be submitted to and approved in writing by the Local Planning Authority in accordance with the findings of the Bat Survey Report (September 2017) and the approved measures shall be carried out in full and shall be so maintained.

*Reason- To ensure that bats remain appropriately accommodated on the site and to adhere to policies CR5, CR6 and CE4 of the Consolidated Local Plan 2015.*

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

No development shall commence, save for demolition, until a Preliminary Risk Assessment Report comprising:

- 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;
- information from site inspection;
- 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
- 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 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.*

**31. Contamination – Site Investigation Scheme**

No development shall commence until a Site Investigation Scheme 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 Consolidated Local Plan. (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.*

- 32. Contamination – Site investigation and quantitative risk assessment**  
**No development shall commence, save for demolition, 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 Consolidated Local 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.*
- 33. Contamination – Remediation method statement**  
**If identified as necessary by the site investigation and quantitative risk assessment, no development shall commence (save for demolition) until a Remediation Method Statement to address the results of the Site Investigation Scheme has been submitted to, and approved in writing by, the local planning authority.**  
*Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local 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. 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.*
- 34. Contamination – Verification report**  
**If identified as necessary by the site investigation and quantitative risk assessment, no development shall commence (save for demolition) until the measures identified within the approved Remediation Method Statement has been carried out in full and a Verification Report confirming:**
- (i) completion of these works;**
  - (ii) details of the remediation works carried out;**
  - (iii) results of any verification sampling, testing or monitoring including the analysis of any imported soil;**
  - (iv) classification of waste, its treatment, movement and disposal;**
  - (v) 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 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.*
- 35. Contamination – Unexpected**  
**If during development, contamination not previously identified is found to**



be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority.

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

**36. Protection of trees during construction – Details required**

No development shall commence until full particulars of the methods by which the retained street trees adjacent to the site on Kensington Church Street are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, have been 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 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.

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

The areas of public realm shall not be first available for use until a scheme of landscaping, to include proposed trees and shrubs, has been 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.

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

**38. Planting and replanting**

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

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

**39. Low Emission Strategy required**

Prior to commencement on the superstructure, a Low Emission Strategy shall have been submitted to, and approved in writing by, the local planning authority. The strategy shall include a comparison of emissions against

London Plan emission benchmarks for buildings and transport and Band B emission standards for combustion plant. This shall include all traffic and combustion plant emissions generated by the development and include measures to reduce emissions from the operational development. The strategy shall detail the emission reduction strategies to be incorporated including proposals for boiler/plant abatement equipment. 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 Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised.*

**40. Combustion Plant- Pre Installation**

Prior to installation of any combustion plant, including temporary installations, details to show that any chimney stack/flue will be located away from ventilation intakes or accessible areas (by a minimum of 3m above accessible areas) and at a sufficient height and discharge velocity to disperse the exhaust emissions, and details of the selected combustion plant (including abatement equipment), their emissions and maintenance schedules shall be provided to and approved in writing by the Local Planning Authority. Boilers shall have NOx emissions not exceeding 37mg/kwh of dry NOx (at 0% O<sub>2</sub>) and CHP plant not exceeding 95mg/Nm<sup>2</sup>, at 5% O<sub>2</sub>.

*Reason- To control the impact of development on air quality and to comply with policy CE5 of the Consolidated Local Plan and policy 7.14 of the London Plan.*

**41. Combustion Plant**

Prior to occupation of the development, no Combined Heat and Power (CHP) plant shall be used without the fitting of the appropriate abatement equipment or technologies to meet, as a minimum, the Band B emissions standard (95mg/Nm<sup>2</sup>, at 5% O<sub>2</sub>). A NOx emissions test must be carried out by an accredited competent person and the test certificate and evidence of equipment maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. The CHP plant shall be maintained in accordance with the maintenance schedule.

*Reason- To control the impact of development on air quality and to comply with policy CE5 of the Consolidated Local Plan and policy 7.14 of the London Plan.*

**42. Demolition Environmental Management Plan (DEMP)**

No development shall commence until a site specific Demolition Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority, and the development shall be carried out only in accordance with the Plan so approved

*Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan 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'. 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. Construction Environmental Management Plan (CEMP)**

No development (save for demolition) shall commence until a site specific

**Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority, and the development shall be carried out only in accordance with the Plan so approved**

*Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan 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'. 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. Ventilation**

**The residential units shall not exceed the national Air Quality Objectives for Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). Details of measures to be taken to ensure compliance with this target are to be submitted prior to occupation of any residential unit and the system shall be so maintained in accordance with the submitted details.**

*Reason- To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan and London Plan policy 7.14 in ensuring that effects upon air quality in the area are minimised.*

**45. Details to be submitted- Notting Hill Gate building**

**Notwithstanding condition 2, no development shall commence on the building fronting Notting Hill Gate (as defined on page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:**

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows (at scale 1:20)

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 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.*

**46. On site sample panel- Notting Hill Gate building**

**No development shall commence pursuant to the Notting Hill Gate building (as defined in page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 45, 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 CL2 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.*

**47. Details to be submitted- Notting Hill Gate building**

**Notwithstanding condition 2, no part of the Notting Hill Gate building (as defined on page 80 of the Design and Access Statement dated September 2017) shall be first occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:**

- a) detailed drawings of the treatment of the intensive garden**
- b) detailed drawings of the shop fronts**

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.*

**48. Details to be submitted- West Perimeter buildings**

**No development shall commence on the west perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:**

- a) samples of all facing materials**
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)**

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 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.*

**49. On site sample panel- West Perimeter buildings**

**No development shall commence pursuant to the west perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 48, 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 CL2 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.*

**50. Details to be submitted- West Perimeter buildings**  
Notwithstanding condition 2, no part of the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the treatment of the intensive garden
- b) detailed drawings of the shop fronts
- a) detailed drawings of the car lift entrance including treatment of doors

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.*

**51. Details to be submitted- Cube building**  
Notwithstanding condition 2, no development shall commence on the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 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.*

**52. On site sample panel- Cube building**  
No development shall commence pursuant to the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 51, 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 CL2 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.*

**53. Details to be submitted- Cube building**  
Notwithstanding condition 2, no part of the Cube building (as defined at

page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the car lift entrance including treatment of doors
- b) detailed drawings of ground floor entrances

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.*

**54. Details to be submitted- Kensington Church Street buildings**

Notwithstanding condition 2, no development shall commence on the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 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.*

**55. On site sample panel- Kensington Church Street buildings**

No development shall commence pursuant to the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 54, 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 CL2 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.*

**56. Details to be submitted- Kensington Church Street buildings**

Notwithstanding condition 2, no part of the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning

**Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:**

- a) detailed drawings of shopfronts
- b) detailed drawings of treatment of the roof level plant room

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.*

**57. Details to be submitted- Corner building**

**Notwithstanding condition 2, no development shall commence on the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:**

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows (at scale 1:20)

*Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.*

**58. On site sample panel- Corner building**

**No development shall commence pursuant to the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 57, 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 CL2 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.*

**59. Details to be submitted- Corner building**

**Notwithstanding condition 2, no part of the corner building (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:**

- a) detailed drawings of the treatment of the intensive gardens
- b) detailed drawings of all ground floor entrances

**c) detailed drawings of all shopfronts**

*Reason* - In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

**60. Public Realm Materials and Finishes**

Prior to commencement of superstructure on any building subject of this planning permission details of the material and finishes to the ground level of the public square and its accesses shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out only accordance with the details approved.

*Reason* - To ensure a high quality appearance and finish the public square which is contextual to the townscape and to ensure compliance with policies CL1, CL2, CR4, CR3 and CR5 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.

**61. Public Realm- Sample Area**

Prior to commencement of superstructure on any building subject of this planning permission, a sample area of the materials and finishes for the ground level of the public square and its accesses, as approved by condition 60 shall be provided on site and approved in writing by the Local Planning Authority and the samples shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved.

*Reason* - To ensure a high quality appearance and finish the public square which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

**62. Public Realm Lighting**

Prior to the first use of the public square, details of a lighting strategy for all areas of public realm, including undercroft areas and Uxbridge Street, shall be submitted to, and approved in writing by the Local Planning Authority. The lighting strategy shall be installed in full accordance with the approved strategy prior to the occupation of the first residential unit and so maintained.

*Reason* - To ensure the safety of future occupants and users of the site and ensure a high quality public realm and comply with policies CL1, CL2, CR4, CR3 and CR5 of the Consolidated Local Plan.

**63. Amended Details of Roof Terrace- Corner building**

Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Corner Building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the Corner Building, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

*Reason*- To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.



64. **Amended Details of Roof Terrace- Kensington Church Street building**  
Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Kensington Church Street building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on these buildings, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.  
*Reason- To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.*
65. **Amended Details of Roof Terrace - Notting Hill Gate building**  
Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Notting Hill Gate Building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the Notting Hill Gate building, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.  
*Reason - To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.*
66. **Amended Details of Roof Terrace - West Perimeter Buildings**  
Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the West Perimeter Buildings (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the West Perimeter buildings, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.  
*Reason - To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.*
67. **Professional management of engineering works**  
No development shall commence (save demolition) 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. 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.*

**68. 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. 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.*

**69. LUL Infrastructure Protection**

**No development shall commence until a detailed method statement which accommodates the location of the existing London Underground structures has been agreed with London Underground Limited and has then been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of all foundations, basement and ground floor structures and any other structures below ground level, including piling (temporary and permanent). The development thereafter shall be carried out in accordance with the approved design and method statements.**

*Reason - To ensure that the development does not impact on existing London Underground transport infrastructure in accordance with London Plan Policy 3C.4 and 'Land for Transport Functions' Supplementary Planning Guidance. 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.*

**70. Accessibility**

**At least 90% of residential units within the development shall achieve compliance with Optional Requirement M4(2) of Approved Document M of the Building Regulations 2010 and at least 10% shall achieve compliance with Optional Requirement M4(3)(2)(a) of Approved Document M of the Building Regulations 2010. Prior to commencement of works on the superstructure, plans demonstrating which of the units will achieve these standards should be submitted to and approved in writing by the Local Planning Authority. None of the specified units shall be occupied until Building Regulations approval has been issued certifying that these criteria have been achieved in respect of those units.**

*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 Consolidated Local Plan.*

**71. Wind Mitigation**

**The mitigation measures identified in section 33 of the ‘Pedestrian Level Wind Microclimate Assessment’ by RWDI dated 6 September 2017 shall be implemented in full prior to the first occupation of the development.**

*Reason - To ensure a high quality outdoor public space around the site and ensure compliance with policies CR3 and CR4 of the Consolidated Local Plan.*

**72. Air Quality Assessment**

**No development shall commence until an Air Quality Impact Assessment has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and so maintained.**

*Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan*

**73. Treatment of Western Flank Wall**

**Prior to the commencement of development (save for demolition, below ground works and temporary works) on the West Perimeter Building 1 (as defined on page 80 of the Design and Access Statement dated September 2017), details of the treatment of the western elevation of West Perimeter Building 1 must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details 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 CL5 of the Consolidated Local Plan*

**74. Retail units**

**The units annotated as “retail” on drawing nos. P-SITE-AA(0-0)11 A and P-SITE-AA(0-0)100 A shall be retained for purposes only falling within Class A1 or Class A3 of the Town and Country Planning (Use Classes) Order 1987. At any time, a minimum of 10 such units shall be used for purposes falling within Class A1.**

*Reason - In order to ensure an appropriate mix of uses in compliance with the Development Plan.*

**75. Non Road Mobile Machinery (NRMM)**

**No development shall commence until details of all Non-Road Mobile Machinery (NRMM) to be used on the development site have been submitted to and approved in writing by the local planning authority. All NRMM shall meet as a minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. An inventory of all NRMM shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM shall be regularly serviced and service logs kept on site for inspection. Records shall be kept on site which details proof of emission limits for all equipment.**

*Reason - To comply with Consolidated Local Plan policy CE5, London Plan policy 7.14 a, b, and c and the NPPF.*

**76. Privacy**

**Notwithstanding condition 2, the windows to the fourth, fifth and sixth floor levels of West Perimeter Building 3 (as defined at page 80 of the Design and**

**Access Statement dated September 2017) adjacent to the Corner Building fronting the public square shall be obscurely glazed and fixed shut at all times.**

*Reason - To protect the amenities of nearby occupiers and to comply with policy CL5 of the Consolidated Local Plan.*

## Appendix 2 – Heads of Terms for Section 106 legal agreement

	Heads of Terms	Financial contribution (where applicable)
1.	<p>23 affordable homes comprising 4 intermediate rent homes in WPB1, 4 intermediate rent homes in KCS1 and 15 social rent homes in KCS2.  <b>Affordable rent products and service charges still to be agreed with the GLA and applicant.</b></p> <p>Provision of the affordable housing linked to the occupation restriction of the market homes. <b>Exact trigger still to be agreed with the GLA and applicant</b></p> <p>Nomination rights for all on-site affordable homes to be given to RBKC (subject to further discussion with GLA).</p>	N/A
2.	<p>Two-stage Viability Review Mechanism with trigger points set in accordance with the Mayor's Affordable Housing and Viability SPG. <b>Still to be agreed with the applicant.</b></p>	N/A
3.	<p>Medical Centre (of at least 952 sq.m GIA – <b>final GIA and useable area sq.m to be confirmed by applicant</b>) and five Medical Centre Parking Spaces (Occupation restriction on all Dwellings until this has been provided and lease has been entered into). The <b>Council has requested that the restriction be extended to Occupation of the Medical Centre by the Medical Centre Operator but this is subject to agreement between the GLA and the applicant</b></p> <p>Construction of Medical Centre to Shell and Core Standard and Fit Out of Medical Centre to a specification approved by the NHS with a minimum spend of £1.5m. If Fit Out is less than £1.5m any surplus to be used for the ongoing maintenance of the medical centre</p>	Minimum of £1.5m
4.	<p>Not to implement the planning permission until the Development Agreement with LUL for Step Free Access Fit Out Works, SFA LUL Works and SFA Works have been completed.</p> <p>All aspects of the SFA delivery to be carried out in full prior to first Occupation and a lease to be granted to LUL once completed</p> <p>The definition of step free access provided by TfL is: <i>the provision of lifts, ramps and/or other infrastructure that allow independent access for persons with restricted mobility to follow a route (or routes) between street and platform levels without the need to use stairs or escalators. Compliant access between the platform and train should also be provided where practicable.</i></p> <p>The Developer's obligation is to meet the costs of the provision of a Step Free Access route between street level to the southbound (inner rail) platform of the District &amp; Circle lines.</p>	N/A

	<b>Fallback mechanism for a contribution towards Affordable Housing if Step Free Access is not delivered has been proposed by the applicant – this is not currently agreed by the GLA or Council</b>	
5.	Construction Training Contribution Index Linked payable prior to commencement (£2,500 for each £1m of construction costs as per the Planning Obligations SPD)	£295,071
6.	Carbon Offsetting Contribution payable prior to commencement (Non-domestic: £22,766; Domestic: £102,193)	£124,959
7.	Construction Training and Construction Training Plan (approved prior to implementation and carried out during construction period) to include: <ul style="list-style-type: none"> <li>– Construction training plan to be submitted for approval</li> <li>– Compliance with the local procurement code</li> <li>– To notify the Council of job vacancies</li> <li>– Achieve a local procurement target of 10%</li> <li>– Provide employment data to the Council for monitoring</li> </ul>	N/A
8.	Small Independent Retail Units Marketing Strategy (comply prior to completion of the retail units).	N/A
9.	Compliance with Local Procurement Code (approval of schedule prior to commencement)	N/A
10.	Cycle Hire Contribution (Index Linked, paid 6 months prior to first occupation) for 25 cycle hire docks on Uxbridge Street, to be delivered by TfL  <b>TfL has requested an additional £30,000 (total of £200,000) but this is still to be agreed with the applicant.</b>	Minimum of £170,000
11.	Cycle Hire Docking Station Safeguarded Area (not to construct in that area for the safeguarding period and to grant a lease at peppercorn rent to TfL over the area upon TfL request during the safeguarding period) on Uxbridge Street	N/A
12.	Construction Traffic Management Plan Assessment Fee (Index Linked, prior to commencement)	£2,800 per plan
13.	Permit Free covenant for 35 homes (ongoing from implementation)	N/A
14.	Car Club (1 free membership per home for 12 months from the date of Occupation)	N/A
15.	Public Art (to spend minimum of £100,000 maximum of £150,000) and Public Art Strategy ( <b>timing for submission of Public Art Strategy under discussion</b> ). Public Art Strategy to be implemented within one year of first Occupation.	Minimum of £100,000
16.	Legible London Contribution for signage (paid 6 months prior to first	£3,017

	occupation)	
17.	Demolition Traffic Management Plan Assessment Fee (Index Linked, paid prior to commencement)	£2,800 per plan
18.	Office Travel Plan Monitoring fee (Index Linked, paid prior to first occupation)	£1,000
19.	Requirement to dedicate public access over new areas of footway around the site	N/A
20.	<p>Highway Works and Highways Agreement (enter into within 12 months from implementation) regarding works to public realm and highways adjacent to the development site, delivered and funded through a section 278 agreement pursuant to the Highways Act 1980 to include:</p> <ul style="list-style-type: none"> <li>– Resurfacing of existing footways around the site on Notting Hill Gate, Kensington Place and Kensington Church Street</li> <li>– Removal and re-provision as required by the Council of street furniture including planters and new trees;</li> <li>– Amending the layout and junction of Newcombe Street and Kensington Place</li> </ul> <p><b>Restriction on Occupation under discussion and to be agreed between the GLA, Council and the applicant</b></p>	N/A
21.	<p>Provision of a Public Square in accordance with the Public Square Plan (submit the Plan 6 months prior to first occupation and not to occupy until it has been approved) and provision of permanent pedestrian and cycle access to the public subject to permitted closures. The Public Square will be privately maintained.</p> <p><b>Delivery of the Public Square to be linked to Occupation. Exact timing under discussion and to be agreed between the GLA, Council and the applicant</b></p>	N/A
22.	Section 106 Financial Monitoring Fee (2.5% of total value of contributions)	TBC Approx. £54,991.18
23.	Notting Hill Genesis to provide the Council with Nomination Rights to 10 x 2 bedroom units at an off-site location in Greater London. These homes will be purchased and refurbished by Notting Hill Genesis.	N/A
24.	Section 106 Non-Financial Monitoring Fee	£500
		TBC Approx. £2,255,138