



Appeal Decisions

Inquiry Held on 1 October 2019

Site visit made on 4 October 2019

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd October 2019

Appeal 1 Ref: APP/K5600/W/18/3217327

321-335 Kensal Road, 337 Kensal Road, and land adjacent to 338 Ladbroke Grove, London W10 5DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stamford Norfolk Limited against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/17/06291, dated 9 October 2017, was refused by notice dated 30 May 2018.
 - The development proposed is the demolition of existing buildings and the development of a part 6-storey and part 8-storey (plus lower ground and basement) mixed-use building to provide up to 4,535 sqm (GEA) of Class B1 office and 169 sqm (GEA) of Class A1/A3 retail/restaurant use plus ancillary floorspace, and the development of a 4-storey (plus lower ground and basement) Class B1 office to provide up to 744 sqm (GEA) of Class B1 office plus ancillary floorspace together with associated works.
-

Appeal 2 Ref: APP/K5600/W/18/3217328

321-335 Kensal Road, 337 Kensal Road, and land adjacent to 338 Ladbroke Grove, London W10 5DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stamford Norfolk Limited against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/18/00026, dated 21 December 2017, was refused by notice dated 30 May 2018.
 - The development proposed is the demolition of existing buildings and the development of a mixed-use building for 83 Class C3 affordable homes and flexible Class A1/A2/B1/D1/D2 use and associated works.
-

Appeal 3 Ref: APP/K5600/W/18/3217330

321-335 Kensal Road, 337 Kensal Road, and land adjacent to 338 Ladbroke Grove, London W10 5DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stamford Norfolk Limited against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref PP/18/00333, dated 12 January 2018, was refused by notice dated 30 May 2018.
 - The development proposed is the demolition of existing buildings and the development of a mixed-use building for 50 affordable Class C3 homes and flexible Use Class A1/A2/B1/D1/D2 use and associated works.
-

Preliminary Matters

1. The inquiry was closed in writing on 14 October 2019.
2. The local planning authority (lpa) confirmed that: (a). in each case, reason for refusal one would not be pursued, and (b). the Local Plan Partial Review (LPPR) was adopted in September 2019. The appellant confirmed that the applications¹ for the award of costs submitted with the 3 appeals would not be pursued.
3. In 2016, planning permission was granted for the erection of a 5 to 9-storey mixed-use Class B1 office space and Class A1/A3 retail/restaurant uses. The permission has been commenced and the parties agree it is a realistic fall-back.

Decisions

APPEAL 1

4. The appeal is allowed and planning permission is granted for the demolition of existing buildings and the development of a part 6-storey and part 8-storey (plus lower ground and basement) mixed-use building to provide up to 4,535 sqm (GEA) of Class B1 office and 169 sqm (GEA) of Class A1/A3 retail/restaurant use plus ancillary floorspace, and the development of a 4-storey (plus lower ground and basement) Class B1 office to provide up to 744 sqm (GEA) of Class B1 office plus ancillary floorspace together with associated works at 321-335 Kensal Road, 337 Kensal Road, and land adjacent to 338 Ladbroke Grove, London W10 5DA in accordance with the terms of the application, Ref PP/17/06291, dated 9 October 2017, and the plans submitted with it, subject to the conditions set out in the attached Schedule of Conditions.

APPEALS 2 & 3

5. These appeals are dismissed.

Main Issues

6. For Appeal 1, the main issue is the effect on heritage assets (HA). For Appeals 2 and 3, the main issues are: (a). the effect on HAs; (b). whether the proposals provide an appropriate affordable housing (AH) tenure split; and (c). the effect on the function of the Kensal Employment Zone (KEZ).

Reasons

Heritage Assets

7. The HAs involved are: the Kensal Green Cemetery Conservation Area (CA); the Kensal Green (All Souls) Cemetery, a Grade 1 Listed Registered Park and Garden (RP&G); and the Dissenter's Chapel, a Grade 2* Listed Building. There would be no direct effect on the fabric of the Chapel or the RP&G; the submissions relate to the impact on their setting.
8. The boundary of the RP&G and CA are similar. The RP&G is an HA of the highest significance² because of its historic, social, aesthetic/architectural significance. The historic/aesthetic significance of the cemetery, opened in 1833, is that it was the first commercial cemetery in London laid out in the garden or pleasure ground style. Social significance largely derives from the layout of the cemetery, designed to reflect social differences between the Conformist and Non-Conformist religions. The Conformist (Anglican) western section is the larger and characterised by elaborate grave furniture. The eastern part, the Non-Conformist (Dissenter's) area, is smaller and the grave furniture is, noticeably, less-elaborate. The Dissenter's Chapel, located at the eastern tip of the cemetery, is also a Listed Building of the highest

¹ Appellant's letter dated 28 November 2018.

² Framework paragraph 194.

significance². As one of the first purpose-built Non-Conformist funerary chapels, the Chapel is historically significant. With high quality materials, simple detailing and symmetry, architecturally the Chapel is a fine example of the Greek Revival Style.

9. The surroundings of the cemetery have changed dramatically particularly with significant development to the south of the canal and on the eastern side of Ladbroke Grove. Further significant change will occur with the redevelopment of the Kensal Opportunity Area to the south. Within the cemetery, a substantial number of trees, which contributed to the original garden/parkland setting have been lost. A lack of maintenance and the use of modern, black, grave furniture contrasts markedly with the stone grave furniture of earlier years. This dilutes the simple aesthetic, particularly in the Dissenters' area of the cemetery. Notwithstanding the loss of trees, there are still significant groupings within the central and eastern part of the Dissenter's area. These trees frame views within the cemetery and screen views out. Views out to the south-east and internal views of the Chapel from the East Gate, the north and south carriage roads and the central path are largely screened and, in winter, heavily filtered. The screening means that an appreciation of the Chapel is largely restricted to areas within the cemetery and close to the Chapel.
10. From the north, south and central paths the existing buildings to the south and south-east and the proposed buildings drift in and out of the views. The taller of the 2 buildings in Appeal 1 would be same height as that permitted in 2016, the building in Appeal 2 and the taller of the 2 buildings in Appeal 3 would be some 4.7m higher. The nearest building in all 3 schemes would be some 107m from the face of the Chapel and the separation distances from the key viewpoints would vary between some 132m at the nearest and 250m at the furthest. At these distances, the taller building in Appeal 1 would appear only marginally higher than the Innocent Building on the corner of Ladbroke Grove/Kensal Road and visually would appear similar in height to the Water Tower³ to the west. At these distances, the building in Appeal 2 and the taller building in Appeal 3 would appear marginally higher than the 2016 approved building and, visually, a similar height to the Water Tower. Whilst in all cases, including the 2016 scheme, there would be some loss of a sky view, the reduction would be marginal.
11. From the various viewpoints the proposed buildings would form part of a coherent group of buildings to the south-east of the RP&G and CA. The visual coherence of the group to the east of Ladbroke Grove would be reinforced by the noticeable stepping-up of building heights starting with Steve Biko Court, through the Victoria Wharf and Innocent buildings terminating with any of the taller appeal buildings. Given the separation distances, the proposed buildings would neither loom over nor dominate the R&PG, the CA or the Chapel. Given the factors that make up the significance of the RP&G/CA, any harm to significance would be negligible. The number of views where the Chapel would appear directly in the foreground of the proposed buildings would be limited and heavily filtered by planting. Where the Chapel and proposed buildings would be seen directly in front of each other, the effect would be mitigated by the degree of separation and that the Chapel would remain the dominant element in the view; harm to the significance of the Chapel would be negligible to low.
12. In Framework terms, the degree of any harm to the setting of the Grade 1 RP&G and the Grade 2* Listed Building would be less than substantial and the quantum of any harm would be at the lowest end of that scale.

Tenure Split (Appeals 2 & 3)

13. Whilst the strategic objective of the adopted London Plan 2016 (LP) is to maximise the provision of AH it is for the borough to set an overall target and tenure split. Policy H6 of the draft London Plan sets the AH threshold level at 35% of all new homes. Policy H7 proposes a tenure split with a focus on affordable/social rent units.

³ This is a dwelling designed to mimic a Water Tower.

Schemes with AH above 35% do not require a viability assessment at the application stage. In these schemes, tenure is flexible and should take account of the need to maximise AH and an applicant's tenure preference. The section on AH indicates that the appropriate tenure split should be determined through the development plan process or supplementary guidance.

14. One objective of LPPR Policy CH2 is to achieve the maximum amount of AH. On eligible developments, criterion (a) requires a minimum 35% of all residential floorspace as AH. On tenure split, criterion (b) requires that, overall 50% of AH provision is to be affordable housing for rent and 50% to be intermediate housing. Here, as the AH provision would be 100%, the appellant's approach is that the 50/50 split is to be read in relation to the 35% requirement. On this basis, Appeal 2 would provide a minimum of 15 affordable units and a maximum of 68 intermediate units. Appeal 3 would provide a minimum of 9 affordable rented units and a maximum of 41 intermediate units. Thus, in each case the number of affordable rented units would be same as the lpa's requirement under LPPR Policy CH2 and consistent with Policy H7 of the emerging London Plan. The lpa's approach is, that whatever the actual provision of AH, the tenure split is be 50% affordable rented and 50% intermediate rented and the appellant has not shown why the split should be any different.
15. Policy CH2 has the title "Affordable Housing" and a fair reading of the policy and supporting text does not indicate a differentiation between market-led housing schemes and wholly affordable schemes. The lpa's approach is consistent with the emerging strategic policy of maximising the amount of affordable rented units and a locally appropriate tenure split. I acknowledge that reports⁴ prepared by the Council suggest that 50% affordable rented units might only be achievable in market-led housing schemes. However, given the need for AH and particularly affordable rented units, considerable caution should be applied in applying what is a high-level exercise to individual schemes. Accordingly, where a proposal proposes to materially depart from the requirement for the 50/50 tenure split this should supported by a site-specific assessment. On this issue, Appeals 2 and 3 conflict with LPPR Policy CH2.

Employment Zone Function

16. The site is located within the KEZ, the largest of the borough's 3 employment zones. LPPR Policy CV5 sets the overarching vision for Kensal, where the EZ will provide for flexible workspace and supporting uses that bring vitality, building on the area's existing strengths in the creative sector. That said, the LPPR recognises that some residential development within an EZ can help to bring forward new business development. Policy CF5 indicates that to ensure that business uses are maximised, residential uses will only be permitted where they are necessary to enable a significant uplift in business floorspace. However, the plan highlights that the commercial function of an EZ should not be jeopardised by the introduction/expansion of residential uses. These are matters that were robustly tested at the examination of the LPPR and found to be sound. Although Appeals 2 and 3 are described as mixed-use developments, they are residential led and, as the appellant acknowledges, conflict with Policy CF5 criterion k.
17. The KEZ is a collection of sites to the north and south of Kensal Road. Notwithstanding the disparate nature of this EZ, the overriding commercial function of the area is apparent. Appeal 1 is a commercial-led scheme that would contribute to the employment objectives and vision of the LPPR. Appeals 2 and 3 are residential-led schemes that conflict with the objectives of Policy CF5 taken as a whole and would result in harm to the function of the EZ by materially diluting its commercial bias and conflict with the employment objectives of the LPPR.

⁴ New Homes Programme – Financial Modelling, Housing & Property Scrutiny Committee 1 July 2019.

Other Considerations

18. The combined sites for these proposals are in 2 ownerships. The appellant owns parcels of land at the corner of Ladbroke Grove and Kensal Road and at the eastern end of the site (Sites 1 & 2). In between is an area owned by the borough (Site 3). Appeals 1 and 3 omit Site 3. Currently, Sites 2 and 3 are landscaped and are areas over which the public are permitted access. Given the objective of making effective use of land, a comprehensive development is generally preferable. That said, development on Sites 1 and 3 would not prevent the development of Site 3. Following the development of Sites 1 and 2, there are options open to the the Ipa to either secure the site pending development or treat it in a manner that could provide continued and safe permissive public access. Appeals 1 and 3 would not conflict with LPPR Policy CL1.
19. Concern relates to the ground floor appearance of these schemes particularly the Kensal Road frontage where the building would be serviced from and the appearance of the east and west elevations that would face Site 3. Given the nature and location of the combined site, it appears to me that buildings or a building on this site is only realistically served from Kensal Road. In each of the 3 proposals the Kensal Road elevation is sensitively designed to reflect this, and their appearance would be consistent with most buildings found on Kensal Road to the east. The blank gable walls facing Site 3 are a function of the exclusion of this site and would not appear unusual in a dense urban area. Given the limited views that would be obtained from the street, the proposed treatment would not harm the character of the area. Appeals 1 and 3 would not conflict with LPPR Policy CL2.
20. In dense urban areas, new development will inevitably affect adjoining occupiers. With the 2016 scheme, it was acknowledged that the limited impact on the neighbouring apartments was outweighed by the benefits of the scheme. In relation to Appeal 1 nothing has materially changed. In the case of Appeals 2 & 3, residents' concern relates to potential overlooking. In both cases, the degree of separation and, in the case of Appeal 3 the oblique nature of the views, the relationship with the Atrium Apartments would be acceptable and would not result in a material reduction in living conditions of existing residents. None of the proposals would conflict with LPPR Policy CL5 Policy CL5.

Planning Obligations

21. The Ipa has a recently adopted Supplementary Planning Document identifying development plan policies that underpin and justify the various contributions. Other than a contribution to public art, the appellant acknowledges that the contributions sought are consistent with the objectives of the Framework and CIL Regulation 122. I have no reason to disagree with those conclusions.
22. LPPR Policy CR4 requires all major developments to provide new public art either in the design of the building or located within the public realm. Here, the appellant submits that the publicly accessible area provided by each development is a enough of an improvement to the public realm to justify an exemption. Whilst I understand the appellant's position the public realm works that would be carried out under each scheme would be largely one dimensional, whereas the inclusion of a significant piece of public art would enliven the streetscape. I consider the contribution to public art would be consistent with the Framework and CIL R122.

Planning Balance and Conclusions

23. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker when considering development which affects the setting of a Listed Building to have special regard to the desirability of preserving the setting or any features of special architectural or historic interest. The National Planning Policy Framework (Framework) and development plan policy seek to protect HAs. As such

great weight should be given to the conservation of a HA and the more important the asset, the greater that weight should be.

Appeal 1

24. The provision of a substantial amount of employment floorspace and the economic benefits that would bring attracts significant weight. Redevelopment would result in townscape benefits, that weigh heavily in favour of the scheme. Having regard to the fallback position, I consider the weight to be attached to these public benefits outweighs the less than substantial harm to nearby heritage assets. Accordingly, in the absence of any other conflict with the development plan this appeal should be allowed.

Appeals 2 and 3

25. There is a pressing need for AH and the provision in Appeals 2 and 3 would be very significant benefit, which, on its own, would outweigh the less than substantial harm to nearby heritage assets. Similarly, there would be economic benefits, more in the case of Appeal 3, and townscape benefits to which, weigh heavily in the balance. However, the proposals would conflict with LPPR Policy CH2 and Policy CF5, key policies in the recently adopted development plan. In particular, the housing delivery strategy does not rely on residential-led schemes in EZs. The development plan is a balanced response to the need to provide for much need housing, particularly affordable rented housing and encouraging economic development. In Appeals 2 and 3, notwithstanding the conclusion on the harm to heritage assets, the conflict with the development plan is not outweighed by the benefits of either scheme. Accordingly, Appeal 2 and Appeal 3 are dismissed.

Conditions

26. Several are pre-commencement conditions, which the appellant acknowledges are required and I agree. For the avoidance of doubt and in the interests of proper planning, a condition specifying the plans and controlling changes of use are imposed. Conditions relating to the submission of details and the implementation of approved schemes for: materials; landscaping; demolition, construction management; drainage; access/servicing; refuse/recycling; hours of operation; noise and ventilation; odour control; ground contamination; energy efficiency and the use of the roof terrace are reasonable and necessary in the interests of the appearance of the development/area, highway safety and the protection of living conditions. Where necessary in the interests of precision and enforceability several of the suggested conditions have been reworded.

George Baird

Inspector

APPEARANCES

FOR THE APPELLANT

Christopher Lockhart-Mummery QC instructed by Barton Willmore.

He called:

Dr C Miele MRTPI, IHBC.
Senior Partner, Montagu Evans LLP.

Mr P Newton BA, Dip Tp MRTPI.
Partner, Barton Willmore.

FOR THE LOCAL PLANNING AUTHORITY

Isabella Tafur of Counsel instructed by The Royal Borough of Kensington and Chelsea.

She called:

Ms S Buckingham MRTPI FSA.
Conservation & Design Team Leader, The Royal Borough of Kensington and Chelsea.

Ms P G Tyagi MRTPI.
Planning Policy Team Leader, The Royal Borough of Kensington and Chelsea.

Ms C Saverus MRTPI.
Senior Planning Officer, The Royal Borough of Kensington and Chelsea.

DOCUMENTS SUBMITTED DURING & AFTER THE INQUIRY

- Doc 1 - Copy of Planning Officer's report on development at Portobello Dock.
- Doc 2 - Copy of CIL R122.
- Doc 3 - Bundle of plans showing selected elevations for the 2016 permitted scheme and Appeals 1 to 3.
- Doc 4 - Agreed distances from selected viewpoints to the appeal sites.
- Doc 5 - Bundle of judgements referred to by the local planning authority.
- Doc 6 - List of agreed conditions – Appeal 1.
- Doc 7 - List of agreed conditions – Appeal 2.
- Doc 8 - List of agreed conditions – Appeal 3.
- Doc 9 - Appellant's agreement to pre-commencement conditions.
- Doc 10 - Appeal 1, Certified copy of a S106 Undertaking.
- Doc 11 - Appeal 2, Certified copy of a S106 Undertaking.
- Doc 12 - Appeal 3, Certified copy of a S106 Undertaking.

SCHEDULE OF CONDITIONS - APPEAL 1 (APP/K5600/W/18/3217327)

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. Except as required by conditions 3, 4 and 13, the development hereby permitted shall be carried out in accordance with the following drawings: Location Plan ST-PR[00]001 Rev A; Site Plan - As Proposed ST-PR[00]003 Rev B; Proposed Basement Plan ST-PR[02]098 Rev C; Proposed Lower Ground Floor Plan ST-PR[02]099 Rev C; Proposed Ground Floor Plan ST-PR[02]100 Rev C; Proposed First Floor Plan ST-PR[02]101 Rev C; Proposed Second Floor Plan ST-PR[02]102 Rev C; Proposed Third Floor Plan ST-PR[02]103 Rev C; Proposed Fourth Floor Plan ST-PR[02]104 Rev C; Proposed Fifth Floor Plan ST-PR[02]105 Rev C; Proposed Sixth Floor Plan ST-PR[02]106 Rev C; Proposed Seventh Floor Plan ST-PR[02]107 Rev C; Proposed Roof Plan ST-PR[02]108 Rev C; Proposed West Elevation 1 ST-PR[03]101 Rev B; Proposed North Elevation ST-PR[03]102 Rev C; Proposed East Elevation 1 ST-PR[03]103 Rev C; Proposed South Elevation ST-PR[03]104 Rev C; Proposed East Elevation 2 ST-PR[03]105 Rev A; Proposed West Elevation 2 ST-PR[03]106 Rev A; Proposed Section AA ST-PR[04]101 Rev C; Proposed Section BB ST-PR[04]102 Rev B; Proposed Section CC ST-PR[04]103 Rev B; Existing Ground Floor Demolition Plan ST-DM[02]100 Rev B; Existing First Floor Demolition Plan ST-DM[02]101 Rev B; Existing Second Floor Demolition Plan ST-DM[02]102 Rev B; Existing West Elevation ST-DM[03]101 Rev A; Existing North Elevation ST-DM[03]102 Rev B; Existing East Elevation ST-DM[03]103 Rev A; Existing Section AA ST-DM[04]101 Rev A; Existing Section BB ST-DM[04]102 Rev B.
3. Notwithstanding condition 2, the following details shall be submitted to, and approved in writing by, the local planning authority before the relevant parts of the work are begun:
 - a) details of the lift overrun and plant enclosure at main roof level;
 - b) details of windows, including sections showing depth of reveals, details of surrounds and brickwork planes;
 - c) sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing provided on site and retained until the work is completed;
 - d) details and samples of surfacing materials to all external parts of the site;
 - e) details of entrance doors;
 - f) details of railings/enclosure to roof terraces;
 - g) details of the location and design of flue(s) for mechanical ventilation.

Development shall be carried out in accordance with the approved details.

4. Notwithstanding condition 2, the development hereby permitted shall not be occupied until a scheme of landscaping, to include details of all existing trees and shrubs and proposed trees (including replacement trees), shrubs, paths and their surfacing materials, and a maintenance schedule, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The landscaping shall thereafter be maintained in accordance with the approved details.
5. All tree and shrub planting forming part of the plans and approved details 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 5 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.

6. No development shall commence until full particulars of the methods by which all existing trees on the site and adjacent land 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, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the details.
7. No development shall commence until a Demolition and Construction Traffic Management Plan (DCTMP) has been submitted to and approved in writing by the local planning authority. The statement should include:
 - a) routing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
 - b) access arrangements to the site;
 - c) the estimated number and type of vehicles per day/week;
 - d) details of any vehicle holding area;
 - e) details of the vehicle call up procedure;
 - f) estimates for the number and type of parking suspensions that will be required;
 - g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
 - h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
 - i) details of measures to protect pedestrians and other highway users from construction activities on the highway; 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 development shall be carried out in accordance with the approved Demolition and Construction Traffic Management Plan (DCTMP). A one-page summary of the requirements of the approved DCTMP 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.

8. No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the local planning authority, and the name, and contact details of the person supervising engineering and construction on site for the duration of building works 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 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 the local planning authority in accordance with this condition.

9. No development shall commence until such time as the lead contractor 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.
10. No development shall commence until details of Sustainable Urban Drainage Systems (SuDS) to include green roofs (minimum 19 sqm for Building A and 75 sqm for Building B), permeable paving, rainwater harvesting (minimum storage capacity 12 cubic metres for Building A) and cellular storage tanks (minimum storage capacity 28.3 cubic metres for Building A and 15.7 cubic metres for Building B) have been submitted to, and approved in writing by, the local planning authority. During construction of the development hereby permitted the approved SuDS shall be fully implemented and maintained thereafter.
11. Before first use, the basement level shall be fitted with a positively pumped device designed to remove sewer water from the building, which shall be maintained and functional at all times.
12. The development hereby permitted shall not be occupied until a Travel Plan has been submitted to, 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.
13. Notwithstanding condition 2, the development hereby permitted shall not be occupied until details of short and long-stay cycle parking have been submitted to, and approved in writing by, the local planning authority and the approved cycle storage facilities have been fully implemented and made available for immediate use. The cycle facilities shall be retained for use at all times.
14. Use of the development shall not be commenced until a detailed Delivery and Servicing Management Plan, showing the provision and position for loading and unloading of goods vehicles, and how deliveries would be coordinated, has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be implemented at all times and shall be so maintained. The loading bay at the eastern end of the site shall not be used for car parking at any time.
15. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for immediate use. The facilities shall thereafter be retained for use at all times.
16. The use of the Class A1/A3 unit at lower ground and ground floor levels shall not be carried out other than between 07:00 hours and 21:00 hours, on any day.

17. No music, musical instruments, or loudspeakers shall be played or used within the buildings so as to be audible outside the premises.
18. 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 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.
19. Building services plant shall not operate unless it is supported on 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.
20. Fumes or odours expelled from any flue serving a 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.
21. No development shall commence until a Preliminary Risk Assessment Report 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.
22. 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.
23. 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.

24. 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.
28. The development hereby approved shall not be brought into use until 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 work 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.
29. 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.
30. No development shall commence until a Long-term Monitoring Methodology Report has been submitted to and approved in writing by the local planning authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. Upon completion of any such approved monitoring work, a Verification Report demonstrating that no residual adverse risks exist shall then be submitted to and approved in writing by the local planning authority.
31. No development shall commence until a site-specific Demolition and 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.
32. The non-residential floorspace shall achieve a BREEAM rating of Very Good, and none of this floorspace shall be occupied until a Post Construction Review Certificate has been issued for it certifying that a BREEAM rating of Very Good has been achieved.
33. Notwithstanding condition 2, the development hereby permitted shall not be occupied until the following details have been submitted to, and approved in writing by, the local planning authority. Where relevant, the approved details shall be implemented and shall be so maintained:
- (a) with regard to the feasibility of connecting to the potential White City and South Kilburn district heating networks, evidence of correspondence with the relevant Borough and/or network operator, including confirmation or otherwise that the network has the capacity to serve the new development, together with supporting estimates of the carbon dioxide emission factor, installation cost and timescales for connection;
 - (b) drawings demonstrating how the site is to be future proofed for a connection to a district heating network, including space provision for heat exchangers in the plant room, isolation valves, safeguarded pipe route to the site boundary;
 - (c) confirmation that buildings/uses will be connected to a site-wide heat network including a drawing showing the route of the heat network linking all buildings/uses on the site;

- (d) floor area, internal layout and location of the energy centre supplying the site-wide heat network.
34. Notwithstanding condition 2, the development hereby permitted shall not be occupied until a detailed roof layout drawing demonstrating that the roof's potential for a photovoltaic (PV) installation has been maximised, has been submitted to, and approved in writing by, the local planning authority, and the photovoltaic (PV) panels, and heat pumps, have been installed in accordance with the approved details, and shall be so maintained.
35. No development shall commence until details of all Non-Road Mobile Machinery (NRMM) to be used on development site has 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/> All NRMM shall be regularly serviced and service logs kept on site for inspection. Records shall be kept on site which detail proof of emission limits for all equipment.
36. The development hereby permitted shall not be occupied until details of a system of mechanical ventilation, with filtration to remove airborne pollutants, shall be submitted to and agreed in writing by the local planning authority. Filtration should ensure that the national Air Quality Objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) are not exceeded in the properties. The approved system shall be installed before occupation. The system shall be checked and maintained annually, filtration media replaced as necessary to maintain compliance with the above air quality objectives.
37. The buildings permitted under this permission shall not be used, at any time, for purposes other than within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), with the exception of the approved Class A1/A3 use at lower ground and ground floor levels.
38. No items such as plants, umbrellas, heaters, screens, trellises, or other items, which rise higher than 1100mm from finished floor/decking level, shall be affixed to or placed upon the sixth-floor terraces nor main roof at any time.
39. The area of the roof of the building at fourth floor level located beyond the eastern building parapet as shown on drawing ST-PR(02)104 Rev C shall not be used at any time as a terrace.
40. No water tank, lift motor room, or other structure or appliance, other than those specifically identified on the approved drawings, shall be erected upon the roof of the buildings.
41. No cables, wires, aerials, meter boxes, flues, ducts, grilles, or pipework other than black rainwater pipes, shall be fixed to any elevation of the buildings facing a highway.
42. No development shall commence until a Code of Construction Checklist and a Site Construction Management Plan (SCMP) for the development have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.