



Appeal Decision

Site visit made on 21 December 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/K5600/W/22/3298684

2-4 Bramerton Street, London SW3 5JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Surguladze against the decision of Council of the Royal Borough of Kensington and Chelsea.
- The application Ref CON/21/06033, dated 14 September 2021, sought approval of details pursuant to condition No. 8 of a planning permission Ref PP/18/03494, granted on 11 October 2018.
- The application was refused by notice dated 11 November 2021.
- The development proposed is the partial demolition of two town houses to rear, behind a retained facade and flank wall, to create one dwelling and one residential apartment, removal of a garage and new basement extension.
- The details for which approval is sought are:

Condition 8

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

- a) Routeing 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 vehicle 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 suspension 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, excavation, and construction works 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 works to utilities upon adjacent land;*
- k) Where works cannot be wholly contained 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 vehicular movements.*

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

Decision

1. The appeal is allowed, and the Construction Traffic Management Plan (CTMP) details submitted pursuant to condition No. 8 attached to planning permission reference PP/18/03494 granted on 11 October 2018 in accordance with the application reference CON/21/06033 dated 11 November 2021 are approved.

Background and Main Issues

2. An application for planning permission¹ for the partial demolition of two town houses to rear, behind a retained facade and flank wall, to create one dwelling and one residential apartment, removal of a garage and new basement extension at 2-4 Bramerton Street was granted planning permission by the Council on 11 October 2018 subject to a number of conditions. Condition No. 8 of the permission concerned the submission of a CTMP prior to the commencement of the development to demonstrate that the construction of the development would be carried out in a way which would minimise the impact on highway safety and nearby residents' enjoyment of their properties.
3. The Council consider that that the information which was submitted with application reference CON/21/06033 is not sufficient to allow the details pursuant to condition No. 8 of the permission to be approved. Their statement of case sets out the reasons behind their decision in detail and centres around the CTMP having not been updated since the submission of a draft at the time of the grant of planning permission in 2018.
4. At the site visit I observed that hoardings had been erected around the front boundary of the site, although it was not clear whether these works were directly associated with the proposal. The appellant states that development commenced in October 2021 before the planning permission would have otherwise expired. The application for approval of details is dated 14 September 2021 prior to commencement of development, whereas the Council made its decision after the potential expiry date of the planning permission. On that basis I have proceeded to determine the appeal insofar as the approval of details is required by a pre-commencement condition.
5. Thus, having taken the above background into account the main issues in this appeal are whether it has been demonstrated that the construction of the proposed development would be carried out in a manner which would minimise the impact of construction activities on:
 - highway and pedestrian safety; and
 - the living conditions of nearby residents with particular regard to disturbance.

Reasons

Highway Safety

6. The appeal site is located on Bramerton Street close to its junction with the A3217 (Kings Road). The street is narrow with on-street parking set out in marked bays on both sides limiting the thoroughfare to single width for the most part and is subject to residents permit parking restrictions. Some parking

¹ PP/18/03494

on the street is available for time limited public and disabled parking. There is a single yellow line directly in front of the appeal property.

7. Whilst generally the CTMP sets out an acceptable methodology, there are some items to be addressed. The Council's concerns are primarily related to the proposed parking suspensions opposite the site to allow deliveries of large loads to take place. Their decision notice also refers to concerns relating to drawings contained in the CTMP which are at a low resolution, drawings which have been scanned from the Draft CTMP and a summary sheet which should contain the permitted construction traffic hours.
8. Based upon my own observations and the evidence within the CTMP relating to the operation of the construction site. I consider that there would not be an adverse impact on highway and pedestrian safety in the locality. In that respect, the CTMP adequately covers matters such as the use of a loading bay in the street located on existing single yellow lines, permitted construction traffic hours, maximum width of delivery vehicles, hoardings, routing of vehicles and supervision and management of deliveries and collections. I have no information before which sets out the Council's specific concerns regarding the parking suspensions and the appellant confirms in the CTMP that they would only be required on an ad hoc basis to facilitate the delivery of abnormally large loads. As such, I am satisfied that any such parking suspensions required would be the minimum necessary to carry out the development, whilst not obstructing the free flow of traffic along the street and would have limited impact in terms of dispersal of parking to other locations nearby where I observed that there are spaces not subject to resident restrictions. Furthermore, any such parking suspensions could be suitably arranged with the Council through their separate application process to allow sufficient warning notices to be placed in advance.
9. It follows from the above, that I therefore have no compelling evidence before me that any limited parking suspensions, should they be required, would have any adverse impact on either highway or pedestrian safety or on bus or other transport operations in the locality. The other issues raised by the Council outlined above do not relate to whether or not the development would be carried out in a manner detrimental to highway or pedestrian safety.
10. Thus, for the reasons I have set out, I am satisfied that the appellants have satisfactorily addressed highway safety matters in the CTMP and there would be no unacceptable impacts in that regard. There would therefore be no conflict with the Royal Borough of Kensington and Chelsea Local Plan 2019 (the Local Plan) policy CL7 which, amongst other things, seeks to ensure that construction traffic associated with basement developments does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety or increase traffic congestion, and the Council's Basements Supplementary Planning Document 2016 (SPD) which has similar aims. The Council's decision notice also refers to Local Plan policy CT1 which is concerned with improving alternatives to car use and therefore is not relevant to the determination of the appeal.

Living Conditions

11. From the evidence before me, it is clear that the expectation for consultation is placed on the involvement of neighbours prior to the submission of a draft CTMP so that any responses can be incorporated into a final version of the document. A draft CTMP was submitted with the planning application in 2018

and although there is dispute between the main parties as to the status of the current CTMP, I am inclined to accept the appellants' submission that what I now have before me is an updated version.

12. The construction phase of the development permitted would reasonably involve audible construction works in the immediate vicinity, erection and removal of scaffolding, regular deliveries and collections, and temporary effects on existing parking arrangements if parking suspensions were to be required. However, I am satisfied that the provisions of the CTMP would suitably control the operation of the site in terms of limiting construction hours, activities, deliveries and collections to periods of weekdays and weekends so as to prevent unacceptable disruption and inconvenience to those living and working close by. Furthermore, I have not been made aware of any relevant consultation responses received either at the application or pre-application stage which have not been addressed in the final version of the CTMP before me.
13. It follows from the above, therefore, that I am satisfied that the CTMP would ensure no unacceptable impacts in terms of the living conditions of nearby residents with particular regard to disturbance. Accordingly, there is no conflict with Local Plan policy CL7 which, amongst other things, seeks to ensure that basement developments do not place unreasonable inconvenience on the day-to-day life of those living nearby, there would also be no conflict with the SPD in this respect.
14. The Council have drawn my attention to a recent planning permission² elsewhere in the borough for development which required a CTMP and had, in their opinion, carried out consultation to a high standard. I do not have the full details of this case and therefore whether it is directly comparable in terms of its context and requirements with the appeal before me. I therefore give this little weight and necessarily have determined the appeal on its own merits.

Other Matters

15. I have carefully considered the comments of a neighbour to the proposed development. However, it is not within the scope of the current appeal to consider the merits of the principle of the proposed development which were a matter for the Council at the time that they determined the planning application for the development.

Conclusion

16. For the reasons set out, and having considered all the matters raised, I conclude that the appeal should be allowed, and the Construction Traffic Management Plan details submitted pursuant to condition No. 8 attached to planning permission reference PP/18/03494 are approved.

KL Robbie

INSPECTOR

² PP/22/03405 – 108 Beaufort Street