



Appeal Decisions

Inquiry held on 18-20, 24-27 and 31 January, 2, 3 and 27 February, and 19, 20 April 2023 and 27 April 2023

Site visits made on 18 January and 4 May 2023

by Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal A Ref: APP/K5600/W/22/3300872

South Kensington Underground Station, 20-48 (even) and 36-46 (odd) Thurloe Street, and 1-9 (odd) Pelham Street; 1-13 South Kensington Station, 20-34 Thurloe Square, London, SW7 2NA

- 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 Native Land (Kensington) Limited, TTL South Kensington Properties Limited and London Underground Limited against the decision of Royal Borough of Kensington and Chelsea.
- The application Ref: PP/20/03216, dated 8 June 2020, was refused by notice dated 13 December 2021.
- The development proposed is mixed use development of the land around South Kensington Station providing for: the demolition and redevelopment of the Bullnose (including Use Classes A1, A2, A3 and B1), demolition and façade retention of the Thurloe Street Building, refurbishment of the retail facades along Thurloe Street, refurbishment of the Arcade, construction of a building along Pelham Street comprising of residential use (Use Class C3), retail use (A1, A2 and A3), and Office use (use Class B1), construction of a building along Thurloe Square to provide for Use Class C3, alterations to South Kensington Station to provide for Step-free access to the District and Circle Lines and fire escape, including consequential alterations to the layout of the Ticket Hall, construction of two retail facades within the Subway, and other works incidental to the application proposal.

Appeal B Ref: APP/K5600/Y/22/3301446

South Kensington Underground Station, 20-48 (even) and 36-46 (odd) Thurloe Street, 1-9 (odd) Pelham Street, 20-34 Thurloe Square, London, SW7 2NA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Native Land (Kensington) Limited, TTL South Kensington Properties Limited and London Underground Limited against the decision of Royal Borough of Kensington and Chelsea.
- The application Ref: LB/20/03217, dated 8 June 2020, was refused by notice dated 13 December 2021.
- The works proposed are restoration and refurbishment of the retail facades within the Arcade, alterations to the Ticket Hall within the South Kensington Station to provide for step-free access, construction of a fire escape stairwell, construction of two retail facades within the Subway, demolition of the brick wall along Pelham Street and other associated works.

Appeal Decisions

1. The appeals are allowed in part and dismissed in part as follows:-
2. The appeals are dismissed insofar as they relate to planning permission and works to listed buildings in respect of construction of two retail facades within the Subway at the site identified as Land at South Kensington Underground Station; 20-34 (even) Thurloe Street and 36-48 (even) Thurloe Street; and 1-9 (odd) Pelham Street, London SW7 2NA, in accordance with the terms of the applications, Refs: PP/20/03216 and LB/20/03217, dated 8 June 2020, and the plans submitted with them.
3. The appeal is allowed planning permission is granted insofar it relates to mixed use development of the land around South Kensington Station providing for: the demolition and redevelopment of the Bullnose (including Use Classes¹ A1, A2, A3 and B1), demolition and façade retention of the Thurloe Street Building, refurbishment of the retail facades along Thurloe Street, refurbishment of the Arcade, construction of a building along Pelham Street comprising of residential use (Use Class C3), retail use (A1, A2 and A3), and Office use (use Class B1), construction of a building along Thurloe Street to provide for Use Class C3, alterations to South Kensington Station to provide for step-free access to the District and Circle Lines and fire escape, including consequential alterations to the layout of the Ticket Hall, and other works incidental to the application proposal, at Land at South Kensington Underground Station; 20-34 (even) Thurloe Street and 36-48 (even) Thurloe Street; and 1-9 (odd) Pelham Street, London SW7 2NA in accordance with the terms of the application, Ref: PP/20/03216, dated 8 June 2020, and the plans submitted with it, subject to the conditions in the attached schedule.
4. The appeal is allowed and listed building consent is granted for works described as restoration and refurbishment of the retail facades within the Arcade, alterations to the Ticket Hall within South Kensington Station to provide for step-free access, construction of a fire escape stairwell, demolition of the brick wall along Pelham Street and other associated works, at land at South Kensington Underground Station; 20-34 (even) Thurloe Street and 36-48 (even) Thurloe Street; and 1-9 (odd) Pelham Street, London SW7 2NA in accordance with the terms of the application Ref: LB/20/03217, dated 8 June 2020, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

5. The Resident's Associations consider that the site address is incorrect and should not refer to Thurloe Square but Thurloe Street. This matter was raised at the Case Management Conference. Subsequently it was agreed by the main parties that the site address would be more accurate if it read '*Land at South Kensington Underground Station; 20-34 (even) Thurloe Street and 36-48 (even) Thurloe Street; and 1-9 (odd) Pelham Street, London SW7 2NA*'. The site area has been clear throughout to all parties involved in the application and subsequent appeal. However, for clarity I have amended the site location description to the form agreed in my decisions above, this also reflects the

¹ I note that the Use Classes have been subject to change. However, in accordance with the procedural guidance for those alterations, as the date of the application pre-dates that change the application description of development remains unaltered.

wording the related s.106 Agreement but varies from the details in the header which reflects the description set out on the application forms.

6. In addition, the listed building works proposed are set out in the header above as they are referred to on the application form. Whilst the Council's decision notice for the listed building consent reflects the planning permission details, the application form description more clearly identifies the works proposed. I therefore shall not amend the description in respect of works as set out on the application. I note the Council's decision notice sets out the plans upon which that application was considered, and they are limited to the relevant works rather than the development as implied by the description.
7. For the avoidance of doubt, I also note that the Thurloe Estate and Smith Charity Conservation Area is sometimes recorded in slightly different terms as, on occasion, 'Estates' and 'Smith's' are used. I shall refer to the form initially set out as this reflects the title used in the designation of the Conservation Area extension in 1990.
8. During the planning process plans were revised as is clearly set out in the decision notices (application amended 16.08.2021²) and these were consulted upon. The plans considered in these appeals were also clearly identified within the appeal submission documentation. There is nothing before me to suggest that any prejudice arises from consideration of those plans which have been publicly available throughout the appeals process or the minor points of clarification made as part of that process.
9. The matter of photographic images and their accuracy in representing what the eye might see has been raised as an issue. However, this matter was addressed in the planning process and well before the Inquiry took place. After February 2019 all parties including Historic England had 50mm and/or 50mm equivalent (cropped) images alongside wider focal length images. Moreover, there is a vast amount of material to support the decision-making process, including both the application plans and a scaled model.
10. Reference was made to the Guidelines for Landscape and Visual Impact Assessment which provides advice aimed at Landscape including townscape. This document is clear that assessment should be tailored to circumstances and that assessment relies on professional judgement. The London View Management Framework Supplementary Planning Guidance (SPG) advice on judging development in the capital and considers how to select an appropriate field of view, noting how images depict specific things and can have different purposes. Taken together these documents make it plain that images are important for a variety of purposes but are only part of what is necessary when assessing visual impacts. I am satisfied that the images before me are not intended to be misleading or unrepresentative and that they assist in understanding the development proposed. Critical to the appraisal is seeing the site, its surroundings and views and being aware of those images in the real-life context. I note that the site and surroundings were visited on numerous occasions and during two formal visits at which I took time to view specific images that TOLA was concerned about in their real-life context. Whilst I appreciate that there may be artistic use of shading in some images and plans (in particular regarding roof-top equipment), which is not helpful,

² The scheme was also amended in January 2021. Both sets of amendments were consulted upon as set out in the Officer's Committee Report CDJ1

this does not alter my clear view regarding the acceptability of the images supplied as set out above. I shall not re-visit the issue of the acceptability and credibility of those images. However, I am mindful that the August DAS Addendum street view perspective for Thurloe Square provides an illustration over which there was doubt and ultimately an acceptance that can only be viewed as an indicative perspective view.

11. In terms of the main issues the Council had separate character and appearance and heritage issues in its reason for refusal and I agree that these are separate matters. However, having reflected on this, being mindful that with the duty under s.72 of the Act³ establishes the desirability of preserving or enhancing the character of the Conservation Area itself and the fact that the National Planning Policy Framework (the Framework) goes beyond this and seeks consideration of the setting of heritage assets, which includes conservation areas, the design implications will be largely covered by the heritage assessments. Therefore, I shall not entirely subdivide the assessment, as much is a holistic assessment that has to be particularly robust given the heritage sensitivities of the site. Rather I will conclude on the general character and appearance matters following on from the heritage matters having regard to the cited development plan policies on design matters.

Main Issues

12. The main issues in Appeals A and B are:-

- (a) whether or not the proposed development/works would preserve the listed buildings identified as:- South Kensington Station, South Kensington Station Subway, nos. 1-29 Pelham Place, nos. 45-51 and 52 Thurloe Square and nos. 6-12 Thurloe Square, or their setting or any special architectural or historic interest which they possess; and, the effect on the non-designated heritage asset 20-34 Thurloe Street; and,
- (b) whether or not the proposed development/works would preserve or enhance the character or appearance of the Thurloe Estate and Smith Charity Conservation Area.

It is then necessary to consider the matters raised by the Rule 6 (6) parties and particularly the following so that they can be accounted for in the planning and heritage balances in accordance with the weight they are due:

For Appeal A:

- (c) the effect of the noise of construction works on living conditions for occupiers of nearby dwellings during the development phase; and,
- (d) whether or not the scheme provides a policy compliant amount of affordable housing having in mind economic viability; and,
- (e) whether there are any other matters against the proposal which should be considered in the planning balance.

For Appeals A and B:

³ The Planning (Listed Buildings and Conservation Areas) Act 1990

- (f) the benefits arising from the works and development that should be weighed in the overall heritage and planning balances including the weight to be attached to those benefits.

The heritage and planning balances then need to be made having regard to the Acts, the Development Plan, the Framework and all other material considerations.

Reasons

Introductory Matters

13. South Kensington Station is served by the District, Circle and Piccadilly Lines. In addition to providing access to South Kensington, this station is the main point at which to alight for the cultural and academic institutions, including the Natural History Museum, the Victoria and Albert Museum, the Science Museum, and Imperial College. As a collective this forms a heritage asset (individually designated) not just of a national level, but of a global significance as a hub of advancement, research and learning as well as simple curiosity and even wonder, since its conception in the Victorian era.
14. In addition to redeveloping the station site with the housing, offices and business uses set out in the description, the proposed development includes provision for step-free access to the District and Circle lines. Demolition, including of historic fabric, would be required to deliver the scheme proposed.
15. An application for Station Capacity Upgrade (SCU) works has already been approved (PA/17/06327). This provides for the rebuilding of the disused platform on the north side of the station, a canopy, stairs from the ticket hall and installation of two lift shafts from the ticket hall to platform level (District and Circle Lines), an emergency exit to Thurloe Street, an enlarged ticket hall and refurbishment of the existing ticket hall. However, the installation of the lifts is part of the Station Enhancement Works (SEW) sought as part of this appeal scheme.
16. The site is in a highly accessible location where 'in principle' the Council accepts that the type of development proposed would be acceptable in land use terms, according with many policies of the London Plan (2021) and Royal Borough of Kensington and Chelsea Local Plan (2019). However, the detailed proposals for housing, offices and retail uses all suited to the Central Activity Zone, have resulted in the refusals and therefore these current appeals. The main objections relate to design, size and scale and harm to the historic environment.
17. In general terms the proposed development falls within four key groupings; the Bullnose, Pelham Street, Thurloe Street and a corner block over the bridge near Thurloe Square. The development of the Bullnose and Thurloe Street require demolition, whereas the other two areas of development do not, save for some walls.

Both Appeals A and B: Listed Buildings and Non-Designated Heritage Assets

- (a) *The Listed Buildings identified as: South Kensington Station, the listed subway, 1-29 Pelham Place, 45-51 and 52 Thurloe Square and 6-12 Thurloe Square and the non-designated heritage asset 20-34 Thurloe Street.*

South Kensington Station

18. The Station, designed by Sir John Fowler, dates from 1867-68. It is important in understanding social and technological advancement in metropolitan mass transport infrastructure being the southward termination point at the time for the world's first underground railway system for the public. Later additions and alterations have taken place to provide for greater transport provision. The Edwardian arcade (1907), by George Sherrin, has a glazed barrel-vaulted roof with shops either side. The survival of this once exciting and innovative arcade along with the remains of Fowler's early underground architecture, including the revetments constructed to provide for the underground, are all of particular national interest. Indeed, the list description is clear that 'the rest of the station is not regarded as possessing special interest' although the Leslie Green ox-blood coloured faience (glazed tile) frontage on Pelham Street is identified as being of interest contributing to the Conservation Area.
19. The extent of the listing, which has not been disputed, has been set out in the Statement of Common Ground; in addition to the above, and noting that station includes the ticket hall, it identifies the platforms, ox-blood building, Bullnose, brick wall along Pelham Street, boundary wall at the corner of Thurloe Square and the shop at 10 Station Arcade which extends onto Thurloe Street. Clearly it is an asset with many facets, not least as an example of urban transport-related architecture. The functional nature of the building makes it of no less interest than an obviously 'architectural' building. Rather, it has very particular architectural design qualities relating to both being intended as an attractive building and a functional one, demonstrating technological advances.
20. The arcade is important as an example of late C19th commercial architecture and specifically as a glazed shopping area, being impressive when first built, reflecting technological advancements in glass and metal work technology of the day. It has seen alterations, some of which I saw would be reversible and have not significantly damaged the historic fabric. Other alterations are much more significant, such as the modern aluminium framed shopfronts. The scheme proposes refurbishment of the arcade, retaining the remaining original shopfronts where possible and restoring others so that they more closely reflect the form of the remaining early shopfronts, being modelled on no 6, which remains largely intact. However, unit 10, which extends onto Thurloe Street, one of the two remaining original shopfronts, would be considerably altered insofar as it would have to accommodate the Step Free Access (SFA) provision. Thus, whilst much of the work to the arcade would be a significant heritage benefit of the scheme there would be some elements of moderate harm. Despite the scope of the change identified, on balance, I consider the scheme accords with the aims of Local Plan policy CL10.
21. The SFA and Station Capacity Upgrade (SCU) works (which are internal to the building and are largely already approved, see introductory matters above), including provision of lifts, changes to barrier arrangements and ticket hall works, do raise some concerns over matters of detail although these could be resolved by conditions. Indeed, these works are important to ensure the proper functioning of this heritage asset and transport hub, which presently sees closures because of capacity issues, and which fails to be inclusive as it does not currently have SFA. Thus, whilst there would be a little harm in respect of these changes, it would represent part of an evolution of the functional use of the building as a station, and listed building status should not

ordinarily seek to resist proportionate practical change to improve public transport infrastructure.

22. The proposals would lead to the loss of part of the original station's western wall. The loss of historic fabric in this way is something not to be considered lightly as it inevitably results in harm to the significance of the listed building. This section of wall was uncovered during site investigation works and represents an important discovery, contributing to its significance. The works, which would include puncturing through the wall, are sought to facilitate circulation and better use of the building space. The loss of fabric of this original station wall would amount to harm. However, in my view, as characterised by the Framework, it would be at the lower end (little to moderate) of less than substantial harm.
23. The existing Bullnose building, of an almost semi-circular plan form, is a quirky low height structure occupied by commercial retail premises. Whilst there is debate about how temporary a structure it is and about whether the intention was for it to be a taller and more imposing building (inferred from its structural framework drawings annotated with calculations), it has stood for a long time, predating the Conservation Area and some of the historic development in its immediate surroundings. As noted by many of the objectors to the scheme, including SAVE, this low-key development has its own clear character and identity, with the feel of a small town or village development subsumed within a highly developed urban context.
24. Whilst this is not unattractive, and is agreed to be a curtilage listed structure, the list description makes it clear that it is not regarded as possessing any *special* interest. In light of this, and being mindful of the economic and cultural context, there is sound reason for its redevelopment, despite the harm that would arise from the demolition of this structure that nevertheless expresses a degree of local interest. Indeed, some of those objecting to the scheme agree replacement would not be unacceptable, rather their concerns mainly relate to the detail of the replacement. Given the clear steer within the list description I consider that only modest harm should be afforded the demolition here subject to acceptable replacement.
25. The proposed redevelopment of the Bullnose would retain the historic, almost semi-circular, plan form. That said, it seeks better use of the land in terms of increasing the floorspace provided by increasing the height of the built form, and better utilising that space by improving circulation arrangements. I appreciate that Resident's Associations, and some other objectors, including the Victorian Society, are opposed to the idea of a new Bullnose building of the height proposed. However, once the principle of demolition is accepted it is necessary to consider what would be appropriate to replace it, and those factors must have regard to the surroundings, the listed building itself and other material factors.
26. The proposed height would be similar to that of surrounding buildings at the highway junction where the building is situated. This would better reflect the hierarchy of building heights within the Conservation Area as set out in the Thurloe Estate and Smith's Charity Conservation Area Appraisal (2016) (CAA). The design details pick up cues from that surrounding development, reflecting colours and proportions of existing built form, albeit with a modern, less ornate, but carefully detailed quality. In this respect the main road frontage

would create a focal point for the station empathising with the geometry of the listed building taking clear references from its surroundings. It would undeniably represent a wholly different structure which would be dominant when compared with the existing Bullnose building and station itself. However, much of the station is recessed below ground level and, along with its arcade, is largely inward-looking, reflecting the subterranean nature of the underground. Thus, the proposed Bullnose development has a relatively limited effect upon the historic core of the grade II listed station when perceived from within the station.

27. The relationship is less satisfactory in terms of the Bullnose 'rear' elevation, that which is internal to the site and abuts the arcade. At this juncture the height of the proposed building would be a marked contrast to that of Sherrin's arcade, and I accept the objectors concerns that it would appear as a 'cliff face'. This is similar to the historic juxtaposition of the Thurloe Street terrace and the station but differs given the proposed upper parts of the Bullnose would stand as a more isolated structure. Thus, it would be clearly read as a new addition of some stridency. There would be a change to outlook and light within the arcade as a consequence of the proximity. To my mind this relationship, along with the less sensitive and, despite revisions, rather anodyne exterior rear elevational treatment, would have a harmful effect on the setting of the listed arcade, and when seen in views from the east on Thurloe Street and Pelham Street. I would characterise this harm to be little or modest. However, as with other less than substantial heritage harms this has to be weighed against others public benefits including the heritage benefits of conservation and in restoration of the arcade itself.
28. In terms of the relationship the Leslie Green ox-blood building (1905), with its distinctive glazed faience, adequate separation and clear difference in materials and style would mean the latter building would still be read in its own right. Although there are issues with the quality of the inward facing elevation of the proposed Bullnose, which would detract from the station complex, this is focussed on the arcade. The setting of the ox-blood building, deemed by Historic England not to be of *special* interest in the list description (rather of Conservation Area interest), already incorporates tall buildings, and would not be unduly compromised by the mass of the proposed Bullnose building. As such, I am of the view that given the disposition of buildings and their treatment and detailing, the effect on this heritage asset neutral.
29. Thus, I conclude that despite demolition of the historic Bullnose building and the concerns regarding the replacement building particularly in respect of its rear elevation, less than substantial harm to South Kensington Station would arise from the proposed Bullnose building and that this harm would be in the lower range of less than substantial.
30. Turning to the effects of the Pelham Street development on the Station, the brick wall along Pelham Street at pavement level is not of the same historic provenance as the station. Indeed, since the development of the station, buildings have occupied much of this road frontage which have themselves been demolished. The loss of the modern boundary wall, much of it seeming to date from the 1970's, would not be harmful.
31. Evidence indicates that on the station side of Pelham Street a terrace was constructed between 1914 and 1916. It is also seems that these retail and

residential units were supported over the tracks on the cast iron structure that had previously held the 1871 station canopy, a structure that remains in situ today and which is of special interest as part of the early station fabric. In addition, the station wall, with its revetments which changes in detailing along its length, on this side within the cutting, is also of special interest as part of the early fabric. Those key structures would remain protected under the appeal scheme, with a new supporting structure required to carry the proposed development and a condition requiring an undercroft improvement scheme to be submitted and implemented. This would be significantly deeper than the cast iron work but designed to ensure that earlier structure would remain evident as such it would not harm this structure but would improve its longevity by refurbishment and protection. Thus, despite the greater degree of 'overbuilding' the balance is nonetheless, one of no harm to its special interest.

32. The proposed Pelham Street development would rise precipitously over the station platform area. However, this has been the case in the past and the current purposeless cast ironwork in some respects would be returned to an appearance of its former role as a supporting structure, albeit essentially visually. Moreover, views out towards the sky would remain, albeit reduced, and for those on the platform using the station it would still feel 'open air'. Views to street level here are of less importance to users of the station platform, which is essentially inward facing, reflecting its historic use within the substantial engineered walls of the original fabric and existing buildings including those on Thurloe Street.
33. The proposed fenestration of the elevation facing the station cutting, with large expanses of glazing for the office development and vertical bands of glazing within the residential development, would have light reflecting qualities that would reduce the overall effect of the bulk of the development, although on evenings light spill would occur. As a whole, therefore, this part of the development would only marginally harm the special interest of this part of station through a sense of overbearing enclosure, compromising its setting. This is notwithstanding the area being focussed on as an arrival/departure thoroughfare associated with its subterranean genesis.
34. Whilst the development along the length of Pelham Street would prevent opportunistic and remarkable views, as noted by the London Design Review Panel, into the underground cutting for those sufficiently tall to see down, this is an incidental attribute of the station's special historic interest rather than being key to it. Moreover, views of the structure can be obtained from within the station itself and so I do not attach significant weight in terms of the impacts upon the listed building albeit there would be modest harm from the loss of this view.
35. Turning to the effect of the Thurloe Street Development, at the opposite side of the station, a similar situation arises with the demolition of the rear of Nos 20-34. I shall address that non-designated heritage asset later but, in terms of the station, whilst there would be a loss of some historic interest derived from the functional design of the rear of that building there would be no direct harm to the fabric of the listed revetments and in most respects the massing of the proposed redeveloped building would reflect the existing building. However, the boxed out modern form combined with the proposed mansard roof which would appear as a further floor would add to the dominance of the building at this side. As such, limited less than substantial harm by virtue of the modern

block design and massing would arise to the setting of the station from the development at this side.

36. In respect of the Thurloe Square Development it remains apparent that this open area is the product of underground's development wherein the original terrace was partially demolished and truncated, with no 52 subsequently being added in 1888. The remaining open space used for a scaffolders yard/parking, and the associated street frontage hoarding, is not particularly prominent from within the station, although viewed when descending the stairs to the platform and from the platform itself and includes some original/early station red brick walling. The development would result a loss of some red-brick continuation of the revetment.
37. The proposed development would provide residential accommodation enclosing this end of the station at street level. The modern design and massing would result in a block that could be better detailed for its location although the functional and plain rear face of buildings are characteristic here. This part of the development would incorporate means of escape from the platforms to street level. The visually simple means of escape would not significantly impinge upon the historic fabric or its character and is manifestly necessary for safety. As with the development on Pelham Street, there would be change to the setting of the station within its cutting but of limited harmful effect upon the special interest of the listed building and its setting.
38. Overall, therefore in terms of the effect of the proposed development on the Station I conclude that there would be harms of varying magnitude, but none alone or cumulatively would amount to more than less than substantial harm and therefore in accordance with paragraph 202 of the Framework that harm must be weighed against any public benefits derived from the proposed development.

South Kensington Station Subway

39. The station subway is independently listed at grade II. The list description clearly details the fabric of the subway, notably its engineered form, materials and its purpose. It also records its history, and this does not require repeating here. However, it is also clear that 'The subway is well preserved, its structure and finishes largely original' and its role in accessing Albertopolis since its construction in 1885 is significant.
40. I saw that the subway is largely unaltered, save for advertisement boards, and the provision of lighting and close circuit television/security cameras and functional trunking and cabling associated with this. The absence of significant detractors from the original form is a material factor here.
41. The proposal includes puncturing the subway tunnel wall to create the SFA and to create a new retail space, inserting new shop fronts. I appreciate that the SFA is essential and modest in its scope of works. However, I have no doubt that the physical works and likely activity associated with retail premises, including displays of goods, would detract from the simple sleek form of the glazed brick tunnel. This would detract from its special historic and architectural interest as an unfettered route between the underground station and the cultural and educational centre of Albertopolis. This character is significant as it epitomises technological advances and the enthusiasm of the time for innovation and civic improvement in public facilities, including in

transport provision. In this context breaching the elegant, though austere, nature of the subway tunnel with a visually busy retail frontage would be unacceptably discordant and would significantly harm the special architectural and historic interest of this listed building thereby failing to preserve it.

42. At the Inquiry the effect of this element of the scheme was discussed and given the harm, a proposal to omit it by condition was discussed. I consider that this element of the scheme to be significantly harmful to the grade II listed subway for the reasons set out. As it is clearly severable, and no case was advanced that severing this element would prejudice the remainder of the scheme, I consider it should be omitted. While it would be possible to use a condition to omit it from the scheme, after due consideration I consider that a split decision would be more appropriate as it makes it clear that this part of the scheme gains no consent for works or planning permission. I shall therefore refuse this element of the proposal and need not consider further the effects of the rest of the proposal upon this independently grade II listed building.

Effect on the setting of 1-29 Pelham Place

43. Nos 1-29 Pelham Place form a 3-storey terrace of stuccoed brick. Its significance is derived from its architectural form and composition. The stucco, continuous parapet, modillion cornice and second-floor band, at windowsill level, create an architecturally literate, harmonious, appearance which displays elegance, wealth, and status. That sense of status is reinforced by the elevated positioning of the main doors, with their semi-circular fanlights, accessed by steps. It forms part of the wider Pelham Crescent grouping which is similarly detailed. Thus, its special interest lies in George Basevi's confident metropolitan delivery of a classical architectural style. In full recognition of this Historic England has graded this building at II*.
44. The primary street relationship of this terrace is with the houses opposite. In terms of the appeal scheme the greatest inter-relationship is at the junction with Pelham Street where no 29, at the corner, faces towards the appeal site. No 29 Pelham Place differs from the rest of the terrace with a canted bay and engages with the change in street pattern as it curves, but again its main focus and relationship is with the rest of the terrace and houses opposite. The flank elevation contains windows situated either side of the chimney stack and faces the appeal site.
45. The setting of the building at this point is degraded by the railway, wherein a parking area surrounded by hoardings and a wall that attracts graffiti is located on the opposite side of the road. This is one of few detractors identified within the Conservation Area Appraisal and similarly provides a degraded setting for this listed building in a manner which is completely at odds with the remainder of its surroundings. Thus, the poor setting is such that there is opportunity to develop this site and better understand its significance as a consequence.
46. In terms of the wider 'around station development', I am satisfied that the separation of this listed building from the proposed Bullnose building and the development in Thurloe Street is such that there would be little harm to its setting other than in the most marginal sense which would be accounted for in terms of other heritage assets. Therefore, the focus here is on the effect of the proposed Pelham Street development and the proposed corner block over the bridge at/near Thurloe Square.

47. The proposed Thurloe Square building seeks to reflect the proportions of the historic buildings on Thurloe Square (details set out below) with a clear vertical emphasis. It also seeks to reflect a similar rhythm, be sympathetic in its solid to void ratios across the width of the building, and engages with detailing such as porticos, string courses and railings. Furthermore, the floors are similar in heights. These details and materials have been refined over time (and consulted upon) including with input from Historic England. However, the festination, with its almost unbroken ground to eaves height, which contrasts with the traditional domestic glazing arrangements of the historic properties, results in a detracting 'modernistic' appearance. Further, despite the thought involved in the proposed scheme, the set-back deployed for the attic storey is not sufficient to make it adequately recessive and thus it would result in an uncharacteristically bulky mass that would fail to fully respect the setting of the existing buildings of the square.
48. The scheme proposes a sensitive and unimposing access arrangement for the emergency stairway to the station platforms. This would have a neutral effect on the listed buildings and their settings. The proposed development follows the road, and the continuous form of the terrace is angled. Where the terrace abuts Pelham Street the flank elevation has less fenestration, much as might be anticipated in such a location. As such it does not seek to compete with the Pelham Street terrace. However, nor does it take the same considered but simple approach with which the end of the Basevi Pelham Place terrace is detailed. Thus, the rather bland side elevation fails to fully respond to the setting of the grade II* terrace which is exacerbated by the fact that at this point the massing reflects that of Thurloe Square and so is neither subservient to, or particularly sensitive towards, the Pelham Place terrace.
49. However, acknowledging those failings, at this point the proposed development would create a measured but altered setting for the end of the listed Pelham Street terrace. The newly formed sense of enclosure would reflect the street pattern and create the sense of intimacy of a residential estate more akin to the development that would have existed, and which one would expect to see encouraged here. Moreover, the harm is primarily to the setting of the flank end of the terrace rather than the more significant terrace ensemble.
50. The remainder of the Pelham Street development would create an entirely developed road frontage almost linking with the ox-blood building. In terms of the Pelham Place terrace, Pelham Street has limited effect on its setting as it principally relates to a kinetic experience. However, the proposed scheme would have some benefits over the existing situation given it would introduce a live residential frontage rather than the existing blank wall. The proposed massing would be readily visually dominant, and to some extent the kinetic experience of arrival at Pelham Place would be harmed by the introduction of such a large mass of building along this approach. As such, I consider this would have a small but nevertheless harmful effect upon the setting of the listed terrace.
51. Overall, whilst there would be detracting elements, including roof-top paraphernalia on the proposed development, there would be positive benefits too. I consider the harms are modest and amount to less than substantial harm and at the lower end of that spectrum.

The effect on the setting of Nos 45-51 and 52 Thurloe Square (west side)

52. As with Pelham Place, this terrace of houses, is another of George Basevi's confident essays in metropolitan housing, albeit the materials impart a more robust appearance. From 1839-44 it is of three principal storeys with a basement and attic with a mansard roof above. The status driven design includes large projecting porches and a continuous balcony with iron railings which draw the eye. This terrace of brick above stucco, is grade II in status. No 52, of similar height and massing, but very different character due to its materials, asymmetry and fussy detailing, is a later red/buff brick Queen Anne revival style dwelling and is identified for Group Value.
53. The terrace here derives significance from its architects and architecture as well as from its relationship to the square itself. In this respect the appeal site does not directly face the garden square and is separated from the Basevi terrace by no 52. This increases the scope for a different design to be accommodated. More significantly, the existing open space created by the railway's arrival is uncharacteristic of the surrounding housing estates which make good use of land often in an evidently planned manner.
54. The proposed development would involve demolition of part of the existing wall structure. The proposed five storey residential building would sit on the railway bridge. In this location the 12 dwellings proposed would be in a block and new fire escape provisions would be created from platform level to Thurloe Square.
55. Given the degree of separation from the Bullnose, Thurloe Street and Pelham Street, I do not intend to consider those aspects of the proposed scheme as they would have very limited effect upon the setting of the Thurloe Square dwellings considered here. The more significant effect would come from the proposed development near this listed terrace. As set out above, the proposed Thurloe Square building seeks to reflect, but not copy, the proportions of the listed classical buildings on Thurloe Square. Particularly given the position of no 52, which breaks the cohesiveness of the Basevi design, the modern approach reflecting the key stylistic, mathematical, and aesthetic qualities of the C19th classical architecture would be largely responsive and sympathetic. However, as already identified, the glazing arrangement in its horizontal subdivision is uncharacteristic and would represent a visual discordance that would cause some harm. Further the mansard roof would box out this level in an uncharacteristic way and the roof-top plant would be likely to be less than satisfactory in some views.
56. Thus, whilst much of the relationship when seen from the public realm would predominantly be read as a sympathetic modern addition to the locality, respecting the grain of development and adding to the enclosure of the square, there would still be notable discordant elements. I therefore conclude that this aspect of the scheme would have a harmful effect on the setting of Nos 45-51 and 52 Thurloe Square but that this would be at the low end of less than substantial harm.

The effect on the setting of Nos 6-12 Thurloe Square (south side)

57. Also by George Basevi, as with the terrace set out above, it is of three storeys with a basement and attic, with projecting porches, balcony and street level iron railings. Being only slightly earlier (1839-43) it is similar in character to

the terrace as detailed above. The composed classical design is central to the quality of this area and leads to its grade II designation.

58. Between this terrace and the appeal site is No 5 'The Thin House' an unlisted property from the late C18th which occupies a narrow almost triangular plot.
59. As with 45-52 Thurloe Square, a key aspect of the appeal scheme is that of filling the corner of the square itself. For the reasons as identified above in respect of 45-52 Thurloe Square, I conclude that the scheme would also have a limited harmful effect on the setting of the terrace 6-12 Thurloe Square.

The effect on the non-designated heritage asset 20-34 Thurloe Street

60. To deal with the individually identified heritage buildings in this section I shall consider the effect on the non-designated heritage asset 20-34 Thurloe Street under this main issue, although it is prudent to acknowledge that this heritage asset has no statutory protection in its own right and so is to be treated differently to the assets identified above. Despite this it seems clear that near total demolition, with only the Thurloe Street façade to remain, is something which amounts to substantial harm though to a non-designated heritage asset. Thus, it is necessary, in accordance with the Framework, to consider the value of the non-designated asset as a balanced judgement needs to be made having regard to the scale of any harm or loss (which is significant here) and the significance of the asset.
61. Nos 20-34 comprise a terrace constructed after the arrival of the underground at this location. In particular, the rear design which includes limited window openings on the return flank walls, so as to limit the ingress of smoke, soot and steam into the dwellings from the original stream rail route is of interest. This void to solid relationship paints a picture of how the underground trains once operated. In addition, the building demonstrates interest in its plan form, including the relationship with the ground floor shop units. In this respect and noting the quality of detail in the first-floor accommodation which I observed at my site visit, the social history and relative wealth associated with the mercantile occupations is also of local interest and the fabric of the building contributes to the historic record of how society operated at this time. The Victorian Society objects to the loss of this building and to the design of its replacement.
62. However, whilst the ground floor shop units remain (though with limited original shopfronts) the building has been used in more recent years as flats of varying sizes, with ad hoc alterations that significantly undermine the internal architectural cohesion of the building. Whilst those changes represent further changes in social history, the lack of integrity limits the interest of the building and I note that despite listing being sought, Historic England declined to do so at the earliest stage (Reject at Initial Assessment Report). This affirms that little weight in planning terms should be attached to the loss of the building in terms of its general architectural and historic interest.
63. It has been accepted that the main façade is of visual interest and contributes to the streetscene, and indeed Conservation Area. Whilst facadism is neither protection of historic fabric nor development of comprehensive quality modern architecture, the scheme includes retention of the façade to respect the values associated with the appearance of the building. Behind the façade, a proposed new build development would make better use of the site for residential and

commercial occupation without the constraints of the existing plan form, which have led in part to sub-standard residential accommodation. In addition, a new mansard roof would increase floorspace, although at a visual cost despite the front parapet, materials and detailing being altered.

64. The new development would be able to improve accessibility, standardise internal levels and improve thermal efficiency, daylight and noise attenuation and this would create a better use of the land. It would also contribute to the facilitation of SFA which I shall address later.
65. I have already addressed the effect of the proposal in respect of 20-34 Thurloe Street on the setting of South Kensington Station. In terms of this non-designated asset itself, I find that there would be substantial harm arising from its loss, in terms of its general local interest, but that harm of itself is of limited weight in the wider heritage context it being a building of inadequate quality to be given designated heritage asset status. Thus, the greater part of its historic value is in terms of its contribution the Conservation Area, in part sustained by the façadism approach, to which I will soon turn.

Conclusion on Listed buildings and the Non-designated Asset 20-34 Thurloe Street

66. In answering whether or not the proposed development/works would preserve the listed buildings identified as South Kensington Station, South Kensington Station Subway, nos. 1-29 Pelham Place, nos. 45-51 and 52 Thurloe Square and nos. 6-12 Thurloe Square, or their setting or any special architectural or historic interest which they possess; and, the effect on the non-designated heritage asset 20-34 Thurloe Street, there is no doubt that there would be harm to heritage assets as a result of the proposed development.
67. In terms of the listed subway I have determined that the appeals should fail. However, for the remaining designated heritage assets in each case the harm identified is less than substantial and even taken together cumulatively this does not amount to anywhere approaching substantial harm.
68. Whilst I have identified substantial harm to 20-34 Thurloe Street this is not a designated heritage asset and therefore does not carry the same value as designated assets and I have explained why limited weight should be afforded to its loss.
69. Whilst the parties have differing views of what constitutes substantial harm in this case, I have been mindful that substantial harm whether judged by caselaw or national guidance is a very significant matter where the special architectural and/or historic interests of the asset in question might be vitiated or all but drained away; this is by any standards a high bar. The National Planning Practice Guidance (PPG) explains it as 'for example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed'. I am satisfied that none of the harms identified alone, or cumulatively, in terms of the designated heritage assets reach that level.
70. Nonetheless, in terms of designated heritage assets, it is important to be clear that less than substantial harm does not amount to less than substantial

planning objection. Indeed, that harm, a matter which I am bound to have special regard to as a matter of statutory duty, is a matter of considerable importance and weight, and, indeed, a high hurdle⁴. Moreover, these considerations are acknowledged within the Framework, which gives great weight to the conservation of designated heritage assets and their settings.

71. Further, there is no doubt that the harm identified amounts to policy conflict in respect of Policy CL4 of the Local Plan which seeks to protect listed buildings, preserving the significance of the building, its setting and features of special architectural or historic interest, resisting demolition in whole or part, and requiring preservation of features of interest. While some aspects of the scheme accord with objectives of this policy, for instance reinstating features of special architectural interest as applies to the arcade, the balance is that policy conflict would arise.
72. Policy HC1 of the London Plan seeks that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to the assets significance and appreciation of their surroundings. It particularly notes that cumulative impacts, albeit of incremental change, should be actively managed and that development proposals should avoid harm. As such, I find the balance to be a conflict with this policy too.

(b) The Thurloe Estate and Smith Charity Conservation Area

73. The Thurloe Estate and Smith Charity Conservation Area dates from July 1968, it has been extended three times, the latest being confirmed as being extended under cover of a memorandum dated 3 May 1990⁵. The area of the extension was by way of inclusion of the South Kensington Station and properties in Thurloe Street and Pelham Street. It followed an application to develop the Station 'island' (appeal) site. Given the development pressure and the historic interest of the site, the extension was considered necessary 'in order to ensure the proper relationship of any proposed development to the listed buildings in Pelham Place and Thurloe Square, and to safeguard views across the eastern portion of the station site, the entire station island site upto the corner of Pelham Street with Thurloe Square'⁶.
74. The character and appearance of the Conservation Area, which establish its heritage interest is set out in the designation documents and in 'The Thurloe Estate and Smith's Charity Conservation Area Appraisal' dated October 2016.
75. The Conservation Area Appraisal is a relatively recent document, it post-dates the extension to the Conservation Area, and identifies the key features of the Conservation Area as extended. The summary of its character sets out the key architects and builders (George Basevi, James Bonnin, Charles James Freake) and the charity set up by Henry Smith in 1620 to create profit from development to give relief to the poor and other charitable purposes. In terms of other aspects, it records that the area displays South Kensington's architectural history from the elegance and restraint of the Georgian period, through late Regency designs and Italianate pomp to the red brick Queen Anne style at the end of the Victorian period. Typical features of these periods such as decorative fanlights, timber sash windows and a wealth of stucco detailing

⁴ As is made explicit in the Court of Appeal in *East Northamptonshire DC & Barnwell Manor Wind Energy Ltd v SoS* [2015] 1 WLR 45

⁵ ID11

⁶ ID11

and ornamental metalwork, such as railings and balconies, are key. More unusual details such as the Pantheon inspired doors in Thurloe Square are identified too.

76. The development of the area was speculative with no overall plan for each estate. However, the streets are designed as whole piece, with terraces for instance having palace fronts, set in crescents, or built around private garden squares. It is not disputed that the streets therefore have a coherent design, character and charm, which is largely well maintained. The high number of listed buildings, including a number listed at grade II*, is indicative of the quality of the Conservation Area.
77. The urban form is acknowledged as hierarchical, with the nucleus centred on South Kensington Station where the plaza is seen as a welcome modern addition. In this regard, I appreciate that there would be a loss of two oak trees in this public open space area as a result of the alterations to the pavement to create a loading bay. Given the need to service the proposed Pelham Street buildings and the limited space to do so this is a pragmatic design solution. The creation of that loading area, and the tree loss, in order to create a functional development would be modest, particularly given there is scope to include replacement planting within the public realm provision for which would be controlled by planning conditions. As such, this is not a matter to which I attribute material harm.
78. In other respects, the Conservation Appraisal says relatively little regarding this 'nucleus', but it is noted that the underground railway line runs above ground across the centre of the Conservation Area and is enclosed by extensive stock brick walling some of which dates from the nineteenth century. It is noteworthy that the high timber fencing along Pelham Street is identified as a detractor; on visiting the site I was struck by just how discordant this part of the site is when considered in the context of the Conservation Area as a whole. It is, in my view, a harmful feature in the Conservation Area and its improvement in an active use could be a considerable enhancement, so better revealing the significance of the asset as a whole and should be viewed favourably.
79. Pelham Street forms the southern boundary of the appeal site, with housing on the southern side dating from the mid C19th. These stucco properties are smaller than those of Pelham Crescent and Place but reflect the broader character of the Conservation Area.
80. Thurloe Place, Street and Square are of different phases. The Square being part of Basevi's plans is earliest and is of gault brick with stucco to the ground floors. The houses, whilst harmonious, do not match around the whole square and there are notable contrasting dwellings such as no 52 in the area which had been cleared for the underground railway. Thurloe Place and Street reflect the elegant character of the Square.
81. Shopfronts including those of South Kensington Station Arcade are of interest. The historic arcade frontages are of bronze or timber, 34 Thurloe Street is specifically identified as contributing to the Conservation Area. Exhibition Road was built around 1867 to create a link between South Kensington Station and the site of the Great Exhibition, now links the station to the museums. This route differs from the rest of the Conservation Area in its character and diversity of buildings. Other key characteristics such as materials, windows

and doors, layout, gardens and spaces are also identified. The Conservation Area context for the appeal development is therefore clearly documented.

82. There is no dispute that the railway resulted in demolition of houses that had reflected the prevailing character of the area in terms of layout. Moreover, it is acknowledged since that demolition there has been built development including along Pelham Street albeit that redevelopment has subsequently been removed. These development and demolition phases pre-date the Conservation Area designation. The concept of a 'broken townscape' has been used in respect of this site from relatively early in conceptual design thinking including when ideas have been presented to the Council, Historic England and the London Design Panel as well as other consultees and has had a driving effect upon scheme thinking. Given the forceful impact of the arrival of the railway there was a clear breaking of the predominantly residential area at that time, which has left visual scars. That said, the physical imposition of the railway is a matter of history and has a role as part of the character and appearance of the Conservation Area.
83. However, there remains a sense of that schismatic impact. From my site visit I consider that there are areas in the appeal site which detract from the character and appearance of the Conservation Area as, in addition to the fencing on Pelham Street (identified in the Conservation Area Appraisal as a detractor), the area of land which sits near the bridge at the junction of Pelham Street with Pelham Place, is currently used for a scaffolders yard/parking is a negative element, the hoarding at this corner being a site for graffiti as is the wall.
84. Indeed, the views from Pelham Street and from Pelham Place towards the appeal site are illustrative of where the high quality of the surrounding townscape is sorely missing. The flank wall elevations that are visible combined with the hoarding and the roughly surfaced parking are uncharacteristic of the surrounding area. It therefore follows that here that is an opportunity to improve the built appearance of the townscape and improve its character by creating a more welcoming environment more akin to the estate housing which establishes much of what is important about the Conservation Area. Whilst I do not wholly subscribe to the view that the townscape of the entire site is broken, I agree that this development provides an opportunity to remove an agreed detracting element and enhance that part of the Conservation Area. It is important to acknowledge this is the view that the Council had largely subscribed to until the Inquiry and with which there had been no significant descent from the London Review Panel (LRP) who did not demur from or take a stance against the concept of repairing a broken townscape. In fact the LRP identified the site around the station as 'a complex palimpsest of urban relations whose repair appears long overdue, a stance also taken by the Council's Design Review Panel. Moreover, Historic England acknowledged the benefits of enhancing this locality.
85. In other respects, whilst there is a sense of interest on looking into the railway cutting, this does not give particularly unusual views or opportunity to see structures which cannot be observed from elsewhere, such as from the station platform. Although the designation of the Conservation Area extension in 1990 refers to views across the eastern portion of the site there is nothing compelling to indicate what it was intended to protect albeit there are some fortuitous views to townscape features beyond.

86. Furthermore, the current situation is clear that the station, as part of the Conservation Area, may be in the main attractive, but it is failing as a piece of infrastructure with its operation characterised by frequent closures due to its functional inadequacy as well as the serious matter of wider accessibility. This character of the failing function of the historic fabric is at odds with the well-kept highly desirable residential location. Moreover, in a broader context, it is at odds with the functional contribution which Exhibition Road makes to the neighbouring Queens Gate Conservation Area containing the cultural museums of Albertopolis and indeed the world-renowned cultural quarter.
87. Moreover, even though the Council does not consider this location as being one in need of repair, it accepts this does not mean there should be no development here. Thus, accepting that the principle of development is acceptable, as the Council does, it is necessary to consider whether the proposed development would be harmful and, if it is, then whether there are circumstances which might outweigh that harm. Thus, it is important to calibrate the extent of any harm in relation to the Conservation Area as a whole.
88. As set out above, the proposed development seeks to demolish and rebuild the Bullnose and develop the Pelham Street frontage along with that of Thurloe Square as well as proposing refurbishment of the arcade and redevelopment of the Thurloe Street building behind a retained façade.
89. In terms of the Conservation Area, refurbishment of the Arcade is a matter which, largely, is a positive feature of the scheme which gains support from Local Plan policy CL10 despite the regrettable justified loss of some historic elements. Further, the redevelopment of Thurloe Square is also positive in many ways. In contrast to the positives there are clearly some detracting elements as discussed above, particularly the relationship of the proposed building at the corner of Thurloe Square with Pelham Street, the height of development along Pelham Street and some issues with the proposed quality of detailing for the Bullnose building. But even with those issues the main trust is to enhance the layout of development reinforcing land use, plan form and urban grain. However, it also is necessary to address other elements and key amongst them in this part of the Conservation Area is the effect on identified views of the grade I museums roofscape, the ox-blood building, Pelham Street houses and Thurloe Street in particular.
90. Concerns are raised by objectors, including the Victorian Society, around fortuitous views (rather than designed ones) towards other iconic buildings within the cultural quarter as one moves around the locality. The 1990 Conservation Area extension specifically sought to protect the view from Onslow Square towards the Natural History Museum (by Alfred Waterhouse listed grade I). Other incidental views, for instance from Pelham Street, are not so significant as to merit attention within the Conservation Area Appraisal.
91. The visual assessment⁷ provides two views looking out from the Conservation Area, across the station site, capturing the Station's Leslie Green ox-blood faience, and listed buildings situated in Onslow Square. Here the variety of buildings styles can be readily appreciated, along with modern interventions such as the plaza at the station entrance and street trees that add positively to the environment and other more neutral features such as the large expanses of

⁷ CDA-30

red brick in some of the unlisted interwar development. In addition, there are fortuitous views of the Natural History Museum towers, seen on the skyline above the foreground roofscape. There is no doubt that from this position the views of the Natural History Museum towers would be obscured by the proposed Bullnose building. However, the proposed building would be relatively respectful of its context, its height reflecting that of many nearby buildings and its vertical emphasis similarly so. The contradictory element to that emphasis is the ox-blood building which is distinctive not just for its glazed red finish, but also because of its horizontal emphasis created by its massing, the use of colour and its fenestration. In this respect the separation of this part of the station from the Bullnose by the arcade would retain that contrary emphasis. The proposed development on Pelham Street, which would pick up on that emphasis with its use of string courses and colour, and with a modest separation would go some way to respect this cherished building. Overall, loss of the views of the Natural History Museum towers would cause some modest harm, as would the dominant massing of the proposed Pelham Street development, to this part of the Conservation Area.

92. Views along Onslow Square over the buildings at this edge of the Conservation Area would be altered; there is no doubt that the views towards the tops of Natural History Museum towers which in 1990 Conservation Area extension sought to protect would be lost. This clearly would constitute an element of harm, despite the proposed development itself sitting well within the townscape. This harm would clearly conflict with Local Plan policy CL11, as indeed would the loss of other views.
93. The view up Old Brompton Road is unusual because the height of the buildings directs views towards the appeal site; a site which is uncharacteristically low. Whilst that difference is interesting it does not create a strong focal point or open space feature. In this respect I consider that the proposed Bullnose building having regard to the surrounding buildings would create a largely sympathetic building in the approach towards the Conservation Area which forms part of its setting. Approaching the site from this direction, the focus is largely directed by street activity and buildings towards the site but, if taking time to consider the surroundings, the crown of the Victoria and Albert Museum (by Sir Henry Cole and Captain Fowke listed grade I) can be seen above the foreground buildings of the station and Thurloe Street buildings behind. This is a pleasing sight. However, it is not a designed view and is not particularly prominent or easy to observe in a meaningful way. Nonetheless, the loss of this skyline presence would detract, albeit marginally, from the approach to the Conservation Area wherein the station lies which serves the great museums.
94. Pelham Street is unusual given it is essentially one sided at present once beyond the ox-blood building. The opposite side of the street, outside of the Conservation Area, is occupied by Malvern Court, a tall red brick building with 8 floors of accommodation and a distinctive vertical emphasis. This is then adjoined by long and lower white painted dwellings of two storeys plus basement and attic, which are followed by red brick bay fronted dwellings a floor taller before returning to more modest white painted houses with the end of the Pelham Place terrace completing the block.
95. The proposed development opposite and within the Conservation Area would seek to respect that form by adding some modulation to the height of the proposed terrace along its length and recessing the top floor of the proposed

housing development opposite the existing lower height residential properties. Although, effort to reflect the more modest domestic scale of some of the existing buildings has been made, this is one of the less successful parts of the scheme. The material choice nearest the ox-blood building is positive however, the remaining design along this length would not be particularly sympathetic. The vertical emphasis, visual subdivision and railings offer some reflection of the existing dwellings. However, the relationship of wall to glazing, use of materials and massing, even though seeking to reduce the bulk of the building, would result in a development that would appear to dominate the existing housing and would do little to reflect its warm domesticity. This area, to my mind, is one of the elements which fails to satisfy both Conservation Area requirements particularly in terms of its outward facing Pelham Street façade. It also fails to fulfil design policies established in policies CL1 and CL2 of the Local Plan to which I shall return later.

96. In terms of the Thurloe Street building with its retained façade, I have also noted that objectors consider that the additional mansard floor would conflict with Local Plan Policy CL8 which seeks to resist additional floors on existing buildings. However, this is in many respects is a new building. Taking a pragmatic view therefore I do not attach weight to conflict with Local Plan Policy CL8. However, despite some improvements to the design following discussions with Historic England, the proposed mansard floor would be an uncomfortable addition above the retained façade and would conflict with requirements in respect of the Conservation Area. The proposed redevelopment even with loss of the majority of the building, and the proposals for building a larger replacement which results in modest harm, contributes some Conservation Area benefit in favour of the proposals given the significant improvements to the shopping frontage. This is particularly the case given this terrace is on the intended processional Exhibition Road route.
97. I am mindful of my statutory duty in s.72⁸ to pay special attention to the desirability of preserving or enhancing the character or appearance of the Thurloe Estate and Smith Charity Conservation Area. Whilst I have identified harm, including harm to listed buildings, and particularly their settings, as set out in the first main issue above, this is at the lower end of less than substantial harm. Moreover, I have to consider the effect on the Thurloe Estate and Smith Charity Conservation Area as a whole. I am of the view that the development would include benefits as well as harms to the Conservation Area. In many respects what is proposed seeks to reinforce the established residential character as well as enhance the functional character of the underground. Nonetheless, given the harms to the listed buildings which contribute to the Conservation Area, and the modest harms to some views, along with the demolition of the existing Bullnose and 20-34 Thurloe Street, including loss of the shopfront at no 34, and loss of no 10 the arcade to facilitate SFA, it follows that the Thurloe Estate and Smith Charity Conservation Area would not be preserved or enhanced, but would be harmed. However, this would represent less than substantial harm and be in the lower end of that spectrum.
98. Policy CL3 of the Local Plan sets out that the Council will require development to preserve and take opportunities to enhance the cherished and familiar local scene, by preserving or enhancing the character or appearance of the

⁸ Planning (Listed Buildings and Conservation Areas) Act 1990

conservation area and its setting and resisting demolition of heritage assets (the supporting text noting this can include non-designated assets). However, this policy, in respect of demolition accepts that public benefits might outweigh that harm. Thus, given I have identified only a modest amount of harm to the Conservation Area as a whole, conflict with the thrust of this policy would be more appropriately considered once public benefits have been addressed. This follows greater adherence to the Framework, where paragraph 202 establishes that where less than substantial harm to heritage assets arise this should be weighed against the public benefits of the proposal.

Heritage Benefits and Harms Summary

99. Setting aside the listed subway which I have dealt with on its own, I am mindful that in addition to the harms, there are heritage benefits. The works to restore the arcade are particularly beneficial and attract significant weight, in addition the Thurloe Street shop frontage would represent a heritage benefit to the Conservation Area. Further, redeveloping the Thurloe Square/Pelham Street frontages has benefits in restoring the street layout. Whilst those benefits do not outweigh the harms in the internal heritage balance, they serve to reinforce that the totality of harm comes from relatively moderate harms in terms of the special historic interest of South Kensington Station and the nearby listed buildings identified in Pelham Place and Thurloe Square, and predominantly to setting rather than fabric. There would also be harms to the Conservation Area, but again these would be less than substantial and demonstrably at the lower end of that scale too.
100. In this regard I also note that Historic England's comments of 24 September 2021, whilst identifying aspects of harm throughout the application process, do not object to the proposed development but expressed that they still had concerns that were not fully resolved in the final amended scheme. Thus, Historic England concluded the harm to the Conservation Area and the listed building which is South Kensington Station would be of less than substantial harm in the language of the Framework.
101. In all, whilst harm is identified, it is less than substantial harm and at the lower end of the spectrum. Any harm must be afforded considerable importance and weight and should require clear justification. However, it should be weighed in the planning balance against the public benefits arising from the proposal. In order to do this the wider planning benefits need setting out and so the final heritage balance will be made later.

General Character and Appearance

102. In many respects aspects of character and appearance have, inevitably, been considered in assessment of effects on the heritage assets set out above. However, for completeness it is helpful to focus on the proposed development in terms of the effect of the proposed Bullnose building on its surroundings. Some of this is assessed in respect of the setting of the Conservation Area (as a Framework matter rather than a statutory duty) but it is important to acknowledge that the proposed Bullnose building would be a new addition that would be seen at the head of the station at a key road junction.
103. I acknowledge that Local Plan Policy CL12 seeks that development should seldom use height to express local landmarks, but it does not prohibit it. The proposed Bullnose, which might be perceived as creating a new landmark,

would reflect nearby development height and I do not find policy conflict in respect of Policy CL12.

104. In terms of the Thurloe Street building with its retained façade I have also noted that objectors consider that the additional mansard floor would conflict with Local Plan Policy CL8 which seeks to resist additional floors on existing buildings. However, given the extent of demolition this is in many respects is a new building. Thus, the scheme has sought an additional storey. This would adhere with policy requirements in London Plan Policy D3 which requires best use of land. Taking a pragmatic view therefore I do not attach weight to conflict with Local Plan Policy CL8. However, despite some improvements to the design following discussions with Historic England, the proposed mansard floor would be an uncomfortable addition above the retained façade and would conflict with requirements in respect of the Conservation Area, including when seen from its setting, such as in views from Exhibition Road.
105. Local Plan Policy CL1 deals with matters of character and context. The proposed development follows the grain of its surroundings and addresses matters such as scale, height, plot width, building lines, street form, rhythm, and, to some extent, materials as is desired by this policy. In terms of bulk, mass, proportion, roofscape, historic fabric and views, the scheme is less successful but nonetheless these factors have been considered and addressed to some extent. Thus, in broad terms it responds well to its local context. In addition, it would deliver an optimised density and a comprehensive approach to the site. Therefore, this policy with its design-based objectives is largely, though not wholly, satisfied.
106. Further, Local Plan Policy CL2 relates to design quality. This criterion-based policy requires development to be functional, robust, attractive, locally distinctive, sustainable, inclusive, and secure. Many of these objectives would be met. The scheme is significant in its ability to deliver inclusivity but struggles with local distinctiveness in terms of responding well to its context, given the heritage harms identified. In terms of the architectural response to its context it fails to completely adhere to these policy requirements for heritage reasons and because of the lack of finesse in some of the detailing.
107. London Plan Policy D3 seeks to optimise site capacity through a design led approach, this follows its good growth policy GG2 which seeks to make the best use of land. Having looked at the numerous proposals for development of the station over several decades and the iterations of the scheme before me I have no doubt that a design-led approach has been followed. In particular, the Council's Architecture Appraisal Panel minutes of 10 July 2019 acknowledges the benefits of early engagement in the design process and confirms it is in overall terms *'supportive of the proposed approach to mending this piece of townscape, which has long been compromised by the Victorian rail infrastructure'*. This design based (and I acknowledge not a not heritage group) Panel particularly supported the massing and form of both the Bullnose building and the proposed Pelham Street development. Similarly, the London Review Panel (also design rather than heritage based but clearly mindful of the heritage context as expressed in its notes⁹) considered the scheme in response to the Mayor's Good Growth by Design Programme, TfL being part of the GLA group. This Panel *'appreciated the way proposals balance a locally sensitive*

⁹ CD17 Report of the London Review Panel meeting 20 May 2019.

scheme developed in a context of international relevance’. I note that discussion occurred in a confidential context prior to submission, but nonetheless it reflects consideration of experts acting for the Mayor in undertaking the appraisal. Moreover, it has been developed since that time to evolve into the scheme before me.

108. I appreciate the scheme does not reflect that developed in 2016 as a TFL Development Brief¹⁰ in partnership with the Council and the local community. However, it is apparent that scheme was not fully worked through to demonstrate a deliverable development and nor was it adopted by the Council as a Supplementary Planning Document. Although it seems to have taken considerable effort and time, it largely demonstrates that a Basevi type design could be drawn up for the site. However, that itself is not in doubt but would have cost implications that are not quantified, and it does not appear to reflect the importance of making the best use of land, even if TFL at the time envisaged it as being used in the preparation for future development at the station. More specifically the scheme before me is the one I have to consider, it being the only fully worked through and detailed proposal.
109. In accordance with Policy D3 it has been demonstrated that the scheme does respond to its context. Moreover, the scheme seeks to optimise site capacity and deliver higher densities in this highly sustainable location. Doing so has created a degree of tension and indeed some harm in terms of design. In considering the criteria set out within the policy it is evident that matters of access, street form, safety, public realm, privacy, outlook, indoor and outdoor environments, sustainability, and design reflect the thrust of this policy. In many respects it also attempts to utilise heritage assets and features that contribute to the area. Nonetheless, given that harms, albeit limited, have been found to heritage assets as set out above, full compliance with this policy would not be achieved.

Additional Matters

(c) Noise During Construction

110. At the Inquiry TOLA pursued the issue of noise during construction works, particularly night-time working noise. This was not a matter between other parties. I note that the Council did not object to the proposed development on this ground either in its consideration of the proposal at Committee or during the Inquiry, having had regard to noise reports and its own professional advisors.
111. In this case a raft of measures have been considered in respect of on-site construction works, including the method of piling (auguring), acoustic barriers and other attenuation, including acoustic sleeves. Control over construction noise would be achieved through conditions and the s.106 Agreement.
112. The s.106 Agreement sets out the requirement for a night-time working assessment. This requires comprehensive information and establishes mitigation that includes an off-site mitigation and compensation policy which would include installation of secondary double glazing, the cost of temporary

¹⁰ CDI3

relocation of 'Relevant Occupiers'¹¹, costs of window cleaning and blackout blinds and fees associated with such claims. However, these provisions would be on the basis that the priority is to mitigate to avoid such measures having to take place.

113. At the Inquiry it was accepted by TOLA that the proposed mitigation measures could work but that it would depend upon enforcement. There is nothing before me that indicates enforcement of mitigation measures would not take place were it to be necessary; rather, I am mindful this is part of the Council's responsibilities and there is nothing before me to indicate they would not be fulfilled. Although there is nothing before me to suggest it would be necessary, there are also other legislative options for the Council, through the Control of Pollution Act as referred to in the s.106 Agreement.
114. TOLA also raised concerns regarding deliveries during the night-time period and in particular unmitigated noise from concrete lorries. This was not raised in TOLA's noise consultant's report but was an issue introduced at the Inquiry. However, vehicular movement on a highway is a characteristic of the urban environment and would be heard in that context. Whilst concrete lorries are likely to be noisier than refuse or other large vehicles, they would only be passing for short periods of time and, unlike other vehicles on the road, would be subject the stringent conditions and requirements of the construction management plan (CMP). Furthermore, this is not a new permanent noise, it would be intermittent, and time-limited to the duration of related development.
115. Thus, whilst I acknowledge that night-time working is a concern for local residents, provisions are in place within the s.106 Agreement and would be subject of conditions to ensure adequate mitigation. With such mitigation in place to cover the temporary period of disruption during development works Local Plan Policy CE6, London Plan D14 and the thrust of the Framework would be satisfied.

(d) Affordable Housing Provision and Viability Issues

116. TOLA took particular issue with the economics surrounding the viability of the scheme. Two key areas were identified at the Inquiry as the focus of concern: the use and floor space within the Bullnose building and the viability of the Thurloe Street terrace.
117. In terms of the Bullnose building, floor to ceiling heights are a product of the design of the building with its clear outward-facing expression relating to its architectural form that is designed to reflect its surroundings and to provide a degree of status as a place of arrival. I do not subscribe, and therefore afford very limited weight, to the view that there is any particular likelihood of introducing, for instance, a mezzanine level, so creating further space that should be accounted for in the viability appraisal. Thus, it is a case that the proposal should be judged on the basis of the scheme before me, it being of a size and scale that has been arrived at through design review and assessment of context wherein many, including TOLA, would not wish to see a larger/taller scheme.

¹¹ The s.106 Agreement defines this as any person or group of persons who are resident within the vicinity of the land and who may be entitled to mitigation and/or compensation under the terms of the Off-Site Mitigation and Compensation Policy

118. Turning to the potential reuse of 20-34 Thurloe Street, whilst it was suggested that significant financial rewards could arise from simple refurbishment of the building, that would not contribute to the wider development objectives of creating more useable space within this building, significantly improving its carbon footprint, or creating the SFA. Furthermore, dealing with each main aspect of the scheme in isolation would undermine the viability calculations for the scheme as a whole, and particular so here where the values generated by this part of the scheme would be high.
119. The proposal before me would deliver a net increase of 29 homes, of which 17 would be affordable by being of an 'intermediate' type being discounted London living rent. A local resident challenged the affordability of such rents, and clearly, even so reduced, the rents would be beyond the reach of many people. Despite this, I have to consider the policies requirements of the development plan before me, rather than deal with that suggested disparity.
120. The level of 'intermediate' type affordable housing does not strictly adhere to the level sought by Local Plan policy CH2 as it offers 35% by habitable room rather than the 35% by floorspace. Moreover, it does not strictly accord with the Council's Supplementary Planning Document 'Community Housing' which requires 70% social rent/London affordable rent and 30% intermediate tenure rent, given that all that this scheme offers is intermediate tenure rent. Indeed, on that basis there would be a failure to accord with London Plan policy H4. However, the Council accepts that the affordable housing offer is 'the maximum reasonable level that can be delivered consistent with achieving viability and thus the requirements of the development plan are met'. In this respect the current scheme estimates a loss¹². Even acknowledging a predicted loss in that range, there is clear understanding that the development market is unpredictable and the s.106 Agreement provisions ensure that should viability improve there would be an opportunity to seek a financial contribution towards more affordable housing following a reappraisal.
121. The 35% intermediate level housing remains a positive factor in the planning balance, albeit the need for affordable housing provision would be a policy requirement for any scheme and so is of modest weight in the planning balance. However, in this case it is accepted that the 'titled balance' established in the Framework is engaged because of the Council's poor Housing Delivery Test Results, which means greater weight should be afforded to all housing-related proposals¹³.
122. In terms of viability and affordable housing I am satisfied that these matters have fully and robustly been considered by the Council as set out in its Officer Report. Nothing, in the vast array of evidence before me, leads me to conclude that the approach taken is unacceptable or that unjustified policy conflict would arise as a result of this scheme. Further, arrangements with the s.106 Agreement seek to safeguard the public interest in terms of affordable housing delivery arising from uplifts arising from development.

¹² This is based on a Benchmark Land Value of £62.69M (agreed with the Council and its appointed assessor) of some £8.56M as identified by the appellant's calculations, which when critically assessed for the Council (reducing construction costs and altering yields) still showed a loss of some £3M

¹³ As set out in the Planning Officer report to Committee, paragraphs 1.15 and 7.17 (CDJ1).

Other Matters Raised Against the Proposal

123. Additional matters were raised expressing concerns arising from the development. These included concerns regarding increasing occupancy in an already busy urban environment, although such an objection is at odds with development plan policy for the Capital. They also include bin storage; however, it is evident that the issue of concern mainly arises from waste collection wherein refuse is collected from central locations within the public realm on particular days. This approach to bin collection is not a matter for control within an appeal. Rather it is simply appropriate that businesses and dwellings have space to collect waste until collection takes place and I have no reason to believe that this would not be adequate given the alteration to plans of 11 January 2021, which were consulted upon, and the requirements set out in planning condition 16.
124. Daylight, outlook, and privacy are all matters raised in respect of existing occupiers, and a raft of appeal decisions were referred to in respect of this matter. Those appeal decisions and my own experience leads me to conclude that the particular circumstances in each case is the main factor in determining the weight to be attached to any harm that might be identified.
125. In this case, daylight/sunlight studies were provided with the application; this report identified all properties that might reasonably be affected, and assessed residential properties within this group as they have occupiers who are most likely to have the highest requirement for natural light and therefore be most susceptible to changes. I am satisfied that this is a reasonable approach even if not all properties were viewed internally. I note 39 Thurloe Street, a mixed-use property, was not specifically identified and South Kensington Estates express concern about this. However, as the lower floors are in commercial use and upper floors less likely to be impacted by the proposed development, I am satisfied that adequate assessment was made.
126. The study makes clear that 23 of 39 properties (an assessment of 635 rooms) would fully meet the Building Research Establishment's (BRE) guidelines. The remaining properties would see reduced levels of daylight and sunlight. No 14-16 and 52 Thurloe Square, 29 Pelham Street would have marginal changes that would not materially impact upon living conditions. The greater changes, unsurprisingly, would be on Pelham Street, including Malvern Court (No 2), where new development is proposed creating a double-sided street. This in itself would distort the BRE guidelines in terms of Vertical Sky Component (VSC) seen from windows. In addition to the VSC tests, No-Sky Line (NSL) and Average Daylight Factor (ADF) tests have been undertaken. The calculations have not been disputed, although the weight to be attributed to any change has. However, of the Pelham Street properties many harms are minor in terms of change assessed using the BRE guidance, or effect bedrooms where light levels can reasonably be expected to be lower. Nonetheless, for some windows there would be change which would be noticeable to occupiers. However, flexibility is sought within the supporting text to Local Plan policy CL5 which itself focuses more generally on ensuring good living conditions and seeks to avoid material worsening of conditions. In this case the changes identified would be acceptable for this urban location, reflect the Council's approach to daylight/sunlight levels as set out in its Officer Report to committee and, thus, satisfy requirements of policy CL5.

127. In terms of outlook there would be significant changes for some, particularly on Pelham Street. However, there is no right to a view and the degree of separation between building frontages would be acceptable, providing normal levels of outlook in this metropolitan context. This similarly applies in respect of separation distances for privacy wherein perceptions of being overlooked and some loss of current privacy might arise. However, the levels remaining would be typical of, and acceptable within, this urban environment.

128. I note that some objectors to the scheme express concern about the independent nature of retailers both here and in the Thurloe Street buildings. However, that is not a matter for the planning process to control and nor is the nature of their unsecured tenancies. That said, I acknowledge the concerns about businesses that are long-established and provide services, including the important medical support provided by the Stickland Pharmacy to local residents, including those in acute need and, no doubt, visitors. What can reasonably be controlled is the size of unit and this would be done through the s.106 Agreement and conditions. The requirement for smaller units should ensure that a variety of retail offers are secured so as to support the needs of the local residents.

(e) Benefits of The Scheme including s.106 Agreement Matters

129. In terms of the benefits which this proposal would bring the most important is SFA to the District and Circular Lines. This is sought under Local Plan policy CT1 which seeks support for the delivery of SFA at all underground stations by 2028. This must be of very significant weight, given it has not happened since the station was conceived and, despite its importance as a destination, there is no money earmarked for such a scheme. It is therefore not surprising that the scheme resulted in many letters of support, including from Action Disability Kensington and Chelsea, local residents who wrote to the Inquiry regarding their disabled access requirements, and nearby museums and colleges, including the Executive Director to the Exhibition Road Cultural Group, the Chief Executive of the Royal Albert Hall, The Deputy Director of the Science Museum, and Imperial College. A letter of support also noted that the adopted Knightsbridge Neighbourhood Plan (which does not cover the appeal site) contains a policy¹⁴ which seeks *'where appropriate, proposals which contribute to improving the capacity and efficiency of public transport systems serving the Knightsbridge Neighbourhood Area, as well as access to them, are encouraged. In particular this includes development that improves: a. access on routes to Knightsbridge and South Kensington stations on the London Underground'*. Whilst that policy is not one for this appeal, it emphasises the awareness of issues regarding access at South Kensington Station.

130. I also acknowledge the frustration of local residents and the Kensington Society in this regard. As the Kensington Society clearly set out, TfL recognised the need for the SCU upgrade some 15 years ago, and the Society acknowledge that dangerous overcrowding occurs. South Kensington Station is identified as the 4th busiest station without SFA within 800m. This, as the Residents Associations point out, combined with Public Sector Equality Duties, ought to mean that money should be found for SFA regardless, of this development. Be that as it may, there is nothing before me to indicate that any money is provided within any budget to ensure that these works go ahead.

¹⁴ KBR32

Whilst South Kensington Station was part of London Underground's Station Capacity Upgrade Programme, with a scheme designed and approved in 2018, the works were paused in 2020 and have remained that way since. In this regard the Kensington Society see it as paramount that the CSU and SFA must be delivered as part of any development on this site. Indeed, they are clear that this benefit would be significantly greater than provision of housing which is much needed. The s.106 Agreement provides that this would be the case. As such, it seems to me that the Society's concerns in this respect (based on *Newcastle City Council v SoS* for LUCH(2022] EWHC 27521 November 2022) should be overcome through the provisions of s.106 Agreement.

131. The Inquiry heard from Baroness Tanni Grey-Thompson, The Director of Estates, Projects and Masterplanning for the Natural History Museum, the Secretary to the Royal Commission for the exhibition of 1851 and a representative of the Exhibition Road Cultural Group about the importance of SFA here. The importance of the station access is heightened given the huge investments made by the Natural History Museum, as was explained to the Inquiry, to create better access for all within the museum itself, the missing link being that of public transport provision.
132. There was discussion at the Inquiry about Framework paragraph 206 which says that 'local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance'. It goes on to clarify that 'proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'. Whilst this proposal would not alter the fabric of the assets which comprise the large cultural and educational institutions of Albertopolis, (which are heritage assets of the highest value), the provision of SFA would demonstrably better reveal the significance those assets hold, in the widest definition of that term, to a wider audience. This reinforces my view that very significant weight should be attributed to this element of the proposal in the very particular circumstances of this case.
133. To add to that very significant benefit, and reinforcing the importance of the location this station serves, I am mindful that some 34 million visitors and residents use this station every year. In fact, the capacity of this station is frequently overwhelmed and closed simply because it cannot cope with the volume of people seeking to use the station. This has been explained in evidence and during my time at this Inquiry I witnessed it for myself. This is not good for local residents and is no doubt disconcerting and frustrating for those who are less familiar with the area. Such a situation is harmful for those seeking to access South Kensington as a local centre and for those seeking to access the cultural museums quarter. Thus, not only would the scheme deliver SFA it would significantly improve the station for everyone using it because it would bring the consented/permitted SCU to fruition. Whilst it is suggested that implementation of this earlier scheme cannot be a benefit of this scheme, it is apparent that the works are needed, and this scheme would ensure their delivery as part of a wider development package. Whilst there is no guarantee this appeal scheme will be built, should it not be built out the harms identified would not occur and nor would this benefit. Thus, the two are clearly linked in this scheme by the s.106 Agreement.

134. In addition to the functional benefits, and despite the heritage and design concerns regarding parts of the scheme, it would undeniably create a sense of place that, for the Bullnose in particular, would represent a development that reflects its context in a largely positive way. It would create inclusive and functional development that would be generally well designed, albeit lacking a degree of sensitivity to its historic environment. It is also important in terms of making effective use of land, which is clearly supported in both local policies¹⁵ and the Framework,¹⁶ and which is highly pertinent here, given that vacant land is being left as an unattractive space in such a sustainable location and other buildings are under-utilised. This is especially relevant in that it also assists the delivery of new homes in a borough with housing undersupply. Moreover, the whole scheme brings a mix of additional residential and office accommodation and an improved quality of retail floorspace (albeit reduced in floor area). The additional high quality commercial space in this highly sustainable location within the South Kensington District Centre is an important benefit as it would support economic growth, as is sought and supported by Local Plan policy CP1 and policy CF5 in particular.
135. While local objectors are critical that the driver for the scheme is economic that is, in part, an inevitable component of the development process. What matters is that the scheme being sought is acceptable as a whole.
136. The scheme, whilst resulting in heritage harms, would provide heritage benefits in terms of the refurbishment of the arcade, in terms of the SFA, and to the shopfronts of Thurloe Street although the weight here is significantly reduced by the façadism approach. However, as these benefits have already reduced the overall level of harm in the heritage balance they should not be added as a benefit here to avoid double counting.
137. The development would result in benefits associated with delivery of affordable housing but, as already explained, this only attracts modest weight given that this is a requirement of policy. However, I have concluded that the heritage harms amount to less than substantial harm so do not amount in their own right to a clear reason to refuse the development without other balances being required. As such 11d(i) of the Framework is not engaged. Therefore, the weight to be placed on delivery of housing is necessarily changed to one of significant weight in its calibration by the fact that the Framework titled balance comes into play, given the agreed housing delivery position and acute need for all housing.
138. There would be additional benefits in terms of the development of high-quality small retail units, although this benefit is tempered by the fact that existing commercial operations appear to be thriving despite impacts from significant global and national events. In addition, there would be a boost to the local economy from development which carries moderate weight.
139. The local skills use, apprenticeships and education opportunities provided by the scheme are a positive but also a policy requirement so attract negligible weight.

¹⁵ London Plan GG2 Making the best use of land

¹⁶ Framework Chapter 11

S.106 Agreement

140. As referred to above, an agreement has been submitted under s.106 of the Town and Country Planning Act 1990 between the Council, the owner and Native Land; it is dated 11 May 2023. Planning obligations under s.106 must meet the required tests¹⁷; that they are necessary to make the development acceptable in planning terms, that they are directly related to the development; and, that they are fairly and reasonably related in scale and kind to the development.
141. The planning obligation (s.106 Agreement) in respect of this scheme provides for the following¹⁸ should the appeal be allowed:
142. **Affordable housing** provision of 17 units (developed as 5x 1 bed, 6x 2bed, 2x3 bed, 4x 4 bed units) will be made in the form of discounted London living rent housing units provided by assured tenancies. There is potentially scope for additional units should this become viable. This is to be kept within affordable housing use unless the 'right to buy' is exercised by a tenant or the unit cannot be disposed of (conditions apply) after 3 months. The accommodation should be built to London design standards. No less than 30% of the open market housing can be occupied until the affordable housing is constructed and transferred to a registered provider. Service charges shall be limited to actual costs and services for the affordable housing only and cannot be increased unless this approved in writing by the Council. Nomination rights for all first lettings and re-lettings is granted in perpetuity to the Council.
143. **Living rents** are set out and capped at Notting Dale Ward levels; for example, at the time of drafting the s.106 Agreement 1-bed unit rent would be currently £947.55 and a 4-bed unit £1,263.40 per month. Occupation is on the basis of a three year tenancy, with break clauses for the tenant.
144. **Parking permits** will not be permitted for occupiers of the development, and this is to be made clear to occupiers.
145. **SCU and SFA** - it is set out that no part of the development shall be commenced unless it is demonstrated that sufficient funds are committed and available to carry out and complete the SCU works and the SFA Additional works¹⁹. That a SFA Phasing Strategy is submitted to the Director of Planning and Place at the Council and the development shall not commence until that SFA Phasing Strategy is approved in writing by the Council, and that development shall not be carried out other than in accordance with that SFA Phasing Strategy. Moreover, it precludes commencement of the Bullnose and Thurloe Square buildings until the SCU Works and SFA Additional Works have been practically completed and certified safe and the SFA is open for use by the

¹⁷ Regulation 122(2) of the CIL Regulations 2010 (as amended)

¹⁸ The headline details are set out here but more detail along with definitions are contained within the s.106 Agreement

¹⁹ New step free access entrance from Thurloe Street incorporating lift waiting area; Two lift shafts including structural foundations and lift pits between the Thurloe Street entrance and ticket hall/Subway levels; associated waiting areas, escape staircase and safety infrastructure for lifts between the Thurloe Street entrance and ticket hall/Subway levels; The installation of 4 separate lifts (one from ticket hall to Platform 5, one from ticket hall to platforms 1 and 2 and two from Thurloe Street entrance to ticket hall/Subway levels; Modifications to the escape staircase from Platform 5 to Thurloe Square (referred to in paragraph (g) of the definition of "Station Capacity Upgrade Works") including new staircase creating a fire escape from the island platform and forming an interchange between Platform 5 and the island platform.

public on a day-to-day basis. Further, the Pelham Street and Thurloe Street buildings shall not be occupied (except for the affordable housing) until the SCU Works and SFA Additional Works have been practically completed and certified safe and the SFA is open for use by the public on a day-to-day basis. In essence it ensures that the SCU and SFA elements of the scheme have to be completed and cannot be set aside for later or left out of the scheme as a whole.

146. **A construction management plan fee** will be paid to the Council (£2,800).
147. **Construction phase skills and training** requires submission of a plan to train, employ and provide development opportunities for residents of the local area, with penalties for not doing so. A contribution of £84,000 is to be provided to support this.
148. **Local procurement obligations** are also established, requiring fees and a strategy to ensure opportunities for local businesses to bid/tender for the provision of goods and services. The fee required amounts to £8,300.
149. **The carbon offset contribution** of £52,896 is to be paid prior to implementation.
150. **The public art strategy** requires commissioning of public art from local artist(s).
151. **The highway works agreement** sets out that an agreement should be entered into within a year of commencement (as far as is possible) to agree the highways works for which the owner will pay.
152. **The financial contributions** would be made prior to the occupation of the development. These contributions are the Air Quality Contribution (£55,290), the End User Employment and Training Contribution (£74,352.73), the Library Facilities Contribution (£7,585.27), the Parks and Open Spaces Contribution (£40,676.91) and the Sport and Leisure Contributions (£30,634.27). All these quoted sums were based on the draft and may vary but are formula-based as set out in the final s.106 Agreement.
153. **Travel plan monitoring fees** are required for each Travel Plan submitted (£1,200).
154. **The 'Be Seen' energy monitoring** requires submission of GLA 'Be Seen' indicators relating to energy efficiency. It requires updates to this prior to occupation, upon completion of a year of occupation and subsequent monitoring. It requires mitigation should underperformance occur along with additional monitoring.
155. **A night-time working impact assessment** sets out the requirement to establish which nearby properties should be consulted on the night-time working impact assessment²⁰. A draft night-time working impact assessment, including the Monitoring Strategy, the Off-Site Mitigation and Compensation Policy and the Off-Site Mitigation and Compensation Policy Publicity Plan, shall be approved in writing by the Director of Planning and Place at the Council

²⁰ It makes it clear that the residents of all roads/streets situated in the area bounded by Cromwell Road, Cromwell Garden, Thurloe Place to the north, Brompton Road to the east, Fulham Road to the south and Queen's Gate, Onslow Gardens and Selwood Terrace to the west shall always be consulted

- prior to commencement. It shall make a comprehensive assessment of the impacts of night-time working, there shall be a monitoring strategy for night-time noise and vibration, and details of mitigation.
156. The mitigation shall include the best practicable means to reduce noise to a minimum, as defined in Section 72 of the Control of Pollution Act 1974, being employed at all times, that machinery shall properly maintained and silenced, quiet site protocols and use of acoustic barriers/enclosures (including for compressors and generators), notifications that shall be made to residents and contacts for liaison including temporary accommodation/compensation if required for relevant occupiers, a permitting system for weekend/public holidays an works outside the hours of 0800-1800, including the provision of temporary accommodation for local residents to be relocated/housed if necessary during such periods.
 157. The off-site mitigation policy to deal with the period from commencement until practical completion for relevant occupiers shall include provisions for secondary double glazing, temporary relocation due to night-time working, financial compensation for additional window and other cleaning, for the installation of black out blinds, and fees and costs for making such successful claims. There shall be an agreed publicity policy for the agreed night-time working strategy. The owners shall comply with and ensure contractors comply with the approved night-time working and associated strategies.
 158. **A retail management strategy** is to be submitted to prevent the amalgamation of some of the retail units, to undertake local consultation on the shops local residents need, details of how premises will be marketed and how letting and occupation will be managed.
 159. **The arcade works** are required to be practically complete prior to the occupation of the Bullnose.
 160. **The requirements for viability reviews** are set out in Schedule 3. These include early and late-stage viability reviews. The purposes, with the involvement of external assessors, is to establish whether a surplus is available in order that the Council can request additional affordable housing provision. The mechanism including timetable for doing this and for dispute resolution is set out. A similar approach is taken to late-stage review which could result in a financial contribution. Formulas are set out within the s.106 Agreement for these calculations.
 161. **The original viability assessment** is provided for in Schedule 4 which seeks to establish an agreed viability assessment which will form the basis on which matters will subsequently be based.
 162. The s.106 Agreement also sets out definitions of terms, index linking arrangements for fees/costs (which therefore may change from the sums identified above), a monitoring fee (of £15,320.13) and the Council's covenants, including repayment of any unused monies.
 163. All of the above matters are clearly related to the development proposals and are related to adopted policies, and supplementary planning documents, with financial calculations reflecting established formula. I am therefore satisfied that they are acceptable. Further details are provided in the CIL Compliance Statement and accompanying documentation.

164. For completeness, I record that the Residents Associations had sought additional matters for the s.106 Agreement, including scope for access connections to the Piccadilly line, better protection for existing independent retailers within shop units that will be redeveloped and a Changing Places toilet for those with disabilities. The first would not be reasonably connected to this scheme and third is not sufficient to dismiss this appeal for the around station development although consideration of this matter would be prudent. I have already dealt with matters relating to tenancy.

Conditions

165. The conditions put forward for this scheme were amended and added to during the course of the application and appeal process. I have amended them where minor typographical and other minor errors occur. The two new shopfront openings in the subway are refused for reasons set out above however as the plans cannot be readily separated out I have imposed conditions to clarify this matter.

166. In addition to the standard time conditions for each permission the following conditions are necessary and meet all tests for conditions. Planning permission conditions set out the approved plans for the avoidance of doubt and to accord with the Act. Greater detail is required for Thurloe Street, the Bullnose, Pelham Street and Thurloe Square given the sensitivity of the environment and to ensure compliance with Local Plan policies CL1, CL2, CL3 and CL4.

167. Through conditions Use Class restrictions are imposed on the Pelham Street and Bullnose Commercial uses to protect the vitality and viability of the commercial area and in the interests of the living conditions of the occupiers of nearby residential properties. This ensures compliance with policies CF1, CF2, and CF5 of the Local Plan (and in respect of the Bullnose policies CR7 and CL5). Restrictions are imposed on the amalgamation of commercial units in the Pelham and Thurloe Street developments for the same reasons and in accord with Local Plan policies CF1, CF2 and CL5.

168. Conditions are required to secure the following matters. Cycle storage which is necessary to support sustainable transport in line with Local Plan policy CT1. The Thurloe Square Emergency Access should be restricted to emergency use in the interests of residential amenity and highway safety reflecting requirements of Local Plan policies CT1 and CL5. A Construction Management Plan is also required for the same reasons. This needs to be a pre-commencement condition to prevent harm to living conditions and is supported by Local Plan policies CL5, CL7 and CT1 as well as SPD guidance. A Travel Plan is required to encourage sustainable transport choices in accordance with Local Plan policy CT1. A Delivery and Servicing Management Plan is required in the interests of highway safety and residential amenity as sought by Local Plan policies CR7, CT1 and CL5. The Kensington Society sought that this condition included the following text: 'The Delivery and Servicing Management Plan shall include appropriate targets for continuous improvement, provide for continuous monitoring, and provide for the outcome of the monitoring to be reported annually to the local planning authority and made publicly available'. I do not consider this to be necessary as the Delivery and Servicing Management Plan should include these, however, I record it here for the benefit of the Council who will be responsible for approving the Plan. A Refuse and Recycling

Strategy is also required in the interests of residential amenity according with Local Plan policies CL5 and CE5.

169. In order to ensure best working practices and site safety given the particular circumstances of this site, the following pre-commencement conditions are required in accordance with Local Plan policies CL5, CL7, CT1, CE5, CE6 (as may be appropriate to the condition) and SPD guidance: Code of Construction Management Plan, Code of Construction Practice, Considerate Constructors Scheme, Professional Management of Engineering Works.
170. A condition is required in respect of emergency diesel generators to be able to ensure a response to air quality considerations in the event such generators are necessary (London Plan SI1, Local Plan CE5). Conditions are required in respect of a Ventilation Strategy and compliance with it. This condition is necessary to comply with the requirements of the NPPF, Policy SI1 of the London Plan, and policy CE5 of the Local Plan 2019 in ensuring that impact upon air quality in the area is minimised, in accordance with the London Councils 'Air Quality and Planning Guidance' recommended format. As the Kensington Society note, there should also be compliance with the relevant Building Regulations in place at the time the development takes place.
171. Conditions in respect of a Dust and Air Quality Monitoring Plan, and control over Non-Road Mobile Machinery are required in the interests of environmental quality and residential amenity. Local Plan policy CE5 applies to them all but they also are sought under other London Plan policies (D6, SI1, SI2, SI4 as may be relevant to the condition) and with the London Councils 'Air Quality and Planning Guidance' recommended format. The Kensington Society sought that this plan covers demolition as well as development, however the DEMP shall deal with this matter so it need not be duplicated.
172. In addition, both a Demolition Environmental Management Plan (DEMP) and a Construction Environmental Management Plan (CEMP) are reasonably sought by condition to protect the local environment in accordance with Local Plan policies CE3, CE5, CE6 and CL5. It is necessary that these are pre-commencement conditions.
173. Conditions are required in respect of noise from building services plant and vents, anti-vibration mounts for air conditioning and extraction equipment, sound insulation (façade construction) sound insulation between commercial uses and dwellings, to establish and control re-radiated noise limits and mitigation, and vibration doses. These are all needed to protect residential and environmental amenity and are in accord with Local Plan policy CL5.
174. Conditions are required to deal with any land contamination, both identifying (pre-commencement investigation) remedying it and verifying it as well as dealing with unexpected contamination. This is necessary for environmental protection in accord with Local Plan policy CE7.
175. Energy performance conditions are sought for both dwellings and commercial properties to ensure that development contributes to sustainable development objectives in accordance with Local Plan policy CE1 and London Plan SI2. Although the Kensington Society suggested amendments to these conditions, I am satisfied that as proposed they meet the requirement of the relevant planning policies. Building Regulations will need to be adhered to as far as they are relevant at the time.

176. In order to ensure satisfactory drainage a Sustainable Urban Drainage System condition is required reflecting Local Plan policy CE2. A condition is also required in respect of accessible and adaptable dwellings to meet housing needs in accordance with Local Plan policy CH2 and London Plan policy D7.
177. Tree and landscaping conditions, including for protection of existing trees, are necessary in the interests of the ecology of the local environment, as are bird and bat boxes (Local Plan policy CR6 – planting and CE4 for bird and bat boxes). Water efficiency measures are sought, again through condition, to ensure sustainable development in accordance with policy SI5 of the London Plan.
178. Conditions are required to require an undercroft improvement scheme, retention and reuse of the shopfront at 34 Thurloe Street and retention, restoration and re-use of the shopfront at 36 Thurloe Street are all sought in the architectural interests of the scheme to maintain and improve the heritage townscape. These all accord with Local Plan policies CL1, CL2, CL3 and CL4.
179. Before the above ground works commence measures to minimise the risk of crime and meet security needs, secured by condition, shall be approved and subsequently implemented in order to meet Secured By Design objectives in the interests of community safety and crime prevention in accordance with Local Plan policy CL2 and London Plan policy D11.
180. A green roofs condition is also sought to assist in greening the urban environment and in the interests of local visual amenity. This accords with London Plan policies G1 and G5.
181. Turning to the listed building consent, in addition to the time condition, the conditions sought are as follows. Submission of details in respect of works to the Bullnose, Pelham Street and Thurloe Square in order to safeguard the special architectural and/or historic interest and heritage significance of the buildings involved and to comply with policy CL4 of the 2019 Local Plan. Notification of the commencement of works is necessary in order that the Local Planning Authority may be given the opportunity of monitoring the progress of works on site to ensure there is no harm to the special architectural or historic interest and heritage significance of the buildings/structures involved. The Council notes additionally that a Council Officer may arrive to inspect the works at any time to ensure that the extent of works permitted by the listed building consent is not being exceeded.
182. Details of the subway works (noting that consent is not granted for works to create two new shopfronts) are also required to be submitted in order to safeguard the special architectural and/or historic interest and heritage significance of the building and to comply with policy CL4 of the 2019 Local Plan. For the same policy reason it is necessary to provide access for photographic recording and archiving, and matching materials are required for works.
183. In terms of specific elements of the proposed works, secured through conditions, a scheme in respect of the undercroft improvement and the retention and restoration and re-use of 36 Thurloe Street are also required to safeguard the special architectural and/or historic interest and heritage significance of the building and to comply with policies CL1, CL2, CL3 and CL4 of the 2019 Local Plan.

Overall Planning Balance (including Heritage Balance)

184. Policy CO5 of the Local Plan is an overarching strategic objective for renewing the legacy which the Council has inherited, so that it passes on to the next generation a borough that is better than today, of the highest quality and inclusive for all, by taking great care to maintain, conserve and enhance the glorious built heritage that has been inherited and to ensure that where new development takes place it enhances the borough. This is thought-provoking, and to some extent encapsulates the complexity and tensions found in this proposal; a clear desire to preserve a rich valuable heritage but also to make it more inclusive.
185. It is evident from my reasoning and conclusions set out above that there are conflicts with some policies within the development plan but there is also accord with other significant policy objectives.
186. In this case it is clear that, despite the moral desire to deliver SFA, there is no financial support available to deliver improvements to the public transport network which would facilitate SFA at South Kensington Station. Such SFA is now being proposed in this scheme and because of the s.106 Agreement that part of the scheme would have to be implemented and could not be set aside - the additional housing, commercial and retail development in this scheme could not be implemented without the SFA and SCU. SFA would mean that for the first time those with disabilities, infirmity or using pushchairs with children, and those who might accompany them, could readily access the internationally important museums of Albertopolis and other institutions of learning from the London Underground. Given how important the collective asset which the museums and learned institutions are, and the limitations arising from the lack of SFA in this case, the scheme would materially help to better reveal those assets and therefore, as most parties to the appeal agree, amounts to a heritage benefit of some magnitude (and one uncounted to this point).
187. I have found that there would be an overall harm to designated heritage assets, despite development/works which would be heritage benefits, particularly in terms of shopfront reinstatements and re-establishment of street pattern and enclosure of the Thurloe Square corner. In many respects the design has been well executed in terms of its sense of place, with the harms being as a consequence of the particular heritage sensitivities, predominantly in terms of setting, but also in terms of original shop front loss (and here I note that the harm to the subway is avoided by refusal of that part of the scheme).
188. I acknowledge that heritage assets are an irreplaceable resource which should be afforded considerable importance and weight. In this case the loss of statutorily designated asset fabric that results in heritage harms is predominantly linked to works to provide the SFA and is justified. The harms to setting would be *less than substantial* and towards to the lower end of the spectrum of harm. In this case the substantial heritage benefit of better revealing the heritage assets, which include the whole of this internationally renowned cultural quarter, the Conservation Area and its highly graded designated assets, by providing SFA from the key proximate point of arrival by London Underground, in my view, clearly tips the internal heritage balance in favour of development.
189. This is a case where, given the housing land supply situation, the relevant policies of the development plan are deemed to be out-of-date. However, the

thrust of many policies which come into play in these appeals relate to heritage matters which reflect statutory duties are so can be afforded weight. That said, in this case, because of the housing situation, the Framework seeks that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

190. In addition to the main matters addressed, other harms raised have been considered; the effects on existing residential occupiers in terms of daylight and sunlight which would be limited so as not to be determinative in this case; and harms that would be mitigated or resolved by conditions and/or the s.106 Agreement (including noise during construction, bin storage and traffic management). As such, those harms are of very limited weight in the planning balance. There would be other benefits in terms of boosts to the local economy including provision of high-quality office space. Given the housing delivery situation, substantial benefits of additional housing, including affordable housing also exist. Moreover, the scheme as a whole would offer substantial public benefits as a result of SFA delivery and SCU over and above the heritage benefits of the SFA in better revealing heritage assets identified, because it would simply allow for the proper functioning of this underground station. Therefore, subject to the s.106 Agreement and conditions, planning permission, and the accompanying listed building consent, should be allowed, as the harms would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
191. On a similar basis, and notwithstanding the fact that the 'relevant' policies are deemed to be out of date, I conclude that, despite the conflict with the heritage policies identified, the balance, for the reasons set out, is that the development would accord with the policies of development plan when read as a whole.
192. Moreover, even if the SFA's role in better revealing the heritage assets is not accounted for in the internal heritage balance, and is simply assessed as a public benefit in the final planning balance, its importance is such that it should be afforded very substantial weight which would outweigh the heritage harms which I have found to be at the lower end of the *less than substantial* part of the heritage harm spectrum. On that basis there are compelling reasons to justify allowing these appeals in conflict with some policies of the development plan even if its policies were not deemed out of date. Thus, whichever way the weight is apportioned to SFA in this case, I find the totality of harms would not significantly and demonstrably outweigh the benefits.

Conclusions

193. For the reasons set out, having had regard to all matters raised, I conclude that the appeals should be dismissed insofar as they relate to works to create two shopfronts in the subway and allowed in terms of the remainder of the proposed development and works.

ZHR Hill

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Russell Harris KC

He called:

Tracey Mellor BA(Hons)Arch, Dip Arch, RIBA – Senior Partner, RSHP

Professor Robert Tavernor BA, DipArch, PhD, RIBA – Founding Director,
Tavernor Consultancy Ltd

Alice Egging BSc(Hons), MA, MSC, MRTPI, IHBC – Senior Associate, Alan
Baxter Ltd

Chris Goddard BA(Hons), BPL, MRTPI, MRICS – Board Director DP9 Ltd

Conditions/s.106 Agreement: Like Emmerton BA(Hons), DipTP, MRTPI;
Martin Teodorczyk BSc(Hons), MRICS; Tim Smith LLB

FOR THE LOCAL PLANNING AUTHORITY:

Douglas Edwards KC

He called:

Michael Lowndes BA(Hons), DipTP, MSc, DipCons(AA), MRTPI, - Senior
Director Lichfields

Aaron Lau BA(Hons), MA – Principal Planner RBKC

Conditions/s.106 Agreement: Martin Lomas MA BA(Hons); Lorna Bowry LLB
MCMi

FOR THE RESIDENTS ASSOCIATIONS (Pelham Street Residents' Association, Pelham Residents' Associations, The Onslow Neighbourhood Association):

Jake Thorold Counsel

Assisted by Anthony McNamee – Senior Associate of Farrer & Co

He called:

Robert Ward-Booth BSc(Hons), MRICS, DipBldgCon, IHBC

Paul Velluet BA(Hons), B.Arch, M.Litt, RIBA, IHBC

FOR THE BROMPTON ASSOCIATION:

Daniel Stedman Jones Counsel

He called:

Sophie Andreae

FOR THE KENSINGTON SOCIETY:

Horatio Waller Counsel

Mr Waller had no witnesses but was there to support the Kensington
Society Case with Mrs Frame and Mr Bach

FOR TOLA:

Jaques Cesar – acting as Advocate and Witness

INTERESTED PARTIES:

Felicity Buchan the MP for Kensington and GLA Member
Cllr Sof McVeigh (Ward Councillor)
Baroness Tanni Grey-Thompson DBE DL
Benedict Dewfield-Oakley - SAVE Britain's Heritage
Keith Jennings - Director of Estates, Projects and Masterplanning for the Natural History Museum
Mr John Lavery - Secretary to the Royal Commission for the exhibition of 1851 and representative of the Exhibition Road Cultural Group
Caryl Harris - South Kensington and Queensgate Residents Association
Philip Blackwell – South Kensington Books
Rupal Patel MRPharmS - Stickland Pharmacy (Statement read on behalf of Amish and Rupal Patel)
Jonathan Keighley
Susan Wolfe
Jane Bridgeman
Mr T Reynolds - manager the Medici Gallery
Mr Iain Smith
Rosemary Baird
Juliet Cline

INQUIRY DOCUMENTS

ID1	Appellants' Team and Witnesses	
ID2	Local Planning Authority Team and Witnesses	
ID3	The 3 Residents Associations Team and Witnesses	
ID4	Opening Submissions for the Appellants	
ID5	Opening Submissions for the Local Planning Authority	
ID6	Opening Submissions for the Brompton Association	
ID7	Opening Submissions for The 3 Residents Associations	
ID8	Opening Submissions for the Kensington Society	
ID9	Opening Submissions for TOLA	
ID10	Notification and Publication Documents for the Appeal	
ID11	Memorandum in respect of the Extension to the Chelsea and Thurloe Estate and Smith Charity Conservation Areas dated 3 May 1990 and accompanying documents with 2 plans (submitted as a bundle)	
ID12	Email exchange from Mr Cesar between Cllr Kemahli and Susanna Trostdorf dated 16 January 2003 regarding infrastructure funding	
ID13	Notes from Mr Cesar to attach to Map for Initial Site Visit	
ID14	Documents List for Examination in Chief of Mr Lowndes	
ID15	South Kensington station TfL Document (dates from 2015)	
ID16	Draft Conditions	
ID17	Draft s.106 Agreement	
ID18	ID17 but showing tracked changes	
ID19	Extract from The Survey of London	
ID20	Declaration – Paul Velluet	
ID21	Elevation Correction to page 25 of Appendix	
ID22	Kensington Society Speaking Note	
ID23	Updated Kensington Society Speaking Note	
ID24	Speaker's Statement Benedict Dewfield-Oakley SAVE Britain's Heritage	
ID25	Speaker's Statement Susan Wolfe	
ID26	Speaker's Statement Cllr Sof McVeigh (Ward Councillor)	
ID27	Speaker's Statement Rupal Patel Stickland Pharmacy with attachments	
ID28	Speaker's Statement Jane Bridgeman	
ID29	Speaker's Statement Keith Jennings Director of Estates, Projects and Masterplanning – Natural History Museum	
ID30	Speaker's Statement – Secretary to the Royal Commission for the exhibition of 1851 and representative of the Exhibition Road Cultural Group	
ID31	Speaker's Statement Caryl Harris South Kensington and Queensgate Residents Association	
ID32	Speaker's Statement Mr T Reynolds	
ID33	Draft s.106 Agreement Extract (Section 12) Night-time Working Impact Assessment and draft s.106 Agreement	
ID34	Note from Mr Caesar (TOLA)	
ID35	Speaker's Statement of Felicity Buchan the MP for Kensington and GLA Member	

ID36	Updated Draft s.106 Agreement	
ID37	Statement of Common Ground	
ID38	RBSK Note to the Inquiry – Contributions to Step Free Access at South Kensington Underground Station	
ID39	Statement of Baroness Grey-Thompson	
ID40	Revised Draft Conditions plus additional single condition sheet	
ID41	Suggested Condition Changes -Kensington Society	
ID42	Closing Statement Mr Jonathan Keighley	
ID43	Closing Statement Mr Philip Blackwell	
ID44	Kensington Society Closing Submissions	
ID45	Closing Submissions of the Brompton Association	
ID46	Closing Submissions of the Residents Association	
ID47	TOLA Closing Submissions	
ID48	The Council's Closing Submissions	
ID49	The Appellant's Closing Submissions	
ID50	Finalised s.106 Agreement 11 May 2023	

Planning Conditions APP/K5600/W/22/3300872

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. Compliance with approved drawings

The development shall not be carried out except in complete accordance with the details shown on submitted plans subject to omissions required by the spilt decision and except where required by conditions of this permission. The plans hereby approved are as set out in the plans schedule attached as Annex A.

3. Submission of details – Thurloe Street

Prior to commencement of the relevant part of the development as identified in subsections a to h below of the Thurloe Street part of the scheme, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be completed otherwise than in accordance with the details so approved:

- a) Detailed elevational and section drawings showing details and distribution of external facing materials and identifying retained fabric (which shall include details of hit and miss brickwork) at a scale of 1:20;
- b) Detailed elevations and sectional drawings of external windows and doors at a scale of 1:20;
- c) Detailed elevations, plans, and sectional drawings of the mansard roof level;
- d) Detailed elevation and section drawings of shopfronts at 1:20;
- e) Signage strategy for the Thurloe Street shops;
- f) Detailed elevations, plans and section drawings of the Step Free Access lobby at a scale of 1:20;
- g) Detailed elevations, plans and section drawings of all external plant and PV units including screening required at a scale of 1:20;
- h) Samples, including sample panels, provided and retained on site, until approved by the Local Planning Authority. The sample panel(s) shall include all of the external facing materials.

4. Submission of details – the Bullnose

Prior to commencement of the relevant part of the development as identified in subsections a to f below of the Bullnose part of the scheme, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be completed otherwise than in accordance with the details so approved:

- a) Detailed elevational drawings showing details and distribution of external facing materials;
- b) Detailed elevations, plans, and sectional drawings of external windows and doors at a scale of 1:20;
- c) Detailed drawings of shopfronts at 1:20;
- d) Signage strategy for the Bullnose shops;
- e) Detailed drawings of all external plant and PV units including screening required
- f) Samples, including sample panels, provided and retained on site for inspection of all external facing materials.

5. Submission of details – Pelham Street

Prior to commencement of the relevant part of the development as identified in subsections a to f below of the Pelham Street part of the scheme, full particulars of the following shall be submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:

- a) Detailed elevational drawings showing details and distribution of external facing materials;
- b) Detailed elevations, plans, and sectional drawings of external windows and doors at a scale of 1:20;
- c) Detailed drawings of shopfronts at 1:20;
- d) Signage strategy for the Pelham Street shops;
- e) Detailed drawings of all external plant and PV units including screening required
- f) Samples, including sample panels, provided and retained on site for inspection of all external facing materials.

6. Submission of details Thurloe Square

Prior to commencement of the relevant part of the development as identified in subsections a to e below of the Thurloe Square part of the scheme, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be completed otherwise than in accordance with the details so approved:

- a) Detailed elevational drawings showing details and distribution of external facing materials;
- b) Detailed elevations, plans, and sectional drawings of external windows and doors at a scale of 1:20;
- c) Detailed drawings of South Kensington Underground Station Emergency Exit, including any stairs and doors;
- d) Detailed drawings of all external plant and PV units including screening required
- e) Samples, including sample panels, provided and retained on site for inspection of all external facing materials.

7. Use Class Restriction – Pelham Street Commercial

The five commercial units at ground floor level on Pelham Street forming the subject of this permission, as identified on approved drawing RSHP-A-01300-P-00 Rev P2 as being used for Retail, shall be used only for retail use (being the uses previously falling within Use Class A1 and A2), and for no other purpose(s) including any other purpose within Use Class E of the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

8. Use Class Restriction – the Bullnose Commercial

The floorspace at First Floor, Second Floor, and Third Floor within the 'Bullnose' building forming the subject of this permission, as identified on approved drawings RSHP-A-01510-P-01 Rev P2, RSHP-A-01520-P-02 Rev P2, and RSHP-A-01530-P-03 Rev P2, as being used for Office, shall be used only for Office use (being the use previously falling with Use Class B1), and for no other

purpose(s) including any other purpose within Use Class E of the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

9. Restriction on Amalgamation – Pelham Street Commercial

The five commercial units at ground floor level on Pelham Street forming the subject of this permission, as identified on approved drawing RSHP-A-01300-P-00 Rev P2 as being used for Retail, shall not at any time be amalgamated and shall form five separate retail units only at the sizes shown on the approved drawings.

10. Restriction on Amalgamation – Thurloe Street Commercial

The six commercial units [“the original units”] at ground floor level on Thurloe Street (numbers 20, 22, 24, 26, 30 and 32 Thurloe Street) identified on approved drawing RSHP-A-01200-P-00 Rev P1 as being used for Retail:

- (a) shall not be amalgamated to form less than three units in total; and
- (b) in any event, no more than two of the original units shall be amalgamated to form one retail unit.

11. Provision of cycle storage prior to occupation

Prior to commencement of works on the superstructure of each building, details of the cycle storage facilities for the relevant building, including the storage and the allocation of the spaces to each use shall be submitted to, and approved in writing by, the Local Planning Authority. The approved cycle storage shall only be carried out in accordance with the approved drawings, shall be provided prior to occupation of the relevant part of the development, and shall thereafter be retained and maintained for that use at all times.

12. Thurloe Square Emergency Exit

The emergency exit from the eastern end of South Kensington Underground Station onto Thurloe Square shall at no time be used except in the event of an emergency.

13. Construction Traffic Management Plan (CTMP)

Prior to commencement of each building (South Kensington Underground Station (excluding the station Arcade), Thurloe Street, Bullnose (including the station Arcade), Pelham Street and Thurloe Square) a Construction Traffic Management Plan for the relevant building shall be 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 and scheduling procedures;
- 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 Construction Traffic Management Plan. A one-page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.

14. Travel Plan – Details

Prior to the occupation of each building, a travel plan for that building shall be submitted to, and approved in writing by, the local planning authority with details relating to both the commercial and residential uses. 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.

15. Delivery and Servicing Management Plan

Prior to the occupation of each building, a final Delivery and Servicing Management Plan (including hours of servicing) for that building shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out and occupied in accordance with the details approved, and so adhered to thereafter.

16. Refuse and Recycling Strategy

Prior to the occupation of each building, a refuse and recycling strategy for that building shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include final details of all storage facilities and the strategy for collection of refuse and recycling for both the residential and commercial uses. The building shall not be occupied until the storage is available and measures outlined in the strategy are in place, and the facilities shall thereafter be retained for that use at all times.

17. Code of Construction Practice

Prior to commencement of each part of the development (South Kensington Underground Station (excluding the station Arcade), Thurloe Street, Bullnose (including the station Arcade), Pelham Street and Thurloe Square):

- a) An Appendix A Checklist and Site Construction Management Plan (SCMP) for the relevant part of the development shall have both been submitted to, and

approved in writing, by the Council's Construction Management Team, and then

- b) Copies of the approved Checklist and Plan, and their written approval, shall have been submitted to the Local Planning Authority to be placed on the property record.

The development shall be carried out in accordance with the Appendix A Checklist and SCMP so approved, or in accordance with a subsequent Checklist or SCMP as may be approved under this condition.

18. Considerate Constructors Scheme (CCS)

No development shall commence on the relevant part of the site 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 relevant part of site so that they can be easily read by passing members of the public, and shall thereafter be retained on display throughout the duration of the works forming the subject of this permission.

19. Professional Management of Engineering Works

No development of the relevant part of the site shall commence (save for site clearance and enabling works) until:

(a) 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

(b) the name, and contact details of the person supervising engineering and construction on the relevant part of the 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.

20. Emergency Diesel Generators

- a) Prior to commencement of works on the superstructure of the relevant buildings, details of emission certificates and the results of the NOx emissions testing of any Emergency Diesel Generator plant shall be submitted to and agreed in writing with the Local Planning Authority. The details should include the number, generator specification sheets, the associated NOx emissions, details of routine testing, efflux velocity and location/height of the exit flue.
- b) Prior to commencement of works on the superstructure of the relevant buildings, details demonstrating that any Emergency Diesel Generator Plant

and associated abatement technologies shall meet a minimum dry NO_x emission standard of 95 mg/Nm³ (at 5% O₂) respectively by an accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards. Where any combustion plant does not meet the relevant emission standards stated above, it should not be operated without the fitting of suitable secondary NO_x abatement equipment/technology as determined by a specialist to ensure comparable emissions.

- c) Prior to occupation of the relevant part of the development the approved system shall be installed and be operational. Details to demonstrate where secondary abatement is used for any Emergency Diesel Generator the relevant emissions standards in Part B are met within 10 minutes of the generator commencing operation. During the operation of the emergency diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in mains power supply to the site, and the testing shall not exceed a maximum of 12 hours per calendar year.

21. Ventilation Strategy

Prior to commencement of works on the superstructure of the relevant residential building, a Ventilation Strategy report for that building shall be submitted to and approved in writing by the Local Planning Authority in order to mitigate air pollution. The assessment should be supported with dispersion modelling to predict façade concentrations at sensitive receptor locations and specific ventilation requirements to ensure that the national Air Quality Objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}) are not exceeded at receptor locations. The Ventilation Strategy report should include the following information:

- a) Details and locations of the air intake locations;
- b) Details and locations for Habitable Rooms (Bedrooms, Living Rooms) where non-openable windows can be used for ventilation other than short term purge;
- c) Details and locations of ventilation extracts to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces;
- d) If part (a) is not implemented details of the mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration at air intakes where there is an exceedance of the relevant air quality objectives shall be provided. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved

details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

22. Ventilation Strategy (Compliance)

Prior to occupation of the relevant part of the development, details of a post-installation report of the approved ventilation strategy (as secured by Condition 21) shall be submitted to and approved in writing by the Local Planning Authority. Should remedial or additional works be required to achieve the necessary air quality levels they should be set out for the written approval of the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development and thereafter permanently retained and maintained.

23. Dust and Air Quality Monitoring Plan

Prior to commencement of each part of the development a site-specific Dust and Air Quality Monitoring Plan for the relevant part shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include Air Quality Monitoring of NO₂ and PM and used to prevent levels exceedances of the agreed site threshold trigger level for PM₁₀ concentrations - 150 µg/m³. The development shall only be carried out in accordance with the details within the Plan thereby approved.

24. Non-Road Mobile Machinery

All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the GLA 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any successor document, shall comply with the emissions requirements therein.

25. Demolition Environmental Management Plan (DEMP)

Prior to commencement of demolition of each building (South Kensington Underground Station (excluding the station Arcade), Thurloe Street, Bullnose (including the station Arcade), Pelham Street and Thurloe Square) a Demolition Environmental Management Plan for each building shall be submitted to, and approved in writing by, the Local Planning Authority. The DEMP for each building shall include the cumulative impact from each part of the development under construction concurrently. The development shall be carried out only in accordance with the Plan so approved.

26. Construction Environmental Management Plan (CEMP)

Prior to commencement of development of each building (South Kensington Underground Station (excluding the station Arcade), Thurloe Street, Bullnose (including the station Arcade), Pelham Street and Thurloe Square) a site-specific Construction Environmental Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP for each building shall include the cumulative impact from each part of the development under construction concurrently. The development shall be carried out only in accordance with the Plan so approved.

27. Noise from Building Service Plant and Vents

Noise emitted by all building services plant and vents shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time when the plant is operating, and where the source is tonal it shall not exceed a level 15dBA below. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest neighbouring residential premises or at 1.2m above any adjacent neighbouring residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the Local Planning Authority to be failing to comply with this condition, it shall be switched off upon written instruction from the Local Planning Authority and not used again until it is able to comply.

28. Anti-vibration Mounts for Air-conditioning/Extraction Equipment

All plant and equipment, including that associated with lifts, shall not operate unless it is supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so retained thereafter.

29. Sound Insulation – Façade Construction

Prior to commencement of works on the superstructure of each residential building, details of the facade construction, including glazing, with commensurate composite sound insulation performance predictions, and which demonstrate that noise levels within habitable rooms shall comply with the recommendations of BS8233: 2014 (or any subsequent updated British Standard) Sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority.

30. Sound Insulation Between Commercial Uses and Dwellings

Prior to commencement of works on the superstructure of each relevant building, a scheme of sound insulation designed to prevent the transmission of excessive airborne and impact noise between the commercial floorspace and residential dwellings in the development, shall be submitted to, and approved in writing by the Local Planning Authority. The measures shall limit noise intrusion such that it does not exceed 15 dB LAeq(5 minutes) at any time. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the approved dwellings shall be occupied until the approved insulation scheme has been fully implemented.

31. Re- Radiated Noise Limits and Mitigation

Re-radiated noise, as a result of vibration affecting the development, should not exceed 35dBLAmax(s) mean-plus-one standard deviation within the proposed residential dwellings. Where it is predicted that noise from this source will exceed the above limit then proposals to mitigate re-radiated noise to acceptable levels shall be submitted to and approved in writing by the Local Planning Authority.

32. Vibration Dose Values

Vibration Dose Values (VDV's), as defined in BS 6472:2008 shall not exceed those of Table 1 of BS 6472:2008 for 'low probability of adverse comment'. The

measured or calculated VDV's, generated as a result of vibration affecting the site shall be adjusted as necessary to allow for transfer functions from the ground to the foundations and to upper floors of the proposed development. Where it is predicted that VDV's will exceed the values of Table 1 of BS 6472:2008 for 'low probability of adverse comment' then proposals to mitigate VDV's to acceptable levels shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential dwellings. The development shall be carried out only in accordance with the details so approved.

33. Contamination – Site Investigation Scheme

No development shall commence until a Proposed Intrusive Site Investigation Design for the site and surrounding area are submitted to, and approved in writing by, the Local Planning Authority. The Proposed Intrusive Site Investigation Design shall be prepared in accordance with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates.

34. Contamination – Preliminary Risk Assessment Report and Proposed Site Investigation

No development shall commence (except for site clearance and enabling works undertaken at ground level) until the approved Proposed Intrusive Site Investigation Design has been fully implemented and a report including full details of the intrusive site investigation, Risk Assessment, an Options Appraisal and a Remediation Strategy has been submitted to, and approved in writing by, the Local Planning Authority [The intrusive site investigation, Risk Assessment, Options Appraisal, Remediation Strategy and any associated reporting shall be undertaken in line with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates].

35. Contamination – Verification Report

Prior to occupation of the relevant part of the development the approved Remediation Strategy shall be implemented in full, and a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall include full details of requirements for ongoing monitoring and maintenance and be prepared in line with the Environment Agency's current Land Contamination Risk Management Guidance and the Council's guidance or any subsequent updates. Ongoing monitoring and maintenance shall be implemented in line with the approved Verification Report.

36. 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. The approved measures shall be implemented in full.

37. Energy Performance – Residential

The development shall be constructed in accordance with the submitted SWECO Energy Strategy dated March 2020, demonstrating how the residential part of the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure the reduction in CO2 emissions beyond the baseline of Part L of the Building Regulations 2013 as outlined in the strategy. Prior to occupation of the relevant part of the development, evidence shall be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved Energy Strategy and demonstrating the percentage reduction in CO2 emissions beyond the baseline.

38. Energy Performance

The development shall be constructed in accordance with the submitted SWECO Energy Strategy dated March 2020, demonstrating how the commercial part of the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure the reduction in CO2 emissions beyond the baseline of Part L of the Building Regulations 2013 as outlined in the strategy. Prior to occupation of the relevant part of the development, evidence shall be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved Energy Strategy and demonstrating the percentage reduction in CO2 emissions beyond the baseline.

39. Sustainable Urban Drainage System (SuDS)

Prior to commencement on the superstructure of each building, a Supplementary Drainage Strategy shall be submitted to, and approved in writing by, the Local Planning Authority, for the relevant building and including the following details:

- (a) A detailed analysis of surface water run-off and explanation of how opportunities to maximise reductions in run-off rates will be taken on the site. Policy CE2g requires major development to achieve greenfield run-off rates including climate change in the calculations and factoring in all flows into the sewer system including groundwater, if these targets are not achieved the revised SuDS strategy should outline detailed justification for not meeting this requirement. Calculations should show the existing and proposed surface water run-off rates for the 1 in 1yr, 1 in 30yr, 1 in 100yr and 1 in 100 plus 40% CC yr events; and,
- (b) Details for all the final SuDS: their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance; and,
- (c) Section/profile drawings of the SuDS if relevant (green roofs, blue roofs, sub-base attenuation, permeable paving, planters, species, etc.); and,
- (d) Drainage plans to show clearly how surface water run-off will be conveyed to the SuDS and any connections to the sewer system (including pumps and hydrobrakes) if necessary; and,
- (e) Details of surface water management during construction and any exceedance routes if applicable.

The SuDS shall be fully implemented in accordance with the details hereby approved and thereafter maintained.

40. Accessible and Adaptable Dwellings

The dwellings hereby approved shall be designed and built to meet the requirements of Part M, Volume 1 of the Building Regulations as follows:

- a) A minimum of 5 dwellings to meet the requirements of M4(3) Category 3: Wheelchair user dwellings
- b) A minimum of 41 dwellings to meet the requirements of M4(2) Category 2: Accessible and adaptable dwellings.

Prior to commencement of the relevant part of the development, floorplans shall be submitted to and approved in writing by the Local Planning Authority, showing the location and the distribution of the dwellings within the categories.

41. Trees and Landscaping – Details Required

Prior to commencement of works on the superstructure, a scheme of landscaping, to include all existing trees and shrubs and proposed trees shrubs (which shall include species that provide opportunities for pollinators) and paths and their surfacing materials, has been submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details and retained as such thereafter.

42. Trees and Landscaping Implementaton

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.

43. Protection of Trees During Construction – Details Required

No development shall commence until full particulars of the method(s) by which all existing trees on the site and adjacent land (except the two trees permitted for removal in the Plaza) 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 and the development shall be carried out only in accordance with the details so approved.

44. Bird and Bat Boxes

Prior to occupation of each part of the development, details of a scheme of 'artificial nesting opportunities' shall be submitted to and approved in writing by the Local Planning Authority. These details shall incorporate bird and bat boxes. The details to be submitted to the Local Planning Authority for approval shall

include a timetable for provision and shall be implemented in accordance with the approved timetable and thereafter retained in accordance with the approved details.

45. Water Efficiency

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

46. Undercroft Improvement Scheme

Notwithstanding the approved drawings listed in Condition 2, prior to commencement of the Pelham Street building a scheme of improvement works to be carried out to the South Kensington Station Pelham Street Undercroft, including a timetable for completion of agree works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the details and timetable so approved, and retained thereafter.

47. Retention and Re-use of Shopfront at 34 Thurloe Street

Notwithstanding the approved drawings listed in condition 2, prior to the commencement of any works to 20-34 Thurloe Street a written scheme of investigation into the potential retention and re-use of the shopfront at 34 Thurloe Street shall be submitted to and approved in writing by the Local Planning Authority. If the written scheme of investigation identifies that the shopfront at 34 Thurloe Street can be retained and re-used, then the development shall be carried out in accordance with the approved written scheme of investigation (seeking the re-use of this shopfront).

48. Retention and Re-use of Shopfront at 36 Thurloe Street

Notwithstanding the detailed plans and drawings approved as part of the planning permission, no works shall commence on the Station Arcade shopfronts or the Bullnose before a written scheme of investigation into the potential retention, restoration, and re-use of the shopfront at 36 Thurloe Street shall be submitted to and approved in writing by the Local Planning Authority. If the written scheme of investigation identifies that the shopfront at 36 Thurloe Street can be retained and re-used, then the development shall be carried out in accordance with the approved written scheme of investigation (seeking the re-use of this shopfront).

49. Secured by Design

Prior to the commencement of above ground works details of measures to minimise the risk of crime and meet the specific security needs of the development (informed by the principles and objectives of Secured by Design) shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained thereafter.

50. Green Roofs

Prior to the commencement of the relevant part of the works, full details of the green roofs including details of the substrate and planting, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained and maintained as such thereafter.

51. Subway openings not approved

Notwithstanding details shown on the approved plans and drawings (which cannot be readily separated) there shall be no removal of the subway wall to create two shopfronts serving the basement areas of the 20-34 Thurloe Street building.

Listed Building Consent Conditions APP/K5600/Y/22/3301446

1. Time limit

The works hereby granted shall be begun before the expiration of three years from the date of this consent.

2. Submission of details - Bullnose

Prior to commencement of the relevant part of the development, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority and the works shall not be completed otherwise than in accordance with the details so approved:

- a) Detailed elevational drawings showing details and distribution of external facing materials;
- b) Detailed elevations, plans, and sectional drawings of external windows and doors at a scale of 1:20;
- c) Detailed drawings of shopfronts at 1:20;
- d) Signage strategy for the Bullnose shops;
- e) Detailed drawings of all external plant and PV units including any screening required;
- f) Samples, including sample panels, provided and retained on site for inspection of all external facing materials.

3. Submission of details - Pelham Street

Prior to commencement of the relevant part of the development (excluding works associated with the delivery of the Step Free Access), full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority and the works shall not be completed otherwise than in accordance with the details so approved:

- a) Detailed elevational drawings showing details and distribution of external facing materials;
- b) Detailed elevations, plans, and sectional drawings of external windows and doors at a scale of 1:20;
- c) Detailed drawings of shopfronts at 1:20;
- d) Signage strategy for the Pelham Street shops;
- e) Detailed drawings of all external plant and PV units including any screening required;
- f) Samples, including sample panels, provided and retained on site for inspection of all external facing materials.

4. Submission of details - Thurloe Square

Prior to commencement of the relevant part of the development (excluding works associated with the delivery of the Step Free Access), full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority and the works shall not be completed otherwise than in accordance with the details so approved:

- a) Detailed elevational drawings showing details and distribution of external facing materials;
- b) Detailed elevations, plans, and sectional drawings of external windows and doors at a scale of 1:20;
- c) Detailed drawings of South Kensington Underground Station Emergency Exit, including the stairs and doors;
- d) Detailed drawings of all external plant and PV units including any screening required;
- e) Samples, including sample panels, provided and retained on site for inspection of all external facing materials.

5. Notification of start of works

No works shall commence under this listed building consent to the relevant buildings before written notification of the intended start of works has been provided to the Local Planning Authority with such notification providing not less than 14 days' notice prior to the commencement of works. For the period of 14 days before works commence, access shall be enabled to the building, on request from the Local Planning Authority, to allow photographs and/or measured drawings to be undertaken.

6. Recording of works – Photographic survey

Prior to the commencement of works, a full photographic survey for buildings and structures being demolished shall be carried out and submitted to the Local Planning Authority and provision for their deposit and archive shall also be agreed in writing by the Local Planning Authority. The photographic survey shall include photographs of the full exterior and interior of the buildings and shall be retained in accordance with the agreed details.

7. Submission of details – South Kensington Station (including Arcade) and Subway (works insofar as allowed noting shopfronts are not allowed)

Detailed drawings, and/ or method statements including methods and materials, and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved for each relevant building in writing by the Local Planning Authority before the relevant part of the work is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:

- a) cleaning of brickwork;
- b) pointing/brickwork repairs, including mortar mix;
- c) detailed drawings including elevations and sections of new internal works to the arcade;
- d) proposed new servicing, including details of all service runs, any new ducts or vents.

8. Work to match retained fabric

All new works and works of making good to the retained fabric within the station and the subway, whether internal or external, shall be finished to

match the adjacent work with regard to the methods used and to colour, material, texture, and profile.

9. Undercroft Improvement Scheme

Notwithstanding the approved drawings listed in Condition 2, prior to commencement of the Pelham Street building (excluding works associated with the delivery of the Step Free Access) a scheme of improvement works to be carried out to the South Kensington Underground Station Pelham Street Undercroft, including a timetable for completion of agree works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the details and timetable so approved and retained thereafter.

10. Retention, restoration, and re-use of shopfront at 36 Thurloe Street

Notwithstanding the detailed plans and drawings approved as part of the listed building consent, no works shall commence on the Station Arcade shopfronts or the Bullnose before a written scheme of investigation into the potential retention, restoration, and re-use of the shopfront at 36 Thurloe Street shall be submitted to and approved in writing by the Local Planning Authority. If the written scheme of investigation identifies that the shopfront at 36 Thurloe Street can be retained and re-used, then the development shall be carried out in accordance with the approved written scheme of investigation (seeking the re-use of this shopfront).

11. Subway openings not approved

Notwithstanding details shown on the approved plans and drawings (which cannot be readily separated) there shall be no removal of the subway wall to create two shopfronts serving the basement areas of the 20-34 Thurloe Street building.

Annex A Schedule of Plans

Proposed Demolition Plans		
SKSEW-WW-PRM-D109_3-DR- A-1201	Demolition Platform Level Plan	P01
SKSEW-WW-PRM-D109_3-DR- A-1203	Demolition Platform Level Plan - Thurloe Square	P01
SKSEW-WW-PRM-D109_2-DR- A-1204	Demolition Ticket Hall/ Subway Level	P01
SKSEW-WW-PRM-D109_2-DR- A-1205	Demolition Ticket Hall/ Subway Level - Thurloe Street	P01
SKSEW-WW-PRM-D109_1-DR- A-1206	Demolition Street Level Plan	P01
SKSEW-WW-PRM-D109_1-DR- A-1207	Demolition Street Level - Thurloe Street	P01
SKSEW-WW-PRM-D109_1-DR- A-1208	Demolition Street – Level Thurloe Square	P01
SKSEW-WW-PRM-D109_A-DR- A-1209	Demolition First Level Plan	P01
SKSEW-WW-PRM-D109_Z-DR- A-3201	Demolition Cross Section A-A	P01
SKSEW-WW-PRM-D109_Z-DR- A-3202	Demolition Cross Section B-B	P01
SKSEW-WW-PRM-D109_Z-DR- A-3203	Demolition Long Section A-A	P01
SKSEW-WW-PRM-D109_Z-DR- A-3204	Demolition Long Section A-A - Thurloe Street	P01
SKSEW-WW-PRM-D109_Z-DR- A-3205	Demolition Long Section A-A - Thurloe Square	P01
SKSEW-WW-PRM-D109_Z-DR- A-4201	Demolition Elevation North	P01
RSHP-A-09999-P-B1	Listed Buildings – Demolition and Alterations – Basement Plan	-
RSHP-A-10000-P-00	Listed Buildings – Demolition and Alterations – Ground Floor Plan	-
RSHP-A-10001-P-01	Listed Buildings – Demolition and Alterations – First Floor Plan	-
RSHP-A-10002-P-02	Listed Buildings – Demolition and Alterations – Second Floor Plan	-

RSHP-A-10003-P-03	Listed Buildings – Demolition and Alterations – Third Floor Plan	-
RSHP-A-10004-P-04	Listed Buildings – Demolition and Alterations – Fourth Floor Plan	-
RSHP-A-10005-P-05	Listed Buildings – Demolition and Alterations – Roof Plan	-
RSHP-A-11000-P-00	Listed Buildings Demolition and Alterations – Thurloe Square – Ground Floor Plan	-
RSHP-A-11999-P-B1	Listed Buildings Demolition and Alterations – Thurloe Street – Basement Plan	-
RSHP-A-12000-P-00	Listed Buildings Demolition and Alterations – Thurloe Street Ground Floor Plan	-
RSHP-A-12100-P-01	Listed Buildings Demolition and Alterations – Thurloe Street First Floor Plan	-
RSHP-A-12200-P-02	Listed Buildings Demolition and Alterations – Thurloe Street Second Floor Plan	-
RSHP-A-12300-P-03	Listed Buildings Demolition and Alterations – Thurloe Street Third Floor Plan	-
RSHP-A-12400-P-04	Listed Buildings Demolition and Alterations – Thurloe Street Fourth Floor Plan	-
RSHP-A-12500-P-05	Listed Buildings Demolition and Alterations – Thurloe Street Roof Plan	-
RSHP-A-13000-P-00	Listed Buildings Demolition and Alterations – Pelham Street Commercial Ground Floor Plan	-
RSHP-A-14000-P-00	Listed Buildings Demolition and Alterations – Pelham Street Residential Ground Floor Plan	-
RSHP-A-14999-P-B1	Listed Buildings Demolition and Alterations – The Bullnose Basement Plan	-
RSHP-A-15000-P-00	Listed Buildings Demolition and Alterations – The Bullnose Ground Floor Plan	-
RSHP-A-15100-P-01	Listed Buildings Demolition and Alterations – The Bullnose First Floor Plan	-
RSHP-A-15400-P-02	Listed Buildings Demolition and Alterations – The Bullnose Roof Plan	-
RSHP-A-20000-S-AA	Listed Buildings – Demolition and Alterations – Long Section AA	-
RSHP-A-20001-S-BB	Listed Buildings – Demolition and Alterations – Long Section BB	-
RSHP-A-20002-S-CC	Listed Buildings – Demolition and Alterations – Cross Section CC	-
RSHP-A-20003-S-DD	Listed Buildings – Demolition and Alterations – Cross Section DD	-
RSHP-A-20004-S-EE	Listed Buildings – Demolition and Alterations – Cross Section EE	-
RSHP-A-20005-S-FF	Listed Buildings – Demolition and Alterations – Section FF	-
RSHP-A-30000-E-N	Listed Buildings Demolition and Alterations – Existing Elevation – North – Thurloe Street	-
RSHP-A-30001-E-S	Listed Buildings Demolition and Alterations – Existing Elevation – South – Pelham Street	-

RSHP-A-30002-E-E	Listed Buildings Demolition and Alterations – Existing Elevation – East – Thurloe Square	-
RSHP-A-30003-E-W	Listed Buildings Demolition and Alterations – Existing Elevation – West – Cromwell Place	-
RSHP-A-40003-D-XX	Listed Buildings Details – Pelham Street Revetment Wall and Steel Structure Interface	-
RSHP-A-40004-D-XX	Listed Buildings Details – Thurloe Square Bridge Alteration	-
RSHP-A-40005-D-B1	Listed Buildings Details – Bullnose Basement Structure Interfaces	-
633/SU003	The Arcade No. 1 – 13 (& 35 Thurloe St) Elevation as Existing	-
633/GA007	The Arcade No. 1 – 13 (& 35 Thurloe St) Elevation as Proposed	-
633/GA022A	Arcade Shopfront Plans as Proposed	A
Proposed Plans		
RSHP-A-00010-P-00	Proposed Site Location Plan	P2-
RSHP-A-00020-P-00	Proposed Site Plan	P2-
RSHP-A-00999-P-B1	Proposed Basement Plan	-
RSHP-A-01000-P-00	Proposed Ground Floor Plan	P2-
RSHP-A-01001-P-01	Proposed First Floor Plan	P2-
RSHP-A-01002-P-02	Proposed Second Floor Plan	P2-
RSHP-A-01003-P-03	Proposed Third Floor Plan	P2-
RSHP-A-01004-P-04	Proposed Fourth Floor Plan	P2-
RSHP-A-01005-P-05	Proposed Fifth Floor Plan	P2-
RSHP-A-01006-P-06	Proposed Roof Plan	P2-
RSHP-A-01099-P-B1	Proposed Basement Plan Thurloe Square	-
RSHP-A-01100-P-00	Proposed Ground Floor Plan Thurloe Square	-P2
RSHP-A-01110-P-01	Proposed First Floor Plan Thurloe Square	-P2
RSHP-A-01120-P-02	Proposed Second Floor Plan Thurloe Square	-P2
RSHP-A-01130-P-03	Proposed Third Floor Plan Thurloe Square	-P2
RSHP-A-01140-P-04	Proposed Fourth Floor Plan Thurloe Square	P2-
RSHP-A-01150-P-05	Proposed Roof Plan Thurloe Square	P2-
RSHP-A-01199-P-B1	Proposed Basement Plan Thurloe Street	-
RSHP-A-01200-P-00	Proposed Ground Floor Plan Thurloe Street	-P1
RSHP-A-01210-P-01	Proposed First Floor Plan Thurloe Street	P2-
RSHP-A-01220-P-02	Proposed Second Floor Plan Thurloe Street	-P2
RSHP-A-01230-P-03	Proposed Third Floor Plan Thurloe Street	-P2

RSHP-A-01240-P-04	Proposed Fourth Floor Plan Thurloe Street	-P2
RSHP-A-01250-P-05	Proposed Roof Plan Thurloe Street	-P2
RSHP-A-01299-P-B1	Proposed Basement Plan Pelham Street Commercial	-
RSHP-A-01300-P-00	Proposed Ground Floor Plan Pelham Street Commercial	-P2
RSHP-A-01310-P-01	Proposed First Floor Plan Pelham Street Commercial	-P2
RSHP-A-01320-P-02	Proposed Second Floor Plan Pelham Street Commercial	-P2
RSHP-A-01330-P-03	Proposed Third Floor Plan Pelham Street Commercial	-P2
RSHP-A-01340-P-04	Proposed Fourth Floor Plan Pelham Street Commercial	-P2
RSHP-A-01350-P-05	Proposed Roof Plan Pelham Street Commercial	-P2
RSHP-A-01399-P-B1	Proposed Basement Plan Pelham Street Residential	-
RSHP-A-01400-P-00	Proposed Ground Floor Plan Pelham Street Residential	-P2
RSHP-A-01410-P-01	Proposed First Floor Plan Pelham Street Residential	-P2
RSHP-A-01420-P-02	Proposed Second Floor Plan Pelham Street Residential	-P2
RSHP-A-01430-P-03	Proposed Third Floor Plan Pelham Street Residential	-P2
RSHP-A-01440-P-04	Proposed Roof Plan Pelham Street Residential	-P2
RSHP-A-01499-P-B1	Proposed Basement Plan The Bullnose	-
RSHP-A-01500-P-00	Proposed Ground Floor Plan The Bullnose	-P2
RSHP-A-01505-P-00	Proposed Mezzanine Plan The Bullnose	-P2
RSHP-A-01510-P-01	Proposed First Floor Plan The Bullnose	-P2
RSHP-A-01520-P-02	Proposed Second Floor Plan The Bullnose	-P2
RSHP-A-01530-P-03	Proposed Third Floor Plan The Bullnose	-P2
RSHP-A-01540-P-04	Proposed Roof Plan The Bullnose	-P2
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