



Appeal Decision

Site visit made on 7 March 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/K5600/W/23/3327772

1 Cranley Mews, Kensington and Chelsea, London, SW7 3BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval for details required by a condition of a planning permission.
 - The appeal is made by Mr Tristram Simmonds against the decision of the Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref CON/23/00007 sought approval of details pursuant to condition No 4 of planning permission Ref PP/22/05677, granted on 25 November 2022.
 - The application was refused by notice dated 16 June 2023.
 - The development proposed is construction of single-storey basement within footprint of the property; alterations to fenestration at ground floor level; installation of roof lights to rear of slate roof; removal of metalwork balcony and replacement with cast iron Juliet balcony.
 - The details for which approval is sought relate to a construction traffic management plan.
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Decision

1. The appeal is allowed, and the construction traffic management plan (CTMP) submitted, pursuant to condition No 4, attached to planning permission Ref PP/22/05677, granted on 25 November 2022, is approved in accordance with the application Ref CON/23/00007 and the details submitted with it.

Application for costs

2. An application for costs was made by Mr Tristram Simmonds against the Council of The Royal Borough of Kensington and Chelsea. This application is the subject of a separate decision.

Background and Main Issue

3. Conditional planning permission was granted for the construction of a single storey basement and other works. This appeal relates to the Council's refusal to discharge condition 4 of that planning permission, which requires the submission of a CTMP. The reason for the condition is to minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties. The condition lists the information that is required to be covered within the CTMP and further guidance on this is provided in informative 7 on the decision notice.
4. The main issue is whether the CTMP submitted covers the details required by the condition and is sufficient to enable the condition to be discharged, having regard to the reason for imposing it.

Reasons

5. Policy CL7 of The Royal Borough of Kensington and Chelsea Local Plan September 2019 (LP) relates specifically to basement development, and requires, amongst other things, that when undertaking such development, measures must be put in place to ensure that associated traffic and construction activity do not cause unacceptable harm to pedestrian, cycle, vehicular and road safety; do not adversely affect bus or other transport operations, significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby. Section 6 of The Royal Borough of Kensington and Chelsea Basements Supplementary Planning Document April 2016 (Basements SPD) provides further guidance on this matter.
6. The submitted CTMP has been prepared using the Council's proforma. It addresses all the requirements listed in condition 4 and all the advisory points detailed in informative 7. The Local Highway Authority is satisfied with the information provided and advise that it is sufficient to enable the condition to be discharged.
7. Cranley Mews comprises a narrow, cobbled street that runs between Old Brompton Road and Cranley Gardens. It has a 7.5 tonne weight limit and can be accessed and egressed from either end. No other streets are accessed from it. There are no footways or kerbs along the main stretch of the street. However, there are yellow lines that distinguish between the roadway and the areas to the front of properties, some of which are occupied by planters and outdoor seating. The street is not busy, and I saw no vehicular movements to or from Cranley Mews during the course of my visit. I also saw very few parked cars, there were two cars in the parking bays near the junction of Old Brompton Road and three cars parked in front of houses, straddling the yellow lines. There was scaffolding to the front of one property on the street and this did not extend beyond the yellow line into the roadway. Based upon my observations and the evidence before me, there is nothing to suggest that Cranley Mews forms part of a busy or congested access route.
8. Planned and unplanned road closures, road works and diversions are not uncommon. Whilst they inevitably cause some disturbance and inconvenience to users, including emergency services, and nearby residents, subject to appropriate management, they need not be detrimental to highway safety. The purpose of condition 4 is not to prevent any disruption, which would be impossible, but to ensure that any disruption is appropriately managed and minimised. The imposition of a condition which would unreasonably impact on the deliverability of a development would not meet the required tests for planning conditions.
9. I acknowledge that the development is expected to take up to 10 months to complete. However, the larger vehicles required to remove the excavated waste and to deliver concrete would not be present for the whole of that time. These larger vehicles would be limited to four trips per day, each lasting a maximum of 20 minutes, amounting to a total of 80 minutes per day. These trips would also be spread over several months.
10. The evidence before me demonstrates that emergency vehicles would be able to pass a construction vehicle parked immediately to the front of the appeal property. Emergencies are infrequent events, and given that Cranley Mews can

be accessed from either end and is not a main route providing access to any other streets, in the unlikely event that an emergency vehicle is called out at a time when construction traffic is present, and it is not advised of the potential obstruction when it is called out, and the construction vehicle is unable to be quickly moved before or upon the arrival of the emergency vehicle, and they are unable to negotiate the bend past the construction vehicle, nearby alternative vehicular access or pedestrian access could still be gained to the street.

11. Upon commencement of the development, local residents would be generally aware of construction times and dates. As such, they would be able to avoid and advise any known visitors of the potential vehicular conflict. As most vehicles would be able to pass the construction works, any incidences of vehicles having to reverse is likely to be negligible.
12. Given the nature of the development, it is not reasonable to expect construction related vehicles to be parked on a different street, requiring all materials and waste to be delivered and removed manually.
13. I note the suggestion of some residents for a sound blanket to reduce construction noise from the property. However, this is not relevant to the condition in question, which relates only to construction traffic and not other sources of construction noise and disturbance. Such matters would be covered by conditions 3 and 5.
14. Whilst not a specific requirement of the condition, properties immediately adjacent to the site, together with the local residents' association, were consulted in writing by the appellant's representatives on the CTMP. Local residents also had the opportunity to submit their comments on the discharge of condition application to the Council, and to voice their concerns to the planning committee, which is somewhat unusual for this type of application. I am therefore satisfied that appropriate consultation with residents has been undertaken.
15. I therefore conclude that the submitted CTMP covers the details required by the condition and demonstrates that the impact of construction works upon highway safety and nearby residents' enjoyment of their properties would be minimised as far as reasonably possible. The details would also accord with Policy CL7 of the LP and the Council's Basements SPD.
16. I do not consider that Policies CL5 and CT1 of the LP, which seek to ensure new development (upon completion) results in good living conditions for occupants of new, existing and neighbouring buildings and does not encourage car use, are relevant to the condition in question.

Conclusion

17. The submitted details are sufficient to discharge condition 4 of planning permission Ref PP/22/05677. Accordingly, the appeal is allowed.

R Bartlett

INSPECTOR