

**Planning and Place**

Kensington Town Hall, Hornton Street, LONDON, W8 7NX

**Director of Planning and Place**

Amanda Reid



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

Mr Gill  
Gill Architecture Ltd  
45-46 Albemarle Street  
Mayfair  
London  
W1S 4JL

**Date:** 21/11/2024  
**My Ref:** PP/24/06203

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015**

**Permission for Development (Conditional)**

The Royal Borough of Kensington and Chelsea hereby GRANTS PERMISSION for the development set out in the schedule below, subject to the stated Conditions and in accordance with the plans and information submitted.

Your attention is drawn to the enclosed information sheet.

**SCHEDULE**

<b><u>Development:</u></b>	Installation of a new sculpture in Emslie Horniman garden.
<b><u>Site Address:</u></b>	<b>Emslie Horniman Garden, East Row, LONDON</b>
<b><u>RBKC Drawing Nos:</u></b>	PP/24/06203
<b><u>Applicant's Drawing Nos:</u></b>	Site Location Plan dated 07/09/2024; Site Plan dated 20/09/2024; Plan P03; Elevation Sections P04; Elevation Sections P05;
<b><u>Application Dated:</u></b>	16/09/2024
<b><u>Application Completed:</u></b>	26/09/2024

**FULL CONDITION(S), REASON(S) FOR THEIR IMPOSITION AND INFORMATIVE(S)  
ATTACHED OVERLEAF**

## **CONDITION(S) AND REASON(S) FOR THEIR IMPOSITION**

**1. Time Limit**

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

*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.*

**2. Compliance with approved drawings**

**The development shall not be carried out except in complete accordance with the details shown on submitted plans *Site Location Plan dated 07/09/2024;***

***Site Plan dated 20/09/2024;***

***Plan P03;***

***Elevation Sections P04;***

***Elevation Sections P05;***

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

## **INFORMATIVE(S)**

1. Separate approval for the works hereby granted permission may be required by the Landowner, which is not the Local Planning Authority, and the grant of planning permission does not imply that such approval will be given.
2. Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
3. Advertisements on hoardings constructed around the site need to meet the size and other requirements of Class 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any outside of these requirements need advertisement consent granted by the Council.
4. This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives  
<https://www.rbkc.gov.uk/environment/code-construction-practice>
5. To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and which has been followed in this instance.

6. You are reminded that, if not properly managed, construction works can lead to significant negative impacts on the local environment, reducing residential amenity and the safe function of the highway. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under Section 137 of the Highways Act 1980. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see [Advice for Builders](#) on the Council's website; from this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required) which are very valuable instruments in limiting the impact of large scale building work. (I.40)

7. Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

**Monday to Friday 8am – 6pm**

**Saturday, Sunday and public holidays – none permitted**

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at [dehcmt@rbkc.gov.uk](mailto:dehcmt@rbkc.gov.uk)

8. Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your s.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#) .

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/24/06203> . If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.

Yours sincerely,

Amanda Reid  
**Director of Planning and Place**

## INFORMATION SHEET

When a permission or consent is given it does not convey any approval, consent, permission or licence under any Acts, Byelaws, Orders or Regulations other than those referred to in the permission or consent. Nothing in the permission or consent shall be regarded as dispensing with compliance with such other Acts or Byelaws etc.

In respect of planning permission, your particular attention is drawn to the provisions of the Building Act 1984, and the Building Regulations 2010 (as amended).

Also, the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting the land or the rights of any persons entitled to the benefits thereof.

Your attention is drawn to applicant's rights arising from the refusal of planning permission or Listed Building Consent, and from the grant of permission/consent subject to Conditions, as follows:

- 1) If the applicant is aggrieved by the decision of the local planning authority to refuse planning permission, Listed Building Consent, or approval for the proposed development; or to grant permission or approval/consent subject to conditions, he may appeal to the Secretary of State, under section 78 of the Town and Country Planning Act 1990, within **six months** of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 2) If permission to develop land or Listed Building Consent is refused or granted subject to Conditions whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the relevant authority where the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990, or Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) In certain circumstances, a claim may be made against the local planning authority for compensation. The circumstances in which such compensation is payable are set out in Sections 114 of the Town and Country Planning Act 1990, or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4) The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 5) The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- 6) Advertisements on hoardings constructed around the site need to meet the size and other requirements of Class 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any outside of these requirements need advertisement consent granted by the Council.