



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 20th November, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Robert Rigby (Chairman)
Louise Hyams
Guthrie McKie
James Spencer



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.

**Tel: 020 7641 7513; email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

(Pages 3 - 6)

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. **8 PRINCES GARDENS, LONDON, SW7 1NA**

(Pages 9 - 48)

2. **GARDEN HALL OF RESIDENCE IMPERIAL COLLEGE,
10-12 PRINCES GARDENS, LONDON, SW7 1ND**

(Pages 49 - 86)

3. **334-348 OXFORD STREET, LONDON, W1C 1JG**

**(Pages 87 -
112)**

4. **40 VILLIERS STREET, LONDON, WC2N 6NJ**

**(Pages 113 -
124)**

5. **103 WESTBOURNE GROVE, LONDON, W2 4UW**

**(Pages 125 -
158)**

**Stuart Love
Chief Executive
12 November 2018**



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 16th October, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Robert Rigby (Chairman), Louise Hyams, Guthrie McKie and James Spencer

1 MEMBERSHIP

1.1 There were no changes.

2 DECLARATIONS OF INTEREST

2.1 The Chairman explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Guthrie McKie declared that he was a member of SEBRA but was not impacted by any of the applications in its area on the agenda.

2.3 Councillor Robert Rigby declared that he had had meetings with the SEBRA Chairman but not discussed any of the applications on this agenda.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 18 September 2018 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 9-11 RICHMOND BUILDINGS, LONDON, W1D 3HF

Demolition of the existing building and redevelopment of the site to provide a six storey replacement building, with lowered basement, comprising offices (Use Class B1) at basement, ground and second to fifth floor levels and residential accommodation (Use Class C3) at first floor level comprising two residential units.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to a legal agreement to secure the following:
 - i) a financial contribution of £7,623 (index linked) towards the City Council's carbon offset fund;
 - ii) car club membership for each of the two residential flats for 25 years;
 - iii) monitoring costs for each of the above clauses.
2. That if the S106 legal agreement has not been completed within 6 weeks from the date of the Sub-Committee's resolution, then:
 - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 30-32 FOUBERT'S PLACE, LONDON, W1F 7PS

Dual/alternative use of the basement, ground and first floor for either retail (Class A1) or restaurant (Class A3) use and dual/alternative use of second and third floor for either retail (Class A1) use, restaurant (Class A3) use or offices (Class B1) use. Installation of an intake duct and extract duct located internally from basement to third floor terminating at roof level and enclosed within an acoustic enclosure.

A memo from the EH Consultation team (4.10.18) was circulated as a blue representation prior to the meeting.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the following additional conditions:

The submission of a floor plan of any future restaurant for approval; the submission of a strategy to improve accessibility into any future restaurant premises.

3 37-41 WESTBOURNE GROVE, LONDON, W2 4UA

Use of the ground floor as a mixed (Class D2/Class A1), comprising of an exercise studio, changing and shower facilities, a cafe/energy kitchen and retail area.

A representation from ICENI (10.10.18) was circulated as a blue representation prior to the meeting.

Late representations from Councillor Andrew Smith and SEBRA were circulated.

RESOLVED UNANIMOUSLY:

That permission be granted, the Sub-Committee being of the view that in the particular circumstances of this case the need to revitalise the area justified the granting of the application as an exception to policies which protected retail use subject to conditions being delegated to officers to include a pre-commencement condition regarding approval of details of the ventilation system which would require the prior agreement of the applicant, the hours of operation being limited to 6.30am to 9.30pm Mondays to Saturdays and from 7.30am to 9.30pm on Sundays and Bank Holidays.

4 108 WESTBOURNE GROVE, LONDON, W2 5RU

Use of basement and ground floors as a retail unit (Class A1) for a period of 15 years, and installation of air conditioning units on roof of 110 Westbourne Grove.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to the amended Condition 6 as follows:

“No more than 6 vehicles per day shall service the site using the layby on Hereford Road and this must only take place between the hours of 08:00 – 11:00 and 15:00 – 18:00 Monday to Friday, 08:00 – 10:00 on Saturdays and not at all on Sundays and Bank Holidays. All other servicing or deliveries to the site shall not take place from the public highway and must only take place internally utilising the existing internal servicing area at basement level, accessed via the vehicular access on Hereford Road”.

5 103 WESTBOURNE GROVE, LONDON, W2 4UW

Erection of roof extension at first floor level to provide a flat and associated alterations to provide pedestrian access from Monmouth Road.

A late blue representation from the Bayswater Residents Association (4.10.18) was circulated.

RESOLVED UNANIMOUSLY:

That consideration be deferred for a site visit to both the application site and neighbouring properties on Monmouth Road.

The Meeting ended at 8.08 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th November 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/01763/FULL 18/01764/LBC Knightsbridge And Belgravia	8 Princes Gardens London SW7 1NA	Use of 8- 9 Princes Gardens as Nursery (Class D1); internal and external alterations to building; installation of plant machinery and extract duct; and extension of garden area to the rear including installation of new fencing and sheds.	
2.	RN(s) : 18/02304/FULL 18/02305/LBC Knightsbridge And Belgravia	Garden Hall Of Residence Imperial College 10-12 Princes Gardens London SW7 1ND	Use of 10 - 13 Princes Gardens as school (Class D1) with outdoor teaching area to rear; external alterations including building refurbishment and installation of extract duct; installation of plant machinery and internal alterations.	
3.	RN(s) : 18/03718/FULL 18/00158/TCH Marylebone High Street	334-348 Oxford Street London W1C 1JG	Application 1 : Use of part of the ground floor (on the corner of Henrietta Place and Vere Street) as restaurant (Class A3) with associated external alterations to form new entrance. Application 2: Use of an area of the public highway measuring 14.71m x 2.63m for placement of 25 tables, 50 chairs, 10 barriers and 8 planters on Vere street elevation in association with the ground floor restaurant.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th November 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>3. Subject to 1. and 2. above, that the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p> <p>Application 2: Grant conditional permission.</p>			
Item No	References	Site Address	Proposal	Resolution
4.	<p>RN(s) : 18/03424/FULL</p> <p>St James's</p>	<p>40 Villiers Street London WC2N 6NJ</p>	<p>Facade replacement with retention of existing structural frame, replacement of office entrance, creation of a terrace and dry storage room and installation of plant at seventh floor roof level, in connection with continued use as office (Class B1) at first to sixth floor levels and retail (Class A1) at ground floor level. (Addendum Report)</p>	
<p>Recommendation Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Resolution
5.	<p>RN(s) : 17/09582/FULL</p> <p>Bayswater</p>	<p>103 Westbourne Grove London W2 4UW</p>	<p>Erection of roof extension at first floor level to provide a flat and associated alteration to provide pedestrian access from Monmouth Road. (Addendum Report)</p>	
<p>Recommendation Grant conditional permission.</p>				

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	8 - 9 Princes Gardens, London, SW7 1NA,		
Proposal	Use of 8- 9 Princes Gardens as Nursery (Class D1); internal and external alterations to building; installation of plant machinery and extract duct; and extension of garden area to the rear including installation of new fencing and sheds.		
Agent	JLL		
On behalf of	Imperial College London		
Registered Number	18/01763/FULL and 18/01764/LBC	Date amended/ completed	6 March 2018
Date Application Received	1 March 2018		
Historic Building Grade	II		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

<p>The applications relate to two former first-rate townhouses forming part of the Grade II listed terrace, 8-15 Princes Gardens. The buildings comprise 6 stories over basement level.</p> <p>In 1977, conditional permission was granted for the continued use of the ground floor and basement of no.8 as a children’s day nursery, and the use of an area to the rear of 8 and 9 Princes Gardens as a play area (A/TP/6541). In 1991, the City Council refused permission for use of the ground floor of no.9 as a day nursery will ancillary staff office at rear mezzanine level (91/01992/FULL) on amenity and loss of residential accommodation grounds. The applicant subsequently appealed the decision and permission was granted by the Planning Inspectorate in 1992 (T/APP/X5990/A/92/200264/P2).</p> <p>The nursery or “Early Years Education Centre” (EYEC) has expanded since these permissions were granted and now occupies the whole of no.8, the ground and first floor levels of no.9 and part of the basement at no.10. This expansion does not have the benefit of planning permission.</p>

Planning permission and listed building consent are now sought for use of Nos 8 and 9 Princes Gardens as a nursery (Class D1), alterations including installation of plant machinery and extract duct, and extension of the rear garden area including the installation of storage sheds, accessed via a path to the rear of the adjacent Ethos sports centre.

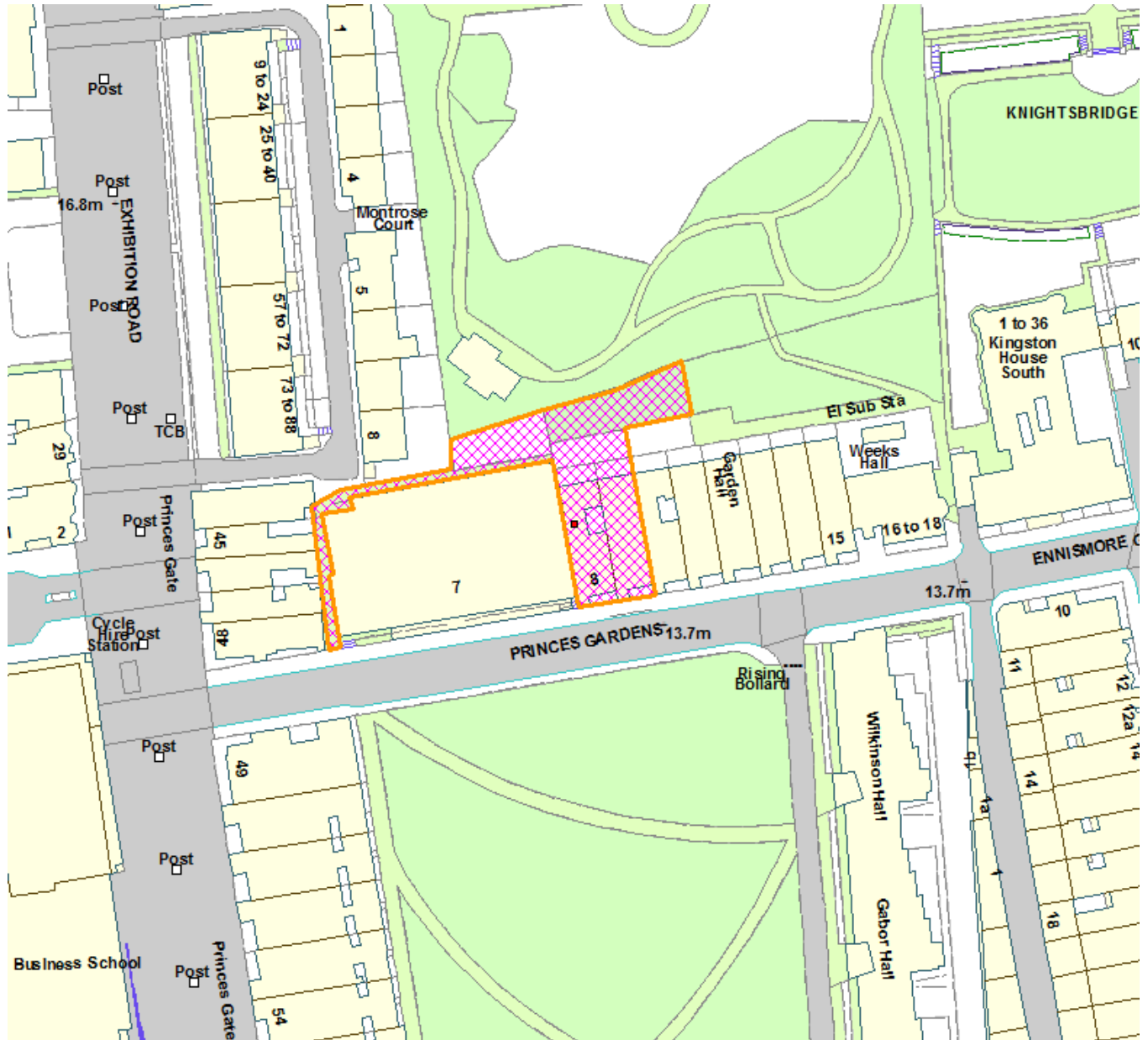
The applications are being considered at the same time as applications for planning permission and listed building consent for a change of use to school (Class D1) and associated works at the neighbouring 10 – 13 Princes Gardens (Item 2).

The key issues for the applications are:

- The impact on the amenity of neighbouring properties;
- The impact on the appearance of the Grade II listed building and the character and appearance of the Conservation Area.
- The impact of the proposals on the surrounding highway network.

The proposed development is considered acceptable in land use, design, highways and amenity terms and would accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan (City Plan) and the Knightsbridge Neighbourhood Plan (KNP). As such, it is recommended that conditional planning permission and listed building consent is granted.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front of 8 -9 Princes Gardens



Rear of 8-9 Princes Gardens

5. CONSULTATIONS

HISTORIC ENGLAND

-Do not consider that it is necessary for this application to be notified to Historic England.

THE KNIGHTSBRIDGE ASSOCIATION

Comments received 13 June and 29 June 2018

- Having studied the proposed management plan, the main areas of dispute remain the hours of use and extension of the use of the area behind the Sports Centre to the perimeter fence with no. 8 Montrose Court.
- The draft management plan would effectively allow the nursery unrestricted use of the rear garden from 09:00 until 17:00, as it does not seek to specify the maximum number of children playing at points in the day and states that the “Secret Garden” has unrestricted use during the day, which would take away the rights of residents.
- Should permission be granted for the storage and pram shed they should be no higher than the solid part of the existing timber fence to Montrose Court.
- A condition should be imposed that no babies/children should be taken to the pram shed, but must be dropped with staff at the front door, so as to minimise disturbance to residents. Any new planting should not be higher than the fence, so as not to cast further shade on the garden of no.8 Montrose Court which has been badly impacted by the bulk of the sports centre.
- The use of the area for play and education should not be extended into the area behind the sports centre, to avoid loss of amenity to neighbouring residents.
- It should be noted that the houses on Montrose Court were built well before the nursery began and it appears that most of the nursery’s expansion has taken place without any application for change of use or consideration for neighbouring amenity. Imperial College London (ICL) has continually pushed the boundaries regardless of the rights and amenity of adjacent residents. The nursery is currently operating in breach of their previous permissions.
- It should be noted that consultation letters were sent to 7-16 Princes Gardens, which are wholly owned and occupied by ICL.

Comments received 10 April 2018

- The number of hours in which the garden behind 8 and 9 could operate was restricted by the planning inspector to “no use between 15.00 and 10.00 hours nor between 11.30 and 13.00 hours on Mondays to Fridays nor at any time on Saturdays and Sundays. This use was subsequently extended to 15.30 (documents provided).
- The noise and disturbance from children playing at the rear of the property is excessive and on numerous occasions the residents of Montrose Court have written letters pointing out that that the permitted hours have been exceeded.
- We urge the Council to maintain the current restriction on the hours of use and not to permit any extension of the playground/garden. Should the applicants maintain that the extra numbers can only be accommodated by lifting the restrictions then permission should not be granted.
- A site visit to Montrose Court during term time is essential to assess the impact of the application on local residents.

Item No.
1

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

- Any comments to be reported verbally.

WASTE PROJECT OFFICER

- No objection, subject to condition to secure a revised plan indicating proposals for the storage of residual waste and recyclable materials.

ARBORICULTURAL OFFICER

- No objection, subject to conditions to secure a Trees Method Statement and detailed drawings of a hard and soft landscaping scheme.

HIGHWAYS PLANNING MANAGER

- Acceptable, subject to conditions to control servicing and restrict the use of the nursery to children of staff/students of Imperial College only.
- Condition recommended to secure cycle parking

ENVIRONMENTAL HEALTH

- No objection to the proposals on noise and nuisance grounds subject to conditions.
- The Council's standard conditions for building work, noise and vibration are recommended.
- The cumulative noise impact of the nursery's use of the rear garden and Princes Gate Gardens plus use of Princes Gate Gardens by the proposed school at 10-13 Princes Gardens is considered reasonable subject to conditions to ensure that both applicants adhere to their garden management plans.
- The discharge point of the kitchen extract duct is out of the wake of nearby buildings and shielded by existing structures. A condition requiring a supplementary acoustic report for the extract duct and associated plant is recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 229

Total No. of replies: 52

No. of objections: 16

No. in support: 36

Neighbours and contributors were notified about the submission of a Garden Management Strategy and Cumulative Noise Impact Assessment on 22 October 2018.

15 letters of objection have been received on the following grounds:

Amenity

- The play area should not be extended, the times the children are allowed in the garden should not be extended and the number of children should not be increased as the facility is already overdeveloped.
- The initial planning application for the nursery was only granted on appeal and with conditions, namely, the number of children should not exceed 45 and

specified times in the day when children were permitted in the garden. The nursery has grown beyond its means and is in breach of its planning conditions.

- The proposals will bring the play and garden area right to the boundary of Montrose Court, exacerbating existing noise problems.
- Access along the path behind the Ethos sports centre should be refused, as this would cause further noise and disturbance in the area.
- There must be times of the day when residents may enjoy their garden and not be disturbed by noise.
- The current noise levels are very disturbing, any increase would be totally unacceptable in terms on noise level and general disturbance, not only during the academic year but throughout the summer when the centre remains open.

Highways

- The proposals will generate extra traffic in the area when the children are being dropped off and collected which would lead to additional noise and disturbance

Design and Conservation

- The proposals are not appropriate for a conservation area.

Other

- Imperial College should be engaging with locals and seeking to reach a consensus
- The nursery should be moved to another part of Imperials estate.
- Gardens behind become trampled with litter left behind.
- Litter has previously been left in Prince's Gate Gardens.

36 letters of support have been received on the following grounds:

Amenity

- The external and internal alterations to the building will only make the building even more soundproof.
- The comments made by objectors are overstated regarding screaming children.
- Extension of the outdoor play area to the rear means that children will not be restricted in the area alongside the buildings.

Other

- Outside play is key to children's development and enhances opportunities for physical activity, cognitive development and reducing childhood obesity.
- On-campus childcare is essential for promoting equality (gender and age) and the nursery provides an essential service which helps attract people to Imperial College.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises two former first-rate townhouses forming part of the Grade II listed terrace, 8-15 Princes Gardens. The site is within the Knightsbridge Conservation Area and the Strategic Cultural Area around the Royal Albert Hall and Imperial College. The buildings comprise 6 stories above lower ground floor level.

The nursery currently occupies the whole of no.8 and most of the ground and first floors of no.9. The rest of no.9 comprises student housing (currently vacant). There is a fenced garden to the rear of the properties which backs onto Prince's Gate Gardens, both are used by the nursery for outdoor activities. Prince's Gate Gardens is protected under the London Square Preservation Act 1931.

6.2 Recent Relevant History

In 1977, conditional permission was granted for the continued use of the ground floor and basement of no.8 as a children's day nursery, and the use of an area to the rear of 8 and 9 Princes Gardens as a play area (A/TP/6541). In 1991, the City Council refused permission for use of the ground floor of no.9 as a day nursery with ancillary staff office at rear mezzanine level (91/01992/FULL) on amenity and loss of residential accommodation grounds. The applicant subsequently appealed the decision and permission was granted by the Planning Inspectorate in 1992 (T/APP/X5990/A/92/200264/P2).

In March 2018, planning permission and listed building consent were granted for the temporary use of nos.14 to 15 Princes Gardens as a nursery (D1) and prayer facilities in connection with Imperial College for a period of 18 months from the date of commencement. The works included the reconfiguration of the internal arrangement, internal and external fabric enhancements and associated works, plus the temporary installation of single-storey building to rear associated with the nursery use. The purpose of the temporary use is to allow nos. 8 and 9 Princes Gardens to be renovated (18/00259/FULL and 18/00260/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of nos. 8 and 9 Princes Gardens as nursery (Class D1). Increasing the amount of nursery floorspace from 747 sqm to 2,001 sqm.

The nursery is exclusively for the benefit of staff and students of Imperial College London (ICL). The applicant states that the nursery provides a vital service enabling parents to return to work and for students to continue their studies, helping to ensure that ICL remains a world leading research institution and that expansion is required due to the current waiting list for places.

Internally, the works to the buildings include changes to the planform and the formation of five new lateral connections. Externally, the proposals are more limited and related mainly to the removal of modern paraphernalia, the replacement of windows at lower ground floor level with doors and replacement of access gantry within rear lightwell.

Plant machinery is proposed at basement level, as well as a new kitchen extract flue to the rear.

The proposals include the extension of the rear garden area and refurbishment/landscaping of the rear play area, the introduction of new play equipment and the erection of sheds for bike/buggies and general storage. Access to the bike/buggy sheds will be via the path behind the adjacent sports centre.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the ground and basements floors of no.8 and the ground floor of no. 9 Princes Gardens is nursery floorspace (Class D1). The applicant states that the remainder of no. 8 and significant areas of no. 9 have been used as a nursery for over ten years, however the lawful use has not been formally established. The applicant states that the rest of the site has been in use as student housing and associated staff/student amenity space. The Council's records provide no conclusive evidence to the contrary.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Nursery (Class D1)	747	2,001	+ 1,254
Student Housing (Sui Generis)	1,254	0	-1,254
Total	2,001	2,001	2,001

Loss of Student Housing

Policy S15 of the City Plan states that specialist housing floorspace and units will be protected to meet those specific needs except where the accommodation is needed to meet different residential need as part of a published strategy by a local service provider. Where this exception applies, changes of use will only be to residential care or nursing homes, hostel, Houses in Multiple Occupation or dwelling houses use. However, the policy also recognises that specialist housing can become obsolete because of its layout, or changes in the delivery of local services or the client group it was intended to serve and that flexibility is required.

ICL's Student Accommodation Published Strategy seeks to establish communities in clusters of 350+ students in purpose designed, en suite accommodation, within 30 minutes travel distances of campus facilities across London and states that ICL is in the final stages of completing its target of delivering 2,550+ bed spaces. The strategy has led to the removal of some older and not fit for purpose sites as these no longer met student expectations, were inefficient and did not allow for the creation of student communities. Following a review of ICL's student accommodation portfolio and a feasibility study of nos. 8 – 15 Princes Gardens, the decision was taken to formally close the halls of residence at the end of the 2015 academic year, although parts have been

closed or used for other purposes for longer. The published strategy shows that the loss of 8 – 15 Princes Gardens would not prevent ICL meeting its student accommodation targets and the loss has already been addressed through the delivery and improvement of other halls of residence.

Unitary Development Plan Policy (UDP) SOC 1 seeks to protect and improve the range of community facilities in Westminster. Part (C) of the policy states that community facilities which involve the loss of residential accommodation will only be allowed in exceptional circumstances, where:

- 1, the community facility meets an essential local need and
- 2, there is no other suitable site in the local area.

The applicant states that ICL have considered alternative locations for the nursery, however given the proposed locations close proximity to the staff/ students that will be using it and that there is already an established nursery on the site, 8-9 Princes Gardens is considered to be the most suitable location in the local area. Accordingly, the proposals are considered to be in accordance with SOC 1.

Whilst not fully in accordance with City Plan Policy S15, given the loss is part of ICL's published strategy and the nature of the use that will replace it, on balance the loss of student housing is considered acceptable in this instance.

Creation of Nursery Floorspace

City Plan Policy S34 states that new social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites.

The application site is situated in the Strategic Cultural Area around the Royal Albert Hall and Imperial College, Policy S9 of the City Plan states that new tourism, arts, cultural and educational uses and appropriate town centre uses should be directed to this area.

Policy KBR25 of the Knightsbridge Neighbourhood Plan (KNP) states that new development for cultural, educational, research or other uses which strengthen the role, reputation or experience of visiting the Strategic Cultural Area and retains or enhances the area's special character will be supported, subject to accordance with other development plan policies.

Policy KBR19 of the KNP encourages proposals to provide community and leisure (Class D) uses.

UDP policy SOC 1 Part (B) states that community facilities will be required to:

- 1 be located as near as possible to the residential areas they serve
- 2 not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal
- 3 be safe and easy to reach on foot, by cycle and by public transport

The nursery currently accommodates 158 children (aged 6 months to 5 years) and 50 staff, the proposals would increase these numbers to 214 children and 58 members of

staff (over a period of time depending on uptake).The proposed hours of use are Monday to Friday between 08:45 and 17:30.

UDP Policy SOC 2 seeks to ensure that childcare facilities are provided as part of higher education developments and highlights that they allow more people to take part in this activity. The nursery is located within walking distance of the wider ICL campus and has excellent access to public transport. The applicant and supporters of the application state that on-campus childcare is essential for promoting staff equality (gender and age) and that the nursery provides an essential service which helps attract people to ICL.

A number of objections have been received from neighbouring residents on amenity grounds, stating that the existing noise and disturbance coming from children playing in the rear play area and Prince's Gate Gardens is unacceptable and in breach of planning control.

UDP Policy ENV 6 seeks to reduce noise levels throughout the City to below maximum levels set out in World Health Organisation guidelines; to limit and contain noise from development; to protect noise sensitive properties from disturbance; to protect tranquil areas; and to reduce noise from transport.

The information provided by the applicant shows that the garden is currently being used in breach of its permitted hours and by more children than allowed. It is also noted that most of the nursery's expansion to date has taken place without the benefit of planning permission.

Objection is raised by the Knightsbridge Association and neighbouring residents to any further increase in the number of children playing in the rear garden and Prince's Gate Gardens, the extension of the play area into the garden area behind the adjacent sports centre (up to the boundary of Montrose Court) and use of rear access path around the back of the adjacent sports centre on noise nuisance grounds. One objector has submitted a noise impact assessment which concludes that the noise impact of the expanded nursery is likely to cause significant adverse noise impact.

Supporters of the proposals state that the comments made by objectors are overstated regarding the current noise from children playing and that outside play is key to children's development and enhances opportunities for physical activity, cognitive development and reducing childhood obesity.

In response to the objections, the applicant is no longer proposing to extend the existing play area into the garden area behind the adjacent sports centre and has submitted a Garden Management Strategy, which seeks to minimise disruption to surrounding residents, setting out the following:

- The number of children in the rear garden and Prince's Gate Garden will be carefully managed and supervised at all times;
- The nursery garden will be used between 09:00 and 16:00, the core hours will be 10:30 to 16:00 hours with a break between 11:45 and 13:30 (the garden may be used during this break for occasional "special lunches", approx.12 times a year for groups of up to 24 children);

- A period of 1.5 hours of non-use of the nursery garden will be allocated every day even on the days when the garden is used between 12:00 and 13:30;
- Princes Gate Gardens will be used between 9:00 and 17:15 (the gardens will not generally be used between 09:00 and 10:00 or 12:00 and 13.30 but may be used occasionally by a small group of children);
- To ensure maximum numbers are enforced, 4 times a year the Imperial security team will count the numbers and report back to the Knightsbridge Association and the Council (should an issue arise then further counts would be undertaken to ensure conformity with numbers and planning conditions);
- No play equipment will be located near neighbouring residential properties and the “Ethos Garden” will be used only for storage, no children will have access to this area.
- Children will be first collected or dropped to the main building and then the carer will take the stroller to the buggy store.

Based on an earlier draft version of the Garden Management Strategy, the Knightsbridge Association considered that the document did not specify the maximum number of children playing at several points in the day and would effectively allow unrestricted use of the rear garden and Prince’s Gate Gardens. The strategy has since been amended and now includes further details of the proposed number of children using both gardens.

The applicant has provided a Noise Survey Reports which assess the predicted noise levels of the nursery children playing in the rear garden and Prince’s Gate Gardens. Environmental Health have assessed the applicants report, along with the report submitted by the objector and have raised no objection to the proposals in terms of noise, subject to a condition to ensure the Garden Management Plan is adhered to.

The applicant has not set out how the existing terrace at first floor level will be used. To prevent noise disturbance to neighbours, a condition is recommended to ensure that children are not allowed to use the existing terrace at first floor level.

Given that the proposals are being considered at the same time as an application for change of use to a school (Class D1) and associated works at the neighbouring 10 – 13 Princes Gardens (18/02304/FULL and 18/02305/LBC), a Cumulative Noise Impact Assessment has been provided on behalf of both applicants. This report assesses the cumulative noise impact of both proposals and a “worst case scenario” that includes the nursery’s use of the rear garden and Prince’s Gate Gardens plus use of Prince’s Gate Gardens by the proposed school at 10-13 Princes Gardens and the existing school at 23 Princes Gate. The assessment demonstrates that, subject to conditions ensuring that both applicants adhere to their respective Garden Management Strategy/Operational Management Plan, the cumulative noise levels would be in accordance with British Standard and World Health Organisation Guidelines. Environmental Health have raised no objections to the proposals on noise nuisance grounds and it is considered that the proposals comply with ENV 6.

Policy KBR29 of the KNP states that proposals that are likely to generate significant transport movements should demonstrate no significant adverse impacts on:

- a. air quality

- b. road safety
- c. the pedestrian environment and movement
- d. cycling infrastructure;
- e. disabled access; and
- f. the street network

Objectors state that the proposals will generate extra traffic in the area when the children are being dropped off and collected and that this could lead to disturbance.

In terms of traffic generation, the applicant states that the nursery will create no additional journeys on the highway network as it will be car free and all drop-off/pick-ups are likely to be completed on foot by parents as part of their usual journey to ICL. The peak time for children being dropped-off will be between 8:45 - 09:00 and between 17:00- 17:30 for collection. The Highways Planning Manager has raised no objection to the proposals subject to a condition restricting the use of the nursery to children of staff and students of ICL only. The previous permissions made the nursery use personal to ICL. Given the sensitive nature of the site, it is considered reasonable to restrict the use in the same manner.

With these conditions in place, it is considered that the proposals would not generate significant transport movement and that air quality and noise levels from vehicle traffic would be acceptable. A condition requiring the approval of a Servicing Management Plan is also recommended, to ensure that servicing does not take place during the times children are dropped-off and picked-up from the nursery and proposed school.

It is considered that the cumulative impact of the nursery and proposed school at 10 – 13 Princes Gardens would be acceptable in terms of traffic generation and noise, subject to conditions.

Accordingly, proposals are considered to accord with City Plan Policies S9, S15, S34, Policies SOC 1, SOC 2 and ENV 6 of the UDP and Policies KBR19, KBR25 and KBR29 of the KNP.

8.2 Townscape and Design

The applications relate to two former first-rate townhouses forming part of the Grade II listed terrace, 8-15 Princes Gardens within the Knightsbridge Conservation Area. The application proposals must therefore be determined in accordance with the statutory requirements of Sections 16, 66 and 72 of the Act and Chapter 16 of the NPPF, which requires the decision-maker to pay special regard to the preservation of the listed building and to the character or appearance of the conservation area.

The houses have been in a variety of uses for many years, currently partly as a nursery. This has caused the houses to suffer a range of insensitive alterations including some existing lateral connections, with parts of the building exhibiting little internal significance particularly no.9. No.8 does however retain substantial architectural and historic significance including historic planform, principal and secondary staircases, chimneypieces, panelling and decorative plasterwork. Externally the buildings are largely complete although are in a poor state of repair in many places, particularly to the rear.

Item No.
1

The application proposals have developed during the course of the application, mainly in relation to the question of additional lateral openings through the party wall, and fire protection measures. Overall the proposals are now considered to be acceptable on the basis of the balance of harmful and beneficial proposals.

In many respects the use of a pair of vertically designed, grand historic mansions as a nursery is a poor fit and causes a number of interventions which, if in their original use, would not be acceptable. A nursery carries with it very high standards in terms of child welfare and safety, including fire safety, to require works such as the proposed Perspex fall-prevention overlay screens to be fitted to the grand staircase balustrade, and the insertion of a much greater number of toilet and kitchen facilities than would be associated even with a school use. However, given the existing (lawful) partial use as a nursery and the low architectural grade of the interior to no.9, much of which is currently disused, it is considered that a continuation and expansion of the nursery use can be accommodated by this pair of buildings in the manner now shown by this application.

The proposals include for five additional new openings through the party wall. UDP policy (DES 5 and DES 10) and guidance ('Repairs and alterations to listed buildings' SPG) is clear that such connections are not normally acceptable as they degrade the composition of the historic planform and the architectural hierarchy of both buildings. However, there are always exceptions and in this case it has been shown that, if the principle of the existing and proposed uses is accepted, then the small number of additional jib-door and other openings is justified on the basis of the need for secondary means of escape from all floors (a specific requirement of a nursery). The alternative to these lateral connections would be extensive over-boarding of the principle staircase walls and ceilings, in order to make them protected fire escape routes; in both buildings this would harm the appreciation of historic decorative plasterwork. On balance, it is considered that the proposed party wall doors would cause less harm to the significance of the building than this over-boarding.

Changes to planform elsewhere in the building are proposed to be concentrated in parts of the building where existing modern partitions exist already, with the new layouts causing in most cases less harm than existing including the allowance for the re-exposure of historic ceilings currently concealed by suspended ceilings and improved layouts which allow the original proportions of rooms to be better appreciated. In the small number of places where alterations to planform would cause some harm compared with the existing situation (such as wider openings between rooms at second floor and above), these impacts are very much localised to secondary or tertiary spaces, many of which have been already compromised such as those within no.9.

Externally proposals are more limited and relate mainly to the removal of modern paraphernalia such as window security bars, tidying up roof clutter and the replacement of guttering. Also proposed are some new doors replacing windows at lower ground floor level and a replacement access gantry within the rear lightwell. These works would be well concealed within the lightwell, with the gantry being slightly more visible than existing, but of an appropriate functional design. A new kitchen extract flue is also proposed to the rear. Whilst this would be intrusive, it is a necessary feature of the proposed use, and has been designed to be the least harmful means of providing the required ventilation.

In summary and taking into account the statutory and policy requirements discussed above, whilst the proposed works are extensive and cause some elements of harm, in particular in relation to lateral connections through the party wall, it is considered that the balance between that harm and the benefits to the building of much of the rest of the scheme, including the long-term complete use of the building (much of no.9 is currently empty), the proposals would overall have a neutral impact on the significance of the listed building and conservation area. No primary elements of architectural or historic significance would be harmed or lost, and new work has been designed to respect the character of the building, and/or to be of a high standard of design in its own right.

The proposals are consistent with relevant local and national design policies and guidance, notably including Policies DES 5, DES 9 and DES 10 of the UDP, and Policies KBR1, KBR9 of the Knightsbridge Neighbourhood Plan.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Given the nature of the proposed alterations to the buildings, there would be no implications in terms of light, privacy, sense of enclosure or overlooking over the existing arrangements.

Objections have been received by neighbouring residents and the Knightsbridge association to the erection of storage sheds on the area of garden behind the adjacent sports centre and against the boundary of Montrose Court, on the grounds that this would cause an unacceptable of sense of enclosure and loss of light. The applicant has responded to these objections by positioning the proposed sheds and new fencing further back from the boundary with the neighbour (approx. 15m). Given the height of the proposed sheds (approx. 2.2m) and new fencing (approx. 2m) plus the distance between them and the neighbours property, it is considered that the proposals would not lead to an unacceptable degree of enclosure or loss of light.

Noise and disturbance is addressed in section 8.1 and 8.7 of this report.

Subject to conditions, the proposals are considered to be in line with policies S29 and ENV13.

8.4 Transportation/Parking

Cycle parking will be located to the rear of site, within the proposed bike and buggy shelter The London Plan requires 1 space per 8 staff and 1 space per 8 students for nurseries. A condition is recommended to secure further details of the cycle parking.

Servicing and traffic generation addressed in section 8.1.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The existing main entrance to the nursery, through the front doors of no. 8 Princes Gardens, will be retained. Access to bike/buggy storage will be via the path behind the adjacent sports centre. A non DDA compliant ramp will be located to the rear of the building

8.7 Other Policy Considerations

Plant and Ventilation

The applicant has not provided details of the proposed plant. A condition is recommended to ensure that, before work on this part of the development is started, the applicant must apply for approval of details of a supplementary acoustic report demonstrating that the plant/ducting will comply with the Council's standard noise and vibration conditions.

Refuse /Recycling

The drawings submitted are not in line with the Council's recycling and waste storage requirements. A condition has been attached to ensure that the applicant must submit details of how waste is going to be stored on the site and how materials for recycling will be stored separately.

Trees

The applicant has submitted a Tree Protection Report (TPR), however further detail is required in the form of an Arboricultural Method statement. A pre-commencement condition is recommended to ensure that the applicant must apply for a method statement explaining the measures they will take to protect the trees on and close to the site.

The TPR makes reference to a tree that was removed in 2015 (tree stump TE6). Whilst the formal consent of the Council was not required due to the condition of the tree, there was a duty to replace the tree. A condition is recommended to ensure that the replacement tree is incorporated into the landscaping proposals.

8.8 Neighbourhood Plans

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018 and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.9 London Plan

This application does not raise any significant strategic issues and is not referable to the Mayor. Where relevant, considerations involving London Plan policies are dealt with in other sections of this report.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

This development does not generate a Mayor CIL or WCC CIL payment.

8.12 Environmental Impact Assessment

This application is not of a sufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.13 Other Issues

Construction Impact

Policy KBR22 of the Knightsbridge Neighbourhood Plan states that proposals should be designed in a way that minimises their impacts on amenity, public health and the environment through dust and emissions, light pollution, noise and vibration during deconstruction and construction.

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016. As the proposals are for change of use and refurbishment of the building, it is considered that the number of construction vehicles will be less than could be expected for a major development. The application does not fit into the Council's Code of Construction Practice scheme given the extent of works proposed.

Informatives have been added to encourage the applicant to join the nationally recognised Considerate Constructors Scheme and to keep neighbours informed about unavoidable disturbance such as noise and traffic disruption.

A condition has been added restricting any building work which can be heard at the boundary of the site to between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work is restricted to between 08:00 and 18:00 Monday to Friday and will not be carried out on Saturdays, Sundays, bank holidays and public holidays. Accordingly, the proposals are considered to be in accordance with KBR22.

(Please note: All the application drawings and other relevant documents and Background

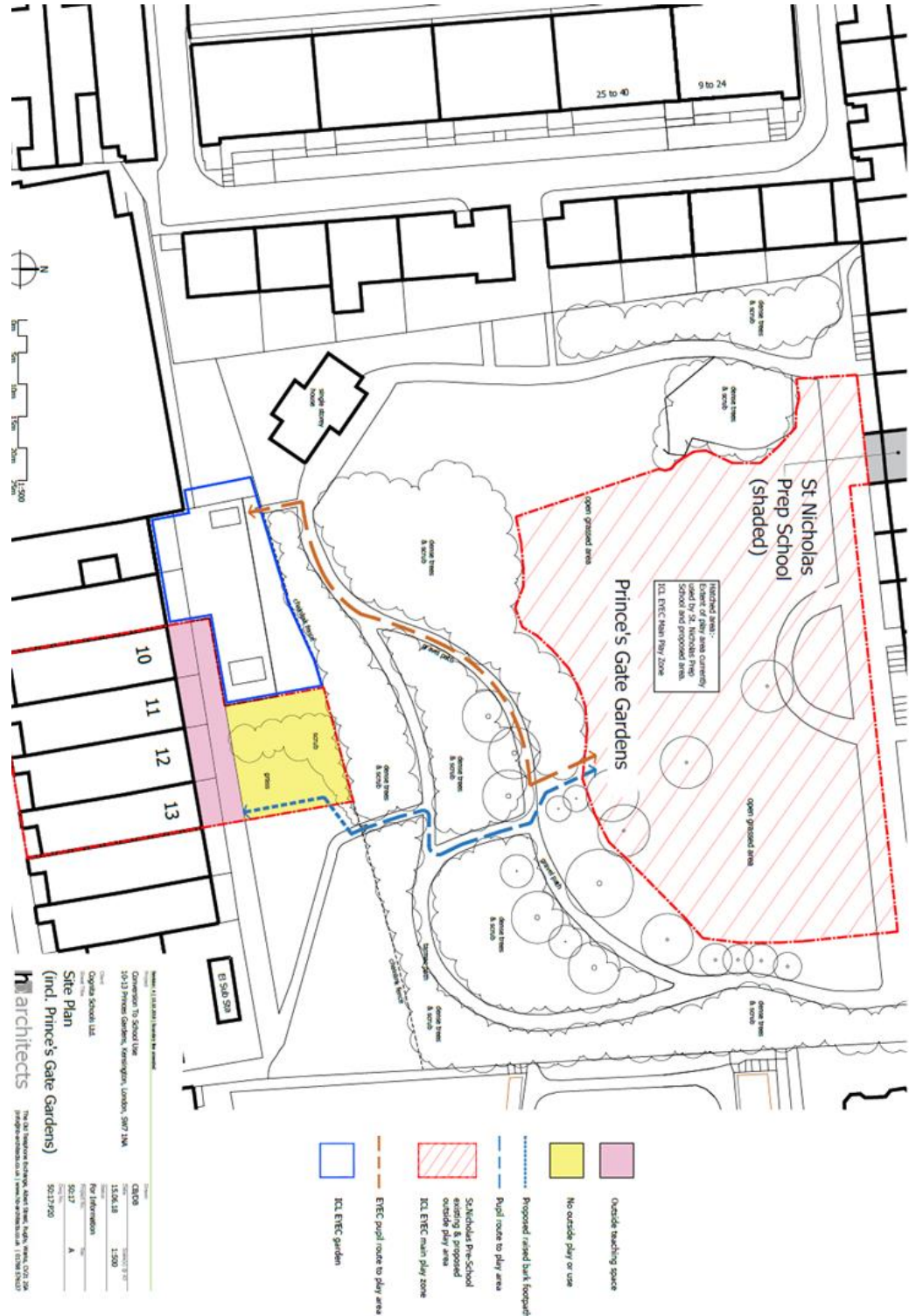
Item No.
1

Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

9. KEY DRAWINGS

Location Plan from Garden Management Strategy (received 18 October 2018)



h architects
 The St Nicholas Building, 100 St Nicholas Way, London, E2 7SR
 020 7700 0000
 info@harchitects.com | www.harchitects.com | 12708 52823

Site Plan
 (incl. Prince's Gate Gardens)

Client: St Nicholas Prep School Ltd
 100-110 Prince's Gate, Kensington, London, SW7 1NA
 Contact: Richard Lee
 020 7700 0000

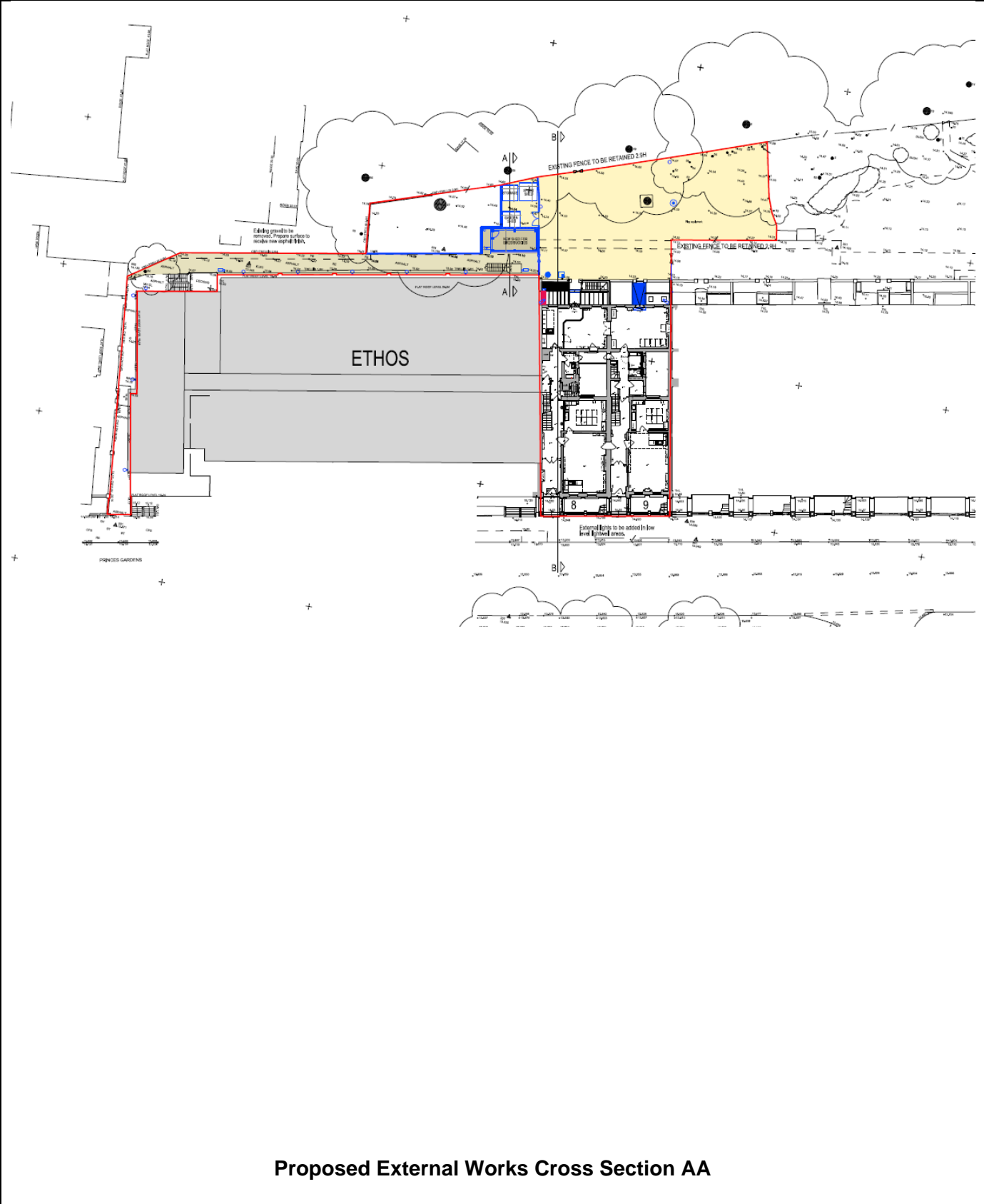
Project: Prince's Gate Gardens
 Date: 15/06/18
 Scale: 1:500

Project Information:
 Project No: A
 Revision: 02/17/200

Drawn by: [Name]
 Checked by: [Name]

© 2018 h architects
 All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of h architects.

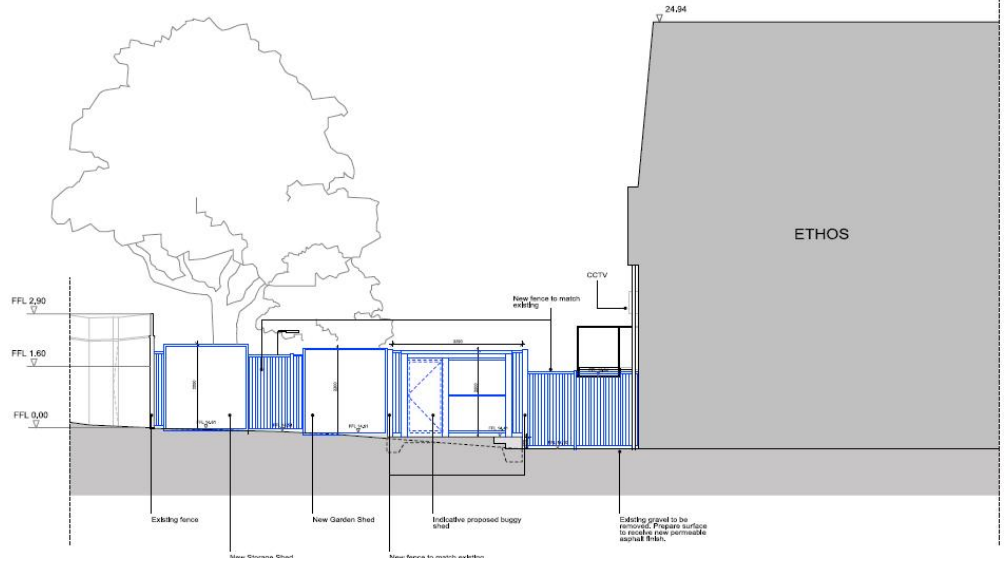
Proposed External Works Site Plan 2



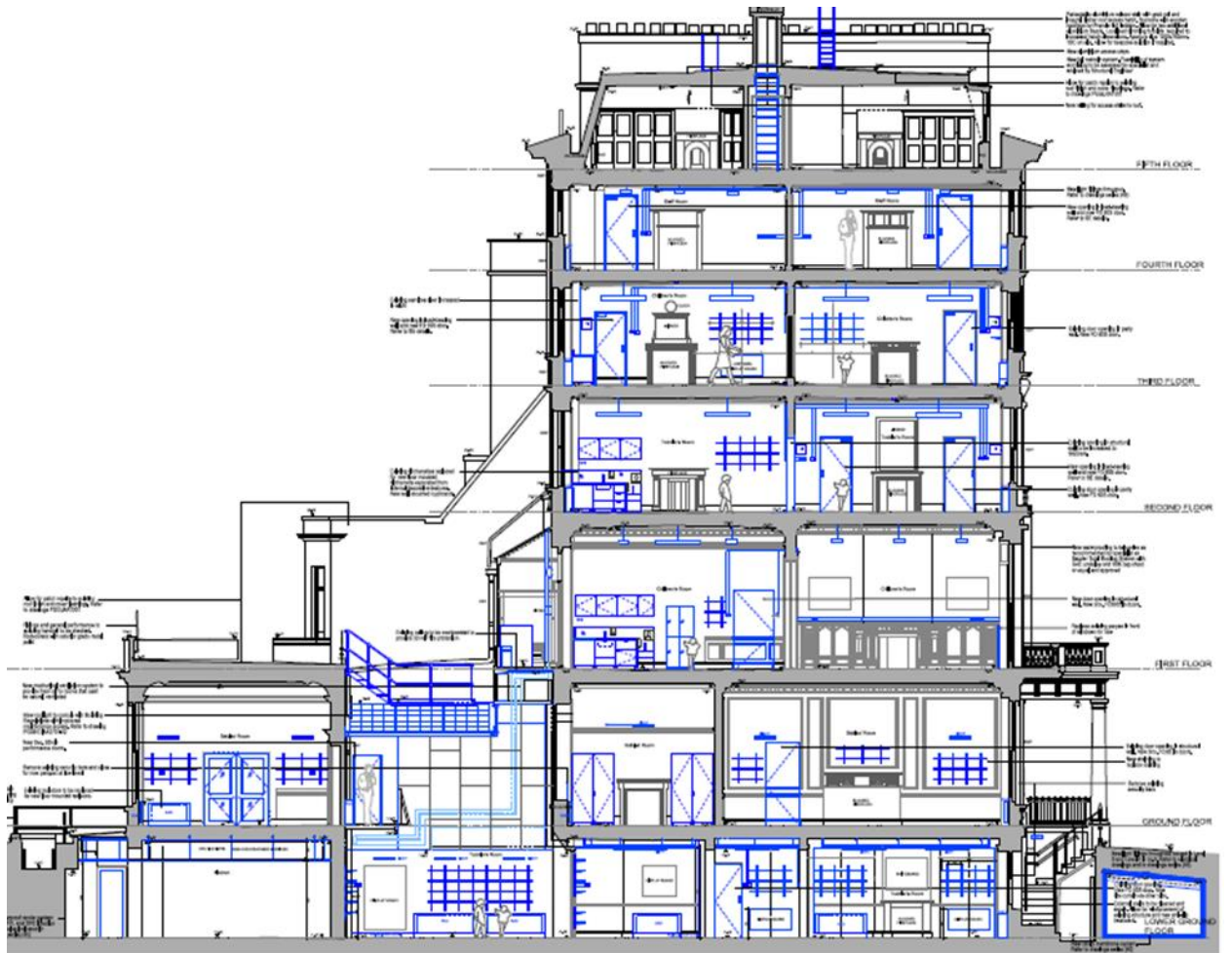
Proposed External Works Cross Section AA



Indicative proposed buggy shed



Proposed Section B-B



DRAFT DECISION LETTER

Item No.
1

Address: 8 Princes Gardens, London, SW7 1NA,

Proposal: Use of 8- 9 Princes Gardens as Nursery (Class D1); internal and external alterations to building; installation of plant machinery and extract duct; and extension of garden area to the rear including installation of new fencing and sheds.

Reference: 18/01763/FULL

Plan Nos: PGGHLRA0001 Rev. A; PGGHLRA0002 Rev. A; PGGHLBA1501 Rev. C; PGGHLGA1501 Rev. C; PGGHLGMA1501 Rev. B; PGGHL1A1501 Rev. B; PGGHL1MA1501 Rev. B; PGGHL2A1501 Rev. B; PGGHL2MA1501 Rev. B; PGGHL3A1501 Rev. C; PGGHL4A1501 Rev. C; PGGHLRA1501 Rev. A; PGGHELEVA1501 Rev. A; PGGHELEVA1502 Rev. A; PGGHELEVA1503 Rev. A; PGGHELEVA1504 Rev. A; PGGHELEVA1505 Rev. A; PGGHSECA1502 Rev. B; PGGHSECA1504 Rev. B; PGGHSECA1505 Rev. B; PGGHLBA1801 Rev. B; PGGHLGA1801 Rev. B; PGGHLGMA1801 Rev. A; PGGHL1A1801 Rev. B; PGGHL1MA1801 Rev. A; PGGHL2A1801 Rev. B; PGGHL2MA1801 Rev. A; PGGHL3A1801 Rev. B; PGGHL4A1801 Rev. B; PGGHLRA1801 Rev. A; PGGHELEVA1801 Rev. A; PGGHELEVA1802 Rev. A; PGGHELEVA1803 Rev. C; PGGHELEVA1804 Rev. B; PGGHELEVA1805 Rev. A; PGGHSECA1802 Rev. B; PGGHSECA1804 Rev. A; PGGHSECA1805 Rev. A; PGGHDIAA2204 Rev. A; PGGHDIAA2205 Rev. A; PGGHDIAA2701 Rev. B; PGGHDIAA2702 Rev. B; PGGHDIAA2704; PGGHLBA4001 Rev. A; PGGHDIAA4502 Rev. A; PGGHDIAA4503 Rev. A; PGGHLBA4511 Rev. C; PGGHLGA4511 Rev. C; PGGHLGMA4511 Rev. C; PGGHL1A4511 Rev. C; PGGHL1MA4511 Rev. B; PGGHL2A4511 Rev. C; PGGHL2MA4511 Rev. B; PGGHL3A4511 Rev. C; PGGHL4A4511 Rev. C; PGGHL5A4511 Rev. B; PGGHLBA5011 Rev. C; PGGHLGA5011 Rev. C; PGGHLGMA5011 Rev. C; PGGHL1A5011 Rev. C; PGGHL1MA5011 Rev. C; PGGHL2A5011 Rev. C; PGGHL2MA5011 Rev. C; PGGHL3A5011 Rev. C; PGGHL4A5011 Rev. C; PGGHL5A5011 Rev. C; PGGHELEV7033; PGGHLGA9001 Rev. C; PGGHSECA9001 Rev. D; PGGHSECA9002 Rev. B; PGGHDIAA9001 Rev. B; PGGHDIAA9002 Rev. C; PGGHDIAA9003 Rev. D; Garden Management Strategy received 18 October 2018; PGGHLBM0005 Rev. P1,
For Information: Design and Access Statement dated 19 February 2018; Heritage Statement dated February 2018; Cover Letter dated March 2018; Servicing Management Plan and Waste Management Plan; Pre-Refurbishment Asbestos Survey Phase 1 dated October 2017; 8-9 Princes Gardens: Plaster condition investigation; Extended Phase 1 Habitat Survey Rev. A dated August 2016; Planning Statement dated March 2018; ICL Student Accommodation Published Strategy; Noise Statement for Planning dated 24 August 2016; Noise Survey Report Rev. A dated 1 June 2018; Tree Protection Report dated 20 April 2018; Design and Access Statement LBC Comments Review dated 25 June 2018; ICL EYEC & St. Nicholas Preparatory School: Cumulative Noise Impact Assessment Rev. A dated 14 September 2018; ICL EYEC & St. Nicholas Preparatory School: Cumulative Noise Impact Assessment - Addendum: letter from Agent dated 7 November 2018; Details of xDuct UV Odour Control System.,

Item No.
1

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 Only Imperial College London can carry out the nursery use hereby approved. No one else may benefit from this permission.

Reason:

Because of the special circumstances of this case we need to control future use of the premises if Imperial College London leaves. This is as set out in SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R06AB)

Item No.
1

- 4 Only the children of staff and students of Imperial College London can use the nursery hereby approved.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 5 You must not allow children on the premises, outside the following times: between 08:45 and 17:30 Monday to Friday and not at all on Saturdays and Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The number of children attending the nursery hereby permitted shall not exceed 214 at any one time.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 The nursery use must be carried out in accordance with the Garden Management Strategy received 18 October 2018.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless

and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

Item No.
1

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 8 and 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 11 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the nursery use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the nursery use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 12 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 13 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 14 You must apply to us for approval of further information as set out below of the following parts of the development:

- (a) New / altered windows, doors and rooflights at 1:5;
- (b) New / altered staircases, balustrades and railings at 1:20;
- (c) Comprehensive schedule of external repair, to be completed prior to first occupation.

You must include with all details annotated versions of the applicable approved drawings showing the location of each detail. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 15 You must submit to us a detailed written and photographic schedule and programme of the works of reinstatement and repair of historic and decorative details. You must not start work on this part of the scheme until we have approved what you have sent us. You must then carry out the works in accordance with these details. You must not occupy the building until we have approved the works undertaken.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 16 You must carry out the works of reinstatement and repair of historic and decorative details shown on the approved plans and documents. You must not occupy the building until we have approved the works undertaken.

Item No.
1

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 17 Prior to occupation you must apply to us for approval of a Servicing Management Plan for the approved nursery use. You must not commence the nursery use until we have approved what you have sent us. Thereafter the nursery must be managed in accordance with the approved Servicing Management Plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the nursery. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 19 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 20 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 6 months of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 21 You must not allow children to use the rear terrace at first floor level. They can however use the terrace to escape in an emergency.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 22 You must apply to us for approval of details of secure cycle storage for the nursery use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 HIGHWAYS LICENSING: Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS: You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS: You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials. Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

4 Conditions 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

5 In relation to condition 20, you must include a replacement tree for the tree stump TE6, as required under S206 of the Town and Country Planning Act 1990. The replacement tree should be an *Acer cappadocicum* with a minimum girth of 14-16cm at the time of planting.

- 6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 8 In relation to condition 17, You must include the following information in the Servicing Management Plan:
- the full delivery process
 - internal storage locations.
 - scheduling of deliveries (ensuring that servicing does not take place during the times children and dropped-off and picked up from the nursery and adjacent school at 10 - 13 Princes Gardens)
 - staffing arrangements for deliveries.
- 9 The applicant is reminded that Prince's Gate Gardens is a Protected Square and its use must be compatible with one of the authorised uses under the London Squares Preservation Act 1931 (i.e. as an ornamental garden, pleasure ground or ground for play rest or recreation) The Protected Square must also be preserved permanently as a public open space (by those persons entitled to use it) as required by the Act.
- 10 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site

Item No.
1

neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 11 In relation to Condition 16, please contact Andrew Barber (Design and Conservation Officer) directly: 02076417708.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

Address: 8 Princes Gardens, London, SW7 1NA,

Item No.
1

Proposal: Use of 8- 9 Princes Gardens as Nursery (Class D1); internal and external alterations to building; installation of plant machinery and extract duct; and extension of garden area to the rear including installation of new fencing and sheds.

Reference: 18/01764/LBC

Plan Nos: PGGHLRA0001 Rev. A; PGGHLRA0002 Rev. A; PGGHLBA1501 Rev. C; PGGHLGA1501 Rev. C; PGGHLGMA1501 Rev. B; PGGHL1A1501 Rev. B; PGGHL1MA1501 Rev. B; PGGHL2A1501 Rev. B; PGGHL2MA1501 Rev. B; PGGHL3A1501 Rev. C; PGGHL4A1501 Rev. C; PGGHLRA1501 Rev. A; PGGHELEVA1501 Rev. A; PGGHELEVA1502 Rev. A; PGGHELEVA1503 Rev. A; PGGHELEVA1504 Rev. A; PGGHELEVA1505 Rev. A; PGGHSECA1502 Rev. B; PGGHSECA1504 Rev. B; PGGHSECA1505 Rev. B; PGGHLBA1801 Rev. B; PGGHLGA1801 Rev. B; PGGHLGMA1801 Rev. A; PGGHL1A1801 Rev. B; PGGHL1MA1801 Rev. A; PGGHL2A1801 Rev. B; PGGHL2MA1801 Rev. A; PGGHL3A1801 Rev. B; PGGHL4A1801 Rev. B; PGGHLRA1801 Rev. A; PGGHELEVA1801 Rev. A; PGGHELEVA1802 Rev. A; PGGHELEVA1803 Rev. C; PGGHELEVA1804 Rev. B; PGGHELEVA1805 Rev. A; PGGHSECA1802 Rev. B; PGGHSECA1804 Rev. A; PGGHSECA1805 Rev. A; PGGHDIAA2204 Rev. A; PGGHDIAA2205 Rev. A; PGGHDIAA2701 Rev. B; PGGHDIAA2702 Rev. B; PGGHDIAA2704; PGGHLBA4001 Rev. A; PGGHDIAA4502 Rev. A; PGGHDIAA4503 Rev. A; PGGHLBA4511 Rev. C; PGGHLGA4511 Rev. C; PGGHLGMA4511 Rev. C; PGGHL1A4511 Rev. C; PGGHL1MA4511 Rev. B; PGGHL2A4511 Rev. C; PGGHL2MA4511 Rev. B; PGGHL3A4511 Rev. C; PGGHL4A4511 Rev. C; PGGHL5A4511 Rev. B; PGGHLBA5011 Rev. C; PGGHLGA5011 Rev. C; PGGHLGMA5011 Rev. C; PGGHL1A5011 Rev. C; PGGHL1MA5011 Rev. C; PGGHL2A5011 Rev. C; PGGHL2MA5011 Rev. C; PGGHL3A5011 Rev. C; PGGHL4A5011 Rev. C; PGGHL5A5011 Rev. C; PGGHELEV7033; PGGHLGA9001 Rev. C; PGGHSECA9001 Rev. D; PGGHSECA9002 Rev. B; PGGHDIAA9001 Rev. B; PGGHDIAA9002 Rev. C; PGGHDIAA9003 Rev. D; PGGHLBM0005 Rev. P1.
 For Information:, Design and Access Statement dated 19 February 2018; Heritage Statement dated February 2018; Cover Letter dated March 2018; Pre-Refurbishment Asbestos Survey Phase 1 dated October 2017; 8-9 Princes Gardens: Plaster condition investigation; Design and Access Statement LBC Comments Review dated 25 June 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

Item No.
1

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Item No.
1

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black.
(C27HA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 7 You must apply to us for approval of further information as set out below of the following parts of the development:

- a) Internal elevations and sections of all alterations at ground, first and second floors, with details of downstands / wall nibs to demonstrate relationships with adjacent decorative / historic features.
- b. New / altered windows, doors and rooflights;
- c. New / altered staircases, balustrades and railings;
- d. Comprehensive schedule of external repair, to be completed prior to first occupation;
- e. Comprehensive conservation management plan for suite of rooms to rear of no.12 between 1st and 2nd floors, including reinstatement of laylight / lantern over 1st floor half-landing.

You must include with all details annotated versions of the applicable approved drawings showing the location of each detail.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.
(C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

Item No.
1

Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

-The retention of substantial nibs and a downstand between the two existing rooms which are proposed to become Classroom 12 (drawn floor and ceiling plans, and internal elevations and sections at 1:20);

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 9 You must submit to us a detailed written and photographic schedule and programme of the works of reinstatement and repair of historic and decorative details. You must not start work on this part of the scheme until we have approved what you have sent us. You must then carry out the works in accordance with these details. You must not occupy the building until we have approved the works undertaken.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 10 You must carry out the works of reinstatement and repair of historic and decorative details shown on the approved plans and documents. You must not occupy the building until we have approved the works undertaken.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 This consent does not include for any works to the building for the purposes of proofing the building against the spread of fire, the transmission of sound, or the penetration of moisture, and is granted without prejudice to decisions made on future applications which may be submitted for that purpose.

- 4 This consent does not include works for the introduction of new services or plant unless explicitly shown on the approved drawings, and is granted without prejudice to decisions made on future applications which may be submitted for that purpose. This affects only services which would be surface mounted or which would involve intrusive works to pre-1940 fabric. The re-use of existing (lawful) service runs and risers does not require consent.

- 5 In relation to condition 9, please contact Andrew Barber (Design and Conservation Officer) directly: 02076417708.

Item No.
1

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	10-13 Princes Gardens, London, SW7 1ND,		
Proposal	Use of 10 - 13 Princes Gardens as school (Class D1) with outdoor teaching area to rear; external alterations including building refurbishment and installation of extract duct; installation of plant machinery and internal alterations.		
Agent	Macdonald Planning Consultancy		
On behalf of	Cognita Schools Ltd		
Registered Number	18/02304/FULL and 18/02305/LBC	Date amended/ completed	21 March 2018
Date Application Received	21 March 2018		
Historic Building Grade	II		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none"> 1. Grant conditional permission, including a Grampian Condition to secure air quality mitigation, and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter. |
|---|

2. SUMMARY

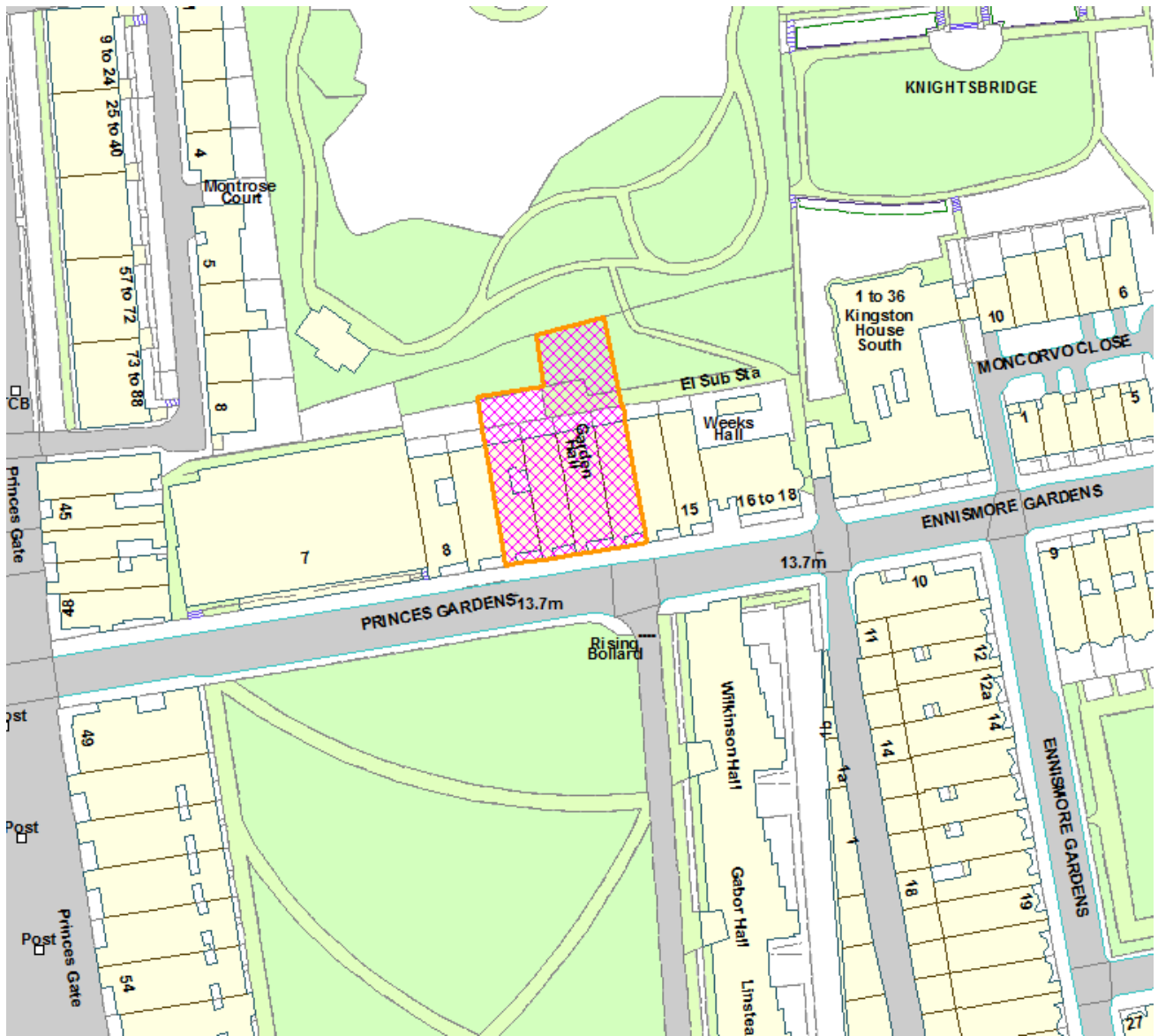
<p>The applications relate to four former first-rate townhouses forming part of the Grade II listed terrace, 8-15 Princes Gardens. The buildings comprise five stories over basement level. Planning permission and listed building consent are sought for use of 10 - 13 Princes Gardens as a school (Class D1) with an outdoor teaching area to rear, external alterations including building refurbishment and installation of extract duct at rear first floor level and associated internal alterations.</p> <p>The applicant, St Nicholas Preparatory School, has been located at 23 Princes Gate since the late 1960s. The applicant states that the lease will expire on the premises in December 2020 and replacement premises are sought to prevent closure. The proposals would increase the number of pupils from 243 to 320.</p>

The key issues for the applications are:

- The impact on the amenity of neighbouring properties;
- The impact on the appearance of the Grade II listed building and the character and appearance of the Conservation Area.
- The impact of the proposals on the surrounding highway network.

The proposed development is considered acceptable in land use, design, highways and amenity terms and would accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan (City Plan) and the Knightsbridge Neighbourhood Plan (KNP). As such, it is recommended that conditional planning permission and listed building consent is granted.

3. LOCATION PLAN



licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front of 10 to 13 Princes Gardens



Rear of 10 to 13 Princes Gardens

5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine as seen fit.

THE KNIGHTSBRIDGE ASSOCIATION

Comments dated 5 November and 6 November 2018:

- The Association appreciates the considerable efforts of the applicant to meet residents concerns.
- The Association has proposed a number of changes to the applicants proposed conditions and potential s106 agreement. (copy of applicants proposed conditions included in background papers)
- The Association feels that there should be no increase in numbers from the current 210 pupils until the proposed conditions have been demonstrably satisfied to the Councils satisfaction. Once this is achieved a new planning application can be made for an increase in numbers. The present capacity of the school should be the upper limit.
- Additional measures are proposed to the Operational Management Plan for Outdoor Teaching and Use of Prince's Gate Gardens, including additional unannounced spot checks to count the number of pupils using Prince's Gate Gardens and the outdoor teaching space at the rear of the building.
- A condition is requested to ensure that a community liaison panel is formed as a means of monitoring the operation of the school. The aim of the panel will be to receive monitoring reports and resolve outstanding issues.
- It is requested that a travel plan be secured under S106 with additional measures including monitoring the setting down and picking up periods of the school and nursery at typical times and provision that in the event of conflict or overlap the applicant will make reasonable adjustments to accommodate changes made by the Imperial College nursery school in order to reduce conflict and overlap
- In the absence of these enforceable conditions the Association considers that Princes Gardens is not an appropriate location for the school.

Comments dated 11 May and 13 May 2018:

- The Association asks that the proposals are subject to a cap on pupil numbers so as to minimise conflict. The present capacity of the school should be the upper limit.
- The proposals should include an enforceable noise management plan. The association also asks that in the event these measures are not effective in practice, then provision should be made for the applicant to be required to introduce sound screening for nearby residents.
- There will be a very considerable increase in activity at peak times during peak drop-off and pick up periods, even without the increase in pupil numbers. The applicant should be obliged to adjust times as necessary to avoid a peak coinciding with the pre-school next door and by spread the start and finishing times for different groups of children.
- In the absence of enforceable conditions, the Association considers that Princes Gardens is not an appropriate location for the school.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

- Any comments to be reported verbally.

WASTE PROJECT OFFICER

- No objection, subject to condition to secure a revised plan indicating proposals for the storage of residual waste and recyclable materials.

HIGHWAYS PLANNING MANAGER

- Concern is raised about car numbers and associated congestion during the drop-off of school children. It is recommended that a Travel Plan be used to help mitigate the highway impact and it is considered that with this measure in place the application could be considered acceptable in terms of traffic generation.
- A condition is recommended to ensure that servicing takes place outside the times that parents are likely to be picking up and setting down children.
- A condition is recommended to secure the proposed cycle parking

ABORICULTURAL OFFICER

- No objection, subject to a condition to secure tree protection

ENVIRONMENTAL HEALTH

- No objections to the proposals on noise nuisance grounds subject to conditions.
- The Council's standard conditions for hours of building work, noise and vibration are recommended.
- The cumulative noise impact of the nursery's use of the rear garden and Princes Gate Gardens plus use of Princes Gate Gardens by proposed school at 10-13 Princes Gardens is considered reasonable subject to conditions to ensure that both applicants adhere to their garden management plans.
- No objection on air quality grounds subject to travel plan and air quality mitigation payment.
- No objection to installation of Reco-air recirculation system subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 193

Total No. of replies: 61

No. of objections: 48

No. in support: 12

No of Neutral: 1

Neighbours and contributors were notified about the submission of an Operational Management Plan for Outdoor Teaching and Use of Prince's Gate Gardens, a Technical Note (320 pupil transport assessment) and a Cumulative Noise Impact Assessment on 22 October 2018.

48 letters of objection have been received on the following grounds:

Amenity

- Children at play are disturbing to nearby residents and the existing school already causes high levels of disruption, disturbance and noise throughout the day.
- At present there is a quiet time on the playground between morning and afternoon sessions, this should be retained.
- Any permission should recognise the potential conflicts with neighbouring residents (particularly the elderly and those who need care) and conditions should be applied to mitigate concerns.
- The number of pupils should be capped at 240 to reduce the cumulative impact of the development in terms of increased noise and traffic.

Highways

- Increased traffic could be dangerous for the nursery children next door and will cause air pollution, which will be particularly harmful to children.
- The proposals would lead to increased traffic in the area, especially in the morning and afternoon peaks for delivery and collection of children and during servicing hours, which could be dangerous, cause disturbance to residents and create traffic congestion.

Impact of Construction

- Concern raised about disruption to residents from movement of construction vehicles.

Other

- Litter has previously been left in Prince's Gate Gardens.

12 letters of support have been received on the following grounds:

Amenity

- The proposals would not cause major disruption

Land Use

- Exhibition Road is one of the United Kingdom's foremost cultural and intellectual Centres, it makes sense to have a preparatory school in this area.
- The school will have significantly improve teaching and learning facilities and will be beneficial to the community.
- The children and school will bring a different and positive dimension to the cultural life around Imperial College.

Design and Conservation

- The plans are sensitive to the buildings heritage and period features.

1 Letter on behalf of Clean Air for London neither objecting nor supporting the application on the following grounds:

- The proposals are likely to increase traffic movements on local residential roads including around the busiest times, increasing air pollution, noise and congestion unless mitigation measures are implemented.
- If the proposal is approved, it is recommended that the following mitigation measures are included: (1) Westminster City Council installing 10 electric charging points in the immediate area; (2) 20mph speed limit being introduced on the residential roads within the City of Westminster area bounded by Exhibition Road in the west, Kensington Road in the north, Princes Gardens and Ennismore Gardens in the south and Rutland Gate in the east; (3) introduction of specific low emission zone measures around the school; (4) strict enforcement action to stop engine idling and parking infringements in the local area; (5) ensure that any related servicing and construction activities are subject to specific arrangements to mitigate their impacts on air quality, congestion and noise.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises four former first-rate town houses forming part of the Grade II listed terrace, 8-15 Princes Gardens. The site is within the Knightsbridge Conservation Area and the Strategic Cultural Area around the Royal Albert Hall and Imperial College. The buildings comprise 5 stories over basement level. There is a fenced garden to the rear of the properties which backs onto Prince's Gate Gardens which is protected under the London Square Preservation Act 1931.

The applicant states that the premises have previously been used as student housing and since the end of the academic year 2013 have been used as a faculty department, seminar rooms and works space areas by Imperial College London (ICL).

6.2 Recent Relevant History

In 2000, planning permission and listed building consent were granted for refurbishments of student residence including additional plant at 10 -12 Princes Gardens (00/06586/FULL and 00/06587/LBC)

7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of nos. 10 to 13 Princes Gardens as a school (Class D1) with a floorspace of 2,492 sqm.

The applicant, St Nicholas Preparatory School, has been located at 23 Princes Gate, north of the application site, since the late 1960s and states that the lease will expire on the premises in December 2020. Replacement premises are sought to prevent closure and allow for the expansion of the school.

Internally, the works to the buildings include changes to the planform, the creation of lateral connections and the restoration of the rear rooms of no.12. Externally, the proposed works involve the restoration of the buildings exterior which is currently in a poor condition. An air recirculation system with associated extract duct to the rear at first floor level is also proposed.

There will also be an outdoor teaching space to the rear, for supervised and structured lessons and Prince’s Gate Gardens will be used for free play.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The applicant states that the established use of the application site is student housing (Sui Generis) with ancillary Class B1 office accommodation and Class D1 educational use associated with Imperial College London (ICL). The Council’s records provide no conclusive evidence to the contrary.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Student Housing (Sui Generis) with ancillary Class B1 office accommodation and D1 educational use	2,492	0	-2,492
School (Class D1)	0	2,492	+2,492
Total	2,492	2,492	2,492

Loss of Student Housing

Policy S15 of the City Plan states that specialist housing floorspace and units will be protected to meet those specific needs except where the accommodation is needed to meet different residential need as part of a published strategy by a local service provider. Where this exception applies, changes of use will only be to residential care or nursing homes, hostel, Houses in Multiple Occupation or dwelling houses use. However, the policy also recognises that specialist housing can become obsolete because of its layout, or changes in the delivery of local services or the client group it was intended to serve and that flexibility is required.

ICL’s Student Accommodation Published Strategy seeks to establish communities in clusters of 350+ students in purpose designed, en suite accommodation, within 30 minutes travel distance of the campus facilities across London and that the college is in the final stages of completing its target of delivering 2,550+ bed spaces. The strategy has led to the removal of some older and not fit for purpose sites as these no longer met student expectations, were inefficient and did not allow for the creation of student communities. Following a review of ICL’s student accommodation portfolio and a feasibility study of nos. 8 – 15 Princes Gardens, the decision was taken to formally close the halls of residence at the end of the 2015 academic year, although parts have been

closed or used for other purposes for longer. The published strategy shows that the loss of 8 – 15 Princes Gardens would not prevent ICL meeting its student accommodation targets and the loss has already been addressed through the delivery and improvement of other halls of residence. The applicant states that since the end of the academic year 2013 the premises has been used as seminar and works space areas (Class D1).

UDP Policy SOC 1 seeks to protect and improve the range of community facilities in Westminster. Part (C) of the policy states that community facilities which involve the loss of residential accommodation will only be allowed in exceptional circumstances, where:

- 1 the community facility meets an essential local need and
- 2 there is no other suitable site in the local area.

St Nicholas Preparatory School has been located at 23 Princes Gate since the late 1960s. The applicant states that the school is required to vacate the building by December 2020. The application site has been selected as it is considered to be an accessible location for local pupils, would allow continuity of education for the existing pupils, provide space for the school to grow and allow access to a sufficient amount of external amenity space. Supporters of the application state that the school is of great value to the local community and its relocation will provide an improved teaching and learning environment. The proposals are considered to be in accordance with SOC 1.

Whilst not fully in accordance with City Plan Policy S15, given the loss is part of ICL's published strategy and the nature of the use that will replace it, on balance the loss of student housing is considered acceptable in this instance.

Creation of School Floorspace

The National Planning Policy Framework (July 2018) chapter 8 (Promoting healthy and safe communities) states that it is important that sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

City Plan Policy S34 states that new social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites.

The application site is situated in the Strategic Cultural Area around the Royal Albert Hall and Imperial College, Policy S9 of the City Plan states that new tourism, arts, cultural and educational uses and appropriate town centre uses should be directed to this area.

Policy KBR25 of the KNP states that new development for cultural, educational, research or other uses which strengthen the role, reputation or experience of visiting the Strategic Cultural Area and retains or enhances the area's special character will be supported, subject to accordance with other development plan policies.

Policy KBR19 of the KNP encourages proposals to provide community and leisure (Class D) uses.

UDP policy SOC 1 Part (B) states that community facilities will be required to:

- 1 be located as near as possible to the residential areas they serve
- 2 not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal
- 3 be safe and easy to reach on foot, by cycle and by public transport

The existing school at 23 Princes Gate currently accommodates 243 pupils (210 full time pupils and 33 part time pupils (between 2 years 9 months and 11 years of age) and 56 staff. The proposals would increase these numbers to 320 pupils and 90 staff by 2025. The hours of use for teaching are 08:00 to 16:00 Monday to Friday. There will be no teaching in the evening or on Saturdays, Sundays or Bank Holidays. The Knightsbridge association have requested that pupil numbers be capped at their existing levels.

A number of objections have been received from neighbouring residents on amenity grounds stating that the existing noise and disturbance from the school children playing in Princes Gate Gardens is unacceptable and that any increase in numbers should not be permitted.

UDP Policy ENV 6 which seeks to reduce noise levels throughout the City to below maximum levels set out in World Health Organisation guidelines; to limit and contain noise from development; to protect noise sensitive properties from disturbance; to protect tranquil areas; and to reduce noise from transport.

In response to the objections from neighbours, the applicant has reduced the proposed maximum number of pupils (from 400 to 320) and provided an Operational Management Plan for Outdoor Teaching and Use of Prince's Gate Gardens, setting out the following:

- The hours of use of Prince's Gate Gardens by school pupils shall be from 10:00 to 14:00, Monday to Friday only;
- One day per week Prince's Gate Gardens will be used will be used for the "sports club" between 15:45 and 16:45;
- The maximum number of pupils using Prince's Gate Gardens at any one time will be 161;
- The maximum number of pupils using Prince's Gate Gardens between 12:00 and 13:30 (lunchtime) at any one time will be 82;
- Four times a year ICL security staff will attend Prince's Gate Gardens and count the number of pupils. This count will then be reported to the Knightsbridge Association and Council (should an issue arise then further counts would be undertaken to ensure conformity with numbers and planning conditions);
- The Outdoor Teaching Space shall only be used for supervised and structured teaching for 75 minutes per day, comprising two slots between 9:15 to 09:45 and 13:30 to 14:15, Monday to Friday only. This will be limited to 36 pupils per slot.

It is considered that the Outdoor Teaching Space, as described in the Operational Management Plan, is unlikely to lead to unacceptable levels of noise. The applicant has provided a Noise Impact Assessment Report which assesses the predicted noise levels of the school children playing in Prince's Gate Gardens. Environmental Health have raised no objection to the School's proposed use of Prince's Gate Gardens or the Outdoor Teaching Space, subject to a condition to ensure that the proposed Operational Management Plan is adhered to.

Given that the proposals are being considered at the same time as proposals to increase the size of the nursery at nos. 8- 9 Princes Gardens (18/01763/FULL and 18/01764/LBC) a Cumulative Noise Impact Assessment has been provided on behalf of both applicants. This report assesses the cumulative noise impact of both proposals and a “worst case scenario” that includes the enlarged nursery’s use of its rear garden and Prince’s Gate Gardens plus use of Prince’s Gate Gardens by the proposed school and the existing school at 23 Princes Gate. The assessment demonstrates that, subject to conditions ensuring that both applicants adhere to their respective Garden Management Plan/ Operational Management Plan, the cumulative noise levels would be in accordance with British Standard and World Health Organisation Guidelines. Environmental Health have raised no objections to the proposals on noise nuisance grounds.

The Knightsbridge Association have suggested further changes to the proposed Operational Management Plan including additional monitoring and a reduction in the maximum number of pupils using Prince’s Gate Gardens (cap of 82 at lunchtime and 128 rest of day). Officers consider the proposed number of pupils and Operational Management Plan to be acceptable and that the proposals comply with ENV 6.

Policy KBR29 states that proposals that are likely to generate significant transport movements should demonstrate no significant adverse impacts on:

- a. air quality
- b. road safety
- c. the pedestrian environment and movement
- d. cycling infrastructure;
- e. disabled access; and
- f. the street network

Objectors state that the proposals would lead to increased traffic in the area, especially in the morning and afternoon peaks for drop-off and collection of children and during servicing hours, which could be dangerous, cause disturbance to residents and create traffic congestion.

The Highways Planning Manager has raised concern about the potential for congestion and road safety issues in Princes Gardens at peak times (08:30 – 08:50 and 15:40- 16:00), associated with the drop-off and pick-up of children by car. However, the site has excellent public transport links and it is considered that a Travel Plan could be an effective measure to reduce car use and stagger arrival and departure times. The applicant has provided a draft Travel Plan which sets out targets to reduce car journeys to the school and a condition is recommended to ensure that, prior to the use of the new school buildings, the applicant must apply to the Council for approval of a revised Travel Plan including further details of how the document will be regularly monitored and amended (if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied), and requiring them to apply to the Council at the end of the first and third years of the life of the Travel Plan for approval of reports monitoring the effectiveness of the Travel Plan and setting out proposed changes to overcome any identified problems.

It is considered that the level of servicing required for the school could be accommodated, as long as it was to take place outside the times that children are being dropped-off and picked-up from the school and nursery. A condition requiring the approval of a servicing management plan is recommended. The predicted noise levels from increased vehicle traffic has been assessed and Environmental Health have raised no objection.

The Knightsbridge Association have requested that the travel plan be secured under s106 with additional measures including the monitoring of setting down and picking up periods and provision that in the event of conflict or overlap with the nursery, reasonable adjustments will be made.

Officers consider that the cumulative impact of the nursery and proposed school at 10 – 13 Princes Gardens would be acceptable in terms of traffic generation and noise, subject to the recommended conditions.

Air quality is addressed in section 8.7

UDP Policy SOC 3 states that education facilities will be encouraged to be designed so that they can be used for other community uses outside teaching. The applicant has not proposed to make the school available for this purpose. However, due to the limited facilities provided by the listed buildings and the potential for additional amenity implications associated with its use outside teaching hours, this is not considered to be beneficial in this instance.

The proposals are considered to accord with The NPPF, City Plan Policies S9, S15, S34, Policies SOC 1, SOC 3 and ENV 6 of the UDP and Policies KBR19, KBR25 and KBR29 of the KNP.

8.2 Townscape and Design

The application relates to four former first-rate townhouses forming part of the Grade II listed terrace, 8-15 Princes Gardens within the Knightsbridge Conservation Area. The application proposals must therefore be determined in accordance with the statutory requirements of Sections 16, 66 and 72 of the Act and Chapter 16 of the NPPF, which requires the decision-maker to pay special regard to the preservation of the listed building and to the character or appearance of the conservation area.

The houses have been in a variety of uses by Imperial College for many years. This has caused them to suffer a range of insensitive alterations including numerous lateral connections at various levels, with parts of the building exhibiting little internal significance. The buildings do however retain substantial architectural and historic significance including historic planform, principal and secondary staircases, chimneypieces, panelling and decorative plasterwork. No.12 in particular has been found to be remarkably intact and features some exceptional internal features including a complete suite of 'boudoir' rooms to the rear closet wing between first and second floors.

The application proposals have been amended significantly during the course of the application and are considered to now generally preserve the significance of the listed

buildings based on their current condition. There would be no harm caused to the character / appearance of the conservation area.

There remain some points of harm including new lateral connections, minor losses of planform or new subdivision of rooms, but these are generally balanced by a range of positive measures which must be secured the imposition of conditions tied to the commencement of the new use. This includes the complete restoration of the rear rooms of no.12, and the complete restoration of the exterior which is currently in a parlous state of disrepair – both of these conservation benefits have been addressed by the applicant.

One component of the proposals which still requires revision however is the treatment of the rooms which are proposed to become Classroom 12. The main room of these is a very good room with decorative details to walls and a particularly good assembly of cupboards and chimney piece to the party wall. The revisions to this room submitted already have improved things dramatically, but it remains proposed to completely remove the wall which divides the room from the smaller room to the side. As a minimum a pair of substantial wall nibs and a ceiling downstand must be retained in order to spatially define these two rooms. An amending condition is recommended for securing this final revision.

A flue to the rear of no.12 which rises from the school kitchens beneath the rear lightwell, would cause some new clutter to this rear elevation. This is however kept below the height of the rear terrace parapet and so would only be visible from the flat roof at first floor level.

Subject to these conditions and taking into account the statutory requirements discussed above it is considered that the proposals would overall cause no harm to the architectural / historic significance of the listed building or to the character / appearance of the conservation area. The proposals would comply with relevant local and national policies and guidance, in particular DES 5, DES 9 and DES 10 of the UDP, KBR1 and KBR9 of the Knightsbridge Neighbourhood Plan, and Chapter 16 of the NPPF (2018).

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Given the nature of the proposed alterations to the buildings, there would be no implications in terms of light, privacy, sense of enclosure or overlooking over the existing arrangements

Noise and disturbance is addressed in section 8.1 of this report.

Subject to conditions, the proposals are considered to be in line with policies S29 and ENV13.

8.4 Transportation/Parking

London Plan standards require 12 cycle parking spaces for staff and 40 for pupils. The applicant has proposed 12 adult cycle spaces, 40 scooter spaces and 14 junior cycle spaces, to be located at basement level. It is accepted that the age of the children might mean that few cycle and the provision of scooter racks is considered an appropriate alternative. A condition is recommended to secure the proposed cycle parking.

Servicing and Traffic Generation are addressed in section 8.1.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The premises will have one main entrance door for parents, teachers and pupils through no. 11 Princess Gardens. No alterations are proposed to vehicular access to the site.

The development has been designed to conform with Part M of the Building Regulations and would be DDA compliant.

8.7 Other Policy Considerations

Air Quality

Policy SI1 of the Draft London Plan (2018) states that London's air quality should be significantly improved and exposure to poor air quality, especially for vulnerable people, should be reduced. It also advises that applications for major development proposals should be accompanied by an Air Quality Assessment and these developments must be at least 'air quality neutral'.

Policy KBR34 of the KNP states that all development must aim to be at least "air quality neutral" and not cause or contribute to worsening air quality.

Objectors have raised concern that the proposals would lead to air pollution and impact upon air quality in the surrounding area.

Whilst the application is not classed as "Major Development", the proposed use of the building as a school is a sensitive use and as such the applicant has submitted an air quality assessment. This assessment demonstrates that it is not possible to achieve 'air quality neutral' on site however, as recommended by Policy SI1 of the Draft London Plan 2018 and the Mayors SPG on Sustainable Design and Construction (2014), the applicant has agreed to make a financial contribution towards air quality off-setting as mitigation. Following negotiations with the applicants and based on the DEFRA Interdepartmental Group on Costs and Benefits Air Quality Damage Costs per tonne, the applicant has agreed to pay a total of £10,749, paid over a five year period, to be secured by Grampian condition. The City Council will use such contributions to an air quality offset fund to introduce air quality mitigation measures across the City.

In addition to the above air quality mitigation a Travel Plan will be secured by condition which will detail additional measures to minimise traffic generation. Clean Air in London have suggested a number of other mitigation measures including: the installation of 10 electric charging points in the immediate area, a 20mph speed limit being introduced on the surrounding residential roads and the introduction of specific low emission zone measures around the school. However, it is not considered reasonable or practicable to require the applicant to provide these off-site mitigation measures.

Subject to the proposed Grampian Condition and Travel Plan, the proposals are considered to be in accordance with policies SI1 of the Draft London Plan and KBR34 of the KNP.

Plant and Kitchen Ventilation

The applicant states that they do not intend to change the current plant and machinery, which is housed in the basement.

In terms of odour extraction from the kitchen, the applicant has confirmed that they will be installing a Reco–Air system. A condition is recommended to ensure that, before work on this part of the development is started, the applicant must apply for approval of details of the system which will be considered by environmental health.

Trees

The applicant has provided an Arboricultural Report which shows that the impact of the proposals on surrounding trees will be low. The Councils Arboricultural Section have raised no objection to the proposals subject to a condition that, prior to the commencement of works, the applicant must apply for approval of a method statement explaining the measures they will take to protect trees on and close to the site.

Refuse /Recycling

The drawings submitted are not in line with the Council’s recycling and waste storage requirements. A condition has been attached to ensure that the applicant must submit details of how waste is going to be stored on the site and how materials for recycling will be stored separately.

8.8 Neighbourhood Plans

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018 and therefore now forms part of Westminster’s statutory development plan. It will be used alongside the council’s own planning documents and the Mayor’s London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.9 London Plan

This application does not raise any significant strategic issues and is not referable to the Mayor. Where relevant, considerations involving London Plan policies are dealt with in other sections of this report.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.11 Planning Obligations

A Grampian Condition is recommended to require the applicant to enter into a legal agreement to secure a financial contribution of £10,749 over a period of five years towards air quality mitigation measures.

This development does not generate a Mayor CIL or WCC CIL payment.

8.12 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.13 Other Issues

Community Liaison Group

The Knightsbridge Association have requested that a Community Liaison Group is formed as a means of monitoring the operation of the school and resolving outstanding issues. Whilst the creation of a liaison group is encouraged, it is not considered reasonable to secure this via condition.

Construction Impact

Policy KBR22 of the Knightsbridge Neighbourhood Plan states that proposals should be designed in a way that minimises their impacts on amenity, public health and the environment through dust and emissions, light pollution, noise and vibration during deconstruction and construction.

Concerns have been raised by objectors relating to disruption resulting from the movement of construction vehicles during the building works.

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016. As the proposals are for change of use and refurbishment of the building, it is considered that the number of construction vehicles will be less than could be expected for a major development. The application does not fit into the Council's Code of Construction Practice scheme given the extent of works proposed.

Item No.
2

Informatives have been added to encourage the applicant to join the nationally recognised Considerate Constructors Scheme and to keep neighbours informed about unavoidable disturbance such as noise and traffic disruption.

A condition has been added restricting any building work which can be heard at the boundary of the site to between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work is restricted to between 08:00 and 18:00 Monday to Friday and will not be carried out on Saturdays, Sundays, bank holidays and public holidays.

Accordingly, the proposals are considered to be in accordance with KBR22.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

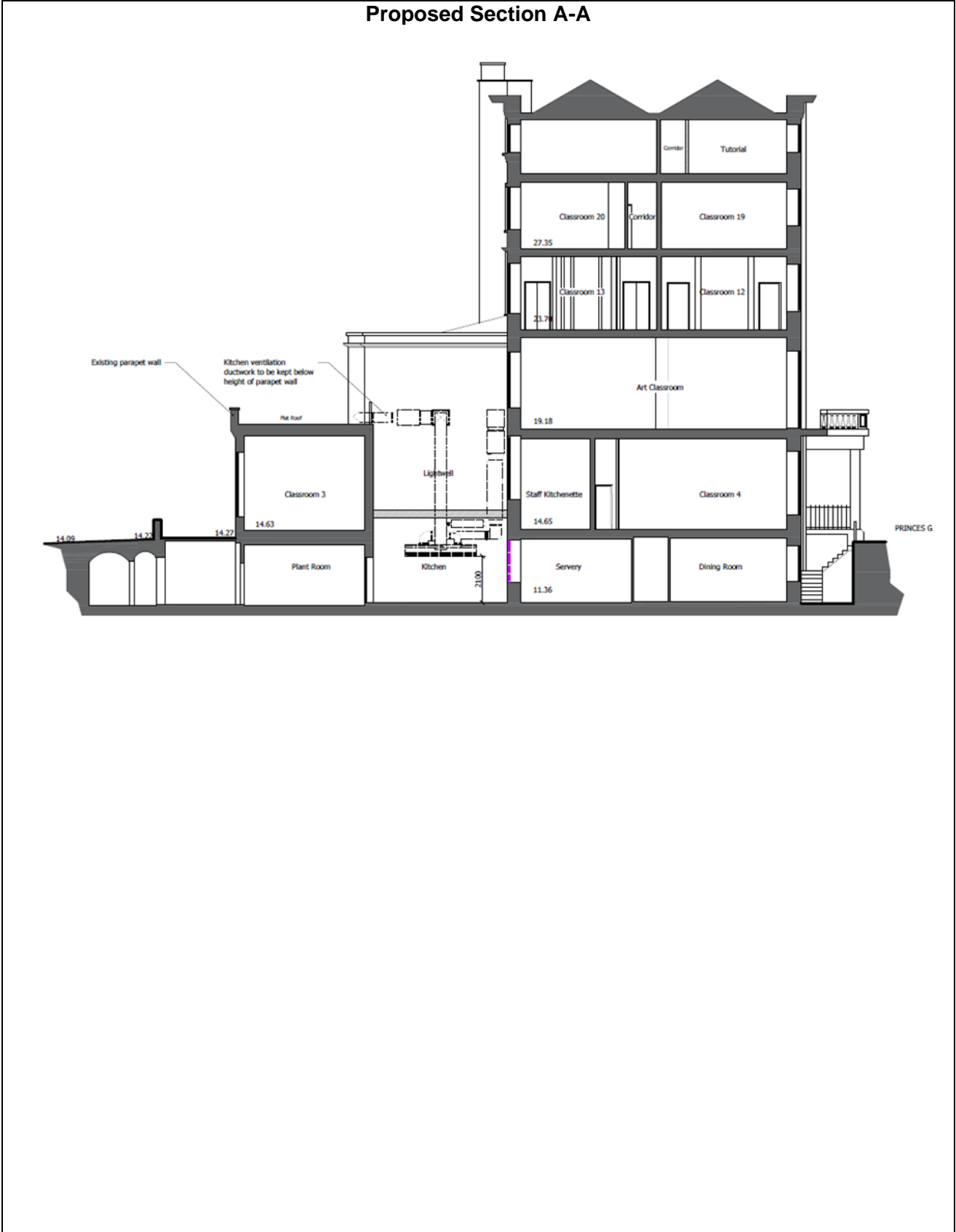
9. KEY DRAWINGS

Location Plan from Operational Management Plan for Outdoor Teaching and Use of Prince's Gate Gardens (received 18 October 2018)

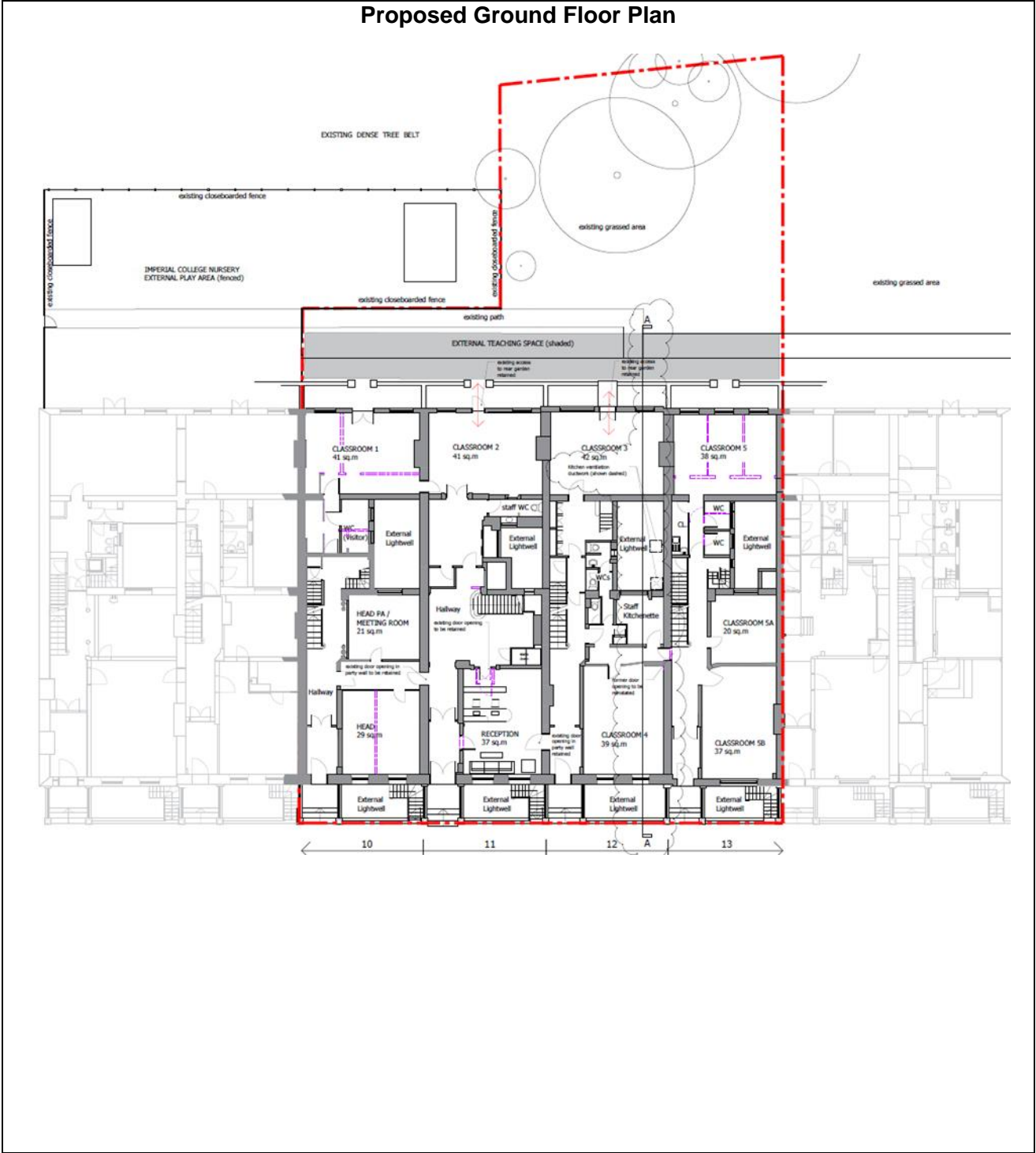


MACDONALD Planning Consultancy

Proposed Section A-A



Proposed Ground Floor Plan



DRAFT DECISION LETTER

- Address:** Garden Hall Of Residence Imperial College, 10-12 Princes Gardens, London, SW7 1ND,
- Proposal:** Use of 10 - 13 Princes Gardens as school (Class D1) with outdoor teaching area to rear; external alterations including building refurbishment and installation of extract duct; installation of plant machinery and internal alterations. Linked to 18/02305/LBC
- Reference:** 18/02304/FULL
- Plan Nos:** 50:17:LOC1 Rev. A; 50:17:P20 Rev. A; 50:17:P01 Rev. D; 50:17:P02 Rev. D; , 50:17:P03 Rev. D; 50:17:P04 Rev. E; 50:17:P05 Rev. D; 50:17:P06 Rev. E; 50:17:P07 Rev. C; 50:17:P08; 50:17: CS01 Rev. C; Operational Management Plan for Outdoor Teaching and Use of Prince's Gate Gardens received 18 October 2018.

For information: Cover letter dated 15 March 2018; Planning, Design and Access Statement dated March 2018; School Travel Plan dated 23 January 2018;; Transport Assessment dated 28 February 2018; MD/AT/ITL13305-005A TN (320 Pupil Assessment) dated 12 September 2018; TN002 (Air Quality Neutral and Damage Cost Calculations) dated 16 August 2018; Heritage Impact Assessment dated 26 February 2018; Noise Impact Assessment dated July 2018; 43930 (Technical Note) dated 23 July 2018; ICL EYEC & St. Nicholas Preparatory School: Cumulative Noise Impact Assessment Rev. A dated 14 September 2018; ICL EYEC & St. Nicholas Preparatory School: Cumulative Noise Impact Assessment - Addendum dated 30 October 2018; Arboricultural Report -Rev. A dated May 2018; Heritage Impact Assessment Addendum dated 11 June 2018; TN001 (Air Quality Neutral and Damage Cost Calculations) dated 31 July 2018; Air Quality Assessment dated June 2018; E-mail from Agent dated 8 November 2018

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

Item No.
2

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 You must use the property only as a school. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 4 You must not allow children on the premises outside the following times: between 08:00 and 16:00 Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 The number of children attending the school hereby permitted shall not exceed 320 at any one time.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The school use must be carried out in accordance with the Operational Management Plan for Outdoor Teaching and Use of Prince's Gate Gardens received 18 October 2018.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the School use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the School use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre

outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 10 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 11 The kitchen extract ventilation shall be limited to a recirculation system approved by the Local Planning Authority and all cooking and reheating of food within the premises shall operate by electricity only and not by gas or solid fuels such as coal or wood.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 12 Following installation of the recirculation plant and equipment confirmed in your e-mail dated 8 November 2018, you are required to submit a supplementary report for our approval before the use of the premises as a school commences. You must thereafter maintain the recirculation plant and equipment as approved. The supplementary report must include:

- (a) A schedule of all plant and equipment installed.
- (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.
- (c) In the working environment the breakout noise not exceeding 55 dB (A) in the kitchen,
- (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating,
- (e) Details of service / filter replacement and maintenance arrangements.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 13 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 14 You must apply to us for approval of further information as set out below of the following parts of the development:

Item No.
2

- (a) New / altered windows, doors and rooflights;
- (b) New / altered staircases, balustrades and railings;
- (c) Comprehensive schedule of external repair, to be completed prior to first occupation.

You must include with all details annotated versions of the applicable approved drawings showing the location of each detail.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.
(C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

- 15 You must submit to us a detailed written and photographic schedule and programme of the works of reinstatement and repair of historic and decorative details. You must not start work on this part of the scheme until we have approved what you have sent us. You must then carry out the works in accordance with these details. You must not occupy the building until we have approved the works undertaken.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

- 16 You must carry out the works of reinstatement and repair of historic and decorative details shown on the approved plans and documents. You must not occupy the building until we have approved the works undertaken.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

Item No.
2

- 17 Prior to occupation you must apply to us for approval of a Servicing Management Plan for the approved school use. You must not commence the school use until we have approved what you have sent us. Thereafter the school must be managed in accordance with the approved Servicing Management Plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the School. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 19 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 20 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

-air quality off-setting mitigation

Item No.
2

In the case of the above benefit, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and Policy SI1 of the Draft London Plan 2018 and the Mayors SPG on Sustainable Design and Construction (2014)

- 21 Before you begin to use the new school buildings, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the school;
- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the school;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 22 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 HIGHWAYS LICENSING: Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS: You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk

BUILDING REGULATIONS: You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

4 Conditions 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)

6

Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
- * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 7 In relation to Condition 17, you must include the following information in the Servicing Management Plan:
 - the full delivery process.
 - internal storage locations.
 - scheduling of deliveries (ensure that servicing does not take place during the times children are dropped-off and picked up from the school and adjacent nursery at 8-9 Princes Gardens)
 - staffing arrangements for deliveries.
- 8 Under Condition 20, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a financial contribution towards air-quality off-setting, as set out in the letter dated 11 November 2018 from Ian Corrie. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 9 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Item No.
2

- 10 The applicant is reminded that Prince's Gate Gardens is a Protected Square and its use must be compatible with one of the authorised uses under the London Squares Preservation Act 1931 (i.e. as an ornamental garden, pleasure ground or ground for play rest or recreation) The Protected Square must also be preserved permanently as a public open space (by those persons entitled to use it) as required by the Act.

- 11 In relation to Condition 15, please contact Andrew Barber (Design and Conservation Officer) directly: 02076417708.,

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

- Address:** Garden Hall Of Residence Imperial College, 10-12 Princes Gardens, London, SW7 1ND,
- Proposal:** Use of 10 - 13 Princes Gardens as school (Class D1) with playground to rear; external alterations including building refurbishment and installation of front platform lift; installation of plant machinery and internal alterations. Linked to 18/02304/FULL
- Reference:** 18/02305/LBC
- Plan Nos:** 50:17:LOC1 Rev. A; 50:17:P20 Rev. A; 50:17:P01 Rev. D; 50:17:P02 Rev. D; 50:17:P03 Rev. D; 50:17:P04 Rev. E; 50:17:P05 Rev. D; 50:17:P06 Rev. E; 50:17:P07 Rev. C; 50:17:P08; 50:17: CS01 Rev. C.

For information:, Heritage Impact Assessment dated 26 February 2018; Heritage Impact Assessment Addendum dated 11 June 2018

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (G27AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Item No.
2

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Item No.
2

7 You must apply to us for approval of further information as set out below of the following parts of the development:

- (a) Internal elevations and sections of all alterations at ground, first and second floors, with details of downstands / wall nibs to demonstrate relationships with adjacent decorative / historic features.
- (b) New / altered windows, doors and rooflights;
- (c) New / altered staircases, balustrades and railings;
- (d) Comprehensive schedule of external repair, to be completed prior to first occupation;
- (e) Comprehensive conservation management plan for suite of rooms to rear of no.12 between 1st and 2nd floors, including reinstatement of laylight / lantern over 1st floor half-landing.

You must include with all details annotated versions of the applicable approved drawings showing the location of each detail.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- (a) The retention of substantial nibs and a downstand between the two existing rooms which are proposed to become Classroom 12 (drawn floor and ceiling plans, and internal elevations and sections at 1:20);

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

9 You must submit to us a detailed written and photographic schedule and programme of the works of reinstatement and repair of historic and decorative details. You must not start work on

Item No.
2

this part of the scheme until we have approved what you have sent us. You must then carry out the works in accordance with these details. You must not occupy the building until we have approved the works undertaken.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 10 You must carry out the works of reinstatement and repair of historic and decorative details shown on the approved plans and documents. You must not occupy the building until we have approved the works undertaken.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Item No.
2

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 This consent does not include for any works to the building for the purposes of proofing the building against the spread of fire, the transmission of sound, or the penetration of moisture, and is granted without prejudice to decisions made on future applications which may be submitted for that purpose.
- 4 This consent does not include works for the introduction of new services or plant unless explicitly shown on the approved drawings, and is granted without prejudice to decisions made on future applications which may be submitted for that purpose. This affects only services which would be surface mounted or which would involve intrusive works to pre-1940 fabric. The re-use of existing (lawful) service runs and risers does not require consent.
- 5 In relation to Condition 9, please contact Andrew Barber (Design and Conservation Officer) directly: 02076417708.,

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	334-348 Oxford Street, London, W1C 1JG		
Proposal	<p>Application 1: Use of part of the ground floor (on the corner of Henrietta Place and Vere Street) as restaurant (Class A3) with associated external alterations to form new entrance.</p> <p>Application 2: Use of an area of the public highway measuring 14.71m x 2.63m for placement of 25 tables, 50 chairs, 10 barriers and 8 planters on Vere street elevation in association with the ground floor restaurant.</p>		
Agent	Quod		
On behalf of	Debenhams Retail PLC		
Registered Number	Application 1: 18/03718/FULL Application 2: 18/00158/TCH	Date amended/ completed	Application 1: 10 May 2018
Date Application Received	Application 1: 04 May 2018 Application 2: 09 January 2018		Application 2: 28 March 2018
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

Application 1: Grant conditional planning permission.

1. Subject to 1. above, that Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
2. Subject to 1. and 2. above, that the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

Application 2: Grant conditional planning permission for a temporary period of one year.

2. SUMMARY

These applications relate to the north eastern corner of Debenhams department store, which is located at the western end of Oxford Street and public highway on Vere Street. Application 1 seeks permission for use of part of the rear ground floor of Debenhams department store fronting onto Henrietta Place and Vere Street as a restaurant. Application 2 is for the placing of tables and chairs on the highway on Vere Street in connection with the proposed restaurant.

The key issues for consideration are:

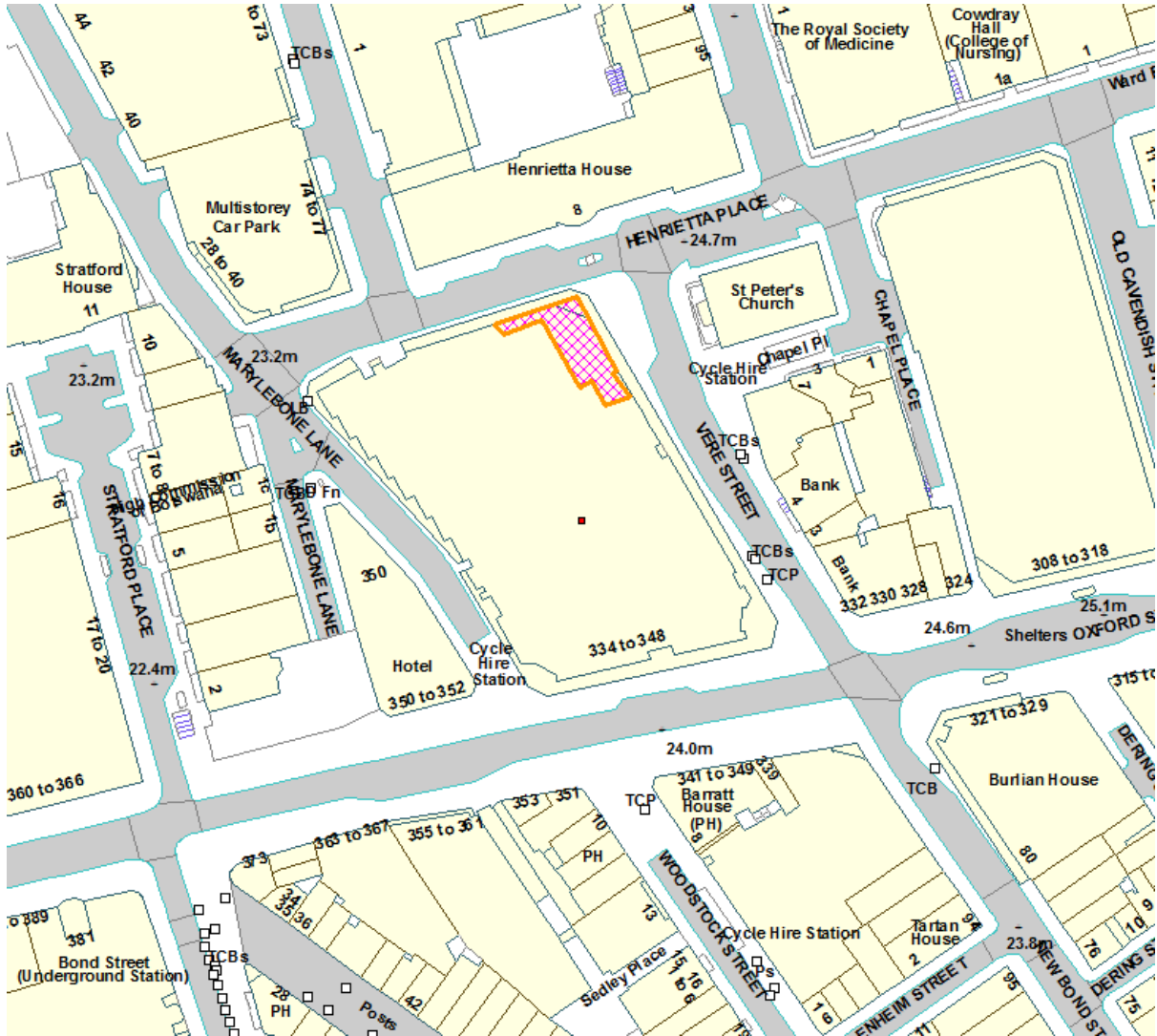
- The loss of retail floorspace in the WESRPA and on a Primary Shopping Frontage and on the character and function of the area,
- The impact of the proposed restaurant and external seating area on residential amenity of the surrounding area, and
- The impact of the external seating upon pedestrian movement and highways safety.

Debenhams department store fronts onto Oxford Street which is designated in the City Plan and Unitary Development Plan as being a prime shopping frontage. As such there is a very strong land use policy presumption to protect existing retail uses. In this case however the application will result in the loss of a small amount of retail floorspace at the rear of the block and would not impact on the Oxford Street frontage or the continued operation of the department store. In the circumstances the loss of retail is considered acceptable as it would not be detrimental to the character and function of the area. The provision of a restaurant would provide a service use that will compliment the retail function of Oxford Street and the West End Special Retail Policy Area (WESPRA). Subject to appropriate conditions the proposed restaurant use is considered acceptable.

The proposed tables and chairs on Vere Street would be compliant with Westminster Way and would not result in an obstruction to pedestrian movements. Use of the external seating would not adversely impact on residential amenity. The application is therefore considered acceptable.

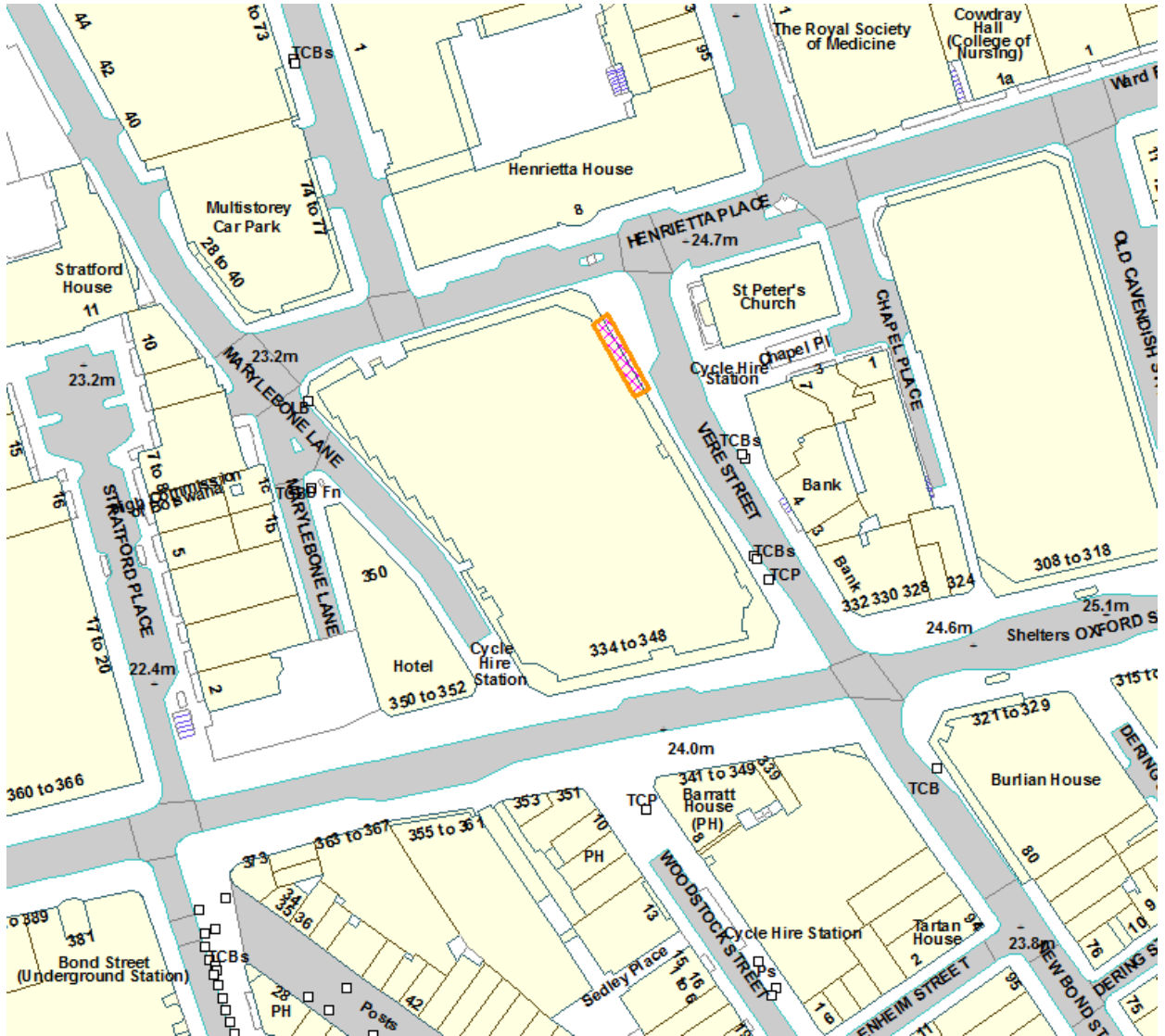
3. LOCATION PLANS

Application 1:



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

Application 2:



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

Application 1:

MARYLEBONE ASSOCIATION

No objection

THAMES WATER

No objection

HIGHWAYS PLANNING

No objection subject to conditions

WASTE OFFICER

Request that details of refuse provision is secured by condition.

ENVIRONMENTAL HEALTH

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 3

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2:

MARYLEBONE ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING

No objection subject to conditions

WASTE OFFICER

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 0

SITE AND PRESS NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located in the Core Central Activities Zone (CAZ), the West End Special Retail Policy Area (WESPRA) and on a Primary Shopping Frontage. The site is not located in a designated Conservation Area and outside of an identified Stress Area.

The building is occupied by Debenhams and comprises of basement, ground and five upper floors. The building fronts Oxford Street to the south, Marylebone Lane to the west, Henrietta Place to the North, and Vere Street to the east.

Both applications relate to the north eastern corner of the site on the corner of Henrietta Place and Vere Street.

6.2 Recent Relevant History

There is no recent relevant planning history on this site.

During the consideration of this application, it has come to light that the north western corner of Debenhams is also being used for restaurant purposes, occupied by Chi Kitchen. There are no records of permission being granted for the restaurant use, This is now the subject of on-going enforcement investigations.

7. THE PROPOSAL

Application 1:

Permission is sought to allow use of part of the ground floor (on the corner of Henrietta Place and Vere Street) as restaurant (Class A3). Floorspace figures are in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	264.5	0	-264.5
Restaurant (Class A3)	0	277	+277
Total	264.5	277	+12.5

The applicant argues that as the premises is a department store, by definition it accommodates a wide variety of brands and concessions and that Franco Manca the intended occupier is no different to any other retail or food and beverage concession presently in the Oxford Street Store or other department stores. They state that as the 'concession' would occupy 1.2% of the overall floorspace for the store (or 8.3% of the ground floor) it will be subservient, or ancillary, to the primary retail offer of the store.

However, although the restaurant would be accessed from within the department store, this could be closed off and the restaurant also has independent street access. It is proposed that the restaurant would operate longer hours than the Debenhams Store. The use is not therefore considered to be ancillary

The application includes the provision of a new entrance on Vere Street and infilling a chamfered corner at the junction of Henrietta Place and Vere Street.

Application 2:

Permission is sought for use of an area of the public highway measuring 14.71m x 2.63m on Vere Street for placement of 25 tables, 50 chairs, 10 barriers and 8 planters at the northern end of Vere Street. The tables and chairs will be used in association with the proposed restaurant use considered under Application 1 in this report.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Application 1:

Loss of retail (Class A1) use

City Plan Policy S21 protects retail floorspace through the Westminster except where the Council considers the unit is not viable, as demonstrated by long-term vacancy (18 months) despite reasonable attempts to let. Policy S7 of the City Plan seeks to maintain and enhance the unique status of the West End Special Retail Policy Area (WESPRA). UDP Policy SS3 seeks to enhance shopping in the International Centres' Primary Shopping Frontages. It states that planning permission will not, except in the most exceptional circumstances, be granted for a change of use from A1 use at basement, ground floor, or first floor level within the Primary Shopping Frontage.

The site is not vacant and the applicant does not advance the argument that the continued retail use is not viable. The applicants justification for the loss of retail is that the existing retail floorspace that would be lost (264m²) is only 1.2% of the overall floorspace of the Debenhams store, and 8.3% of the total ground floor area.

As the proposal would result in a loss of retail floorspace within WESPRA this is technically contrary to City Plan Policy S21. However, it is considered that in this location the loss of retail floorspace will not have a detrimental impact on the character and function of the area. There is no loss of a retail unit, as the Debenhams Store will remain, and the area subject to this application is not located on the Oxford Street (Primary Shopping) frontage itself, being at the rear of the building on the corner of Henrietta Place and Vere Street. As a result, it is considered that the loss of retail would not have a material and harmful impact on shopping provision on Oxford Street.

The proposed use is also considered to support and enhance the key retail function of Oxford Street, the WESPRA, and the Debenhams unit, which is in line with the goals of City Plan Policy S7. It is therefore considered that in this instance, the loss of retail floorspace is acceptable.

Proposed restaurant (Class A3) use

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the

gross floorspace exceeds 500sqm) only in exceptional circumstances. Given the size of the development, it needs to be assessed against UDP Policy TACE 10.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The policy states that new large-scale late-night entertainment uses of over 500sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The site is located within the Core CAZ but outside of a stress area. Given the size of the premises (277sqm), UDP policy TACE 8 is applicable. There are no residential properties in the immediate locality, the closest residential properties on Vere Street are at the opposite end, at No.1, adjacent to Oxford Street. There are not records of residential properties on this part of Henrietta Place.

The operational details of the proposed unit are summarised in the table below:

Opening Hours	Monday – Sunday (daily): 09:30-23:00 <i>(Debenhams Store opening hours are: Monday – Tuesday: 09:30 – 21:00, Wednesday – Saturday: 09:30 – 22:00, and Sunday: 12:00 – 18:00)</i>
Number of covers	100 (+50 external seats being assessed under Application 2)
Servicing and deliveries	Within the existing Debenhams servicing area (accessed from a servicing yard on Wellbeck Street, behind Henrietta House)

A full height ventilation extraction system will be installed which will run internally and discharge at roof level. Environmental Health have advised that this is acceptable. A condition is recommended requiring the ductwork to be installed prior to the restaurant use commencing and thereafter be permanently retained whilst the use is in operation.

Given the size of the premises and the absence of any residential properties close to the site, it is not considered that the proposals would have an adverse impact on the character or function of the area, or on residential amenity.

Subject to conditions restricting capacity, opening hours and other elements of possible restaurant operation (such as size of bar area etc.), the proposed use is considered acceptable.

Application 2:

Not applicable

8.2 Townscape and Design

Application 1:

334-348 Oxford Street is an unlisted building. It abuts the Harley Street Conservation Area across Vere Street, and the Mayfair Conservation Area across Oxford Street. Immediately opposite the north east corner is St Peter's Church, a grade I listed building.

The application building was completed in 1971 to designs by Adrian V Montagu and Partners in association with V J Syborn of George Baines and Syborn Architects. The building which is unfaced concrete above ground floor is described in Pevsner as "big and dispiriting" The massive concrete block, with slot windows from first to third floors is now covered entirely with a 'kinetic façade'; perforated aluminium panels suspended as a curtain around each of the elevations, designed by the artist Ned Khan. At ground floor the building consists of a mixture of full height shop windows and doors, as well as service doors and louvered panels.

The north east corner of the building is chamfered with a single pillar supporting the overhanging first floor. The building, including the ground floor corner arrangement is considered to make a neutral contribution to the streetscape, and has a neutral impact on the setting of the Harley Street Conservation Area.

Infilling the corner and the proposed new entrance will not be harmful to the appearance of the building, or the setting of the adjacent listed building and conservation areas.

Application 2:

Not applicable

8.3 Residential Amenity/ Daylight/ Sunlight and Sense of enclosure

Application 1:

Not applicable

Application 2:

Not applicable

8.4 Transportation/Parking

Application 1:

Extension over the Highway

The proposal includes extending the ground floor footprint to match the building line of the upper floors. Currently, this ground floor corner is chamfered and provides public footway, with a supporting pillar located in this area.

Highway is often in the ownership of the adjoining landowners (for example, pavement lights) however land ownership does not void highway status. Under the Highways Act, as the area subject to the application has been open and passable for at least 20 years, it has gained the status of highway, even if it has not been maintained by the Council as Highway Authority.

In its current form the building allows pedestrians to pass under the overhang on the corner of Henrietta Place and Vere Street, the proposed alterations would represent a permanent loss of public highway and removal of this more direct pedestrian route.

City Plan Policy S41 Pedestrian Movement and Sustainable Transport seeks to ensure all development will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas with high pedestrian volumes or peaks.

City Council UDP Policy TRANS 3 asserts that the City Council, in considering development proposals, will aim to secure an improved environment for pedestrians with particular regard to their safety, ease, convenience and directness of movement in the course of negotiations or securing planning agreements, including provision of appropriate facilities such as footway widening, connecting walkways, footbridge location and covered arcading.

The permanent loss of public highway almost always raises concerns especially in areas that experience high levels of pedestrian traffic (Oxford Street, Regents Street, etc.). However, given the proposals location (not on the Oxford Street frontage), street geometry, pedestrian footfall levels and the predominant pedestrian flow locations, on balance it is considered that objection is not be raised to the proposal.

If permission were granted the applicant would need to submit a stopping up order under the highways act, the outcome of which cannot be guaranteed.

Servicing

The existing Debenhams Store benefits from a service yard (accessed from Wellbeck Street) and goods receiving area with a tunnel (at basement level) linking this to the main building. All servicing of the proposed unit (including deliveries, waste collection etc.) will take place using this. The Highways Planning Manager has advised that the proposed servicing arrangements for the use are acceptable. A condition is recommended that the use is carried out in accordance with a servicing management plan which will ensure servicing is not from Henrietta Place or Vere Street.

Cycle Parking

The London Plan indicates that this A3 use requires a minimum of 2 cycle parking spaces to be provided. These spaces have been shown on the proposed drawings following a request from officers. While these spaces are not in the best location, it is considered that given the restraints of the area subject to the proposal, the position is acceptable. The provision of these spaces shall be secured by condition.

Application 2:

Tables and Chairs on the Highway

Tables and chairs on the footway are controlled by policy TACE 11 of the City of Westminster Unitary Development Plan (UDP) 2007. This states that permission will only be granted when such a proposal fulfils a number of criteria, including that they will not cause an obstruction, unacceptably intensify the existing use, have a detrimental effect on the character or appearance of the area nor cause a nuisance to residents.

The Council's 'Westminster Way – Public realm strategy, Design principles and practice' stipulates that proposals should retain a minimum clearance of 2m clear width to ensure that there is no obstruction for pedestrians. The Highways Planning Manager has assessed the application and advised that the pavement proposed for tables and chairs measures approximately 6.3m from the building line to the closest item of street furniture (an existing tree). The area proposed for tables and chairs will leave an available footway width of approximately 3.5m for pedestrian use. While the measurements provided by the applicant do not exclude the existing tree pit which surrounds the tree, the Highways Planning Manager has advised that the minimum required freeway will still be provided. Accordingly, they are satisfied that the proposals will not affect pedestrian directness of movement.

Subject to conditions requiring the furniture to be removed from the highway at night, the proposals are considered to comply with The Westminster Way (adopted November 2011), TACE 11 and TRANS 3.

8.5 Economic Considerations

The economic benefits generated by the applications are welcomed

8.6 Access

Application 1:

The proposed new entrance will allow access from Vere Street. Level access is provided at the location of the door with entrance steps located inside. A foldable wheelchair platform is shown on the proposed drawings to allow disabled access.

Application 2:

The proposed tables and chairs will not impact on access to the existing department store.

8.7 Other UDP/Westminster Policy Considerations

Application 1:

Refuse /Recycling

The Waste Officer has assessed the application and advised that the details, and additional details provided by the applicant regarding the storage of waste has not met the requirements of the Council for this use. Details of suitable waste storage for the use, including waste, recycling and oil storage, will be secured by condition.

Application 2:

Noise

UDP Policy TACE11 states that planning permission for tables and chairs on the highway will only be granted when such developments will not cause a nuisance to residents or harm the amenity of the area (points 6 and 7). Policy S29 of the City Plan seeks to resist proposals that result in an unacceptable loss of residential amenity.

Council records indicate that the closest residential properties to the site are located some significant distance from corner proposed for both applications. The closest residential properties on Vere Street are at the opposite end, at No.1, adjacent to Oxford Street.

The applicant proposes to place the tables and chairs on the highway between 09:30 - 23:00 Monday to Sunday. Outside of these hours, the furniture will be stored within the unit. This is considered acceptable

8.8 London Plan

The applications do not raise any strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of these applications.

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

Consultation Responses

Thames Water, while not a statutory consultee, have commented on application 1. They recommend the installation of a properly maintained fat trap on all catering establishments and the collection of cooking fats, oils, greases etc. by a contractor to prevent such waste causing drain blockages. They have also commented on the water pressure they aim to provide their customers. While these comments are noted, they are not matters which are considered within the Planning process. An informative is recommended suggesting that the applicant contacts Thames Water regarding the

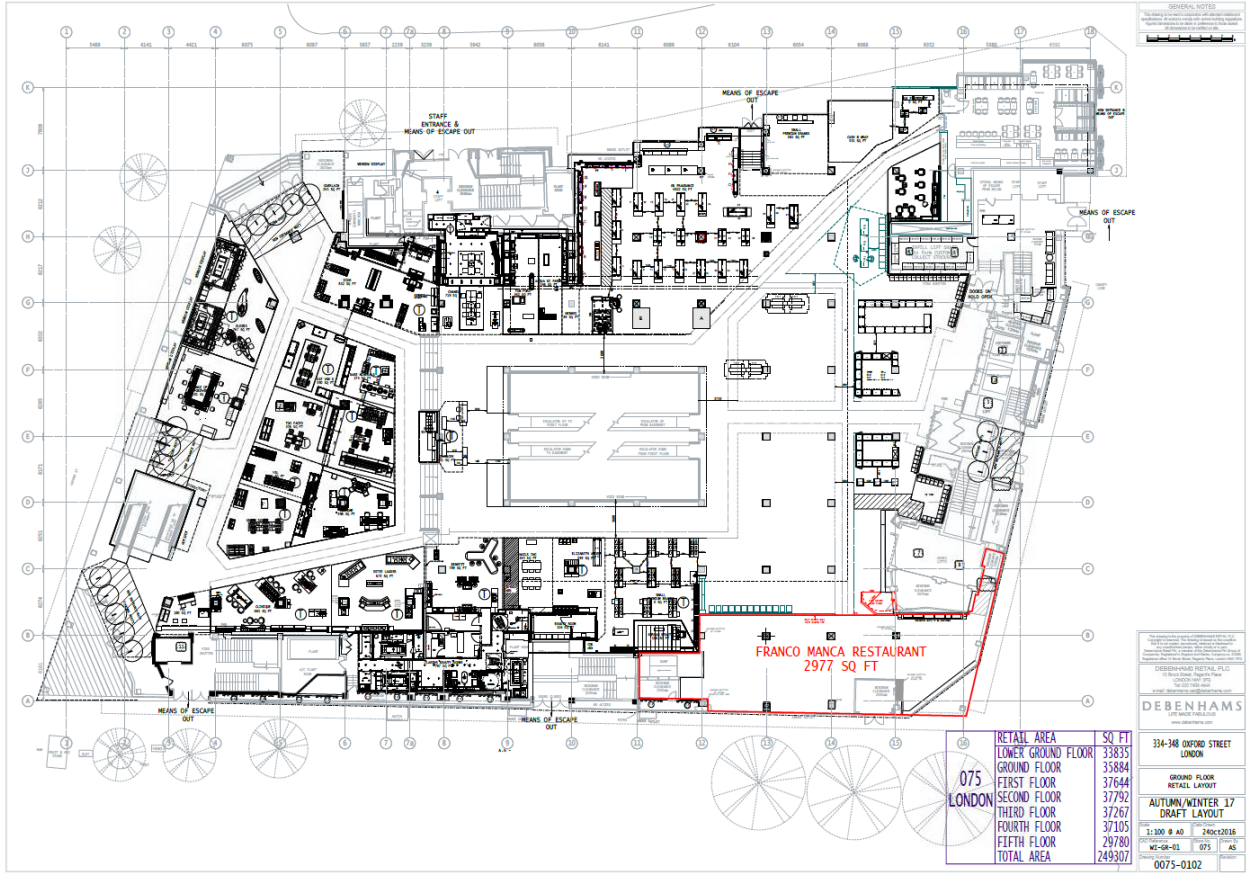
issues they have raised.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

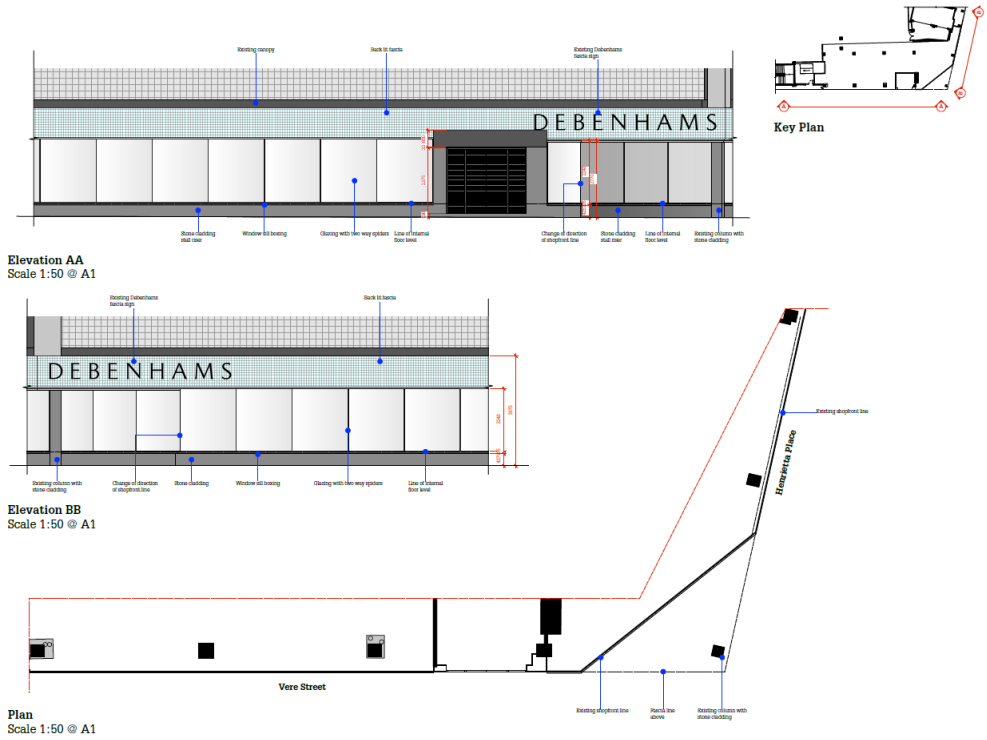
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS

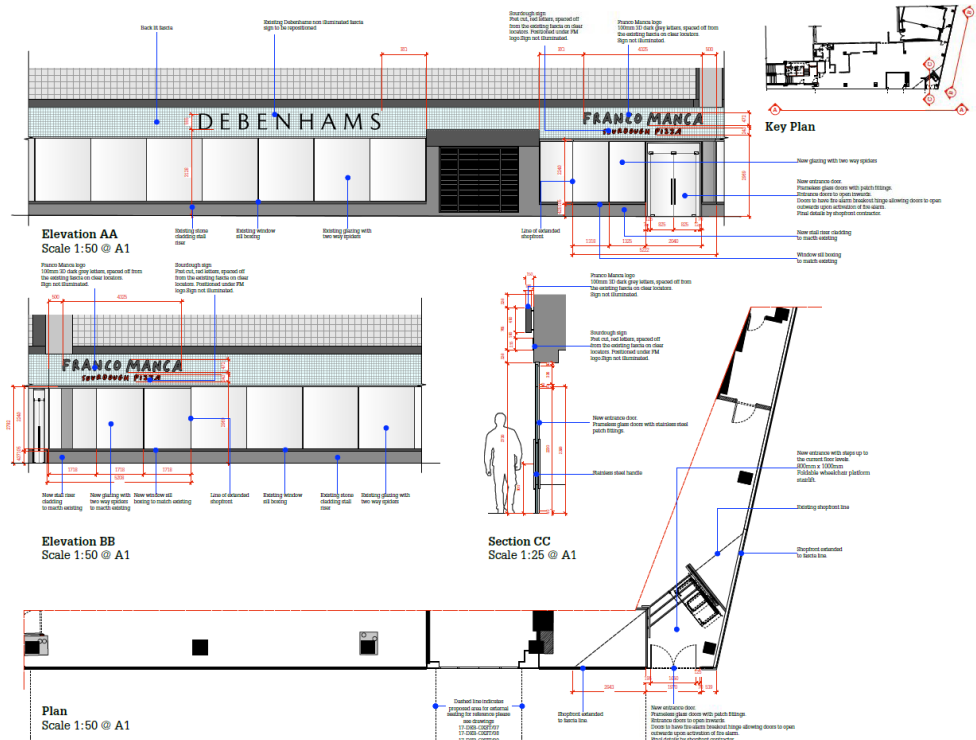
Application 1:
Full Ground Floor Plan Showing Proposed Area



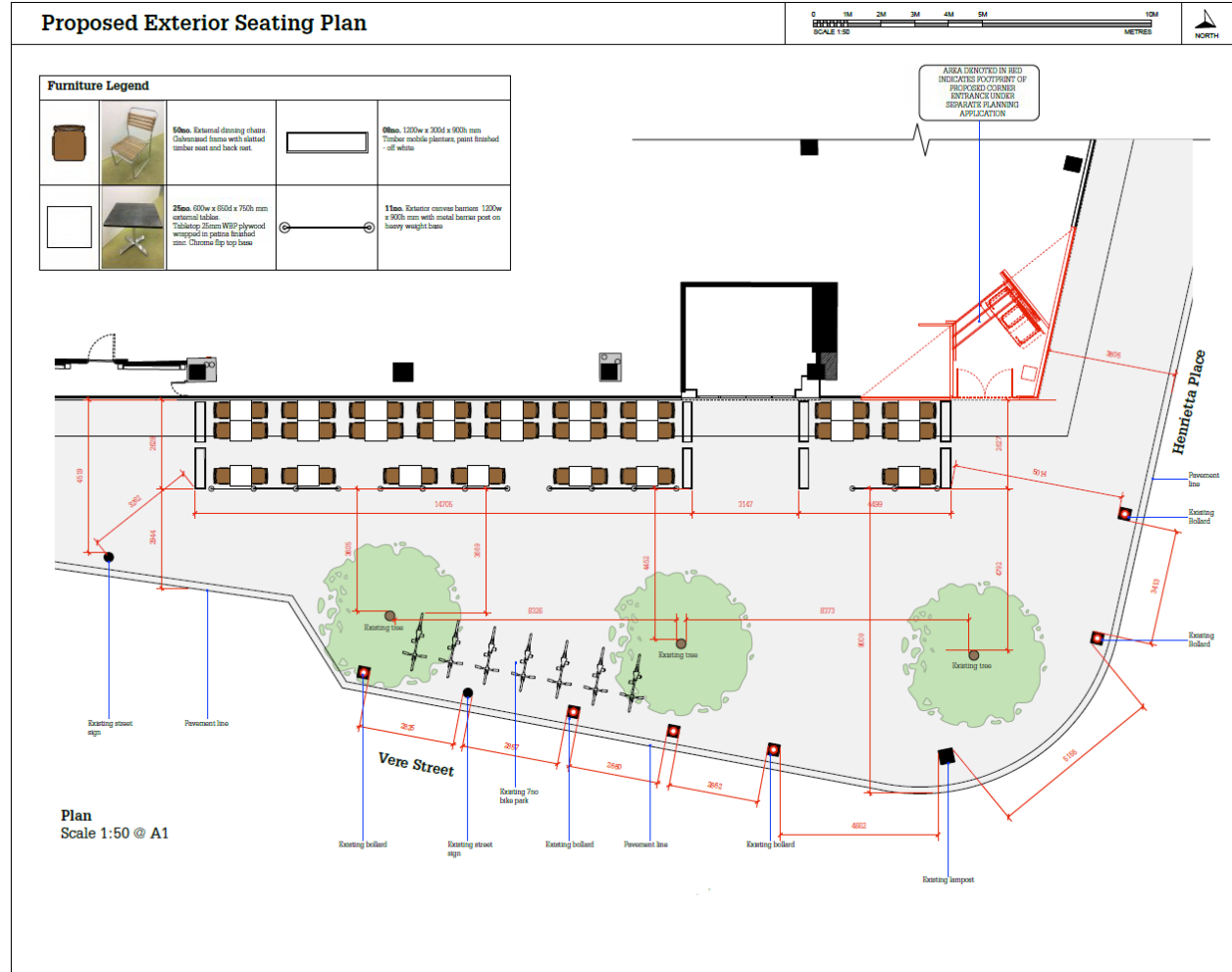
Existing Shopfront Elevations



Proposed Shopfront Elevations



Application 2: Proposed Outdoor Furniture Layout Plan



APPLICATION 1 DRAFT DECISION LETTER

Address: 334-348 Oxford Street, London, W1C 1JG

Proposal: Use of part of the ground floor (on the corner of Henrietta Place and Vere Street) as restaurant (Class A3) with associated external alterations to form new entrance.

Reference: 18/03718/FULL

Plan Nos: 0075-0102 ; 17-DEB-OXST/06 Rev. A ; 001-518-02 ; 001-518-03 ; FM COU/QUOD 1.1 ; Document titled "Service Management Plan for Class A3 Use"

Case Officer: Adam Jones **Direct Tel. No.** 020 7641 1446

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 Customers shall not be permitted within the restaurant premises before 09:30 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must not allow more than 100 covers inside the premises at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must carry out the measures included in your Servicing Management Plan titled "Service Management Plan for Class A3 Use" (and identified as being for Franco Manca at this site) at all times that the restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area and to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties. This is as set out in S24, S29, S32 and S42 of Westminster's City Plan (November 2016) and TACE 8, ENV 6, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 11 You must not begin the use allowed by this permission until you have installed the duct shown on the approved drawings. You must then maintain it in the form shown for as long as the use remains in place.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact Thames Water with any questions or concerns regarding discharge of waste water or sewerage from the site and for further advice regarding installing and maintaining fat traps at catering establishments to prevent drain blockage.

Should there be the intention as part of these proposals to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

Item No.
3

- 3 The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Smoke through a chimney of a building can only be from authorised fuels or from an exempt appliance if non-authorised fuels are used. Authorised fuels and exempt appliances can be found at the following DEFRA website: <https://www.gov.uk/smoke-control-area-rules>
- 4 Prior to the commencement of development, the highway will need to be stopped up under s247 of Planning Act. The applicant should contact Jeff Perkins (0207 641 2642) in Highways Planning to progress the application for stopping up of the highway. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring.
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both.

The City Council Recycling and Waste Storage Requirements, sections 2.3.1 and 3.1, should be referred too for further advice on the storage requirements for this use. This document is available here:

<https://www.westminster.gov.uk/waste-storage-planning-advice>

Item No.
3

Your details submitted must confirm the bin capacities for the storage of residual waste, food waste, waste cooking oil and recyclable materials for the development. The bins should be indicated on the drawing and marked "R", "O", "W" and "Waste Cooking Oil".

- 8 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for any advertisements shown on the approved drawings, as required.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

APPLICATION 2 DRAFT DECISION LETTER

Address: 334 - 348 Oxford Street, London, W1A 1EF,

Proposal: Use of an area of the public highway measuring 14.71m x 2.63m for placement of 25 tables, 50 chairs, 10 barriers and 8 planters on Vere street elevation in association with the ground floor restaurant on the corner of Henrietta Place and Vere Street.

Plan Nos: 17-DEB-OXST/09 Rev. A

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must not put the tables, chairs barriers and planters in any other position than that shown on drawing 17-DEB-OXST/09 Rev. A

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables, chairs, barriers and planters on the pavement between: 09:30 - 23:00 Monday to Sunday and Bank Holidays.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 This use of the pavement may continue until 30 November 2019. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this

Item No.
3

activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 You can only put out on the pavement the tables, chairs, barriers and planters shown on drawing 17-DEB-OXST/09 Rev. A. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 6 The tables and chairs must only be used by customers of the ground floor unit at 334 - 348 Oxford Street (on the corner of Henrietta Place and Vere Street)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

Item No.
3

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 November 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	40 Villiers Street, London, WC2N 6NJ		
Proposal	Facade replacement with retention of existing structural frame, replacement of office entrance, creation of a terrace and dry storage room and installation of plant at seventh floor roof level, in connection with continued use as office (Class B1) at first to sixth floor levels and retail (Class A1) at ground floor level.		
Agent	Mr Peter Bovill, Montagu Evans LLP		
On behalf of	IRAF Gordon SARL		
Registered Number	18/03424/FULL	Date amended/ completed	24 September 2018
Date Application Received	26 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 21 August 2018 with a recommendation of refusal on design grounds. Committee resolved that the application be deferred in order to allow officers and the applicant to discuss design changes that may make the application acceptable.

The main issue is the detailed design of the re-clad building and the impact on the local townscape, including the River Thames frontage; the character and appearance of the Trafalgar Square Conservation Area; the setting of the Savoy Conservation Area and the setting of Victoria Embankment Gardens, which is a Grade II Registered Park and Garden.

The existing building is not of significant architectural quality but is simply detailed and has a low-key appearance, which is appropriate within its context. It was originally constructed using high quality materials, being clad in marble and with steel Crittal windows.

The applicants propose to re-clad the building; removing the marble cladding and steel Crittal

windows to the original part of the building, stripping it back to its concrete frame from first to fourth floors. Whilst the re-cladding of the building is considered acceptable in principle, officers considered the previously proposed curtain walling and extensive use of clear glass, the quality of the materials proposed and detailed design were unacceptable.

Further discussions with the architects have resulted in revisions to the scheme, which positively address these concerns introducing higher quality materials and more solidity, richness and depth to the façade.

The revised proposals take a more holistic approach introducing the same materials across the building and extending the use of these materials around the corners to side elevations, to give a greater consistency of treatment. A high quality porcelain tile cladding is now proposed and would be used in the horizontal bands, which adds greater solidity and depth to the façade. This is a higher quality of material than that originally proposed and has natural variation its finish, which along with anodised aluminium trim provide tonal variation and contrast to the facade. Vertical feature fins have also been introduced and these will provide additional interest, depth and shadow to the façade. Concern was previously raised about the potential visibility of clutter within the interiors of the offices; in response, it is now proposed to add horizontal lines to the glazing at low level, above the banding to diminish the potential for visibility of clutter.

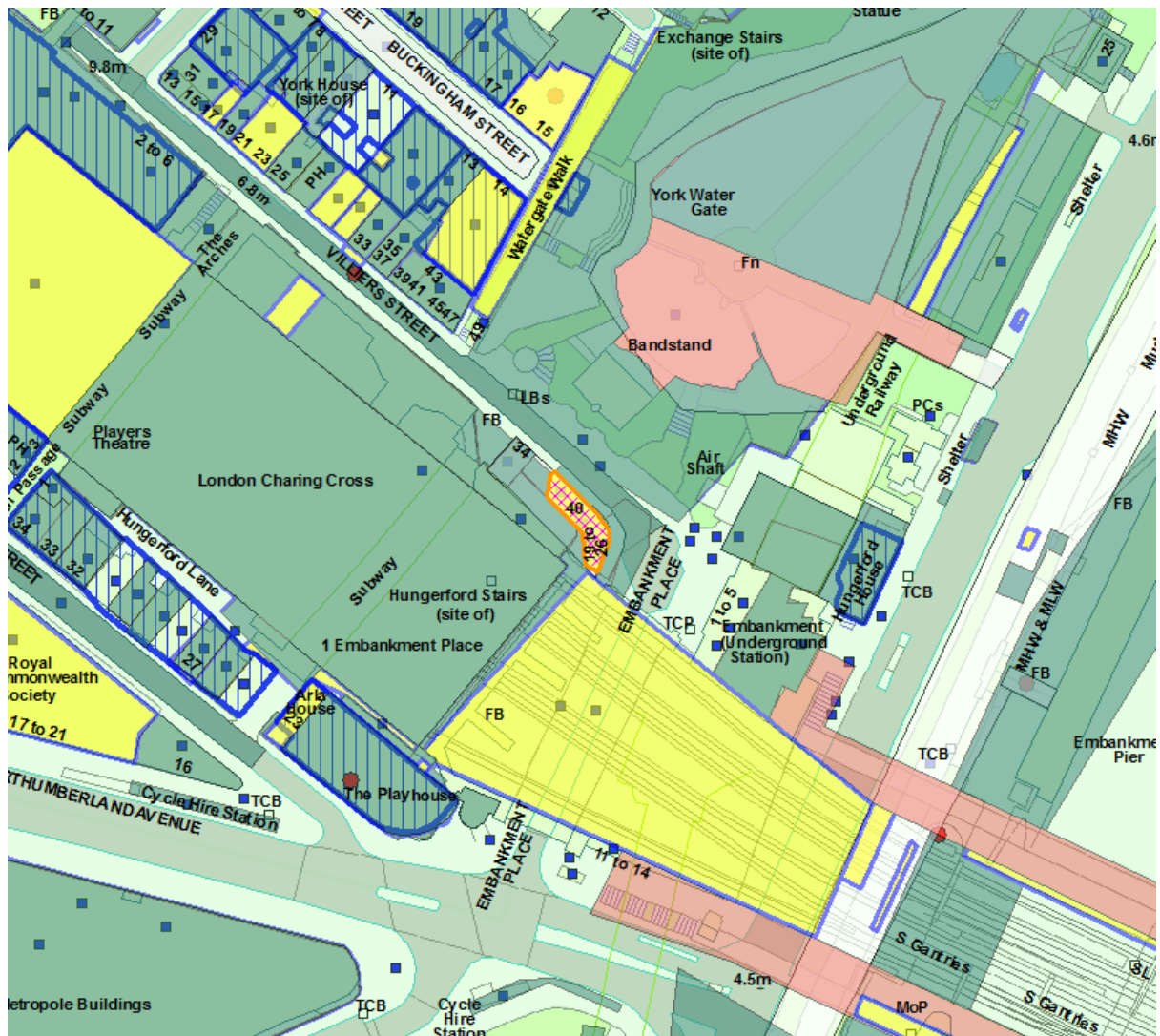
Works are also proposed at roof level, with a small, set-back extension to the existing roof top plant area and terrace. These works will have limited visual impact and are acceptable in design terms. The existing shopfronts at ground floor level are retained and details of the alterations to the entrance are reserved by condition.

Overall, the revised scheme incorporates significant improvements to both design detail and materials which is considered sufficient to address previous concerns. Accordingly, the revised scheme is considered acceptable in design terms and will preserve the character and appearance of the conservation area and setting of adjoining conservation areas.

One of the ground floor retail occupiers has expressed concern about the potential impact of the construction works/scaffolding on passing trade and requests that the development is covered by a construction management plan. The proposed works are not of a scale, which is generally covered by the Council's Code of Construction Practice. A highways licence will be required for scaffolding and skips on the highway in the normal way.

Following amendment, the proposals are considered acceptable and comply with national and local policies in relation to design and conservation as set out in the National Planning Policy Framework, Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP). The application is recommended for approval subject to conditions.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

REVISED SCHEME

WESTMINSTER SOCIETY:

Any response received to be reported verbally by officers.

NORTHBANK BID:

Fully supports planning application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted - 53

Total No. of replies - 1

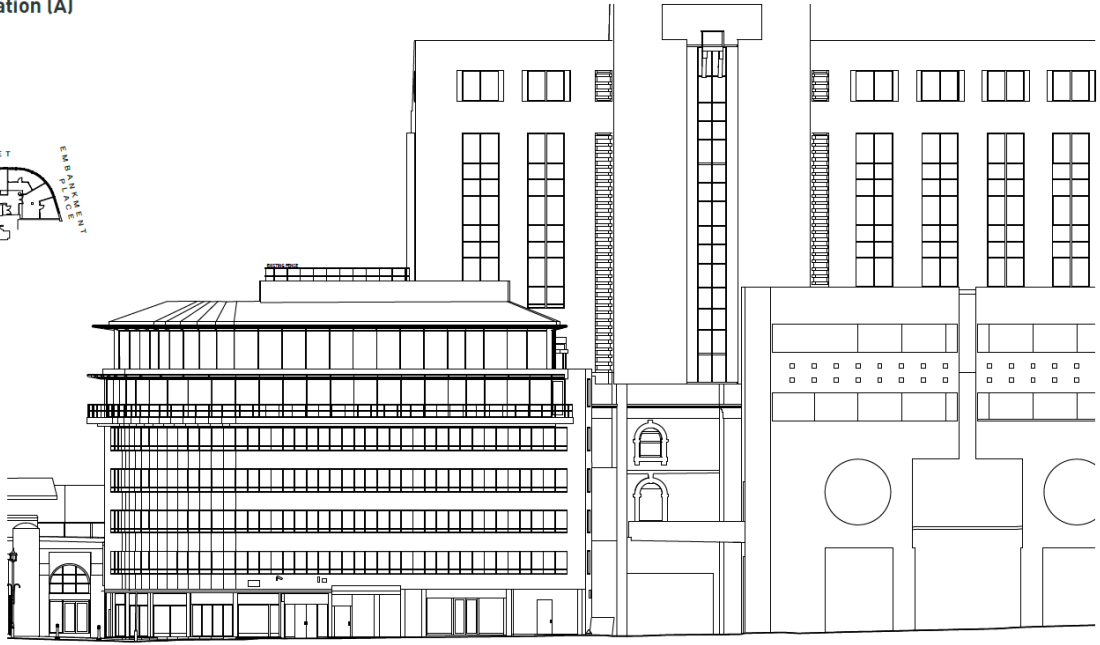
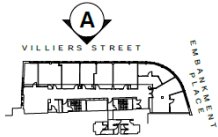
Occupier of one ground floor retail unit within the application property reiterates concerns previously raised regarding duration of the construction works and disruption to trade.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk.

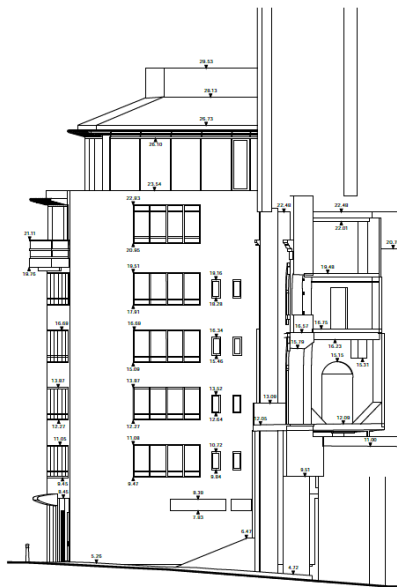
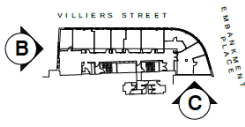
6. KEY DRAWINGS

Existing elevation (A)

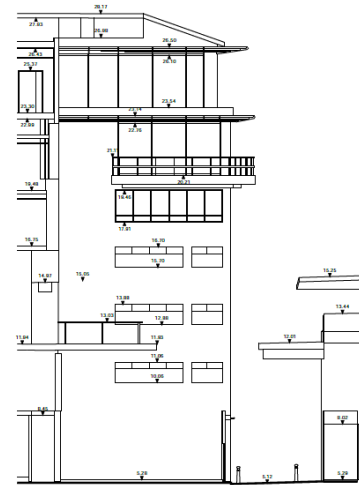


EXISTING ELEVATION (A) scale 1:100@A1

Existing elevations (B & C)



EXISTING ELEVATION (B) scale 1:100@A1



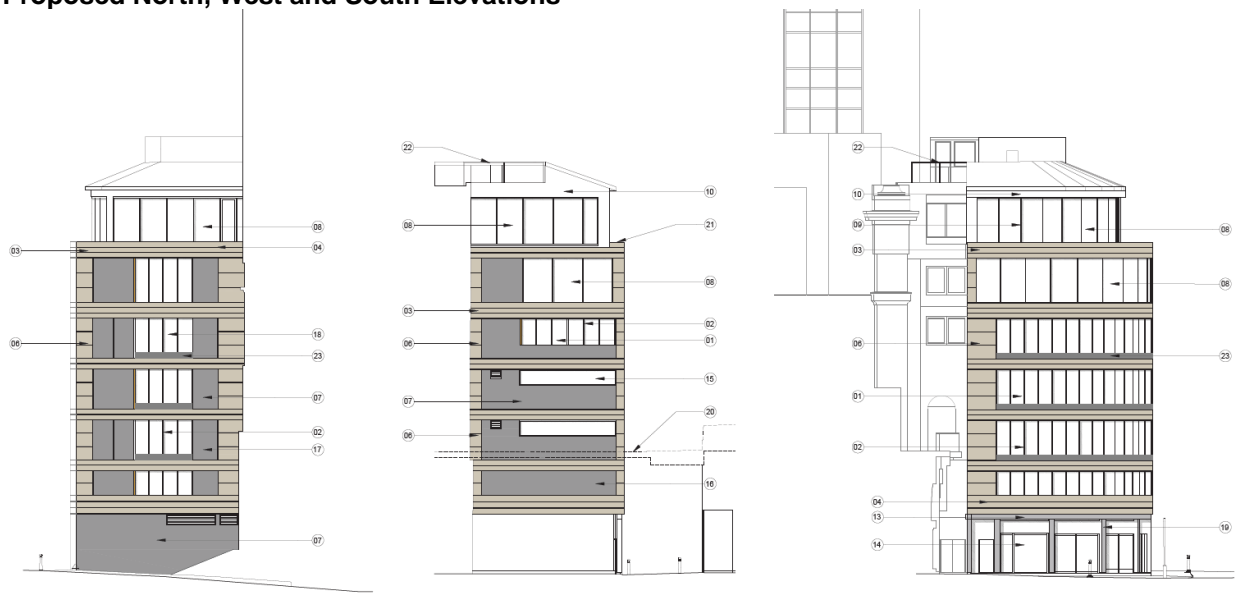
EXISTING ELEVATION (C) scale 1:100@A1

Proposed East (Villers Street) Elevation



01 Proposed East Elevation
20.201
1:100@A1, 1:200@A3

Proposed North, West and South Elevations



01 Proposed North Elevation
20.201
1:100@A1, 1:200@A3

02 Proposed West Elevation
20.201
1:100@A1, 1:200@A3

03 Proposed South Elevation
20.201
1:100@A1, 1:200@A3

DRAFT DECISION LETTER

Address: 40 Villiers Street, London, WC2N 6NJ,

Proposal: Facade replacement with retention of existing structural frame, replacement of office entrance, creation of a terrace and dry storage room and installation of plant at seventh floor roof level, in connection with continued use as office (Class B1) at first to sixth floor levels and retail (Class A1) at ground floor level.

Plan Nos: ML2651-G-103-C; ML2651-G-104-A; ML2651-G-901; ML2651-G-899; ML2651-1-899; ML2651-2-899; ML2651-3-899; ML2651-4-899; ML2651-5-899; ML2651-6-899; ML2651-7-899; ML2651-R-901; ML2651-G-7-860; ML2651-G-7-861; ML2651-G-862; ML2651-G-905; ML2651-G-906; 1840-BG-ZZ-00-DR-A-20.201 P1; 1840-BG-ZZ-01-DR-A-20.202 P1; 1840-BG-ZZ-02-DR-A-20.203 P1; 1840-BG-ZZ-03-DR-A-20.204 P1; 1840-BG-ZZ-04-DR-A-20.205 P1; 1840-BG-ZZ-05-DR-A-20.206 P1; 1840-BG-ZZ-06-DR-A-20.207 P1; 1840-BG-ZZ-07-DR-A-20.208 P1; 1840-BG-ZZ-00-DR-A-20.210 P1; 1840-BG-ZZ-00-DR-A-20.251 P1; 1840-BG-ZZ-00-DR-A-20.252 P1; 1840-BG-ZZ-00-DR-A-20.253 P1; 1840-BG-ZZ-00-DR-A-20.270 P1; 1840-BG-ZZ-00-DR-A-20.271 P1; 1840-BG-ZZ-00-DR-A-20.211 P1; Planning Compliance Review Report 17444.PCR.01 dated 18 April 2018, prepared by KP Acoustics Ltd; Email from Montagu Evans dated 4 October 2018 and attachments; VENIS 100202103 MIRAGE WHITE sample; UA Anolok 545 sample.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet

police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of details of the following parts of the development: -
- i) Detailed drawings at 1:10 and sections at 1:5, specifying materials, of the main entrance door and canopy;
 - ii) Details of window manifestation treatment, including appearance, manufacturer's specification and applied sample to be viewed on site;
 - ii) Specification and material sample(s), to be viewed on site, of materials to be used to clad the roof-level structure.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must carry out the works in accordance with the facing material samples approved by the City Council as listed in the above decision notice or in accordance with other facing material samples subsequently submitted to and approved by the City Council.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as

set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out

in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 7 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 **Pre Commencement Condition.** The development hereby permitted shall not be commenced until detailed design and method statements have been submitted to and approved in writing by the City Council in consultation with London Underground. These statements must:
- provide details on the use of tall plant and scaffolding
 - accommodate the location of the existing London Underground structures and tunnels

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 6, 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 November 2018		
Addendum Report of Director of Planning	Ward(s) involved Bayswater		
Subject of Report	103 Westbourne Grove, London, W2 4UW		
Proposal	Erection of roof extension at first floor level to provide a flat and associated alterations to provide pedestrian access from Monmouth Road.		
Agent	Mr Rikesh Mistry		
On behalf of	Mr P Santos		
Registered Number	17/09582/FULL	Date amended/ completed	23 August 2018
Date Application Received	27 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne/Bayswater		

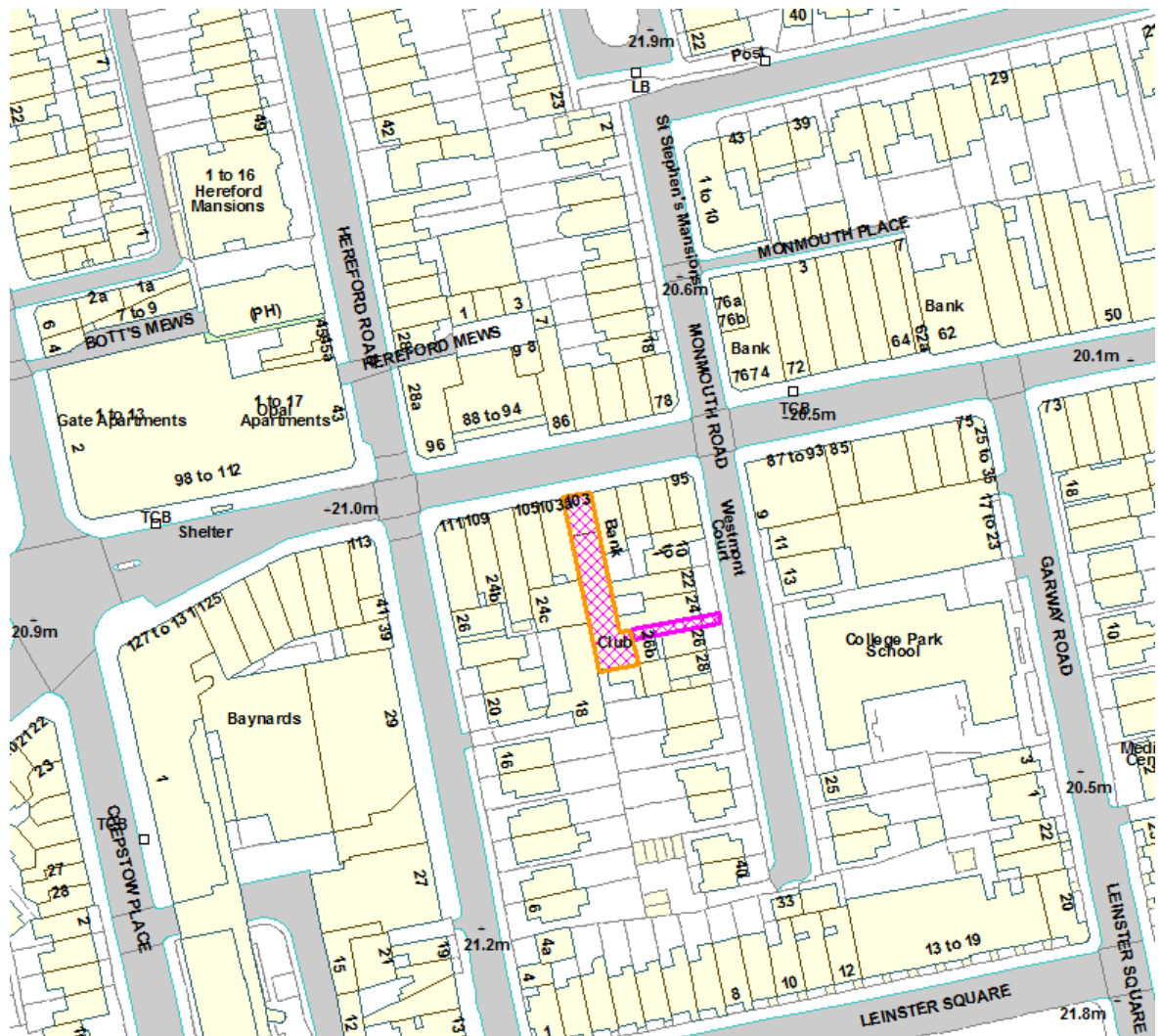
1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>This application was previously reported to the Planning Applications Committee on 16 October 2018. At that meeting the application was deferred to allow for the Committee to visit the application site prior to determining the application. The site visit took place on 13 November 2018 and the application is being reported back to the Committee for its further consideration and determination.</p>

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View looking towards No. 26 and No. 28 Monmouth Road

View looking towards 103 Westbourne Grove



Item No.
5

5. CONSULTATIONS

ADDITIONAL AND LATE REPRESENTATION RECEIVED AFTER THE PREVIOUS REPORT WAS WRITTEN (AND REPORTED VERBALLY AT PLANNING APPLICATIONS COMMITTEE ON 16th OCTOBER 2018)

COUNCILLOR CARMAN:

Agrees and supports the Bayswater Residents Associations objections to the proposal.

BAYSWATER RESIDENTS ASSOCIATION:

Objection on amenity, design and concerns over the emergency access for the commercial unit at 103 Westbourne Grove.

COUNCILLOR PAYNE:

Haven't found the plans easy to envisage, given the opposition could the proposal be postponed to arrange a site visit.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

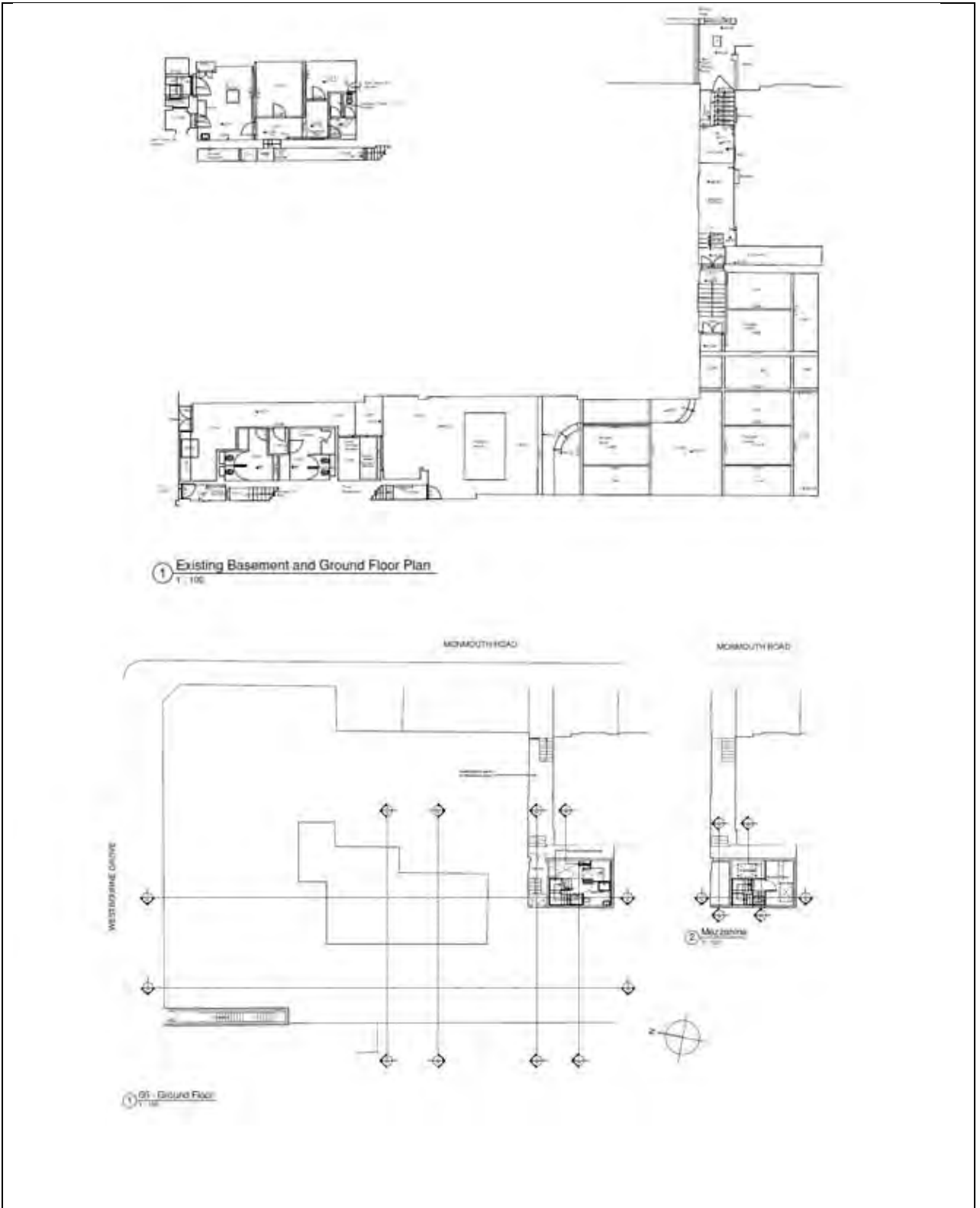
Supports comments from objector who lives nearby and objections from the Bayswater Residents Association. Consider the proposal should be deferred for members to undertake a site visit.

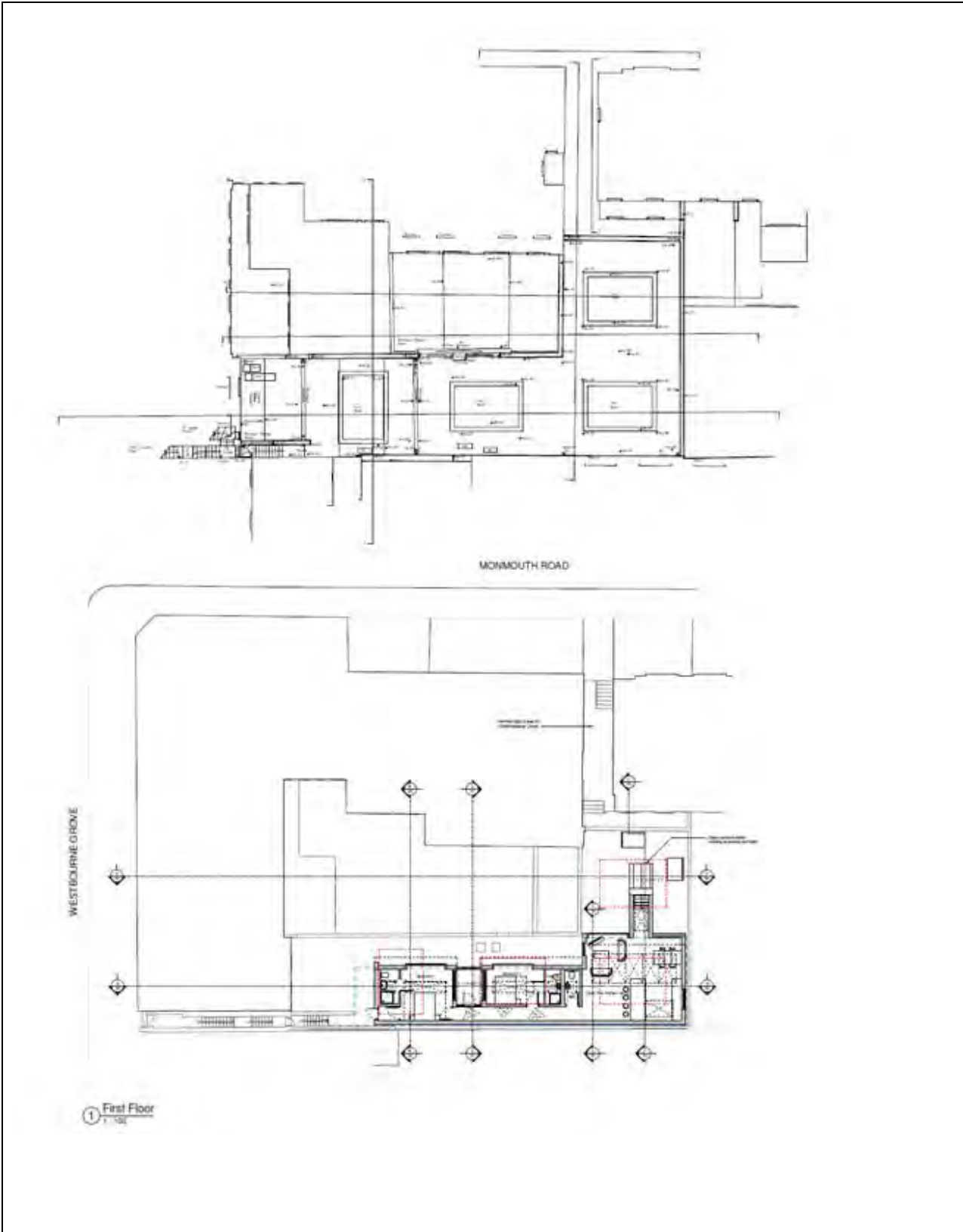
No further representations have been received since the Committee meeting on 16 October 2018.

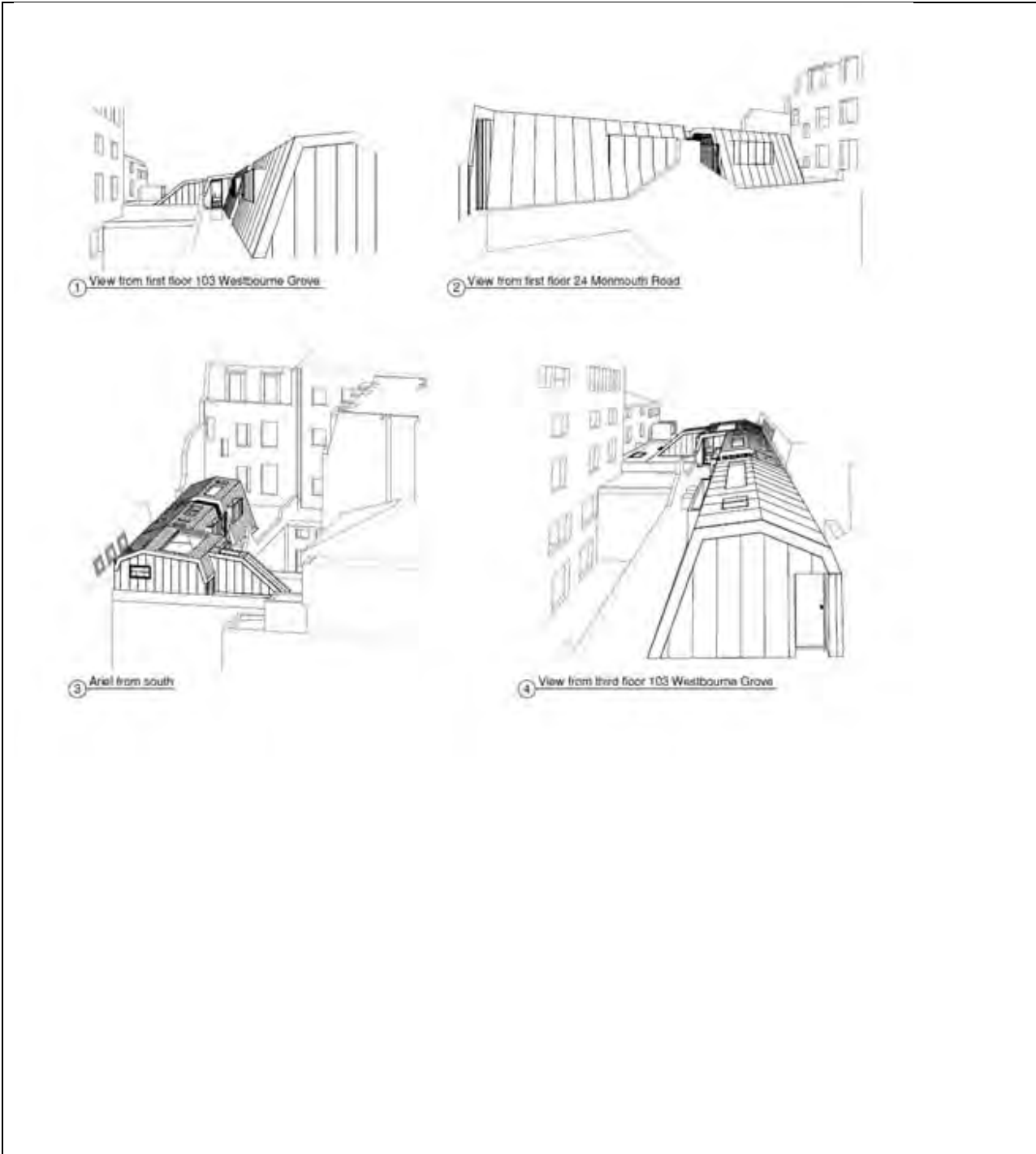
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RICHARD LANGSTON BY EMAIL AT northplanningteam@westminster.gov.uk
--

6. KEY DRAWINGS







Item No.
5

Item No.
5

DRAFT DECISION LETTER

Address: 103 Westbourne Grove, London, W2 4UW

Proposal: Erection of single storey 'roof' extension at first floor level to provide a flat and associated alterations to provide access from Monmouth Road.

Reference: 17/09582/FULL

Plan Nos: Site Location Plan, 4941_2_13 Rev A, 4941_2_12 Rev A, 4941_2_11 Rev A, 4941_2_10 Rev A, 4941_3_34 Rev C, 4941_3_32 Rev B, 4941_3_30 Rev C, 4941_3_31 Rev B, 4941_3_33 Rev B and 4941_3_35 Rev B.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Item No.
5

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 You must not use the door in the west elevation of the first floor extension facing 103 Westbourne Grove, as shown on drawing 4941_3_31 Rev B. However, you may use the door and rooflight to escape in an emergency or for building maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 You must apply to us for approval of details of the timber slatted screen and a sample of the timber (at least 300mm square) to be used for the timber slatted screen annotated on the approved drawings. You must not start work on the relevant part of the development until we have approved the sample. You must then install the timber slatted screen in accordance with the details and sample we have approved, prior to the occupation of the flat, and it must be maintained as such thereafter and must not be changed without our permission.

Reason:

Item No.
5

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application, - Solar panels. You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential unit. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Item No.
5

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Item No.
5

Planning Applications Sub-Committee (2) – Tuesday 16th October 2018

5 103 WESTBOURNE GROVE, LONDON, W2 4UW

Erection of roof extension at first floor level to provide a flat and associated alterations to provide pedestrian access from Monmouth Road.

A late blue representation from the Bayswater Residents Association (4.10.18) was circulated.

RESOLVED UNANIMOUSLY:

That consideration be deferred for a site visit to both the application site and neighbouring properties on Monmouth Road.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	103 Westbourne Grove, London, W2 4UW		
Proposal	Erection of roof extension at first floor level to provide a flat and associated alterations to provide pedestrian access from Monmouth Road.		
Agent	Mr Rikesh Mistry		
On behalf of	Mr P Santos		
Registered Number	17/09582/FULL	Date amended/ completed	23 August 2018
Date Application Received	27 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne/Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of first floor roof extension to provide a 2 bedroom flat and associated alterations to provide access from Monmouth Road.

During the course of the application the proposal was revised to reduce the size of the stairway structure on the northern side.

Objections have been raised from four surrounding residential owners/occupiers on grounds of land use, amenity, design and the access.

The key issues in this case are:

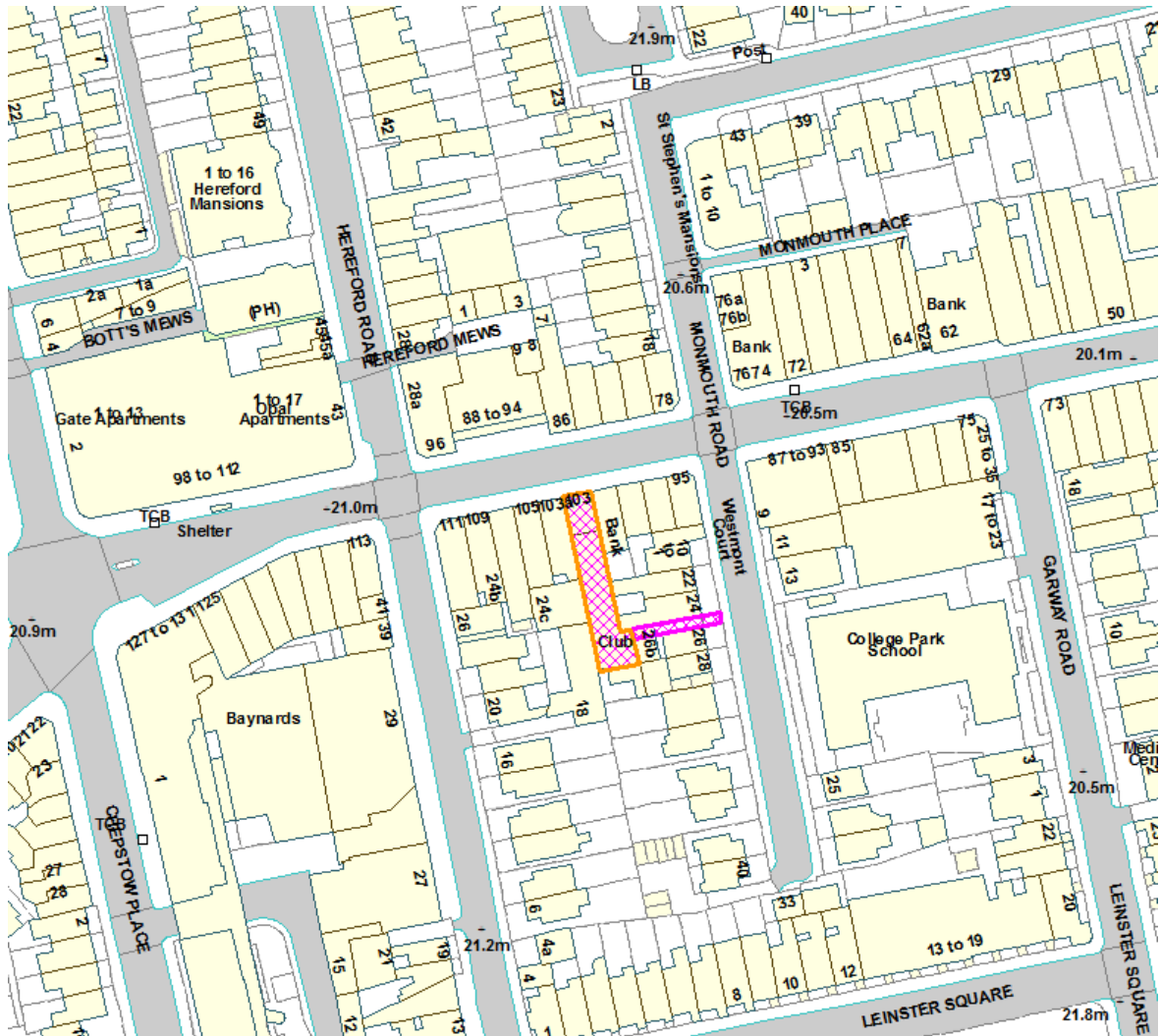
- The impact of the proposed extension on the character, appearance and setting of the adjacent listed buildings and the character and appearance of the Westbourne and Bayswater Conservation Areas.
- The impact of the proposed extension on the amenity of neighbouring residents.

Subject to the recommended conditions, the proposal is considered to comply with the Council's

Item No.

policies in relation to design and amenity as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and is accordingly recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



**View looking towards No. 26 and No. 28
Monmouth Road**

View looking towards 103 Westbourne Grove



5. CONSULTATIONS

ORIGINAL CONSULTATION (sent out 02 November 2017):

BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING:

No objection, subject to condition to secure cycle parking.

WASTE PROJECT OFFICER:

No objection, subject to condition to secure details of waste and recyclables.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 92; Total No. of replies: 4

Four letters/comments received raising objection on all or some of the following grounds:

Land Use

- Accommodation provided does not meet the Mayors guidance in terms of external amenity space

Design

- Design quality is poor
- Angled roofs form an unwelcome 'shouty' and brash intervention into the roofscape

Amenity

- Impact on outlook and sense of enclosure to the first floor at 26 Monmouth Road, 28 Monmouth Road and 28d Monmouth Road
-

Other

- Previous approved scheme should not establish precedent
- Proposal does not meet Westminster's policy on Sustainability
- Queries in regards to the new access and how security, lighting, emergency exits, refuse collection and postal service will be dealt with
- Proposal does not create an accessible WC as required by Building Regulations

PRESS ADVERTISEMENT / SITE NOTICE: Yes

CONSULTATION ON REVISED PROPOSAL; the proposed stairway structure on the northern elevation was reduced in size and projection (sent out 23rd August 2018):

BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING:

See original comments.

WASTE PROJECT OFFICER:
See original comments.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 92; Total No. of replies: 1

One letter/comment received raising objection on all of the following grounds:

- Design
 - Design quality is poor
- Amenity
 - Impact on outlook and sense of enclosure to the first floor at 26 Monmouth Road, 28 Monmouth Road and 28d Monmouth Road

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 103 Westbourne Grove is a four storey plus basement terraced building located on Westbourne Grove. The ground floor is occupied by Byron Burger, the upper floors are in use as three residential flats accessed independently by a door and staircase from Westbourne Grove. The ground floor footprint of the building extends back by 40m parallel with the residential properties in Monmouth Road and turns towards Monmouth Road creating a 'L' shape. Whilst the front part of the property comprises basement, ground and upper floors, at the rear the property is just single storey at ground floor level with a flat roof and five projecting roof lights which have been blocked off therefore being made redundant.

The site lies within the designated Queensway/Bayswater Stress Area and is located within both the Bayswater and Westbourne Conservation Areas due to the unusual form of the site. The building is not listed however does adjoin Grade II listed building at No. 26 and 28 Monmouth Road to the rear.

103 Westbourne Grove has an existing Freehold right of way to Monmouth Road via an alley between No. 24 and No. 26 Monmouth Road and is used as a fire escape by Byron Burger.

6.2 Recent Relevant History

Planning permission was granted by the Planning Applications Committee on 29 October 2013 (RN: 13/07507/FULL) for the construction of a first floor rear extension to provide a one bedroom residential unit with external terrace and associated alterations to the ground floor of the existing building to provide access to the new extension from

Westbourne Grove and fire escape access from Monmouth Road via a replacement rooflight.

No.103 Westbourne Grove has a right of way to Monmouth Road via an alley way between 24 and 26 Monmouth Road and is currently used as a fire escape by Byron Burgers.

7. THE PROPOSAL

Planning permission is sought for the construction of a first floor rear extension over the existing ground floor 'L shaped' footprint, to provide a 2 bedroom residential unit, together with alterations to provide pedestrian access from Monmouth Road.

The application has been amended during the course of the application to reduce the projection and overall bulk to the stairway structure. The current proposal differs from the previous permitted scheme in that it include pedestrian access via Monmouth Road rather than via the communal staircase at 103 Westbourne Grove. Furthermore, the current proposal includes a staircase access structure at first floor level. The proposed structure is slightly lower in height and of a more modern design than originally submitted. The unit proposed will be a 2 bedroom unit rather than a 1 bedroom residential flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of creating additional residential floorspace is considered to be acceptable in land use terms in accordance with Policy H3 of Westminster's UDP, subject to meeting other relevant policies.

The proposed two bedroom self-contained flat would have a floor area of 134m² and would be accessed via an alleyway from Monmouth Road which is already used by Byron Burgers restaurant as an emergency exit. The layout of the proposed flat comprises a bathroom, utility and bin storage at ground floor level, a bedroom/study located on the mezzanine level and open plan living, dining and kitchen area with two bedrooms (both have en-suite shower rooms) and further WC and an enclosed external terrace (5m²). The flat would be served by a variety of windows, some proposed with opaque glazing and some with timber slatted screening in order to protect the privacy of existing residents. The use of lightwells and several rooflights will also provide daylight to the bedroom and the living area. As such, the proposed flat is considered to provide an acceptable standard of accommodation for future occupiers, in accordance with the requirements of Policy ENV13 in the UDP and Policy S29 in Westminster's City Plan.

8.2 Townscape and Design

The extension would be visible in a view between buildings from street level on Monmouth Road, and from a number of rear elevation windows of properties in the surrounding urban block. It is recognised that in these views the impression would be of a relatively large new addition, and one designed in a modern style. Nonetheless, for

the reasons set out below, the proposals are considered acceptable in design terms in the particular circumstances of this case.

The site spans across the boundary of the Bayswater and Westbourne Conservation Areas, and the extension is proposed on the southern flat roof area at the rear of the site which is principally located within the Bayswater Conservation Area. In addition, there are listed buildings on the west side of Monmouth Road in proximity to the site, including no. 26 Monmouth Road which is sited to the immediate east side of the rear flat roof area to the application building. As such, the extension would be in close proximity to the listed buildings of nos. 26 and also 28 Monmouth Road. The site therefore is sensitive in heritage terms.

Though recognising the quite striking modern form of the extension proposed, this is not dissimilar from the approach taken in the scheme previously approved on 29.10.2013 under application 13/07507/FULL which saw the scheme clad in zinc cladding, with areas of translucent glazing, sections of slatted timber and photovoltaic panels. The current scheme takes a similar approach to cladding and though quite strikingly modern, the principal material is zinc which will give a grey finish which will help tone down the overall appearance to a certain degree. The design has been simplified through the application process, and is now in a more standard 'mansard' form in the sense that it incorporates a principal pitch and a secondary pitch, with flat roof above. Though a clearly modern structure diverging from the traditional approach taken in most of the surrounding street facing buildings, it is sited on a more modern backlands commercial unit structure, flanked by a further modern structure to the east, with the existing flat roof cluttered by quite striking projecting rooflight features, and with the rear elements of the modern Gap House adjacent to the south. Seen in its own right, the extension is considered of sound design. In the very particular circumstances of this case and its surroundings, the extension is considered acceptable in design terms and not to harm this or the adjoining conservation area.

It is recognised that the extension does step closer to the rear elevations of the listed buildings on Monmouth Road, however the proposals have been amended during the course of the application and they now show a relatively shallow sloping roof beginning 4.5m away from the rear elevation of the closest listed building at no. 26 Monmouth Road, with the main height of the extension at its central ridge some 13.2m away. The extension represents relatively prominent bulk in some proximity to the listed buildings on Monmouth Road, however overall it is not considered that it harms its setting.

Overall, and mindful of the previous approval, this application proposal is considered in line with City Council policies and guidance in terms of design, conservation and listed building issues. The recommendation is also considered in line with the statutory duties in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 which set out that the local planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and also that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area, whilst recognising that considerable importance and weight should be given to these duties.

8.3 Residential Amenity

The proposed extension is, due to its location, surrounded on all sides by residential flats and houses. The proposal therefore has the potential to significantly impact on the amenities of these occupiers. Consequently, neighbours have raised objection to the proposal on amenity grounds. Whilst the proposed extension is not considered to be particularly neighbourly, the applicant has sought to minimise the potential impact on neighbouring residential occupiers through amending the design and the use of the materials in the proposed development.

No. 103 Westbourne Grove

The proposed flank of the first floor extension would be around 3m at its highest point above the existing flat roof and located 6m from the existing rear building line of the main property (103 Westbourne Grove) and the windows of an existing flat at first floor level. This is an increase of 1m in distance from the previous consented scheme. One of the windows within the first floor flat serves a bathroom and the other does not directly face the proposed extension. No windows are proposed within this elevation, however a door is proposed for means of emergency escape. Given the above, it is not considered that the extension would result in any significant loss of amenity to the occupier of that flat. Whilst the occupiers of other flats within 103 Westbourne Grove would look down upon the proposed extension, this in itself is not considered to be harmful to the amenity of the occupiers of these flats.

No. 18 Hereford Road

This neighbouring property is a contemporary single family dwellinghouse which backs onto the application site. The roof of this house extends above the height of the existing parapet wall between the two sites and has in its elevation three vertical slot windows which serve a corridor. The proposal would be of a similar height and would angle into the site resulting in a small distance between the properties which would affect two of the horizontal windows. Whilst this is an un-neighbourly relationship, the windows within No. 18 Hereford Road are also very un-neighbourly, given this, it is not considered that permission could be reasonably withheld on the basis of the impact on these windows.

Nos. 22-24 Monmouth Road and Westmont Court

These residential properties are in use as flats and back onto the application site. The proposed extension would face the rear of these properties and would be located between 8m and 10 m from their rear elevations. The proposed extension would be 3m at its highest point in height. Given this distance, it is not considered that the proposal would result in any significant adverse impact on the windows serving the flats by an increased sense of enclosure or loss of daylight.

In terms of privacy, the two bedrooms in the proposed extension facing these properties will have small lightwells funnelling light in along with rooflights therefore raising no loss of privacy for the residential properties. The proposed terrace would be enclosed with a timber slatted screen to prevent overlooking to neighbouring windows. Subject to the details of this timber slatted screen being secured via condition, it is not considered that the proposal would detrimentally impact on the occupiers of these neighbouring properties in terms of loss of privacy. Given the limited size of the proposed roof terrace it is not considered to cause concerns in terms of noise disturbance.

No. 26 Monmouth Road

This property is currently occupied as flats and the windows within the rear elevation face the proposed extension. The proposal will be set away from the rear elevation by 3.2m, which has been amended during the course of the application from 2.5m and due to the modern roof design has a height of 2.5m. There will be no openings in this elevation, apart from a rooflight to serve the hallway. It is acknowledged that the proposed extension would create additional built form and would change the outlook from neighbouring properties, however the occupiers have not raised an objection and it is considered that a refusal on these grounds cannot be justified.

No. 28 Monmouth Road

The closest part of the proposed extension would lie over 7m away from this property at a height of 3m at the highest point and whilst the extension would be visible from the rear facing upper floor windows of this neighbouring property (there is a window proposed on the flank wall) this would result in obscured views of this property.

The residents of this property have raised objection to the proposed development on grounds that the extension due to its massing and bulk would result in an increased sense of enclosure and loss of outlook from their property and that of their neighbours. Whilst it is acknowledged that the proposed extension would create additional built form and would change the outlook from neighbouring properties, however, in the absence of any significant harm to the amenities of neighbouring properties it is not considered that this objection is sustainable.

No. 28d Monmouth Road

This property is a contemporary house with projecting extensions to the rear which incorporate what previously was the garden of No. 28 Monmouth Road. The proposed extension will have one window within this elevation that would face the rear extension of this neighbouring property. Due to the location and angle of this window in relationship to this property, the proposed extension is not considered to result in any significant harm to the amenities of the occupiers of this dwellinghouse.

In conclusion, the proposed extension whilst not particularly neighbourly is not considered to result in any significant loss of amenity to neighbouring residents, so as to justify withholding permission on amenity grounds under policy ENV13 of the UDP and policy S29 of Westminster's City Plan. However, this is subject to the imposition of conditions to prevent any flat roof areas being used for sitting out and to require details of the slatted timber screen to be agreed and subsequently installed and maintained.

8.4 Transportation/Parking

Whilst the creation of an additional residential unit without the provision for off street parking is likely to add to the demand for on-street parking in the vicinity, the City Council's Highways Planning Manager has indicated that there is sufficient capacity on-street. As such, the proposal is considered to be in accordance with Policy TRANS23 in the UDP. Details of secure cycle storage and waste and recycling are to be secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Pedestrian access is proposed by alleyway via Monmouth Road which Byron Burgers uses as an emergency exit.

Objections have been received on matters relating to the proposed access from Monmouth Road and how security, lighting, emergency exits, refuse collection and postal service will be dealt with. The proposed access will generate more activity than currently however due to the size of the residential unit, it is not considered that this increase in activity could be grounds on which permission could be withheld on.

8.7 Other UDP/Westminster Policy Considerations

The proposed development would provide solar panels to the roof of the proposed first floor extension. These sustainability improvements are welcomed and a condition is recommended to ensure that these elements of the scheme are delivered in accordance with policy S28 in Westminster's City Plan.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF (July 2018) unless stated otherwise.

8.11 Planning Obligations

The proposed development does not generate a requirement for any planning obligations and is not CIL liable.

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a development of this scale.

8.13 Other Issues

Objections have been raised in terms of the proposed residential unit not meeting Building Regulations due to not having an accessible WC. This is not considered to be a planning related matter and not a ground on which permission could be withheld on.

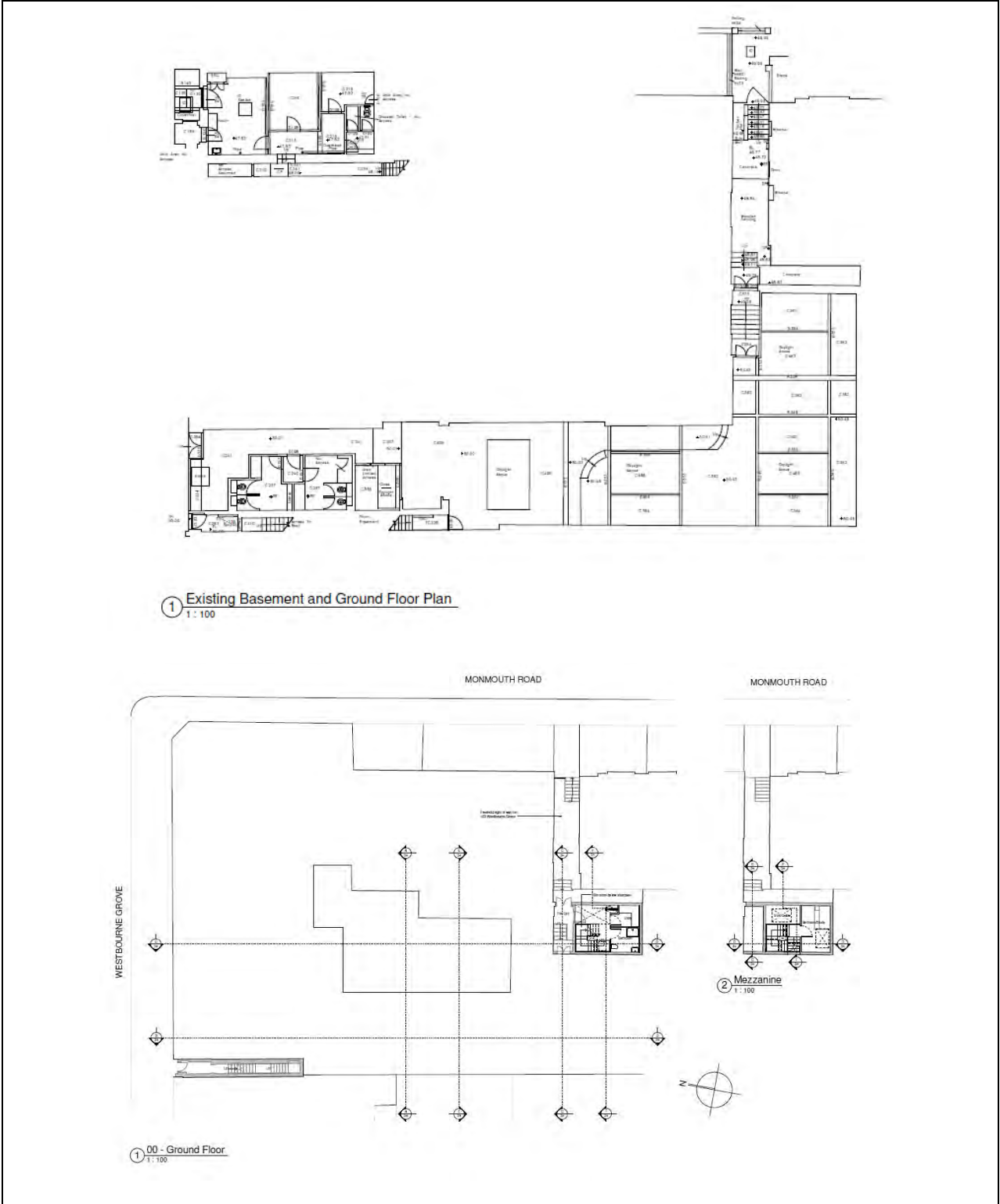
(Please note: All the application drawings and other relevant documents and Background

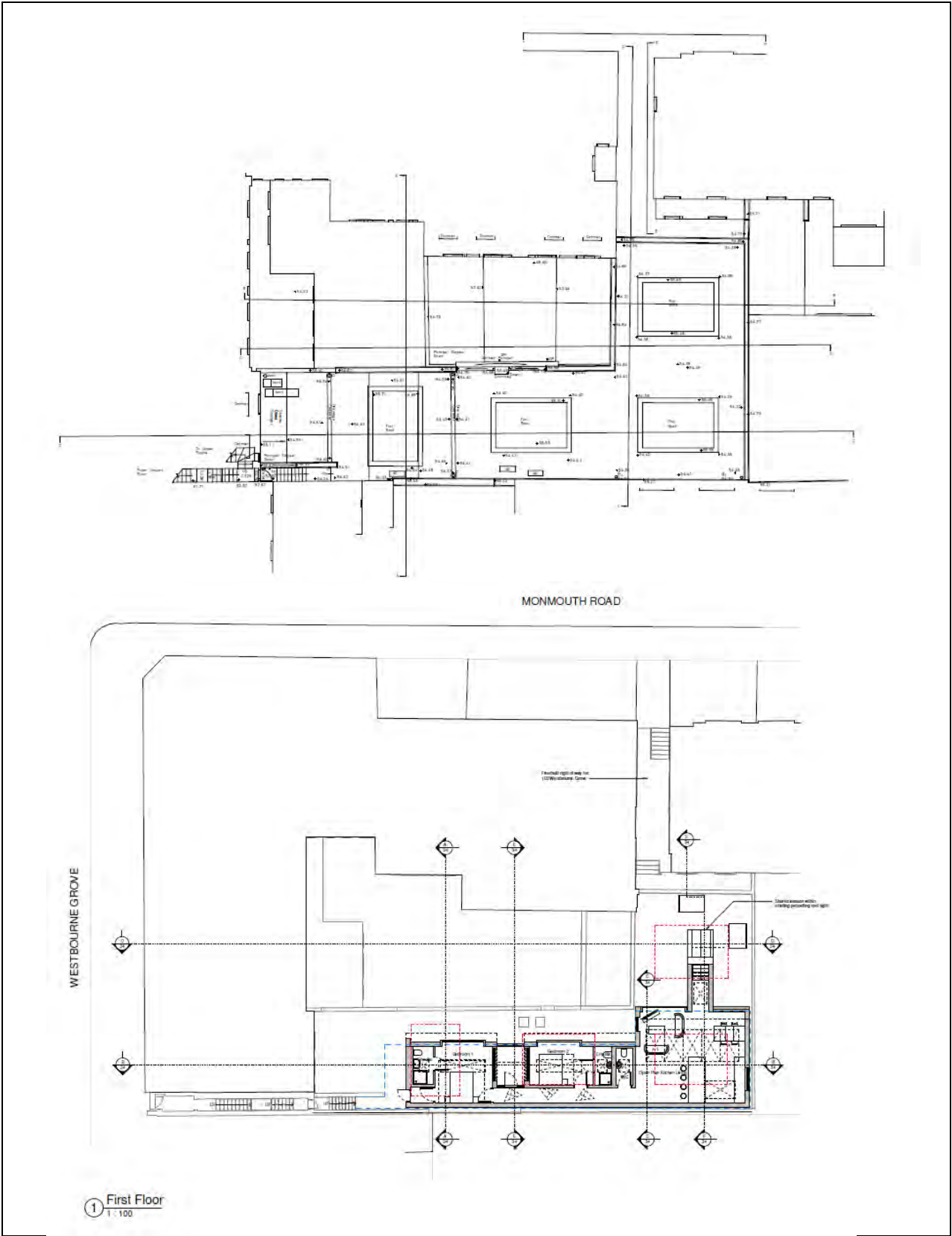
Item No.

Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT NORTHPLANNINGTEAM@WESTMINSTER.GOV.UK

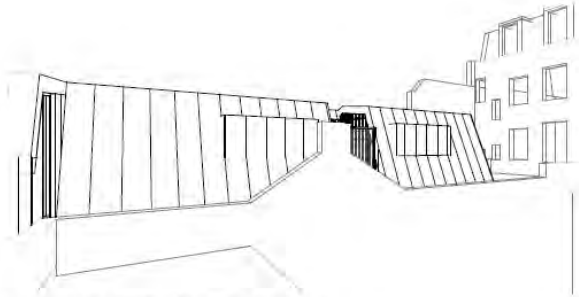
9. KEY DRAWINGS



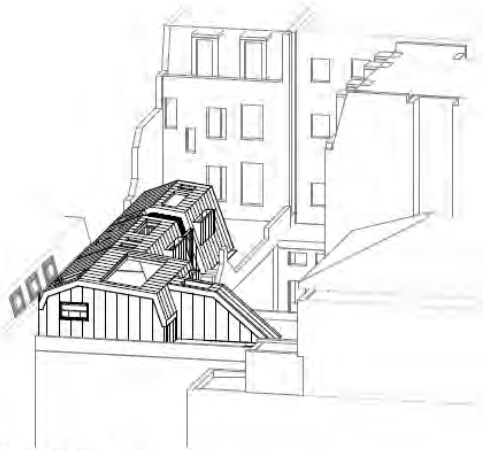




① View from first floor 103 Westbourne Grove



② View from first floor 24 Monmouth Road



③ Aerial from south



④ View from third floor 103 Westbourne Grove

DRAFT DECISION LETTER

Address: 103 Westbourne Grove, London, W2 4UW

Proposal: Erection of single storey 'roof' extension at first floor level to provide a flat and associated alterations to provide access from Monmouth Road.

Reference: 17/09582/FULL

Plan Nos: Site Location Plan, 4941_2_13 Rev A, 4941_2_12 Rev A, 4941_2_11 Rev A, 4941_2_10 Rev A, 4941_3_34 Rev C, 4941_3_32 Rev B, 4941_3_30 Rev C, 4941_3_31 Rev B, 4941_3_33 Rev B and 4941_3_35 Rev B.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

Item No.

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 You must not use the door in the west elevation of the first floor extension facing 103 Westbourne Grove, as shown on drawing 4941_3_31 Rev B. However, you may use the door and rooflight to escape in an emergency or for building maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 You must apply to us for approval of details of the timber slatted screen and a sample of the timber (at least 300mm square) to be used for the timber slatted screen annotated on the approved drawings. You must not start work on the relevant part of the development until we have approved the sample. You must then install the timber slatted screen in accordance with the details and sample we have approved, prior to the occupation of the flat, and it must be maintained as such thereafter and must not be changed without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted

Item No.

in January 2007. (R21AC)

- 8 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , - Solar panels., , You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential unit. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further

Item No.

guidance was offered to the applicant at the validation stage.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

This page is intentionally left blank