

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 23 October 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>48 Princes Gardens, London, SW7 2PE,</b>		
<b>Proposal</b>	<p><u>Application 1:</u> Retention of flues and installation of ventilation grilles to garage doors fronting Princes Gate Mews in association with installation of internal gas fired water heater.</p> <p><u>Application 2:</u> Variation of condition 9 of planning permission dated 18 October 2007 (RN 07/04116/FULL) for alterations and extensions, including replacement windows, timber garage doors to the ground floor mews frontage, rear extensions and terraces at first and second floor levels of 46-48 Princes Gardens; use of buildings as 15 self-contained residential units with parking for eight cars in the mews buildings; introduction of plant area at roof level; Namely, to provide six car parking spaces within the garages instead of eight and reprovide two spaces for residents on Princes Gardens.</p>		
<b>Agent</b>	JLL		
<b>On behalf of</b>	Imperial College London		
<b>Registered Number</b>	<u>Application 1:</u> 18/01168/FULL  <u>Application 2:</u> 18/01166/FULL	<b>Date amended/ completed</b>	9 February 2018
<b>Date Application Received</b>	9 February 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Knightsbridge		

**1. RECOMMENDATION**

<p><u>Application 1:</u> 1. Grant conditional permission subject to a S106 legal agreement to secure: i) Two car parking spaces on Princes Gardens for residents of 46-48 Princes Gardens; ii) Monitoring costs.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p>
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- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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.

Application 2:

1. Grant Conditional permission subject to a S106 legal agreement to secure:

- i) Two car parking spaces on Princes Gardens for residents of 46-48 Princes Gardens;
- ii) Monitoring costs.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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. SUMMARY

The application site comprises Nos. 46,47 and 48 Princes Gardens and their mews properties to the rear at 78, 79 and 80 Princes Gate Mews. The properties are unlisted but are located within the Knightsbridge Conservation Area. The boundary between Westminster and the Royal Borough of Kensington and Chelsea is located along Princes Gate Mews.

The buildings within the application site provide 15 residential flats with eight car parking spaces in the mews properties. The buildings are owned by Imperial College and provide accommodation for students and staff together with private rented accommodation.

Application 1 is for the retention of two flues and for the installation of ventilation grilles to the garage doors fronting Princes Gate Mews. The flues and grilles are required in association with the installation of a communal heating system that occupies two residential parking spaces within the garage.

Application 2 seeks to vary condition 9 of the planning permission dated 18 October 2007. This condition requires the spaces only to be used for the parking of vehicle for people living in the building. The proposal would allow two of the eight spaces within the garages to be used for the communal heating system. The applicant proposes to re-provide the two lost spaces on Princes Gardens.

The planning history shows that following a complaint to our Planning Enforcement Team retrospective permission was sought for these works in 2017. Permission was refused on the grounds that no exceptional circumstances were demonstrated to justify the loss of protected off-

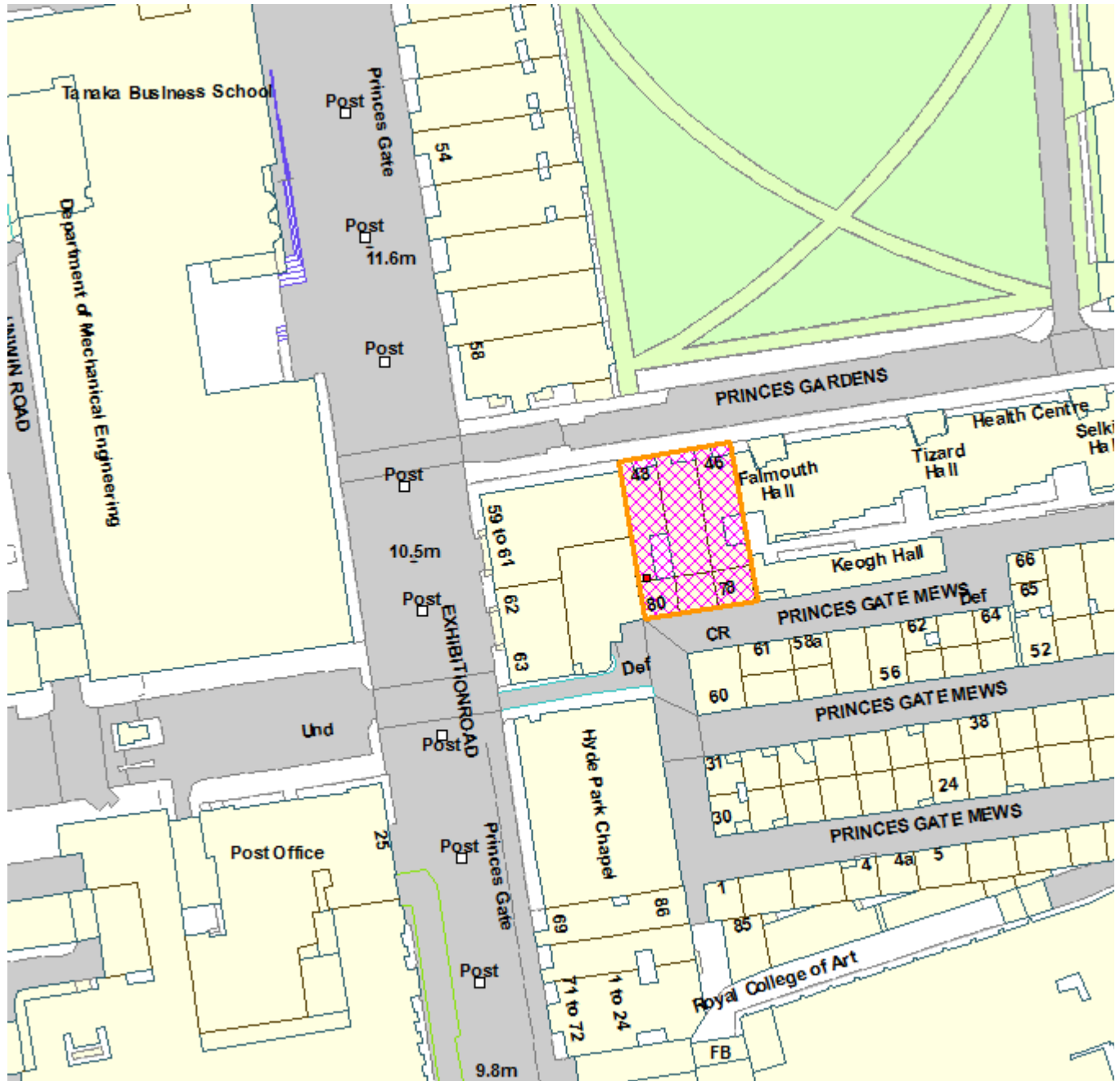
street residential parking and insufficient information was submitted to demonstrate that the proposed plant and associated flues would not cause noise disturbance to neighbouring residents. This application has been submitted to overcome these reasons for refusal, namely the applicant has offered to provide two car parking spaces on Princes Gate Mews to offset the loss of the parking within the garages and a detailed environmental noise survey report has been provided.

The key issues are:

- \*The impact of the flues and grilles on the character and appearance of the mews buildings and the Knightsbridge Conservation Area;
- \*The loss of protected off-street residential parking.
- \*The noise implications of the plant installed.

Both applications have been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (November 2016) and are considered to be acceptable subject to a S16 legal agreement to secure two car parking spaces on Princes Gardens for residents of 46-48 Princes Gardens.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



Princes Gate Mews frontages



Detailed view of the flues as Installed

## 5. CONSULTATIONS

### CLLRS ROBATHAN AND DEVENISH

Object to both applications on the grounds that the vents are extremely unsightly and that the works contravene the use of the mews as domestic residential space.

### KNIGHTSBRIDGE ASSOCIATION

#### Application 1:

Objection on the grounds that the vents and boiler grills are prominent and unsightly and do not enhance or improve the conservation area.

#### Application 2:

No objection.

### PRINCES GATE MEWS RESIDENTS ASSOCIATION

#### Objection

-Conditions were placed on the previous permission (07/04116/FULL) to prevent the mews being used as a delivery and service annex. The requirement for the garages to provide parking spaces was not just about preserving parking but also about preserving the use of the mews buildings as domestic housing. Due to the scale of the proposed plant, the works represent a change of use from residential to industrial.

-The reduced level of parking is unacceptable, eight spaces for fifteen flats is already sub-standard for the number of dwellings.

-The flues and ventilation grilles are deeply ugly and would harm the traditional mews and rest of the conservation area.

-The Princes Gardens blocks are starting to abuse other planning conditions by sending their commercial deliveries to the garages in the mews.

-The applicant has repeatedly ignored enforcement action by the Council.

### THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

#### Application 1:

Object on the grounds that the cumulative impact of the grilles and flues, as well as their unusual siting and utilitarian appearance, fail to preserve the character and appearance of the building and Queen's Gate Conservation Area.

#### Application 2:

No objection.

### ENVIRONMENTAL HEALTH

No objection on noise grounds subject to conditions.

### HIGHWAYS PLANNING MANAGER

No objection. The applicant is now proposing to retain six spaces within the development and to convert two existing on-street spaces (that are not on the public highway but are under the applicant's control) from staff/commuter parking to residential parking. This will retain the original number of residential spaces and make the application acceptable if secured by legal agreement.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**Application 1:

No. Consulted: 41

Total No. of replies: 2

No. of objections: 2

Application 2:

No. Consulted: 81

Total No. of replies: 2

No. of objections: 2

Objections have been received to both applications from residents of Princes Gate Mews on the following grounds:

**DESIGN**

-The works would harm the traditional mews and wider conservation area and could set an undesirable precedent.

-It is critical that Westminster and Kensington & Chelsea planning groups should develop a conservation policy across the mews.

**LAND USE**

-The works would be in breach of conditions attached to the previous permission (07/04116/FULL). The requirement for the garages to provide parking spaces was not just about preserving parking but also about preserving the use of the mews buildings as domestic housing. Due to the scale of the proposed plant, the works represent a change of use from residential to industrial.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

46- 48 Princes Gardens consists of a group of three terraced houses comprising five storeys above basement (46, 47 and 48 Princes Gardens). The properties connect to three mews buildings which front onto Princes Gate Mews (No's 78, 79 and 80). The buildings are currently in use as 15 self-contained residential flats (Use Class C3), with the mews properties used as ancillary residential parking.

**6.2 Recent Relevant History**

Permission was granted in on 18 October 2007 for alterations and extensions to the application site including replacement windows, timber garage doors to the ground floor mews frontage, rear extensions and terraces at first and second floor levels of 46-48 Princes Gardens; use of buildings as 15 self-contained residential units with parking for eight cars in the mews buildings and the introduction of plant area at roof level (07/04116/FULL). The application has been implemented.

It was brought to the Council's attention in 2016 that a boiler had been installed over two of the allotted car parking spaces and that unauthorised flues had been installed within the garage doors fronting Princes Gate Mews to serve the boilers. Enforcement proceedings were subsequently undertaken by the Council (DP/PET/16/62573/K).

This led to the submission of two planning applications to regularise the works in 2017 (RN: 17/04349/FULL and 17/04345/FULL). The applications were refused on the grounds that no exceptional circumstances were demonstrated to justify the loss of protected off-street residential parking and insufficient information was submitted to demonstrate that the proposed plant and associated ventilation grilles would not cause noise disturbance to neighbouring residents.

## **7. THE PROPOSAL**

### Application 1:

Permission is sought for the retention of flues and installation of ventilation grilles to garage doors fronting Princes Gate Mews in association with the installation of an internal gas fired water heater. The water heater and flues have already been installed.

The applicant states that the reason for the installation was to create a centralised water heating and servicing arrangement for the 15 self-contained flats at the application site, which were previously serviced from the adjacent student halls and that this is the most efficient, effective and sustainable method of servicing the properties.

### Application 2:

The application seeks to vary condition 9 of planning permission dated 18 October 2007 (RN 07/04116/FULL)

Condition 9 states 'You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the buildings'.

The variation sought is to allow 6 car parking spaces to be retained as car parking with two spaces used for the accommodation of the gas fired water heater. The applicant proposes to re-provide two spaces to the front of the building on Princes Gardens for use by residents.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Objectors state that because of the scale of the proposed plant, the works represent a change of use from residential to industrial: contravening the use of the mews as domestic residential space.

The lawful use of the application site is residential (Use Class C3). The car parking spaces located in the mews buildings are ancillary to this use. The applicant has confirmed that the gas fired water heater has been installed to service the 15 self-contained flats located on site. Accordingly, it is considered that no change of use has



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occurred and that the plant machinery is ancillary to the residential use. It would not be sustainable to refuse the application on these grounds.

## **8.2 Townscape and Design**

Objectors state that the proposed flues and grilles would be detrimental to the appearance of the building and wider mews thus failing to preserve the character and appearance of the Knightsbridge Conservation Area and Queen's Gate Conservation Area.

The proposed flues and grilles would be finished in black and set against the black garage doors which reduces their impact. Alternative options have been considered and the proposals have been found to be the least harmful in design terms. There are numerous other flues located on the front elevations of surrounding properties and it is considered that the works would not look out of place in the mews. A condition is recommended to ensure that the flues and grilles are painted a colour to match the mews doors and maintained in that condition.

Accordingly, it is considered that the proposals would have a neutral impact and would preserve the appearance of the building, the Queen's Gate Conservation Area and Knightsbridge Conservation Area. The proposed works comply with heritage policies in the NPPF, strategic policies S25 and S28 in Westminster's City Plan and UDP policies DES 1, DES 5 and DES 9, Westminster's supplementary planning guidance "Mews – A Guide to Alterations" and the Knightsbridge Neighbourhood Plan 2018 – 2037 (referendum version).

## **8.3 Residential Amenity (Noise)**

Policies ENV6 and ENV 7 of the UDP seek to control noise levels within the City and to control noise levels from plant and machinery.

The applicant has provided an environmental noise survey report to assess the noise impact of the hot water heaters and the flue terminations on the Princes Mews elevation. Measurements of the installed plant have been conducted by the applicant's acoustic consultant which find the plant to exceed our noise standards set out in policy ENV 7. The noise survey report therefore recommends that mufflers should be provided in the discharge flues which will reduce the noise level to policy compliant levels. The mufflers are required to be located internally (prior to the termination of the flues).

Environmental Health are satisfied that based on the criteria set out in the noise survey and with the mitigation measures in place, the hot water heaters and the flue terminations will meet our standard noise conditions. It is recommended that our standard noise conditions are attached to the draft decision notice and a condition requiring the noise mitigation measures to be in place prior to the continued use of the installed equipment.

## 8.4 Transportation/Parking

Unitary Development Plan policies TRANS 21 - TRANS 26 aim to control and co-ordinate on-street and off-street parking to reduce the overall level of parking, while maintaining adequate availability of parking space for essential and priority users.

TRANS 23 relates to off-street parking for residential development. Part (A) states that the Council will require the provision of one car space per unit of residential accommodation containing two bedrooms or less, and that the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.

Objectors state that the reduced level of parking is unacceptable as eight spaces for fifteen flats is already sub-standard for the number of dwellings on site.

When permission was granted in 2007 (07/04116/FULL), there were seven residential units on site with no off-street parking spaces. As the number of units was increased from seven to fifteen (an increase of eight units), eight new garage spaces were secured in accordance with TRANS 23 Part (A).

The previous applications (17/04349/FULL and 17/04345/FULL) were refused in 2017 on highways grounds as it was considered that the submitted Car Parking Management Plan did not sufficiently justify the loss of two protected off-street residential parking spaces.

The current proposals still involve the loss of two protected off-street residential parking spaces. However, to mitigate this loss it is now proposed to convert two existing on-street spaces located in front of the application site on Princes Gardens (that are not on the public highway and are under the applicant's control) from staff / commuter use to residential use. As a result the scheme will retain eight residential car parking spaces. This is considered to be an exceptional circumstance in the context of TRANS 23 Part (A). It is recommended that the two car parking spaces be secured by a section 106 legal agreement.

Objectors contend that the requirement for the garages to provide parking spaces, under condition 9 of application no. 07/04116/FULL, was not just about preserving parking but also about preventing the mews being used as a delivery and service annex. However, the associated committee report states that "It is not considered appropriate to impose a condition on the new residential accommodation preventing deliveries/collections from Princes Gate Mews" and no condition to this effect was added. Additionally, the applicant has confirmed that the water heater will only require to be serviced once a year, which would reduce traffic to the mews when compared to residential parking. It would not be sustainable to refuse the application on these grounds.

## 8.5 Economic Considerations

No economic considerations are applicable for a development of this size

## **8.6 Access**

The applications do not propose any changes to the existing access arrangements.

## **8.7 Other UDP/Westminster Policy Considerations**

None.

## **8.8 Neighbourhood Plans**

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

## **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 unless stated otherwise.

## **8.11 Planning Obligations**

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding

or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

In this case it is considered necessary to have a S106 legal agreement to secure the following (for both applications):

- i) Two car parking spaces on Princes Gardens for residents of 46-48 Princes Gardens;
- ii) Monitoring costs.

Neither application generates a Mayor CIL or WCC CIL payment.

### **8.12 Environmental Impact Assessment**

Not required.

### **8.13 Other Issues**

None relevant.

(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: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

9. KEY DRAWINGS

Application 1

Proposed Rear Elevation



Plantroom Rear Elevation with Flue Dilution

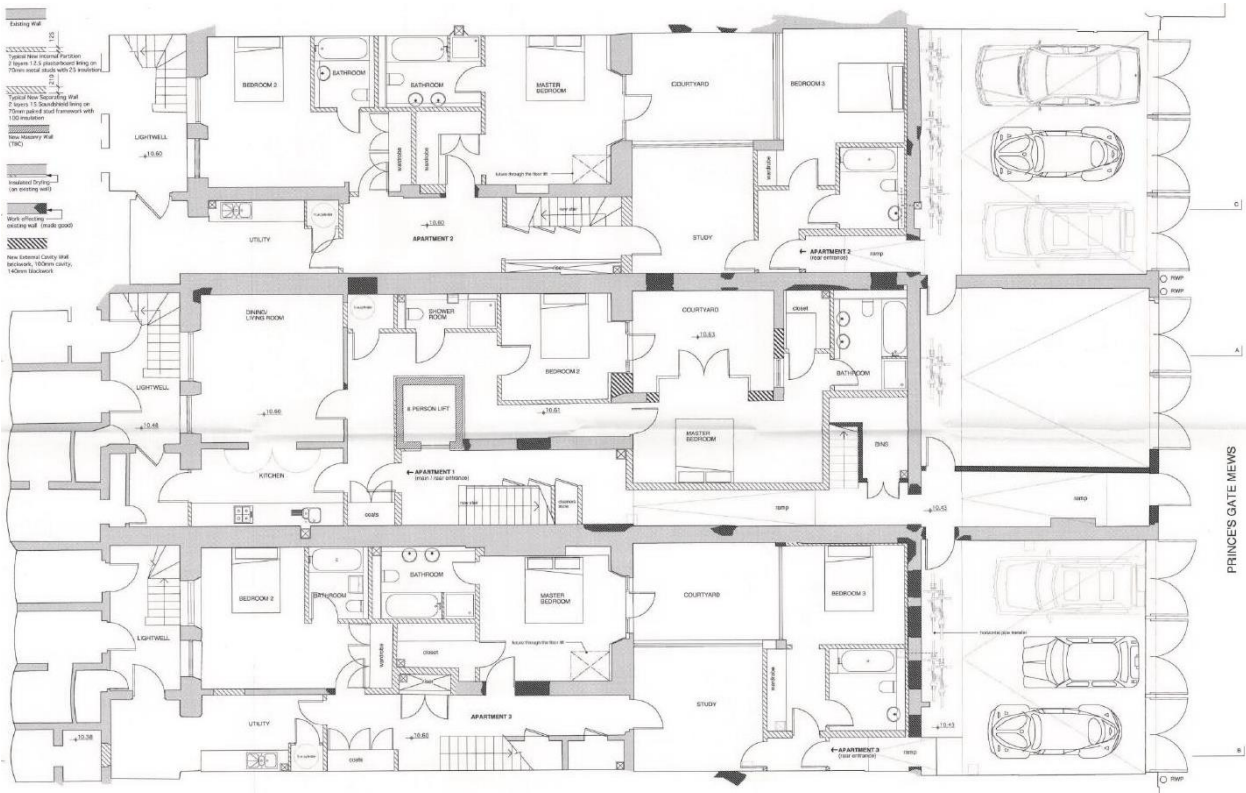


Application 2

Existing Lower Ground Floor Plan

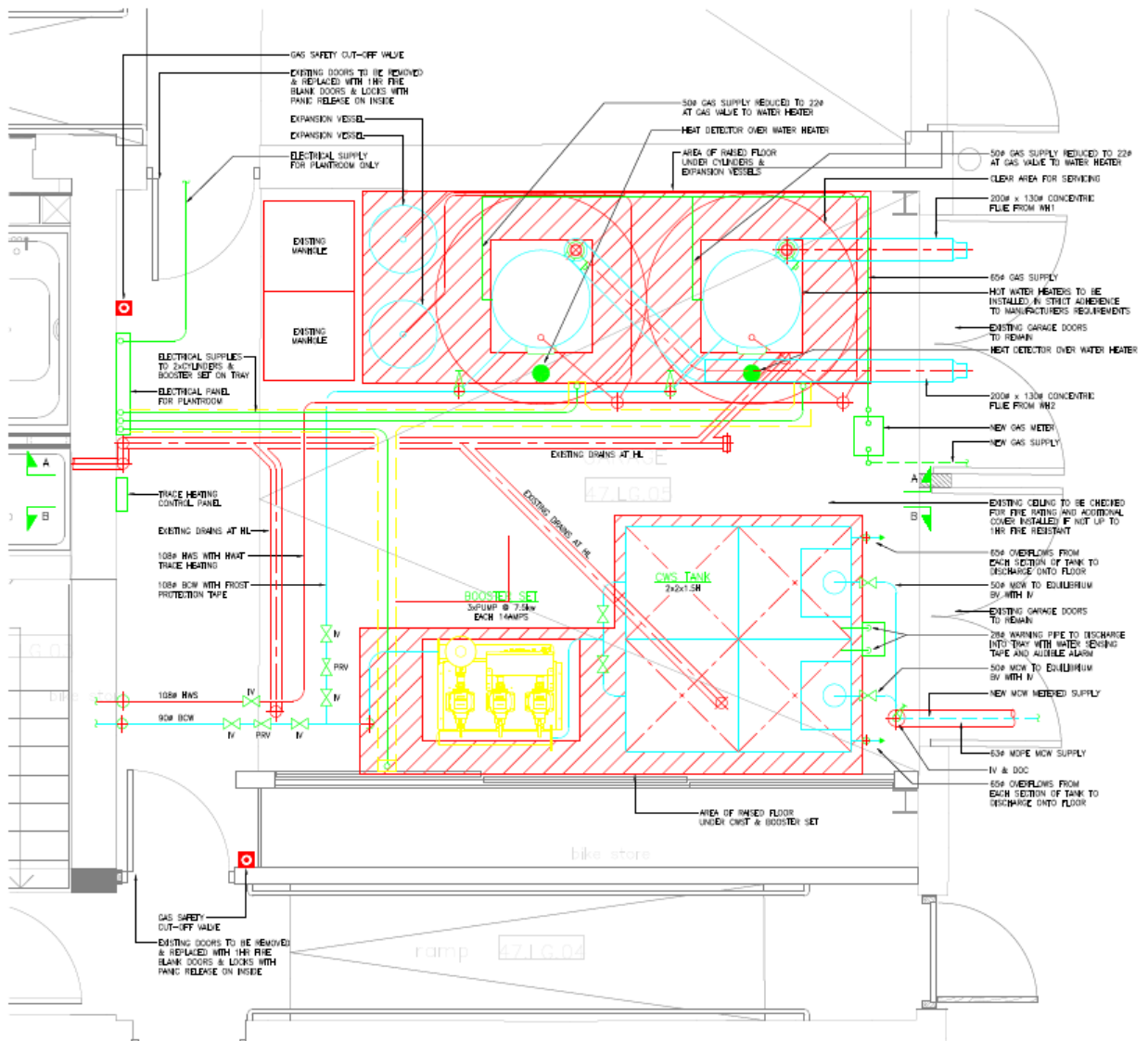


Proposed Lower Ground Floor





### Plantroom Layout



**DRAFT DECISION LETTER**

**Address:** 48 Princes Gardens, London, SW7 2PE,  
**Proposal:** Retention of flues and installation of ventilation grilles to garage doors fronting Princes Gate Mews in association with installation of internal gas fired water heater.  
**Reference:** 18/01168/FULL  
**Plan Nos:** Site Location Plan; PGZZ-LLG-M-04 Rev. B; PGZZ-LLG-M-05 Rev. B; Environmental Noise Survey Report dated 31 January 2018.

For Information,;

Cover Letter dated 9 February 2018; Cover letter dated 17 May 2017.

**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 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 Knightsbridge 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 The flues and ventilation grilles hereby approved will be coloured to match the mews doors and maintained in that colour.

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 Knightsbridge 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 (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)

- 6 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)

- 7 You must not operate the internal water heater until the mitigation measures set out in paragraph 5.3.3 of the Environmental Noise Survey Report have been installed. Thereafter the mitigation measures must be retained in situ at all times that the internal water heater is in operation.

## 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.

## 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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>

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- 3 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>
  
- 4 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.

**DRAFT DECISION LETTER**

**Address:** 48 Princes Gardens, London, SW7 2PE,

**Proposal:** Variation of condition 9 of planning permission dated 18 October 2007 (RN 07/04116/FULL) for alterations and extensions, including replacement windows, timber garage doors to the ground floor mews frontage, rear extensions and terraces at first and second floor levels of 46-48 Princes Gardens; use of buildings as 15 self-contained residential units with parking for eight cars in the mews buildings; introduction of plant area at roof level; Namely, to provide six car parking spaces within the garages instead of eight and reprovide two spaces for residents on Princes Gardens.

**Reference:** 18/01166/FULL

**Plan Nos:** Approved under 07/04116/FULL:  
1412 (PL) 001, 100A-106A (inc), 107-111 (inc), 200E-206E (inc), 207A, 208A, 209C, 210C, 211C, 213A, 214A, 215, 216, Design and Access Statement from Paul Davis & Partners dated 27.04.07, Planning Statement from Gerald Eve May 2007.

As amended by:  
Proposed Lower Ground Floor Plan.

For information:  
PGZZ-LLG-M-0001 Rev. C; PGZZ-LLG-M-0002 Rev. B; Cornerstone Tenants/  
Proposed CS Tenants; Covering Letter dated 9 February 2018; Covering Letter  
dated 17 May 2017; Car Parking Management Plan dated 5 February 2018.,

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**Recommended Condition(s) and Reason(s)**

- 1 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 2 You must carry out the development in accordance with the solar thermal panel details approved on 24 October 2008 (RN: 08/07196/ADFULL) or in accordance with further details submitted and approved by the Local Planning Authority.

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 3 The outer casing to the rooftop plant shall be coloured to match the adjacent slate roofs.,

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

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

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 5 You must carry out the development in accordance with the details approved on 24 October 2008 (RN: 08/07196/ADFULL) or in accordance with further details submitted and approved by the Local Planning Authority.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)



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- 6 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),

- 7 You must carry out the development in accordance with the waste storage details approved on 24 October 2008 (RN: 08/07196/ADFULL) or in accordance with further details submitted and approved by the Local Planning Authority.

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)

- 8 Other than the terraces annotated as such on the drawings hereby approved, you must not use any part of the roofs of the buildings for sitting out or for any other purpose unless we have given you our written approval beforehand. 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)

You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the buildings (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

10 (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)

- 11 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)

- 12 You must carry out the development in accordance with the plant and ventilation equipment details approved on 19 January 2009 (RN: 08/09480/ADFULL) or in accordance with further details submitted and approved by the Local Planning Authority.

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)

- 13 Any light fittings to be installed to light the terraces overlooking Princes Gate Mews shall be installed so as not to be directed outwards towards the mews.

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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)

- 14 You must carry out the development in accordance with the cycle storage details approved on 24 October 2008 (RN: 08/07196/ADFULL) or in accordance with further details submitted and approved by 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)

- 15 You must not operate the internal water heater until the mitigation measures set out in paragraph 5.3.3 of the Environmental Noise Survey Report have been installed. Thereafter the mitigation measures must be retained in situ at all times that the internal water heater is in operation.

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.

**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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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** This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990.

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.