

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 29 <sup>th</sup> March 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Hyde Park Corner Lodge, Hyde Park Corner, London, W1J 7NT,</b>		
<b>Proposal</b>	Removal of Condition 3 and variation of condition 1 and 11 of planning permission dated 30 July 2013 (RN: 12/08526/FULL) for use of Lodge as a cafe (Class A3) with basement infill extension, external seating area and erection of a new ticket and tourist information kiosk adjacent to Lodge; namely, to allow the continued use of part of the kiosk for the sale of tickets for London tourist attraction; to extend the opening hours of the Café to between the hours of 08:00 and 22:30 daily; and retention of external lighting.		
<b>Agent</b>	Mr Harry Whittaker		
<b>On behalf of</b>	Mr Peter Sullings		
<b>Registered Number</b>	15/09174/FULL 15/09175/LBC	<b>Date amended/ completed</b>	1 October 2015
<b>Date Application Received</b>	1 October 2015		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Royal Parks		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

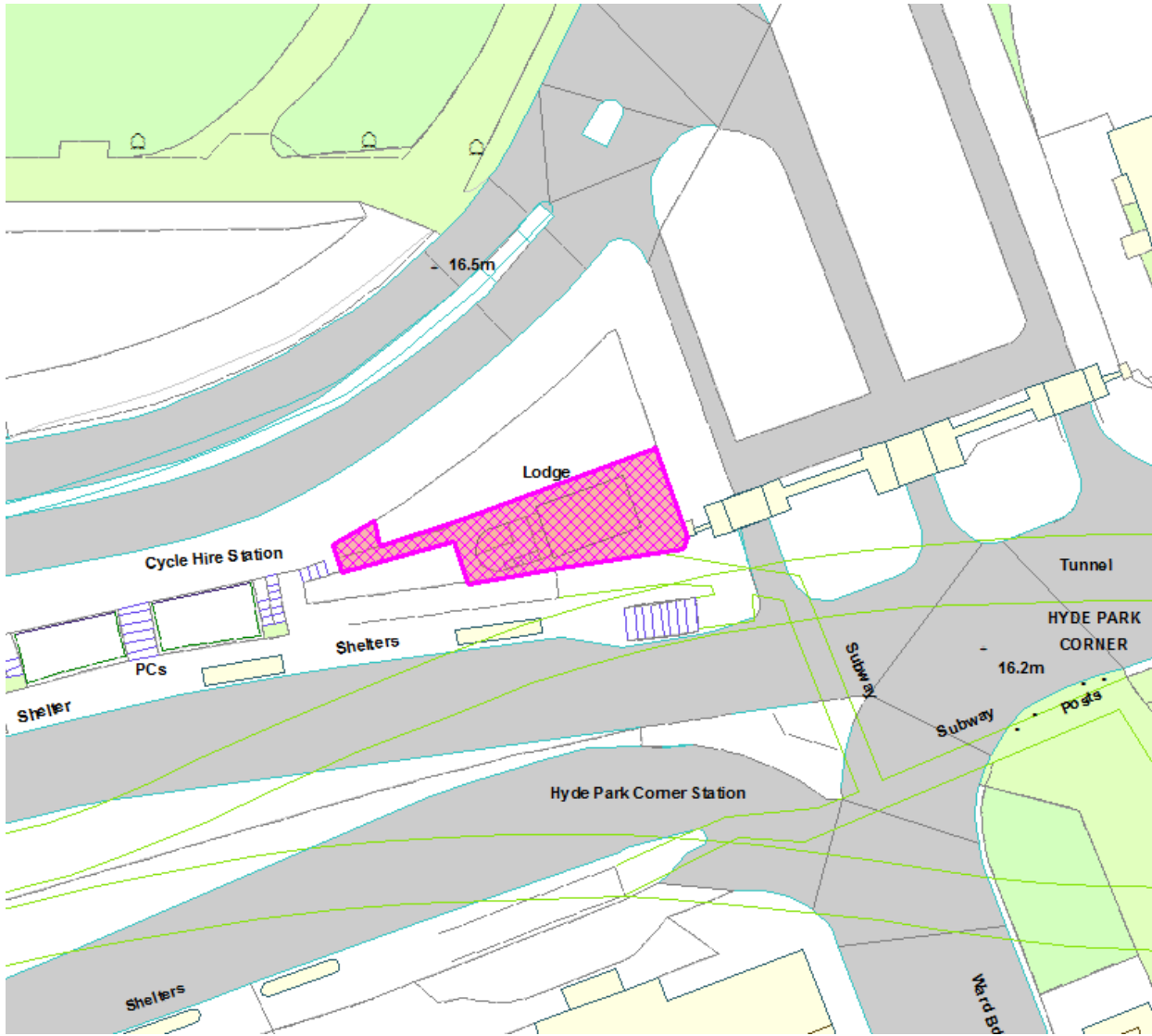
Permission and listed building consent were granted for the use of Hyde Park Corner Lodge as a cafe with an outdoor seating area and a free standing tourist information kiosk on South Carriage Drive in July 2013. Conditions were attached restricting the hours of operation of the café and the use of the kiosk for the sale of tickets for tourist attractions, which it is now sought to amend. Permission is also sought for the retention of external lighting.

The key issues in this case are:

\* The impact of the proposal on amenity, local environmental quality and on the special interest of the Grade II listed lodge and Royal Parks Conservation Area.

The extension of the café opening hours, permanent use of the kiosk for the sale of tickets for London tourist attractions and the external lighting are not considered to have a detrimental impact upon residential amenity, local environmental quality, or adverse impact on the special interest of the listed lodge or character and appearance of this part of the Royal Parks Conservation Area.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### KNIGHTSBRIDGE ASSOCIATION

Any response to be reported verbally.

### WESTMINSTER SOCIETY

What is the justification for the removal of the platform lift.

### THE ROYAL PARKS

No objection.

### FRIENDS OF HYDE PARK & KENSINGTON GARDENS

No objection. In the absence of being able to view the plans for the original application, query whether the layout of the seating and food wagon are consented.

### HIGHWAYS PLANNING

No objection.

### ENVIRONMENTAL HEALTH

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2

Total No. of replies: 1

One letter has been received on the grounds that the lodge should only be used for its original use and there should be no extension of the café opening hours or the continued use of the kiosk.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Hyde Park Corner Lodge is located in the south east corner of Hyde Park, just within its boundary immediately to the west of the Hyde Park Corner entrance gates.

The property is Grade II listed and lies within the Royal Parks Conservation Area and the Core Central Activities Zone. The property is in use as a café by virtue of permission granted in July 2013.

## 6.2 Recent Relevant History

12/08526/FULL and 12/08527/LBC

Use of Lodge as a cafe (Class A3) with basement infill extension and external seating area; and erection of a new ticket and tourist information kiosk adjacent to Lodge.  
Applications Permitted 30 July 2013

## 7. THE PROPOSAL

Planning permission and listed building consent were granted for the use of Hyde Park Lodge as a café with a fixed external seating area; and a new free standing ticket and tourist information kiosk to the west on South Carriage Drive in July 2013.

Conditions were attached restricting the opening hours of the café use to between 0800 and 1700 each day in the absence of a lighting scheme; and restricting the use of the kiosk for the sale of tickets for London tourist attractions until 31 January 2015 so that this part of the use could be reviewed. This application seeks to vary condition 11 to extend the opening hours of the café use until 2230 hours daily; vary condition 1 for the retention of external lighting and remove condition 3 to continue the use of the kiosk for the sale of tickets for London tourist attractions, in addition to the tourist information facility.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

No complaints have been received to the existing café use. Lighting has been installed to facilitate the use of the external seating area in the evenings which it is sought to retain. The cafe is located just within the boundary of Hyde Park, to the north of Hyde Park Corner Underground Station and bus stops on Knightsbridge. Given its park location, adjacent to this busy thoroughfare, it is considered that the proposed extension of opening hours to between 0800 and 2230 and external lighting would not have a detrimental impact upon residential amenity, local environmental quality, or adverse impact on the character and function of this part of the Royal Parks Conservation Area.

The tourist information kiosk was provided as part of the July 2013 permission to replace the existing tourist information facility which was previously sited in the Lodge. An element of the kiosk was for the sale of tickets for park events and other London tourist attractions. This element of the scheme was of concern as it was considered that the sale of tickets may result in the commercialisation of the park and it was therefore granted for a temporary period of 18 months.

It is not considered that the use of part of the kiosk for the sale of tickets has been detrimental to the character of Hyde Park and it is therefore considered that this condition can be removed. A condition requiring that no advertisements shall be displayed on the kiosk, with the exception of the non-illuminated 'Information and tickets' sign will remain.

## **8.2 Townscape and Design**

External lighting has been installed to facilitate later opening hours for the cafe. Two spotlights have been installed at high level within the front and rear porticos and are not visible in surrounding views of the building. Recessed floor lights are set into the external paving and are discrete. The lighting is not therefore considered to cause harm to the special interest of the grade II listed Lodge or Royal Parks Conservation Area.

As part of the 2013 consent a condition was attached preventing structures such as canopies, parasols or outdoor heaters on the external seating area to protect the setting of the listed building and character and appearance of the conservation area. Parasols and a food wagon have been placed on the outdoor seating area as well as incongruous fencing along the southern boundary. CCTV has also been installed on the building. These items are subject to an enforcement investigation.

## **8.3 Residential Amenity**

The proposal will not give rise to any amenity implications with regards to light, privacy or sense of enclosure.

## **8.4 Transportation/Parking**

No change is proposed to the current servicing arrangements which take place on South Carriage Drive which is not public highway.

## **8.5 Economic Considerations**

No economic considerations are applicable.

## **8.6 Access**

Not applicable.

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

Not applicable.

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 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.

**8.10 Planning Obligations**

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

**8.11 Environmental Impact Assessment**

Not applicable.

**8.12 Other Issues**

Not applicable.

**9. BACKGROUND PAPERS**

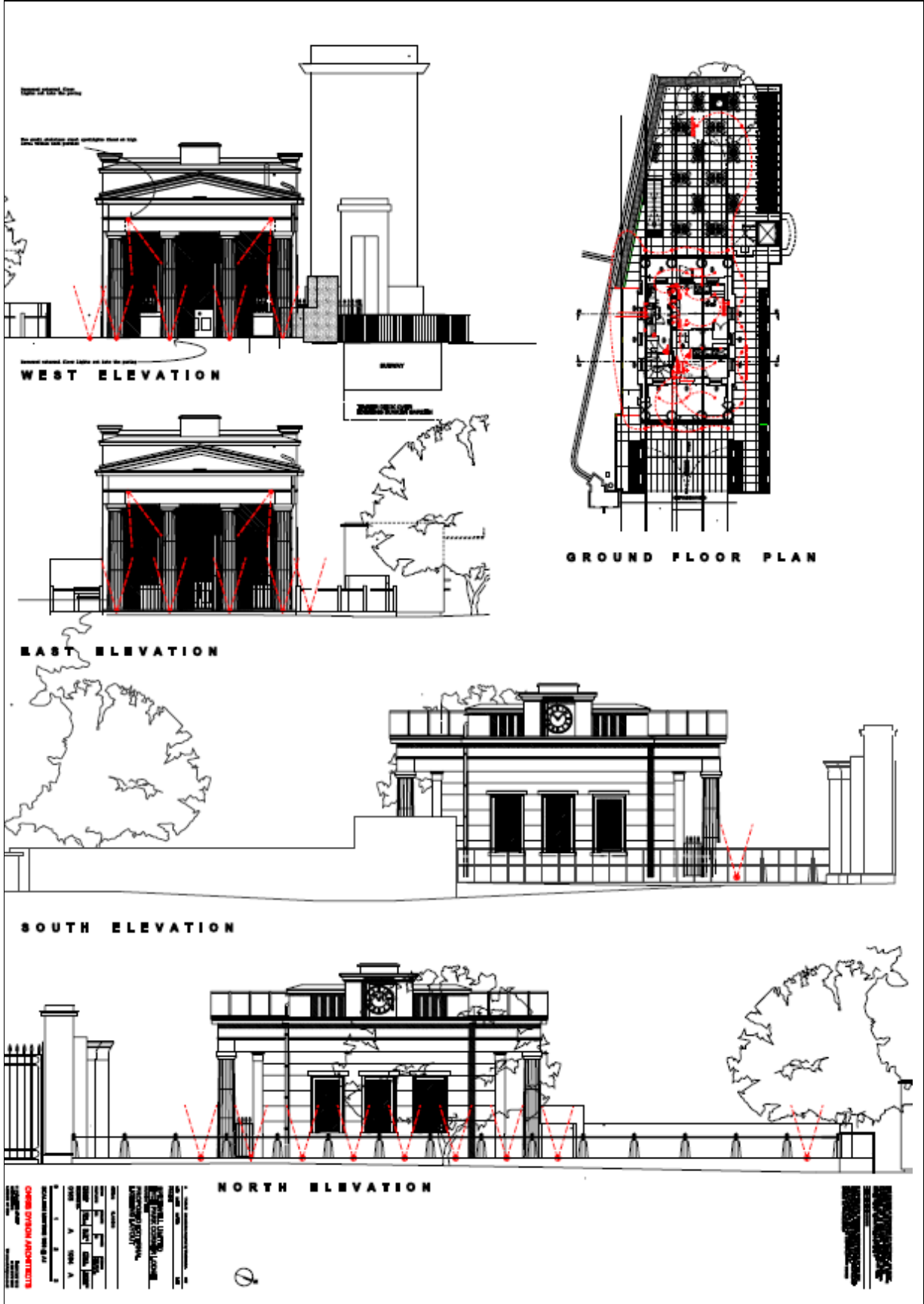
1. Application form
2. Response from Westminster Society, dated 24 November 2015
3. Response from Highways Planning - Development Planning, dated 3 November 2015
4. Response from EH Consultation, dated 28 October 2015
5. Letter from occupier of Flat 22 Bartok House, 30 Lansdowne Walk, dated 16 November 2015

**Selected relevant drawings**

(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 JULIA ASGHAR ON 020 7641 2518 OR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)





**DRAFT DECISION LETTER**

**Address:** Hyde Park Corner Lodge, Hyde Park Corner, London, W1J 7NT

**Proposal:** Removal of Condition 3 and variation of condition 1 and 11 of planning permission dated 30 July 2013 (RN:12/08526/FULL) for use of Lodge as a cafe (Class A3) with basement infill extension, external seating area and erection of a new ticket and tourist information kiosk adjacent to Lodge; namely, to allow the continued use of part of the kiosk for the sale of tickets for London tourist attraction; to extend the opening hours of the Café to between the hours of 08:00 and 22:30 daily; and retention of external lighting.

**Plan Nos:** Site location plan and 0155/A/1004/A

Approved Drawings:

12/08526/FULL

0155/A/0010/PS-01, 0011/PS-01, 0100/PS-01, 0101/PS-01, 1100/PS-03, 1101/PS-03, 1000/PS-03, 1011/PS-02, 1002/PS-01; Design & Access Statement; Design, Access and Heritage Statement dated 20/08/2012; Addendum to Design, Access and Heritage Statement dated 29/05/2103; Arboricultural method Statement dated 13 March 2013.

14/04249/ADFULL

Covering letter; 0155 PL 1423; 0155 1421; 0155 1407 00.

14/01177/ADFULL

Arboricultural Method Statement, Pruning Specification and Site Storage and Working by Barrell Tree Consultancy.

13/08561/ADFULL

Covering letter dated 21 August 2013, 0155 A 1002 PS-01.

**Case Officer:** Julia Asghar

**Direct Tel. No.** 020 7641 2518

**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 carry out any building work which can be heard at the boundary of the site only:

\* 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not display any posters or advertisements on or within the curtilage of the Lodge, or on any of the seating structures; and on or within the kiosk except those shown on the approved drawings.

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 Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 You must provide the waste store shown on drawing 0155 A 1000/PS-03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 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: Strategic Policies adopted November 2013, 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.

- 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.

- 7 You must apply to us for our approval of the tree pruning works you want to carry out on the Black

Mulberry tree. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To protect the trees and the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 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. (R31DC)

- 8 You must not allow more than 98 customers into the cafe premises at any one time. (C05HA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Royal Parks Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 9 Customers shall not be permitted within the cafe premises before 0800 or after 2230 each day. (C12AD)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Royal Parks Conservation Area. This is in line with CS24 of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 10 You must maintain the development in accordance with the details approved by the City Council as Local Planning Authority on 3 September 2014 under RN: 14/04249/ADFULL and 19 September 2013 under RN:13/08561/ADFULL in relation to facing and surfacing materials, new external door, railings/balustrade and fixed furniture; or any other subsequent details submitted to and approved by the City Council.

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 Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must apply to us for approval of detailed drawings at 1:20 and 1:5 of the following parts of the development:

- i) Platform lift including guard rails.

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 drawings.

**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 Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 12 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 Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 13 You must not put structures such as canopies, parasols or outdoor heaters on the external seating area.

**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 Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 The external CCTV cameras and fencing along the south boundary do not have planning permission. We may take legal action to have the work removed and the building/external area restored to how it was. We are also aware of the presence of parasols and a food wagon in the external seating area which are in breach of condition 13 and these items should be removed.

**DRAFT DECISION LETTER**

**Address:** Hyde Park Corner Lodge, Hyde Park Corner, London, W1J 7NT

**Proposal:** Variation of condition 1 of listed building consent dated 30 July 2013 (RN: 12/08527/LBC) for use of lodge as a cafe (Class A3) with basement infill extension and external seating area and erection of a new ticket & tourist information kiosk adjacent to Lodge; namely, retention of external lighting.

**Plan Nos:** Site location plan and 0155/A/1004/A

**Case Officer:** South Planning Team

**Direct Tel. No.** 020 7641 2681

**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 apply to us for approval of samples of the facing and surfacing materials you will use and elevations and 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.

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 Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings at 1:20 and 1:5 of the following parts of the development:

- i) New external door;
- ii) New railings/balustrade;
- iii) Fixed furniture;
- iv) Platform lift including guard rails.

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 drawings.

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 Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of full details of the following parts of the development:
- i) Modifications to historic fabric to accommodate the dumb waiter;
  - ii) Relationship of retained historic fabric (including fireplaces and joinery) to new kitchen layout and servery layout;
  - iii) Relationship of retained historic fabric to new toilet facilities, including floor structures and location of services.

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 listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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. (R27BC)

- 5 You must not disturb existing historic fabric including chimney pieces, plasterwork (including plain ceilings and walls), architraves, panelling, doors, other joinery, floorboards 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.

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: Strategic Policies adopted November 2013 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. (R27BC)

- 6 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 building and to make sure the development contributes to the character and appearance of the Royal Parks Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)



**Informative(s):**

- 1 You are reminded of the need to discharge the conditions attached to this and the original listed building consent dated 30 July 2013 (RN12/08527/LBC). You are currently in breach of these conditions.

The external CCTV cameras and fencing along the south boundary do not have listed building consent. It is a criminal offence to carry out work to a listed building without our consent and we may take legal action to have the work removed and the building restored to how it was.

- 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 You must get listed building consent for any work inside the building that would affect its character. (I02AA)