



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (1)**

Meeting Date:

**Tuesday 31st October, 2023**

Time:

**6.30 pm**

Venue:

**Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members:

**Councillors:**

Ruth Bush (Chair)  
Sara Hassan  
Ryan Jude  
Elizabeth Hitchcock



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

**Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, 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.**



**If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Senior Committee Councillor Coordinator.**

**Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk): 07812 760335  
Corporate Website: [www.westminster.gov.uk](http://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 that Councillor Ruth Bush was substituting for Councillor Jason Williams.

To note that Councillor Ryan Jude was substituting for Councillor MD Shamsed Chowdhury.

To note any further changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### **3. MINUTES**

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

**(Pages 5 - 10)**

#### **4. TREE PRESERVATION ORDER TPO 697 - 92 CLIFTON HILL, LONDON, NW8 0JT**

**(Pages 11 - 26)**

#### **5. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting.

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

- |    |  |                         |
|----|--|-------------------------|
| 1. | <b>11 STANHOPE GATE, LONDON, W1K 1AN</b>   | <b>(Pages 29 - 62)</b>  |
| 2. | <b>90 BROMPTON ROAD, LONDON, SW3 1ER</b>   | <b>(Pages 63 - 90)</b>  |
| 3. | <b>54 WARWICK SQUARE, LONDON, SW1V 2AJ</b> | <b>(Pages 91 - 126)</b> |

**Stuart Love**  
**Chief Executive**  
**20 October 2023**

## Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.





CITY OF WESTMINSTER

## MINUTES

### Planning Applications Sub-Committee (1)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 22nd August, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Jason Williams (Chair), Sara Hassan, Paul Fisher and Elizabeth Hitchcock

**Also Present:** Councillors Louise Hyams (Items 2 and 4) and Paul Dimoldenberg (Item 6)

#### 1 MEMBERSHIP

That Councillor Paul Fisher was substituting for Councillor Md Shamsed Chowdhury.

There were no further changes to the membership.

#### 2 DECLARATIONS OF INTEREST

Councillor Jason Williams 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 email received in respect of every application, including all letters and emails 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 would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

Councillor Jason Williams declared an interest in respect to Item 5 that he is a Ward Member for Pimlico and had met FREDAs (Federation of Residents Associations in Pimlico) previously. Councillor Williams advised that he had not held any discussions regarding the application with them.

Councillor Elizabeth Hitchcock declared an interest in respect to Item 7 that the application is in her Ward. Councillor Hitchcock advised that she had no communication on the application.

Councillor Paul Fisher declared an interest in respect to Items 1,2 and 3 that the applications are in his Ward. Councillor Fisher advised that he had no communication on the applications.

Councillor Paul Fisher also declared an interest in respect to Items 2 and 3 that he knew a speaker personally but had no reason to believe that he could not consider the application impartially.

Councillor Sarah Hassan arrived late so did not partake in Items 1 and 4. She had no declarations of interest to make.

### **3 MINUTES**

**RESOLVED:** That the minutes of the meeting held on 27<sup>th</sup> June 2023 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

The Sub-Committee heard the applications in the following order: 4, 1 2, 3, 5, 6, 7.

#### **1 TROCADERO, 13 COVENTRY STREET, LONDON, W1D 7DH**

New entrance and provision of internal queuing area ancillary to the existing sky-bar (Sui Generis), including installation of new entrance doors and roller shutters onto Rupert Street.

Luke Raistrick, representing Centro Plan, addressed the Sub-Committee in support of the application.

#### **RESOLVED UNANIMOUSLY**

That conditional permission be granted.

#### **2 TROCADERO, 13 COVENTRY STREET, LONDON, W1D 7DH**

Variation of conditions 22, 23 & 24 of planning permission dated 15th May 2020 (RN:19/08886/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4); NAMELY, to allow the Skybar roof top restaurant/bar (Condition 24) to operate between 07:00 and 03:00 hours the following morning and to enable the roof terrace area (Condition 22) to

operate from 10:00 to 03:00 the following morning; and to amend the wording of Condition 23 relating to noise levels on the roof terrace. [S73 application]

Luke Raistrick, representing Centro Plan, addressed the Sub-Committee in support of the application.

Tim Lord, representing The Soho Society, addressed the Sub-Committee in objection to the application.

Councillor Louise Hyams, in her capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

**RESOLVED THAT THE APPLICATION BE REFUSED.** (Refuse: Councillors Jason Williams, Paul Fisher, and Elizabeth Hitchcock: Agreed: Councillor Sara Hassan)

Reason: The terminal hour would be excessively late and would result in unacceptable noise and disturbance for local residents.

**3 18, 20-24 BROADWICK STREET AND 85 BERWICK STREET, LONDON, W1F 8JB**

Variation of Conditions 8, 22 and 23 of planning permission dated 11th February 2021 (RN: 20/04766/FULL) for Variation of Condition 1 of planning permission dated 20 November 2020 (RN: 19/07554/FULL) for, 'Variation of condition 1 of planning permission dated 20th March 2019 (RN: 18/08538/FULL) "Variation of Condition 1 of planning permission dated 2nd February 2018 (RN 16/09526/FULL) for "Demolition of 20-24 Broadwick Street & 85 Berwick Street and partial demolition of 18 Broadwick Street and redevelopment of the site to provide new buildings comprising three basement levels, ground floor and first to eighth floor levels in connection with the use of the buildings for retail (Class A1) at part basement and ground and a hotel (Class C1) with up to 69 bedrooms, associated bar and restaurant facilities including terraces at sixth and seventh floor levels; installation of plant at basement level and on the rear elevation at first to sixth floor levels. Installation of a partially retractable roof over the bar area at eighth floor level; NAMELY; to extend the hours of use of the seventh floor seated bar and restaurant until 1.30 am on Thursdays, Fridays and Saturdays and to extend the terminal hour for the access and use of the rear seventh floor terrace from 22:00 until 23:00 daily. (Application under Section 73).

An additional representation was received from Soho Society (17.08.23).

A late representation was received of Westminster City Council's Licensing Sub-Committee No.1s draft license for Broadwick Soho (22.08.23)

David Monson, representing Broadwick Soho, addressed the Sub-Committee in support of the application.

Tim Lord, representing The Soho Society, addressed the Sub-Committee in objection to the application.

**RESOLVED THAT THE APPLICATION BE REFUSED.** (Refuse: Councillors Jason Williams, Paul Fisher, and Elizabeth Hitchcock: Agreed: Councillor Sara Hassan)

Reason: The terminal hour would be excessively late and would result in unacceptable noise and disturbance for local residents.

#### **4 BEAUMONT BUILDINGS, MARTLETT COURT, LONDON, WC2B 5SF**

Installation of replacement timber sash and casement windows and flat entrance doors to flats, as well as new render detailing around windows to gable elevations of Fletcher, Beaumont and Sheridan Buildings.

Additional representations were received from two residents (10.08.23 and 18.08.23)

Late representations were received from two local residents (21.08.23 and 22.08.23)

Susan Kyd, addressed the Sub-Committee in support of the application.

Carole Rose, representing leaseholders from Martlett Court, addressed the Sub-Committee in objection to the application.

Jane Messing, addressed the Sub-Committee in objection to the application.

Councillor Louise Hyams, in her capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

**RESOLVED THAT THE APPLICATION BE GRANTED:** (Agreed: Councillors Jason Williams and Paul Fisher. To defer: Councillor Elizabeth Hitchcock)

To grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

#### **5 58-60 LUPUS STREET, LONDON, SW1V 3EE**

Application 1:

Installation of two air conditioning units and associated acoustic enclosures to rear at lower ground floor level.

Application 2:

Installation of extract fan with associated acoustic enclosure to rear at lower ground floor level.

A late representation was received from Pimlico Neighbourhood Forum (21.08.23).

Parthenope Ward, addressed the Sub-Committee in objection to the application.

Tarne Bevan, addressed the Sub-Committee in objection to the application.

Lise Cox, representing FREDa, addressed the Sub-Committee in objection to the application.

## **RESOLVED**

### Application 1:

That conditional permission be granted with additional condition requiring air conditioning units to be switched off when the premises is closed.

### Application 2:

That conditional permission be granted.

## **6 29 SPRING STREET, LONDON, W2 1JA**

### Application 1:

Display of an internally illuminated fascia sign measuring 0.5m x 5.9m and an internally illuminated projecting sign measuring 0.6m x 0.6m.

### Application 2:

Display of an internally illuminated box sign measuring 1.5m x 0.4m on the side elevation facing onto Conduit Place

An additional representation was received from Councillor Paul Dimoldenberg (11.08.2023)

Peter Slezak, representing The Bear Paddington, addressed the Sub-Committee in support of the application.

Councillor Paul Dimoldenberg, in his capacity as Ward Councillor, addressed the Sub-Committee in support of the application.

**RESOLVED THAT THE APPLICATION BE REFUSED.** (Refuse: Councillors Jason Williams, Sara Hasaan, and Elizabeth Hitchcock: Agreed: Councillor Paul Fisher)

Reason: Harm to the visual amenity and character and appearance of the Bayswater Conservation Area

## **7 64 BOURNE STREET, LONDON, SW1W 8JD**

Erection of a first-floor rear extension and alterations to external elevations, replacement of single glazed windows with double glazed and alteration to front steps to create two secure bicycle spaces.

Magz Doyle, addressed the Sub-Committee in support of the application.

## **RESOLVED UNANIMOUSLY**

To grant conditional permission.

The Meeting ended at 9.12 pm

**CHAIR:** \_\_\_\_\_

**DATE** \_\_\_\_\_



City of Westminster

## Executive Summary and Recommendations

**Title of Report:** Tree Preservation Order No. 697 – 92 Clifton Hill,  
London NW8 0JT

**Date:** 31 October 2023



## **Summary of this Report**

On 19 June 2023 the City Council made a provisional Tree Preservation Order (TPO) to protect one London plane (labelled T1 on the TPO plan) located at 92 Clifton Hill, London NW8 0JT (the Property). The TPO is provisionally effective for a period of six months from the date it was made (19 June 2023) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 20 December 2023.

The TPO was made following receipt of six weeks' notice of intent (a S211 notification) to remove one London plane from 92 Clifton Hill. The tree is protected by virtue of its location within the St John's Wood Conservation Area. The reason given for the proposed removal of the tree is because of clay shrinkage subsidence damage at the neighbouring property of 47 Belgrave Gardens, NW8 0RE, alleged to be caused by roots from the London plane.

In general terms the confirmation of a provisional TPO does not preclude the appropriate management or removal of the protected trees in the future, subject to the merits of a TPO application.

An objection to the TPO was received from the owner of 47 Belgrave Gardens.

The City Council's Arboricultural Officer has responded to the objection.

## **Recommendations**

The Sub-Committee should decide EITHER

(a) NOT TO CONFIRM Tree Preservation Order No. 697 (2023); OR

(b) TO CONFIRM Tree Preservation Order No. 697 (2023) with or without modification with permanent effect.





City of Westminster

# Committee Report

Item No:

Date:

Classification:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

## 1. Background

- 1.1 Under the Town and Country Planning Act 1990 (the “1990 Act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the “2012 Regulations”) the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 697 (2023) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 19<sup>th</sup> June 2023.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the City Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 697 was made following the receipt by the City Council of six weeks’ notice of intention to remove one London plane from the rear garden of 92 Clifton Hill (shown labelled T1 of the TPO Plan). Under s211 of the 1990 Act it is a defence to the offence of removing a tree in a conservation area if the person undertaking the works has provided 6 weeks’ notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the City Council in a position where it must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The London plane is located in the rear garden of 92 Clifton Hill. The Arboricultural Officer’s report notes that T1 is a prominent tree, visible from Clifton Hill over and between the houses and is also highly visible from the rear gardens of adjacent properties. The tree is a mature specimen in good condition and it is about 20 metres high, with a broad and dominant crown. By virtue of its form and location, the tree makes a significant contribution to public amenity.
- 1.5 The scale and form of the tree is such that it is in proportion with the garden and the property at 92 Clifton Hill. It is considered to make a positive contribution to the townscape and to be suitable in its location. In general Clifton Hill has a leafy character and T1 sits well within this context.
- 1.6 The tree has been subject to previous crown reductions, in 2020 the City Council raised no objections to a crown reduction, to previous, most recent reduction points leaving a balanced crown, retaining shortened furnishing growth and at least 50% of fine branch structure. It would be appropriate to manage it by periodic crown reductions in the future and such management would not detract from its amenity value.

1.7 The initial reason given by the applicant for the proposed removal of the London plane was;

- because of clay shrinkage subsidence damage at the neighbouring property of 47 Belgrave Gardens, NW8 0RE, alleged to be caused by roots from the London plane.

1.8 The evidence submitted by the applicant in support of the proposed removal of the London plane T1 consisted of:

- Arboricultural Assessment Report
- Site investigation report
- Level Monitoring details

1.9 The site investigations and laboratory tests show:

- The property foundations are 1100mm below ground level.
- The subsoil is shrinkable clay.
- Roots identified as *Platanus* spp (London plane) were found beneath the depth of the foundations.

1.10 The London plane has significant amenity value and makes a positive contribution to the St John's Wood conservation area. In the absence of a longer period of level monitoring it is not possible to conclude that the movement is caused by tree roots. Furthermore, the applicants have not submitted an engineering appraisal report which should include a detailed assessment of the damage and options and costs of repairs if the tree is removed or retained.

1.11 Should further evidence be provided implicating T1 in subsidence damage to the property then the Council could decide not to confirm the TPO or to grant consent to an application for tree works. However, removal of T1, which has high amenity value, would be premature at this stage.

1.12 The Provisional TPO was subsequently made for the reasons set out above and as more particularly set out in the Arboricultural Officer's report.

Subsequent to making the TPO the City Council received one objection.

## **2 Objection to the Provisional TPO:**

2.1 The City Council's Legal Service received an email and letter dated 11<sup>th</sup> July 2023 from the Owner of 47 Belgrave Gardens objecting to the TPO on the following grounds:

## 2.2 Amenity

- In assessing whether it is in the interests of amenity, a "significant" factor that the local authority should take into effect is the "extent to which the trees or woodlands can be seen by the public" and "the trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public". It is not visible from the road or accessible by the public. It is only visible from a small number of houses on Clifton Hill and Belgrave Gardens and therefore the public visibility that is needed to demonstrate the contribution to the amenity that warrants a TPO does not exist.
- Furthermore, you will note from the relevant Planning Application (number 23/03089/TCA I 1 x London Plane (T1): Fell I 92 Clifton Hill London NW8 0JT) that there were no objections to the removal of T1 and rather, 100% support from the responses in favour of removal of the tree
- Government guidance clearly states that if the tree cannot be seen or is just barely visible from a public place, then a TPO might only be justified in exceptional circumstances - those exceptional circumstances are not satisfied In this case
- Westminster must as a minimum explain the particular importance of an individual tree by reference to its or their characteristics including size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area. There has been no attempt to do this from the correspondence obtained and there are no reasonable grounds that justify Westminster treating this an exceptional situation, for the following reasons:
  - The London plane (T1) is not rare.
  - The tree is not a suitable tree to be growing so close to residential properties
  - The tree is too close to residential buildings and has a negative impact on the properties in the area.
  - The tree is not suited to small urban gardens and there is a general risk of damage to properties in the vicinity of the tree.
  - The tree does not contribute to the landscape or serve to screen any eyesore or any future development.
  - This area of northwest London is served by plenty of trees and green space.

### 2.3 Property Damage

- The Arboricultural Appraisal Report in respect of damage to our property concluded that the tree is the principal cause of the current subsidence damage and recommends that T1 London Plane is removed.
- Westminster is and has been on notice that the expert view is that the T1 is causing subsidence issues at our property and has not addressed this when issuing the TPO.
- Westminster Council will no doubt be aware of cases such as *Burge v South Gloucestershire Council* [2016] UKUT 300 (LC) where the landowner has been entitled to compensation for losses arising from the council's refusal to consent to the felling of a tree by maintaining a TPO. It is a surprise that this has not been addressed or taken into account in the council's thinking.

## 3 **Response to Objection**

3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 25 July 2023. The Officer considered the objection and stated the following conclusions: -

### 3.2 Amenity

- **Visibility, size and form:** The London plane (T1) is located in the rear garden of 92 Clifton Hill. It is a prominent tree, visible from Clifton Hill over and between the houses and is also highly visible from the rear gardens of adjacent properties. It is about 20m tall, with a broad crown. By virtue of its size, form and location, the tree makes a significant contribution to public amenity.
- **Future potential as an amenity and tree condition:** The tree is a mature specimen in good condition. It has a long-life expectancy. The tree has been subject to previous crown reductions. In 2020 the City Council raised no objections to a crown reduction, to previous, most recent reduction points leaving a balanced crown, retaining shortened furnishing growth and at least 50% of fine branch structure. It would be appropriate to manage it by periodic crown reductions in the future and such management would not detract from its amenity value.
- **Rarity, cultural or historic value:** London planes are a relatively common species in Westminster, but London planes are the iconic tree of central London, so enjoy a general cultural value. This tree is not known to have a specific cultural or historic value, but trees are a key component of the

conservation area, and so T1 contributes to this general cultural value.

- Contribution to, and relationship with, the landscape: It is not unusual to find large growing trees within urban gardens in Westminster. The scale and form of the tree is such that it is in proportion with the garden and the property at 92 Clifton Hill. It is considered to make a positive contribution to the townscape and to be suitable in its location, it also provides screening between properties. In general Clifton Hill has a leafy character and T1 sits well within this context.
- The Conservation Area Audit also says, "the existence of mature trees in front and back gardens in St John's Wood is a vital contributor to the arcadian character of the area" and "there are numerous views through open gaps to the sides and rear of buildings towards greenery and trees, often within back gardens".
- The London Plane (T1) is a prominent tree, visible from Clifton Hill over and between the houses and is also highly visible from the rear gardens of adjacent properties. Whilst there are other trees and parks within this part of North London and the borough of Westminster the loss of this tree would cause harm to the character and appearance of this part of the Conservation Area.

### 3.3 Property Damage

- Removal of T1 was proposed on the grounds that the tree roots are causing movement to the foundations of the property at 47 Belgrave Gardens. The following evidence was submitted in support of tree removal:
  - Arboricultural Assessment Report
  - Site investigation report
  - Level Monitoring details
- The Arboricultural Assessment Report. says that "For a more detailed synopsis of the damage please refer to the building surveyor's technical report." However, a building surveyor's or engineering appraisal report (which should include a detailed assessment of the damage and repair options and costs), was not submitted with the application.
- The level monitoring results were from between 30/11/2022 and 13/04/2023. The level monitoring for the parts of the house closest to the London plane (T1) showed some movement of the property; with continuous upward movement at the level station (4) closest to the London plane (T1), and initial upward movement from 30/11/2022 followed by some downward movement

from 06/02/2023 to 13/04/2023 at the level stations (3 and 5) at either corner of the rear of the property. The level monitoring results were insufficient to show seasonal movement.

- In summary, the submitted evidence did not have adequate level monitoring results or an engineering appraisal report, or any estimated costs of repairs, if the tree is removed or retained.
- The Council's Head of Building Control was consulted and advised the soil sample indicates the soil is not desiccated and the building foundation depth is satisfactory.
- Your objection also mentions a general risk of damage to properties in the vicinity, but if there is a general risk it does not necessarily follow the risk is high or foreseeable.
- I also note your reference to case law in relation to claims for damages and trees protected by a Tree Preservation Order. Should you be able to provide evidence to support T1 being the cause of damage to the property or other properties, please submit it, and the City Council will take this into account when considering whether or not to confirm the TPO. In addition, you have the option to submit a TPO application to remove the tree. If you do so and provide the necessary evidence in support of your application, the City Council would be in a better position to consider the merits of the application balanced with the amenity value of the tree, whilst also taking into account the possibility of a claim for compensation.

### 3.4 Public Consultation

- One submission of support had been received to a public consultation on the tree removal, the supporter stated: "The London Plane Tree (T1) casts a shadow over the gardens and plant life across the even numbers of Clifton Hill. My property 88, 86 90 and 92 are all impacted, and sunlight is blocked from this tree." and "If it is also causing subsidence and other damage to the adjacent property at Belgrave Gardens then it should be felled to ground level. This would stop any further damage and also bring back much needed sunlight to the adjacent gardens running down Clifton Hill. I support this application 100%."
- Regarding shade, shading by the tree was not given as a reason for its removal, furthermore, although the tree does cause some shading it is not considered to be of sufficient severity to merit the removal of the tree, and the

effect of shading can be limited by pruning the tree in line with consent previously given by Westminster City Council.

- Regarding subsidence or other damage, should further evidence be provided implicating T1 in subsidence damage to the property then the Council could decide not to confirm the TPO or to grant consent to an application for tree works. No other types of damage to the property have been included in the submitted documents. Removal of T1, which has high amenity value, would be premature at this stage.

### 3.5 Other matters

- The six-week Conservation Area notification for removal was made by your agent, MWA Arboriculture Limited. During the notification period, I asked your agent if there was any further information, such as a building surveyor's technical report, but I was informed that there was no such report.
- Unfortunately, the six-week Conservation Area notification for the removal of the tree meant I did not have time for further consultation with yourself or MWA. If the TPO was not made before the end of the six-week notification period, the tree would have been at risk of removal, and it was considered expedient to make the TPO.

## 4 **Further objection**

4.1 The City Council's Legal Service received a further email from the Owner of 47 Belgrave Gardens on 25 July 2023. The following points were made:

- The content of the letter does not cause me to withdraw the objections that I made in my previous letter.
- In particular, I do not see a clear case for the tree "making a significant contribution to public amenity" and Westminster has not put forward any expert analysis that negates the clear opinion and conclusion of the arborists in their 20 February 2023 report that "*T1 London Plane is the principal cause of the current subsidence damage*" (the damage of which Westminster should note has worsened over the summer months, as expected) - your letter highlights the fact that the monitoring found continuous movement at the monitoring station that is closest to the T1 London Plane.

## 5. **Further objection**



5.1 The City Council's Legal Service received a further email from the Owner of 47 Belgrave Gardens on 23 August 2023. The Email includes a further monitoring review report, prepared by William Hunt Consulting. The Email also stated that the expert report concludes that the movement of our house is consistent with a building suffering from the effects of tree root induced clay shrinkage subsidence.

5.2 The Summary of Findings at page 7 of the report are as follows:

- The pattern of movement recorded at 47 Belgrave Gardens is consistent with a building suffering from the effects of tree root induced clay shrinkage subsidence (TRICCS). Upward movement was recorded commencing September through to November 2021 which is consistent with the increase in precipitation as shown within Figure (iv) on page 6 of the report in July and October 2021. Further upward movement was recorded from August 2022 which is in line with the increase in rainfall commencing in August of that year.
- Downward movement of the property was recorded within the satellite monitoring data from November 2021 to July 2022, due to a reduction in rainfall during the first quarter of 2022 as well as towards the end of 2021.
- Note – The reflection points taken at roof level may suppress the full extent of foundation, although follow the same pattern of movement.

## **6. Response to the further objection**

6.1 On 7 September 2023 the City Council's Arboricultural Officer sent a letter in response to the email of 23 August 2023 and attached Monitoring Review Report. The Officer considered the report and made the following conclusions:

- The recent Monitoring Review Report dated 27th of July is based on satellite monitoring data (which is different to level and crack monitoring) and the findings are inconsistent with the phenology of the trees, for example for tree related subsidence one would not ordinarily expect to see upward movement to the part of the building said to be affected by the trees whilst trees are still in leaf and actively removing water from the soil (upward movement is shown between July and September 2022), or downward movement when the trees are out of leaf (downward movement is shown between November 2021 to March 2022), for tree related subsidence one would expect to see opposite directions of movement at these times of the year.
- Whilst the reports and investigations that have been provided so far show movement to the building, they would not form a valid TPO application, if one

was made. A valid application requires a report by an engineer or surveyor with a description of the damage and crack pattern to the building, and proposals and estimated costs of options to repair the damage, which have not been provided. In addition, the level monitoring data submitted with the 6-week Conservation Area notification was insufficient to show seasonal movement that could be attributed to trees. Whilst you have provided some further information with the satellite monitoring data this would still not be enough to validate a TPO application and does not adequately demonstrate tree related subsidence. Your insurers will be aware of the requirements for information to accompany a tree work application, and I would expect them to submit the necessary information in due course should they wish to pursue the removal of the tree, at which point the Council will be able to make an assessment of the merits of the tree balanced with the reasons put forward for tree work/ removal and with regards to the necessary supporting information.

- Regarding consultations, a public consultation was undertaken during the 6-week Conservation Area notification and the head of Westminster City's building control was also consulted, and as stated in my previous letter I also asked your agent (MWA) if there was any further information, such as a building surveyor's technical report, but I was informed that there was no such report. Unfortunately, the six-week Conservation Area notification for the removal of the tree meant I did not have time for further consultation with yourself or MWA. If the TPO was not made before the end of the six-week notification period, the tree would have been at risk of removal, and it was considered expedient to make the TPO on a provisional basis.

## **7. Further objection**

7.1 The City Council's Legal Service received a further objection Email from the Owner of 47 Belgrave Gardens dated 18 September 2023. The following points were made:

- As a reminder, an LPA is entitled to make a TPO provision where it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. A key factor in demonstrating there is amenity value in a tree is the visibility of that tree and as per government guidance, if a tree cannot be seen or are just barely visible from a public place, a "*TPO might only be justified in exceptional circumstances*". Mr Newman's response on this point was that T1 is a prominent tree, visible from Clifton Hill over and between the houses and is also highly visible from the rear gardens of the adjacent properties and by virtue of this, it makes a significant contribution to the public amenity. In practice:

- a. T1 is only visible from any place along the entire Clifton Hill Road if you look between the properties of 92 and 90 Clifton Hill. It is not otherwise visible from a public place on Clifton Hill.
  - b. T1 is visible from a few of the back gardens of the properties on Clifton Hill but these are not public places
  - c. Therefore, T1 is “*barely visible from a public place*” and the LPA must demonstrate “*exceptional circumstances*” to impose a TPO.
- The other grounds set out in the City Council’s Arboricultural Officer letters are not exceptional circumstances. They are that the tree is mature and in good condition with a long-life expectancy, the tree contributes to the general cultural value (though it cannot be seen) and that it makes a positive contribution to the landscape (again, though it cannot be seen). The 25 July letter also quotes the St John’s Wood Conservation Area Audit, though it should be noted that this document dates from 2008 (i.e. 15 years old) and the St Johns Wood Society has not commented against the removal of the tree (an organisation which is very active in commenting on planning matters when proposals are out of kilter with what fits best with the local community). The tree in question is not suitable to its setting, especially given the damage it is causing to my house.
- The 7 September 2023 letter comments on the Monitoring Review Report and concludes that the movements have not taken place as would be expected at the relevant time of year. The fact that movement is not in the direction always expected is quite easily explained by the total precipitation numbers (mm), also provided in the report. The findings are entirely consistent with tree root induced clay shrinkage when the level of rain fall is also taken into account. This key part of the report is not referenced in the 7 September letter.
- The 7 September letter further states that the reports and investigations would not form a valid TPO application if one was made. This is not the relevant point – the point is that Westminster does not have the necessary grounds to impose a TPO (there is no amenity value) and there is no further “application” being made. However, in an event, the T1 is causing damage to my property which I would assume is taken into account in deciding whether to impose a TPO. I disagree that the evidence does not demonstrate this; the higher than usual summer rainfall explains why the tree-induced movement has not followed the expected pattern at all times.

**8. Response E-mail by the City Council’s Arboricultural Officer**

- 8.1 On 19 September 2023 the City Council's Arboricultural Officer responded to the objector's letter dated 18 September 2023. The Officer confirmed receipt of the letter and also noted that the objector had referenced outdated government guidance (that was cancelled in 2014) from: Tree Preservation Orders: A Guide to the Law and Good Practice, by the Department for Communities and Local Government (2006).
- 8.2 The Officer noted that the current government guidance supersedes this, and does not include the wording that was used (e.g. "TPO might only be justified in exceptional circumstances").

## 9. **Response E-mail from Owner of 47 Belgrave Gardens.**

- 9.1 An E-mail response was received from the Owner of 47 Belgrave Gardens responded dated 23 September 2023. The E-mail noted that the updated government guidance provides the same position which in essence is that:
- Westminster must demonstrate that it is expedient in the interests of amenity to impose the TPO;
  - Westminster must be able to show that protection would bring a reasonable degree of public benefit in the present or future. I cannot see this is the case if T1 is only visible from one location (a narrow gap between two houses) on Clifton Hill, which itself is not a heavily used road by the public. To the extent there has been a response from neighbours, it is in favour of the removal of T1. The reasonable degree threshold is not met;
  - In addition to demonstrating public visibility, Westminster must also demonstrate the particular importance of an individual tree by reference to its characteristics and as per my letter, that threshold is also not met for T1.

## 10. **Conclusion**

- 10.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER

(a) NOT TO CONFIRM Tree Preservation Order No. 697 (2023); OR

(b) TO CONFIRM Tree Preservation Order No. 697 (2023) with or without modification with permanent effect.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ROSS FLETCHER, LEGAL SERVICES (Email [Rfletcher@westminster.gov.uk](mailto:Rfletcher@westminster.gov.uk)) OR GEORGIA HEUDEBOURCK, LEGAL SERVICES (Email [gheudebourck@westminster.gov.uk](mailto:gheudebourck@westminster.gov.uk))

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# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 31st October 2023  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 23/01537/FULL  West End	11 Stanhope Gate London W1K 1AN	Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.	Stanhope Property Ltd
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 23/00935/FULL  Knightsbridge & Belgravia	90 Brompton Road London SW3 1ER	Dual/ alternative use as either an 'interactive museum' (sui generis) or as commercial, business or service premises (Class E) for a temporary 10 year period.	KPHD Ltd
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 23/00721/FULL 23/00722/LBC  Pimlico North	54 Warwick Square London SW1V 2AJ	Extensions at rear first floor level; creation of roof terrace at rear second floor, alterations to existing rear first floor conservatory and internal alterations, all in connection with use of first and second floors as two 1-bedroom residential flats (Class C3).	Mr Guy Chambers
	<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.			

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# Agenda Item 1

Item No.

1

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>11 Stanhope Gate, London, W1K 1AN</b>		
<b>Proposal</b>	Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Stanhope Property Ltd		
<b>Registered Number</b>	23/01537/FULL	<b>Date amended/ completed</b>	17 March 2023
<b>Date Application Received</b>	8 March 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Neighbourhood Plan</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY & KEY CONSIDERATIONS

This application is the latest of several for this building for its gradual conversion from offices to residential use, with a new basement and roof extensions and other alterations. The application is an amalgamation of the previous applications, with the main difference now being the use of the lower ground, ground and first floors from what had been retained office/alternative Class E uses to two additional residential flats (in addition to the four flats already approved for the second to new sixth floors. As before, this application includes the new basement, roof extensions and other alterations previously approved.

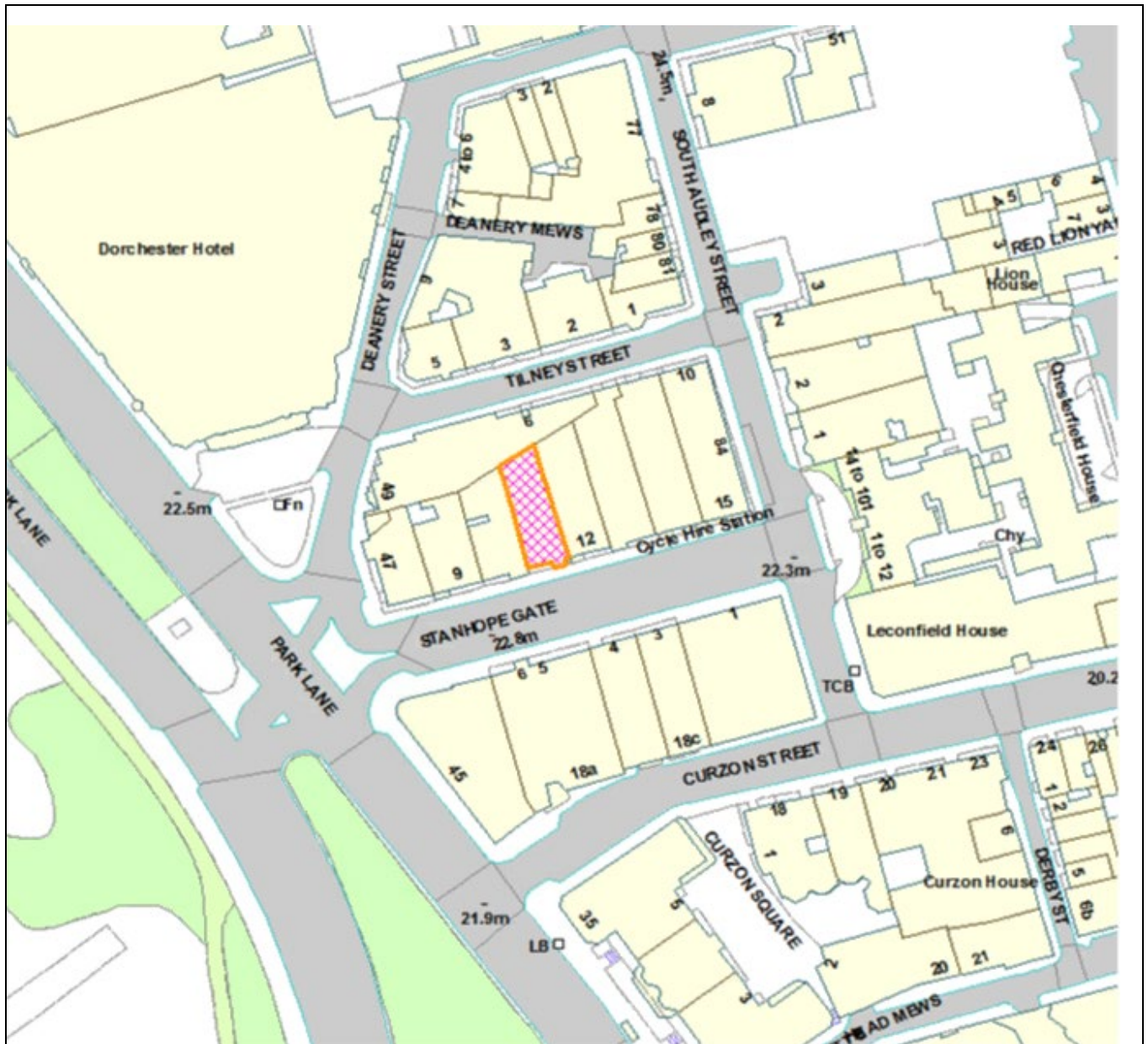
The key considerations in this case are:

- The loss of the office accommodation; and
- The lack of any affordable housing and payment in lieu.

There have been protracted discussions between the applicant and the Health and Safety Executive (HSE) about fire safety arrangements, and following some internal alterations to the layout of the lower floors, the HSE no longer objects to the proposal. There are no other objections.

For the reasons set out in the main report, the loss of office in this location is considered to be acceptable, with Stanhope Gate considered to be primarily in residential use. The application has been subject to a viability assessment by independent consultants on behalf of the Council, who have advised that it is unviable for the proposals to provide any actual affordable housing nor a payment in lieu.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No further assessment or conditions are necessary.

#### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally

#### MAYFAIR NEIGHBOURHOOD FORUM

Any response to be reported verbally

#### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

#### HEALTH AND SAFETY EXECUTIVE

Raised a number of detailed concerns and other comments about the proposed layout; following discussions with the applicant and subsequent revisions, are now content with the proposals.

#### ENVIRONMENTAL SCIENCES

Initial objection on the grounds of air quality, as the application submission was missing an air quality assessment. This has subsequently been provided and Environmental Sciences no longer object, subject to conditions.

#### HIGHWAYS PLANNING

No objection subject to conditions.

#### PROJECTS OFFICER (WASTE)

No objection subject to condition securing the storage for waste and recyclables.

#### BUILDING CONTROL

No objections.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48; Total No. of replies: 0

PRESS NOTICE/ SITE NOTICE: Yes

### 5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application.

However, the Early Community Engagement guidance only expects such engagement to

take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The application building comprises lower ground, ground and five upper floors with roof level plant above. Until relatively recently it was used solely for office purposes (Class E), though it was only partially occupied, despite attempts for several years to market the vacant accommodation. Originally it would have been a residential townhouse. It is

located on the north side of Stanhope Gate, between Park Lane and South Audley Street. The building is not listed but it is within the Mayfair Conservation Area, the Great Estates Area of Archaeological Priority and the Central Activities Zone. It is also within West Mayfair as designated in the Mayfair neighbourhood Plan ("as a location which is predominately residential").

## 7.2 Recent Relevant History

1<sup>st</sup> August 2023 (23/00926/FULL) – planning permission granted for “Variation of condition 1 of planning permission dated 20<sup>th</sup> October 2021 (RN:21/06916/FULL) which in itself varies Condition 4 of planning permission dated 20 April 2021 (RN: 20/07835/FULL) for, 'Excavation of new basement level to provide shared ancillary storage for the residential and the Class E (commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear'; to vary the wording of Condition 4 to afford greater flexibility in the uses that the lower ground, ground floor, first floor and non-residential parts of the basement can be used for under Class E of the Use Classes Order (to allow use for financial/professional services and for health/medical services, as well as offices). (S73 Application). NAMELY, to allow minor internal and external alterations to the consented scheme resultant of continued design evolution and alterations which have become necessary in order to comply with updated Building Regulations and Fire Regulation requirements. (S73 Application)”

12<sup>th</sup> January 2022 (21/07567/FULL) – permission granted for “Variation of Condition 1 of planning permission dated 21 April 2021 (RN: 20/07835/FULL) for, 'Excavation of new basement level to provide shared ancillary storage for the residential and the Class E (commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear'; NAMELY, to allow amendments to the access to the Class E space via lower ground floor level, with disabled access provided via ground floor level; internal reconfiguration allowing for lifts to open directly into residential units; additional roof level sky lights, with a reduction in size of approved sky lights; installation of an external drain pipe to the rear elevation. (Application under Section 73 of the Act).

14<sup>th</sup> December 2021 (21/06916/FULL) – permission granted for “Variation of Condition 4 of planning permission dated 20 April 2021 (RN: 20/07835/FULL) for, 'Excavation of new basement level to provide shared ancillary storage for the residential and the Class E

(commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear'; NAMELY, to vary the wording of Condition 4 to afford greater flexibility in the uses that the lower ground, ground floor, first floor and non-residential parts of the basement can be used for under Class E of the Use Classes Order (to allow use for financial/professional services and for health/medical services, as well as offices). (S73 Application).” [This allowed potential use of the lower floors for financial/professional services and the provision of medical/health services, subject to conditions.]

21<sup>st</sup> April 2021 (20/07835/FULL) – permission granted for “Excavation of new basement level to provide shared ancillary storage for the residential and the Class E (commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear.”

This permission has been implemented and works are well underway on site.

24<sup>th</sup> October 1996 (965426) – permission granted for “External alterations including erection of rear extensions at ground to fifth floor levels for additional Class B1 offices and rebuilding/extension of roof level plant enclosure.”

3<sup>rd</sup> September 1991 (912999) – permission granted for “Installation of new chiller unit and 200 gallon water tank on the roof.”

## 8. THE PROPOSAL

This application is effectively an amalgamation of several recent permissions (see above), with the main difference being that the applicant now wishes to convert the commercial use on the lower ground, ground and first floors to additional residential accommodation. The main works include the following:

Permission is sought for:

- a new basement to provide ancillary storage, originally for both the commercial and residential accommodation on the upper floors but now solely for the residential accommodation. Following minor revisions at the request of the HSE, the area originally cycle storage is now proposed for refuse storage, along with mechanical



- plant.
- the lower ground floor contains the lower part of a maisonette linked to the ground floor, a small fitness centre for the residents and cycle storage in the front vaults (where the refuse storage was originally proposed). One of the changes requested by the HSE was the removal of a sauna room as part of the fitness centre, which has been done.
  - the ground floor provides the main entrance to the building, with a residential lobby leading to the staircase, a separate reception area (for a concierge) and the upper part of the 2-bedroom maisonette which extends to the lower ground floor.
  - the first, second, third and fourth floors each contain a 2-bedroom flat;
  - the fifth and new sixth floors contain a 4-bedroom maisonette;
  - from second to fifth floor, the proposals are for the change of use of the existing.
  - A minor extension at fourth floor rearwards is also proposed with a replacement fifth floor level with minor rear extension, and a small balcony at front fifth floor level;
  - other minor alterations to the rear fenestration;

The above proposals (apart from the residential use on the lower ground, ground and first floors) were largely part of the permission granted in April 2021. The current scheme also incorporates the following changes that were approved in August 2023

- Provision of an additional rainwater pipe to the rear façade of the building. New rainwater pipework will be provided running within the building which shall connect to the combined drainage system at basement level;
- Alterations to the consented basement excavation to raise the formation level by 350mm (resulting in less excavation);
- Provision of a generator as a secondary source of power as required by building regulations Approved Document 2010 Part B and guidance, to be mounted at roof level and screened from view with an acoustic enclosure behind a screen.
- Provision of a smoke extract fan mounted at roof level, connected to a smoke extract shaft, to be screened from view behind a smoke fan shroud.
- Internal alterations to incorporate a firefighting lift, corridor smoke extract system and sprinklers.

The changes in the office and residential uses in the building are summarised in the table below.

**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Approved (GIA) (sqm)	Proposed GIA (sqm)
Offices	1,274	644	0
Residential	0	915	1,563
Total	1,274	1,559	1,563

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Loss of offices

When permission was first granted in April 2021 to convert the second to fifth floors from office to residential, the applicant advised at the time that the floors have been let on an individual basis, with only the first, third, fourth and fifth in active use over the last 30 months, totalling 646.2 sqm of "active" office accommodation. The remaining floors, lower ground, ground and second floor levels had been vacant but extensively marketed for a period of 30 months by a local agent since May 2018. The proposals involved the re-provision of the "active" office floorspace at lower ground, ground and first floors whilst changing the use of the "vacant" floorspace to residential at second to fifth floors (and new sixth floor) to provide a mixed-use building.

At the time of that decision, the new City Plan was due to be adopted imminently and carried significant weight as a material consideration but the proposals also needed to be considered against the Saved Unitary Development Plan policies and the City Plan November 2016. The policy presumption at the time was to protect what had been Class B1 offices, although this position had been compromised by the introduction of Class E (putting offices in the same use category as a number of other commercial uses)

The London Plan Policy E1 supports the redevelopment, intensification and change of use of surplus office space to other uses including housing, provided that the scope for the re-use of otherwise surplus large office spaces for smaller office units and/or lower cost and affordable workspace has been explored. Surplus office space includes sites and/or premises where there is no reasonable prospect of these being used for business purposes.

Policy 13. D. 1 of the City Plan 2019-2040 Adopted April 2021 states that the loss of office floorspace to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use. The Policy is clear that to comply, both objectives must be met. The City Plan does not have a definition of "predominantly residential" but the Glossary defines a predominantly commercial neighbourhood as: "*Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity.*"

Within the Mayfair Neighbourhood Plan, the site is located within the West Mayfair designation, considered to be predominately residential. Policy MC2 states that "the loss of office floorspace to residential in Central and East Mayfair will be resisted..." - i.e., no protection is offered to offices in West Mayfair. Policy MRU2.1 (Residential Use in Mayfair) states that Proposals for development in Mayfair should respond positively to the character and quality of the particular characteristics of the immediate vicinity of the development site, including having regard to whether the site is in West, Central or East Mayfair, and the particular residential communities which exist in all those areas." Policy MRU2.2 states that "Development will be supported which provides for a mix of residential unit size which are in keeping with the scale, character and context of Mayfair." It is therefore considered that there is a lack of explicit policy protection within

the Mayfair Neighbourhood Plan to office floorspace within this part of Mayfair.

The provision of mixed use floorspace is supported in Mayfair, with policy MSG2 stating that mixed-use (which policy MSG states will generally include residential and commercial floorspace) and residential growth will be supported in West Mayfair (where the site is located). The Mayfair Neighbourhood Plan shows that the West and Central areas of Mayfair are now predominantly residential at upper floor levels.

The original use of the building was residential and therefore the proposal complies with this part of the policy. With regard to the residential character of the area, as stated above, the site is located in West Mayfair, which is considered in the Mayfair Neighbourhood Plan to be predominantly residential. Stanhope Gate itself does contain a number of properties with residential accommodation in them, along with other residential properties in Tilney Street to the north and a large block of flats at the eastern end of the street in Chesterfield House. Information based on planning and Council Tax records indicates the following residential accommodation in the vicinity:

- 3 Stanhope Gate - 5 flats on the upper floors, with commercial use on the basement, ground and first floors;
- 4-6 Stanhope Gate - 22 flats, including the ground floor;
- 10 Stanhope Gate - a single dwelling house;
- 12 Stanhope Gate – mixed use, including 2 flats;
- 13 Stanhope Gate – mixed use, including 2 flats and a large, shared office/residential lobby on the ground floor;
- 14-15 Stanhope Gate – mixed use including 4 flats ;
- 1 Tilney Street – a single house
- 2 Tilney Street - 5 flats, including ground floor;
- 5 Tilney Street – mixed use, including one flat;
- 6/7 Tilney Street – 3 flats, including ground floor;
- 8 Tilney Street – mixed office and residential (3 flats)
- 2 South Audley Street - a single dwelling house;
- Chesterfield House, South Audley Street [opposite the east end of Stanhope Gate) - 30 flats, including the ground floor.

This means that in Stanhope Gate, nearly all the properties contain some residential, including parts of the ground floor frontage, especially on the south side of the street, and the single dwelling house next door to the application site.

These considerations were taken into account in originally permitting the change of use for the mixed use proposal in April 2021 and are considered to be equally valid for the current proposals. It should also be noted that the December 2021 permission did allow the approved office accommodation to be used for financial/professional services and for health/medical services, as well as offices. This was partly on the basis that the existing office accommodation, which by then fell within Class E, could be used for any other use within Class E.

#### Residential Accommodation

The proposed accommodation will comprise six flats, of which five will be 2-bedroom

and one will be 3-bedroom. The basement and lower ground floor 2-bedroom maisonette is 191 sqm; the four flats at 1<sup>st</sup> – 4<sup>th</sup> floors (one flat per floor) are all 2-bedroom measuring 152/159 sqm; the 3-bedroom maisonette at 5<sup>th</sup> – 6<sup>th</sup> floor levels is 220 sqm.

The proposed increase in residential floorspace is considered to be compliant with Policy 8 of the City Plan 2019-2040 (April 2021) in principle as this seeks to increase residential floorspace in Westminster, including by optimising site densities and delivering a higher number of homes on small sites. Policy 8.B. states that No new homes in Westminster will exceed 200 sq m Gross Internal Area (GIA), except where it is necessary to protect a heritage asset. The maisonette on the top two floors does exceed this size restriction by 20 sqm, however this was approved prior to the adoption of the current City Plan and it is the only unit that is family-sized, which in itself is welcome.

Policy 10A requires residential development to provide a mix of units in terms of size, type and tenure to secure mixed and inclusive communities and to contribute to towards meeting Westminster's housing needs for different groups. Policy 10B normally requires 25% of all new homes to be family sized. Where two bedroom units are provided, the majority should be large enough to accommodate two double bedrooms. However, the supporting text (paragraph 10.6) states that while individual proposals should seek to achieve the strategic target for the provision of 25% family housing, there may be circumstances where it is not appropriate or practical to provide larger units due to a site's small size or other practical issues. In these circumstances, proposals will be assessed on an individual basis.

As stated above, there is only one family-sized unit (16.7%). However, the configuration of the building means that the floor plates are long and narrow, with no internal lightwells, so that natural light is restricted to the front and rear. It is considered that what is proposed is the maximum achievable, given the physical constraints of the building.

Policy 12 Part A of the City Plan seeks to ensure that all new homes provide a well-designed and high-quality living environment, both internally and externally. The units proposed are all dual aspect. Policy 12 Part C of the City Plan states that "All new homes will meet or exceed the Nationally Described Space Standards..." The proposed units will all exceed the minimum space standards set out in The London Plan/The Nationally Described Space Standards for the unit types (maximum 79 sqm for a 2-bedroom unit).

Policy 12 Part D seeks the provision of external amenity space for all new-build homes, at least five sqm of private external amenity space for each dwelling. Where dwellings accommodate 3 or more people, an additional 1sqm of amenity space is required for each additional person. The lower and upper floor maisonettes both have small external amenity spaces in compliance with this policy. The remaining units do not have any external amenity space. However, Part E of the policy states "Where it is sufficiently demonstrated that it is not practicable or appropriate to provide any type of external amenity space, additional internal living space equivalent to the external requirement set out in clause D will be required." This is achieved by the larger size of the units.

#### Affordable housing

London Plan Policies H4 and H5 of seek to maximise the delivery of affordable housing,

with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H5 identifies a minimum threshold of 35% of the gross residential development affordable housing (by habitable room). City Plan Policy 1(A)(2) states that at least 35% of the new homes delivered during the plan period will be affordable. To this end, City Plan Policy 9(B) states that larger residential developments should provide a minimum of 35% of the total residential units as affordable housing, with Para. 9.3 making it clear that this is to be calculated by total gross residential development, measured by gross internal area. The thresholds for affordable housing provision are site areas of 0.5 hectares or more, ten or more residential units, or 1,000 sq m or more residential floorspace (for sale or rent).

The policy goes on to state that In exceptional cases, affordable housing provision can be made off-site (in whole or in part) in the vicinity of the host development. This will only be accepted where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate in terms of the quantity or quality of affordable housing to be provided. A payment in lieu to the council's Affordable Housing Fund may be accepted only as a last resort if it is demonstrated to the council's satisfaction that no sites are available for off-site provision.

The mixed use scheme approved in April 2021 did not trigger a requirement for affordable housing, as the amount of residential (915 sqm) fell below the threshold. However, the current proposal for complete use of the building as residential floorspace would increase that figure to 1,563.7 sqm, 35% of which would be 547.3 sqm.

The applicant has argued that given the limited number of dwellings that are proposed and the constraints imposed by repurposing an historic building for residential use again, the provision of affordable housing on site, if viable, is not considered to be a plausible situation or appropriate in this particular case. The applicant does not own any other properties within the vicinity of the site or elsewhere within the City. If affordable housing contribution can be sustained by the scheme, the applicant then considers that a payment-in-lieu would be the most appropriate mechanism of delivery in this particular case. Based on the Council's 'Draft Planning Obligations and Affordable Housing SPD July 2023', a payment in lieu would amount to £8,758,400.

However, the application is supported by a full Financial Viability Assessment which assesses the proposed development against the benchmark. This assessment indicates that the proposals would be at a deficit due to high development costs associated with such development and the property's standing investment value. As a result, the applicant contends that the provision of affordable housing cannot be sustained.

The Financial Viability Assessment has been assessed by an independent consultant acting on behalf of the Council, who agrees that the development could not support any on-site affordable housing. Given this advice, whilst regrettable, it is considered that there are no planning grounds to resist the proposal on this matter.

## 9.2 Environment & Sustainability

The application is supported by a Sustainable Design Statement which outlines how the proposals comply with these sustainable design principles. Due to the nature of development the vast majority of the building structure is retained and wastage is

significantly reduced. Sustainable energy efficiency measures have been incorporated within the design as appropriate, including through double glazed windows and water efficiency measures.

### **Air Quality**

The site is within an Air Quality Focus Area. Although an Air Quality Assessment was originally missing from the application submission, this was subsequently provided and has been assessed by Environmental Sciences. The officer advises that he has no objections to the proposal from an Air Quality perspective based on the fact that:

- the development is car free,
- the existing heating system is proposed to be used, rather than '*new heating combustion sources introduced on to the site*'
- Air Quality matters such as Non-Road Mobile Machinery and best practice during development/construction would be required as the development qualifies for the Councils Code of Construction Practice condition to be imposed.

### **Land Contamination**

As part of the supporting information the applicant has provided Desk Study & Ground Investigation Report. This indicates no significant levels of contamination and outlines measures for basic radon protection. For details of land contamination were required by a condition in the April 2021 permission. That condition was subsequently partially discharged and the current submission takes account of what has already been approved. Environmental Sciences therefore advise that based on the submitted report the contaminated land should be included in the current draft permission, however they would accept that the report is sufficient to address phase 1 (desk study) and phase 2 (site investigation).

### **9.3 Biodiversity & Greening**

The physical constraints of the building, including the limited size of the roof (occupied by mechanical plant, an access hatch and skylights) mean that the provision of biodiversity or greening is considered to be impractical in this case (and has not been secured on the previous approvals for the external works).

### **9.4 Townscape, Design & Heritage Impact**

#### **Legislative & Policy Context**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 66 of the LBCA Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### Considerations

11 Stanhope Gate is an unlisted building in the Mayfair Conservation Area to which it makes a positive contribution. It is part of a row of buildings of mixed origins, some of which are listed. The appearance created is generally one of eighteenth century derivation (the gothic revival bank being an exception). While the street facades are mostly attractive, the roofscape has been subject to many alterations. Consequently, it lacks cohesion and is architecturally rather poor on the eastern half of the street. In this context the proposed roof alterations are neutral in design and heritage asset terms. At the rear, the façade is similarly neutral as proposed, and the proposed basement has no impact on any public views. Subject, to conditions, the proposed alterations area acceptable in design and heritage asset terms.

The application incorporate changes to the roof that were approved in August 2023, namely minor amendments to the approved design such as the addition of rainwater pipes, a smoke extract fan, and an emergency generator at roof level within a screened enclosure. These changes are again considered to be neutral in design and heritage asset terms.

### Basement Excavation

The excavation of a sub-basement was at the time of the original approval in line with the council's basements supplementary planning guidance and was there considered to be acceptable. As that permission has been implemented this is not considered to be an issue for reconsideration.

Building Control has advised that the structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on water table has been found to be negligible. The basement is to be constructed using Secant piles retaining walls with 200mm thick RC liner wall and 500mm thick RC basement slab which are considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

### Fire Safety

The Health and Safety Executive (HSE) became a statutory consultee with regard to fire safety matters at the planning stage for schemes involving a relevant high-rise residential building in August 2021. They were not therefore involved in the permission for residential use on the upper floors of the building that was granted in April 2021. However, they are a statutory consultee for the current application and raised a number of detailed concerns about fire safety that are set out in the background papers.

The applicant has been in detailed discussion with the HSE and their concerns have now been overcome.

### **Archaeology**

The site is in an area of archaeological priority (the Great Estates), but Historic England has confirmed that an archaeological desk top assessment of the site is not required.

## **9.5 Residential Amenity**

Policy 7 of the City Plan requires that development is neighbourly and *'protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.'* Para 7.3 elaborates and states that *'negative effects on amenity should be minimised as they can impact on quality of life. Provision of good indoor daylight and sunlight levels is important for health and well-being and to decrease energy consumption through reduced need for artificial heating and lighting.'* Policy 33 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

### Daylight and Sunlight

A Daylight and Sunlight Assessment has been submitted in support of the application which assesses the impact of the development on a number of nearby residential properties.

This concludes that there is very little or no adverse impacts on the neighbouring properties. The rear of the site backs on to the rear flank elevation of 49 Park Lane/6 Tilney Street, an exceptionally elongated single property that extends along the rear of 9-13 Stanhope Gate and dominates the rear of these north facing facades. The proposed building will largely retain the footprint of the existing building at lower levels, therefore the impact on 10 Stanhope Gate is limited. There is a slight extension to the mansard proposed at fourth floor level, and then the completed replacement of the fifth floor mansard and new set back sixth floor level. The modest extension at fourth floor level, and the upper floors proposed, will mostly sit alongside the existing lift shaft to the rear of No. 10 and therefore there are no windows that would be impacted. There is one window at fifth floor level of 12 Stanhope Gate that does have a reduction in VSC of 58%. However, this is one of four windows serving a bedroom and the high percentage loss is due to the very low existing VSC figure (1.9%, reduced to 0.8%); the other two



main windows to the bedroom have much smaller losses and retain VSCs of 18.1% and 19.4% (the fourth window being another secondary window, on the far side away from the application site). The daylight and sunlight report confirms that all windows with a requirement for daylight pass the Vertical Sky Component test, whilst all rooms with a requirement for daylight pass the daylight distribution test post development. In addition, the proposed development satisfies the BRE direct sunlight to windows requirement.

### Privacy

At fifth floor level there is a small terrace at the front of the property, approximately 19.5m across Stanhope Gate from the properties opposite the site at 4-6 Stanhope Gate (a wholly residential scheme, which also has roof terraces). The proposed terrace at fifth floor level at No. 11 has been set back from the principal elevation and it is not considered that it will result in any meaningful overlooking into the habitable room windows at 4-6 Stanhope Gate. The proposed terrace is also set further back from the existing residential windows located at 12 Stanhope Gate (effectively shielded by the flank wall of No. 12), and slightly above the top storey windows of 10 Stanhope Gate. It is not considered that the proposed terrace will result in any unacceptable overlooking of the adjoining properties. Given the small scale and domestic nature of the 5th floor terrace, it is not considered that it is likely to result in unacceptable disturbance to the neighbouring occupiers nor necessary to condition the hours of use.

There is a small terrace at rear ground floor level for the use of the lower ground and ground floor maisonette, but this is at the bottom of the rear lightwell and will not give rise to any loss of amenity.

### Plant

Mechanical plant is proposed at rear basement level (with a vent) and at roof level. Environmental Health have assessed the proposals and accompanying noise report and raise no objection subject to standard conditions. They also recommended conditions to ensure adequate measures to protect internal sound levels.

## **9.6 Transportation, Accessibility & Servicing**

### Highway Impact

The site is located approximately 0.3 miles north-east of Hyde Park Corner London Underground station, whilst Green Park London Underground station, located 0.4 miles to the south-east. Marble Arch and Bond Street stations are also within walking distance. A number of bus routes operate within the vicinity of the site, accessed most locally from stops on Park Lane. The site is therefore highly accessible by public transport, which is confirmed by the sites Public Transport Access Level (PTAL) classification of 6b, which is the highest level available. The Highways Planning Manager and Waste Project Manager have assessed the application and provided comment on the following aspects.

### Servicing and Waste & Recycling Storage

The largest regular service vehicle expected for this development is the refuse collection

vehicle. Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to Policy 25. It also has an adverse impact on the public realm. The Waste Project Manager notes that a waste storage area is shown on the proposed plans, which is acceptable, and has requested that this is secured by condition.

The impact on the highways network for any other servicing requirements associated with a wholly residential scheme are likely to be limited.

#### Cycling & Cycle Storage

Long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weatherproof. London Plan Policy T5 requires 2 spaces per 2+ bedroom unit. 12 long stay cycle parking spaces would be required and an area within the front vaults at lower ground floor level are proposed (having been relocated from the basement at the request of HSE as part of a swop with the refuse store). The provision is welcome in principle but details of the actual design/layout are absent and a condition requires more details to be submitted.

#### Parking

Policy 27 supports residential development without car parking provision. However, the Highways Planning Manager notes that increased residential units in the area will increase demand for on-street spaces.

The Highways Planning Manager requests that, if permission is granted, that Lifetime Car Club Membership for all residential units should be secured to minimise the impact of the proposed development and reduce car ownership of future occupiers. This was secured as part of the original proposal and a similar condition is attached to the current application.

### **9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

### **9.8 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## 9.9 Planning Obligations & Pre-Commencement Conditions

On the basis that the scheme has been assessed as being unviable in terms of affordable housing provision (discussed above), planning obligations are not relevant in the determination of this application.

The planning agent estimates the CIL payment total to be £233,866.08, based on current day indexation figures and that the existing floorspace can be discounted given that it has been occupied for its lawful use for 6 continuous months out of the past 36 months. This is broken down by a Westminster CIL liability of £208,218.63 and an MCIL liability of £24,647.45.

Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by the Council's CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

## 10. Conclusion

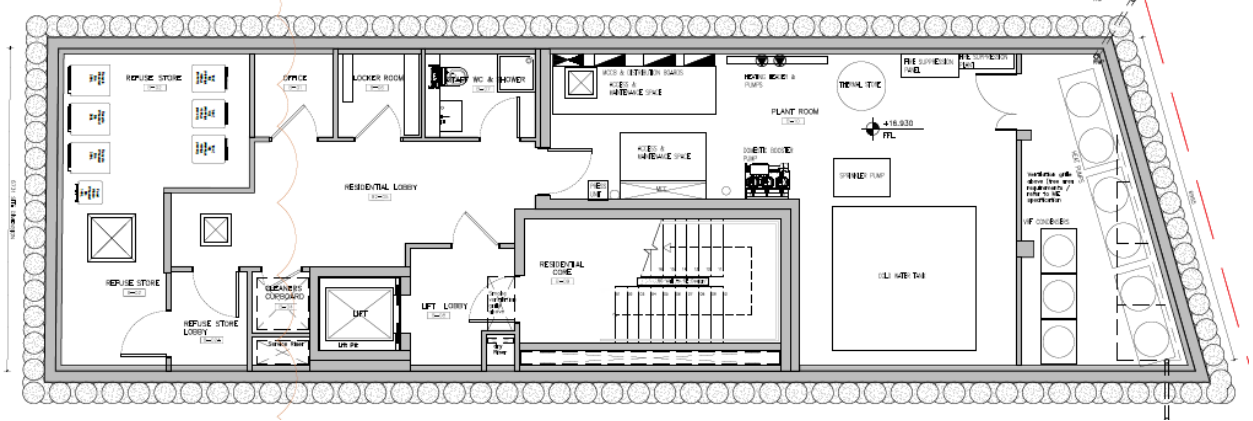
Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

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

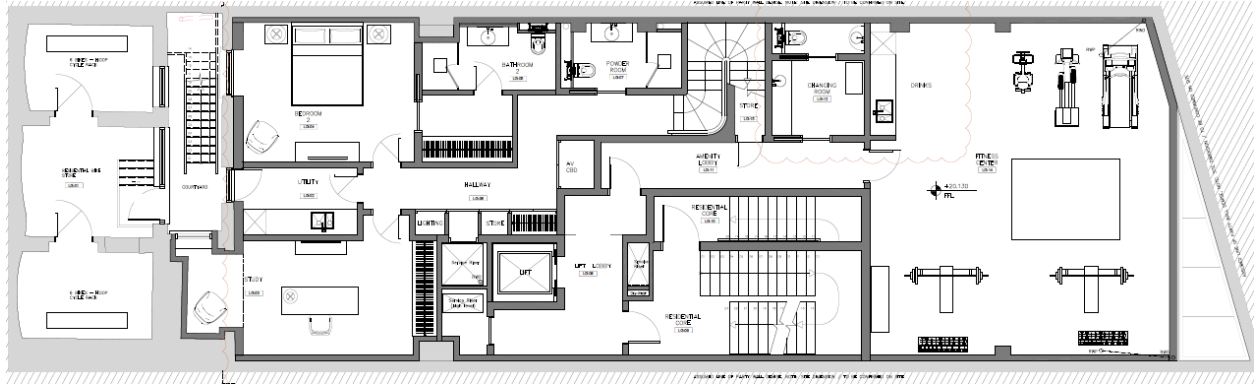
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

11. KEY DRAWINGS

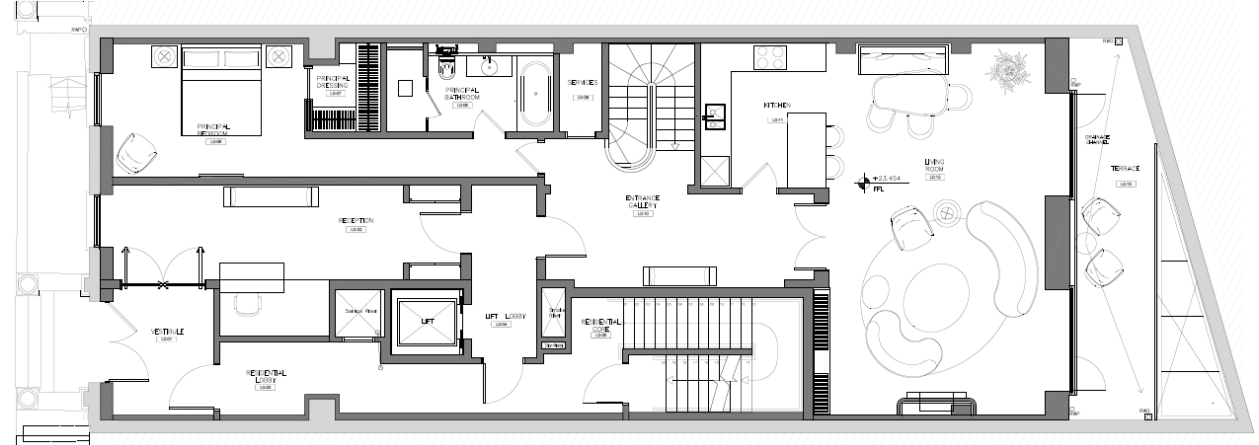
PROPOSED BASEMENT



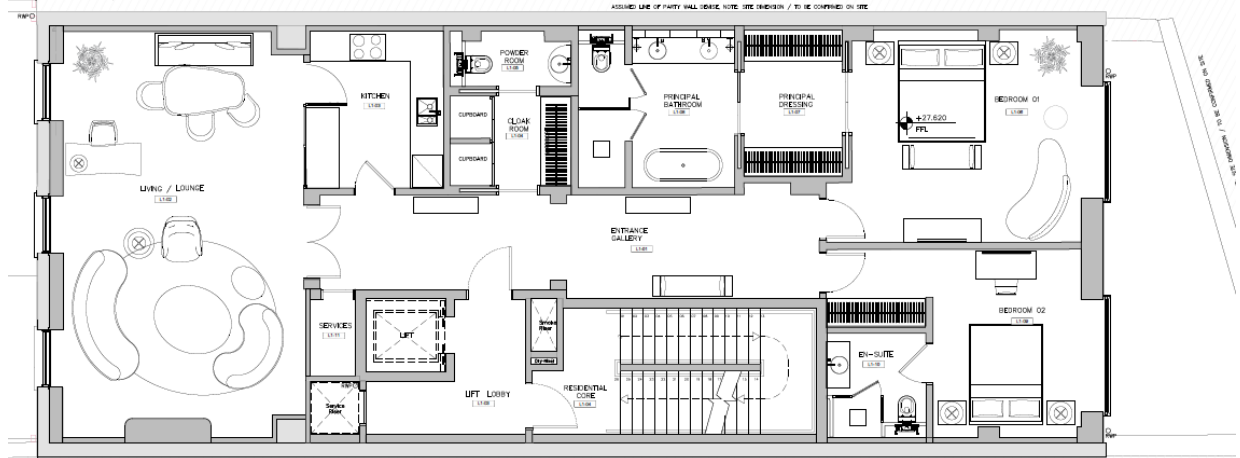
PROPOSED OVER GROUND FLOOR



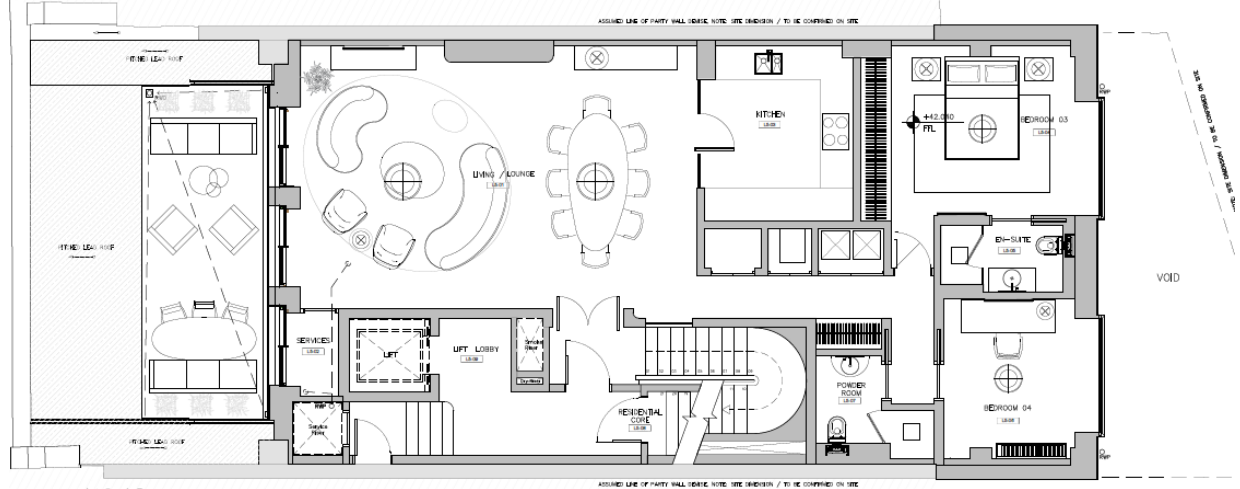
PROPOSED GROUND FLOOR



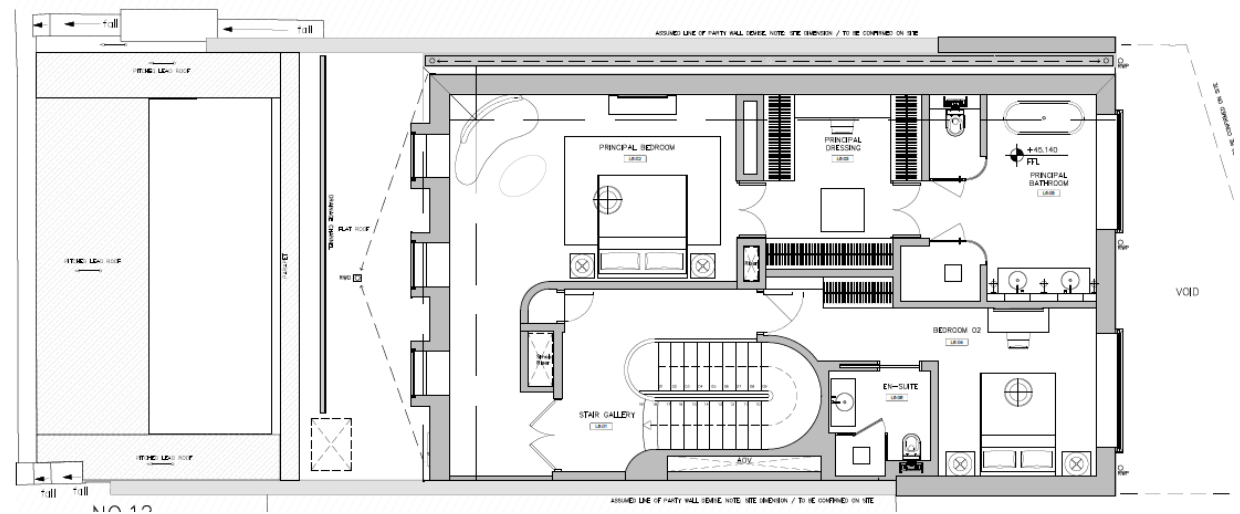
### PROPOSED TYPICAL UPPER FLOOR (1<sup>ST</sup> – 4<sup>TH</sup>)



### NO 12 PROPOSED 5<sup>TH</sup> FLOOR



### PROPOSED 6<sup>TH</sup> FLOOR



EXISTING

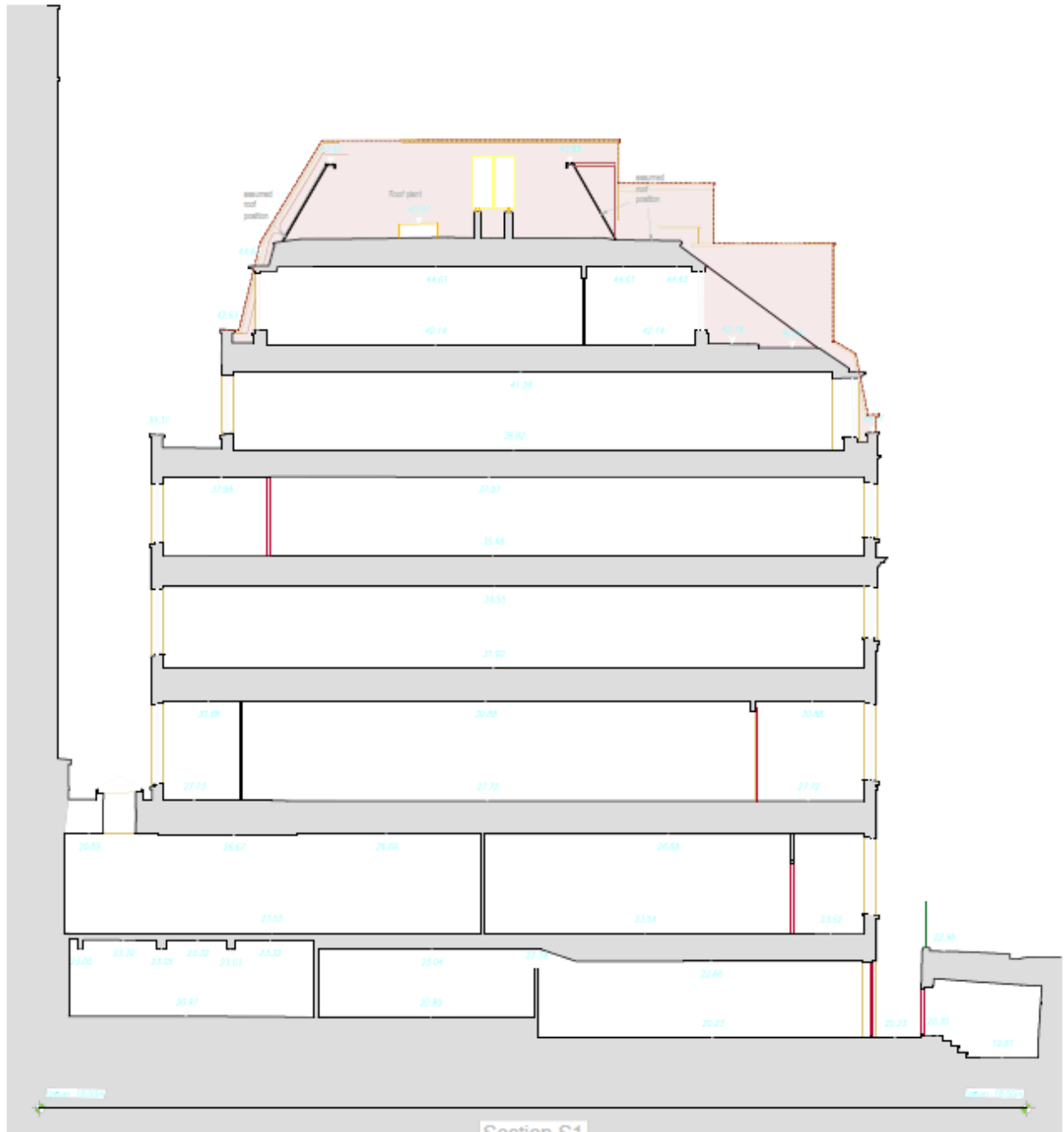
AND PROPOSED FRONT ELEVATION



**EXISTING AND PROPOSED REAR ELEVATION**

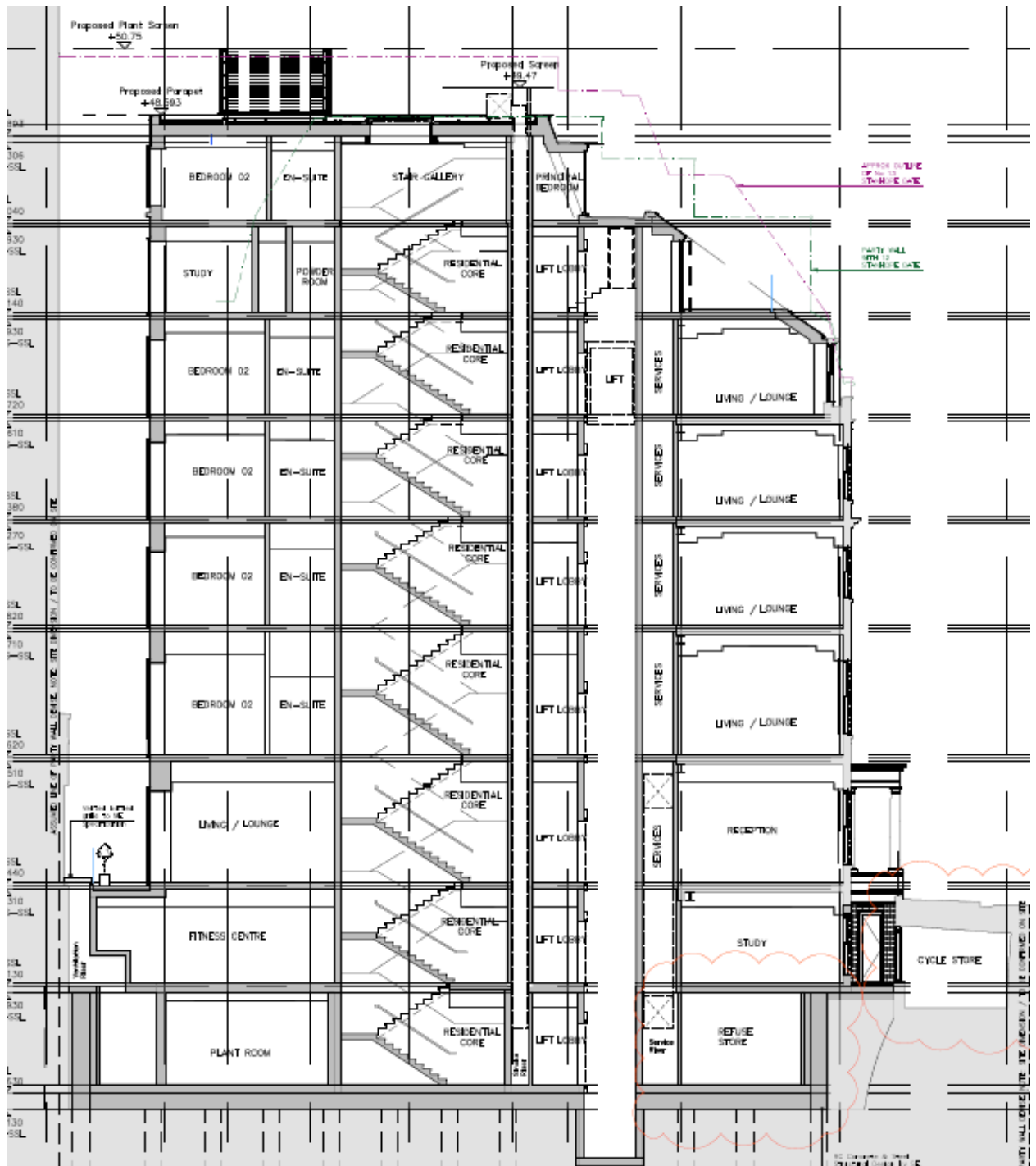


EXISTING SECTION -





### PROPOSED SECTION



**DRAFT DECISION LETTER**

**Address:** 11 Stanhope Gate, London, W1K 1AN

**Proposal:** Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.

**Reference:** 23/01537/FULL

**Plan Nos:** A-GA-099 REV P03 (PROPOSED BASEMENT FLOOR LEVEL),  
A-GA-099 REV P03 (PROPOSED LOWER GROUND FLOOR LEVEL),  
A-GA-100 REV P01, A-GA-101 REV P01, A-GA-102 REV P01,  
A-GA-103 REV P01, A-GA-104 REV P01, A-GA-105 REV P01,  
A-GA-106 REV P01, A-GA-107 REV P01, A-GA-108 REV P01,  
A-GA-109 REV P01, 942-GA-110 REV P02 and 942-GA-110 REV P03;  
Desk Study & Ground Investigation Report from GEA reference J21347 revision 6 dated 22nd February 2023.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 07866 039895

**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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 Within 21 days of this permission, you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction not previously agreed under the provisions of earlier planning decisions cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 The fitness center at lower ground floor level shall only be used by residents of the building and their guests.

Reason:

To protect the living conditions of people who may use the property in future as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13DD)

- 5 The three bedroom residential unit shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

- 6 You must provide the waste store shown on drawing A-GA-099 REV P03 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 and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 7 You must apply to us for approval of details of secure cycle storage within the front vaults at lower ground floor level shown on drawing A-GA-099 REV P03 for the residential use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the residential flats You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 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 8 of this permission. You must not operate the plant (apart from testing it in order to meet the requirements of this condition) nor occupy the building until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 11 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental

## Supplementary Planning Document (February 2022). (R49AB)

- 12 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

## Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 13 You must carry out the development in accordance with the details in the Desk Study & Ground Investigation Report from GEA reference J21347 revision 6 dated 22nd February 2023. You must apply to us and receive our written approval for phase 3 before any further demolition or excavation work is carried out, and for phase 4 when the development has been completed but before it is occupied., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution. With reference to the discovered asbestos, any future submissions to address phase 3 (remediation) should provide: , o A risk assessment specific to the project - what is the nature of the asbestos, what are the exposure pathways, and who is potentially at risk?, o Is the work classed as licensed work or non-licensed work?, o Does the Health & Safety Executive need to be notified of the work?, o If not, confirmation of this., o What is the personal protective equipment (PPE) and respiratory protective equipment (RPE) requirements?, o What type of training do operatives require?, o What control measures need to be considered during earthworks? This may include damping down, material handling, stockpiling, soil sentencing, etc., o Decontamination of operatives and site plant., o What are the waste disposal options?, o Does the site require reassurance air monitoring? This may take place close to the work activities, or at the site boundary to ensure that neighbours aren't impacted., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. In particular it must include: , , o Confirmation that the installed basement water proofing is compliant with BRE guidance with regard to Radon;, , o The asbestos contamination on site has been removed and there are no areas of soft landscaping;, , o Details of the watching brief and if contamination was discovered, details of the contamination, testing details and confirmation of the remediation, where required.

## Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 14 You must not occupy any part of the building until we have approved in writing appropriate arrangements to secure the following: , , - Arrangements to mitigate the impact of the development on on-street parking demand in the area., , In the case of each of the above benefits, 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. (C19AB)

## Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in Policy 24 and Policy 27 of the City Plan 2019 - 2040 (April 2021). (R19AD)

- 15 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 16 No development should occur between the highway (footway) surface and a depth of 900mm.

## Reason:

To ensure sufficient space remains for highway infrastructure and utilities and in accordance with Policy 45 of the City Plan 2019 - 2040 (April 2021).

- 17 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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 18 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

## 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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 19 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

**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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

**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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Under condition 14 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure lifetime car club membership for future occupiers of the four new residential units. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://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. The legal agreement should clarify the following:
  - a) Confirmation of approval of the particular car club which is to be a Carplus/CoMoUK accredited club;
  - b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of:
    1. the existence of the car club
    2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee;
    3. details of how to become a member of the car club; and
    4. in the event that



a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years] , b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents. , c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development. , d) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club., e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club., (f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 5 Under the Construction (Design and Management) Regulations 2015, 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](http://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.

- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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 2

Item No.

2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Knightsbridge & Belgravia	
<b>Subject of Report</b>	<b>90 Brompton Road, London, SW3 1ER,</b>		
<b>Proposal</b>	Dual/alternative use as either an 'interactive museum' (sui generis) or as commercial, business or service premises (Class E) for a temporary 10 year period.		
<b>Agent</b>	Mr Jason Leech		
<b>On behalf of</b>	KPHD Ltd		
<b>Registered Number</b>	23/00935/FULL	<b>Date amended/ completed</b>	13 February 2023
<b>Date Application Received</b>	13 February 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	None.		
<b>Neighbourhood Plan</b>	Knightsbridge Neighbourhood Plan		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

90 Brompton Road is a vacant Class E unit, most recently used for retail purposes, within a prominent building (Princes Court) in the Knightsbridge International Centre. It forms the first-floor of the building, with a ground floor entrance. This application seeks planning permission for the use as an 'interactive museum' (considered here to be a sui generis leisure use/ visitor attraction) or as a commercial, business or service premises (Class E). The planning permission is sought for a temporary 10 year period at the applicant's request. This application does not propose any external works to the host building. The building is not listed or located within a conservation area. It is located directly opposite the grade II\* listed Harrods department store within the Royal Borough of Kensington and Chelsea.

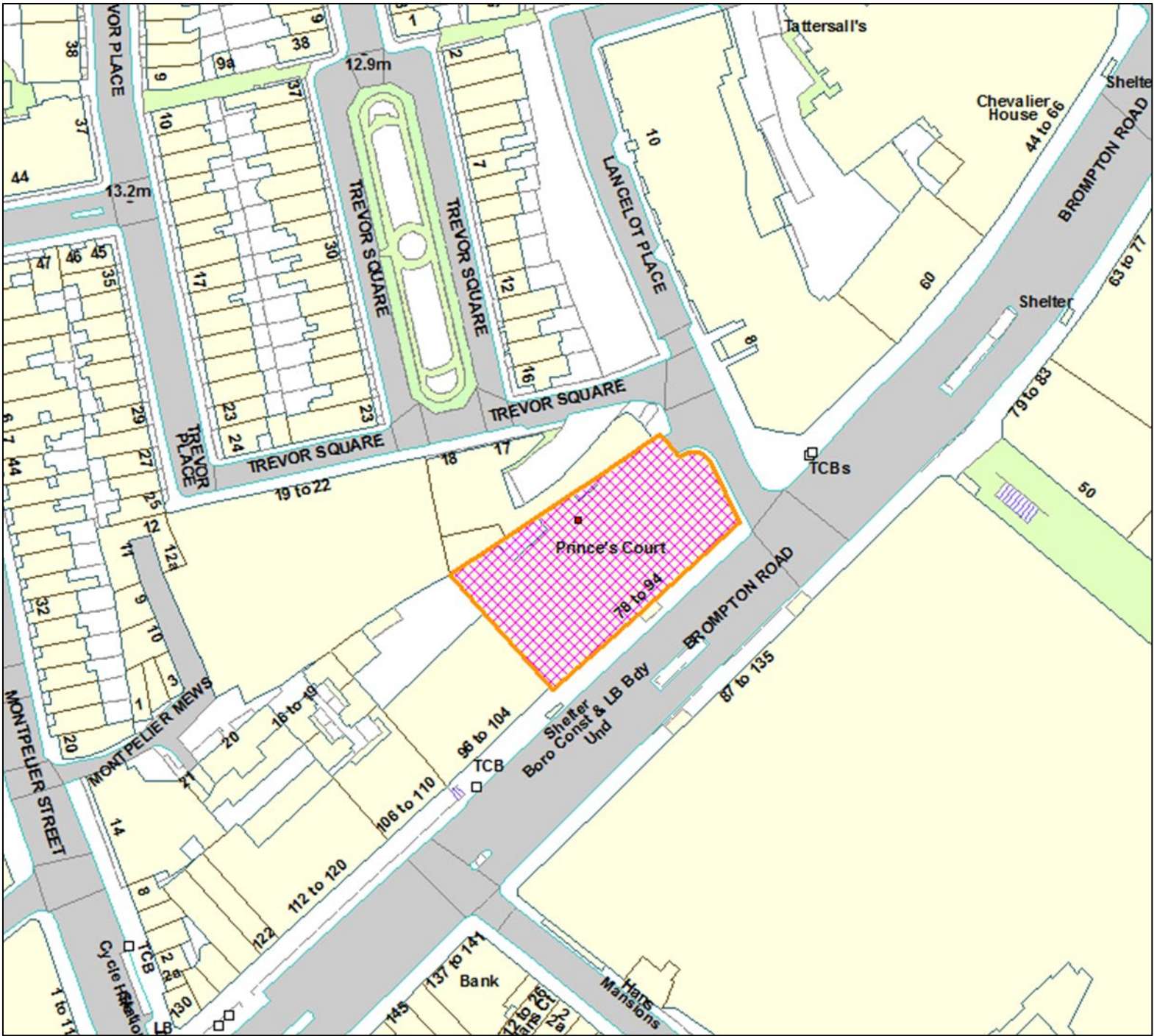
The key considerations in this case are:

- The acceptability of the proposed 'interactive museum' use within the Knightsbridge International Centre in land use terms.
- The impact on the amenity of neighbouring residential properties.
- The impact on the public highway.

Objections have been received from nearby residents and the Knightsbridge Neighbourhood Forum on all three of these considerations, while raising other concerns not directly related to the proposal at hand.

As set out in this report, subject to conditions mitigating impacts of the proposals on the amenities of nearby occupiers and the public highway, the proposals are considered acceptable and to accord with the London Plan 2021, the City Plan 2019-2040 (April 2021) and the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Exterior of Princes Court. Application site is first floor level.



Exterior showing ground floor entrance to subject site (beneath “Rochester Big & Tall” sign).





**Exterior showing entrance to shared service yard and relationship of application site with Harrods.**





Interior 1.



Interior 2.



Service yard.

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### First Consultation (begun February 2022)

##### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

Please include a planning condition to ensure that the first floor is not used to facilitate advertising in any way. Conditions are also needed to cap the number of people on the site to not more than 100 and prohibit or restrict the possible use of the space or part of it for restaurant or café use.

##### KNIGHTSBRIDGE ASSOCIATION

Hours of use should be limited to 8pm in order to mitigate intensification of use in what is primarily a residential block of flats.

##### TRANSPORT FOR LONDON

Further information is required in regard to construction logistics and servicing arrangements on site.

##### ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection.

##### ENVIRONMENTAL HEALTH

No objection subject to a condition securing hours of use.

##### WASTE PROJECTS OFFICER

More details required.

##### HIGHWAYS PLANNING MANAGER

Servicing Management Plan is required. Certain Class E uses that generate peaks of activity should be restricted. Long stay cycle parking is required.

##### ADJOINING OWNERS/OCCUPIERS

No. Consulted: 145

SITE NOTICE: Yes

##### PUBLIC RESPONSE

Total No. of replies: 1

No. of objections: 0

No. in support: 0

One comment neither supporting nor objecting to the proposal was received. It requested that advertising should not be permitted at first floor level of the building, no more than 100 people should be on the premises at the same time and that there should be no restaurant or café use on the premises.

**Second Consultation (flexible Class E uses added to proposal, begun June 2023)**

**KNIGHTSBRIDGE NEIGHBOURHOOD FORUM**

Objection. Adverse impact on character of area and setting of Harrods due to obscuring of windows and backlit signage on Brompton Road and Lancelot Place frontages. Signage might be detrimental to amenity of area. Proposal should better address impact on pavement space, traffic congestion and litter waste and amenity impacts on residents of Princes Court. Please attach condition for operational, servicing and waste plans to be approved by Council. Restrict museum from having restaurant and café. Please cap number of people on premises to 250 at a time. Please require travel plans to be approved by Council. Address concerns about impact on utilities and resilience, indoor air quality and wellbeing and need to ensure healthy people.

**KNIGHTSBRIDGE ASSOCIATION**

Any response will be reported verbally.

**TRANSPORT FOR LONDON**

No objection. Comments made under previous consultation still apply.

**METROPOLITAN POLICE (DESIGNING OUT CRIME)**

No objection, subject to Secure By Design condition.

**ROYAL BOROUGH OF KENSINGTON & CHELSEA**

No objection.

**HIGHWAYS PLANNING MANAGER**

Could be made acceptable with conditions. Servicing and operation management plans would be desirable. Some Class E uses would be unacceptable.

**WASTE PROJECTS OFFICER**

No objection to revised plans, subject to conditions.

**ENVIRONMENTAL HEALTH**

No objection subject to condition securing hours of use as stated on application form.

**ADJOINING OWNERS/OCCUPIERS**

No. Consulted: 147

**PUBLIC RESPONSE**

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One objection was received as result of the second consultation of this application. It was made on behalf of the Knightsbridge Residents Management Company (representing the residents of 199 Knightsbridge/The Knightsbridge Apartments) and raised the following grounds of objection:

#### LAND USE

- There are a number of uses within Class E that would be harmful and detrimental to the character of the surrounding area.
- It is requested that any Class E floorspace granted by this application is restricted by condition to explicitly state that it should not be used for restaurant uses, given the size of the unit and potential number of covers.
- Policy KBR17 of the Knightsbridge Neighbourhood Plan notes that retail (former Use Class A1) is a priority within the International Centre.
- It is requested that details in relation to hours and capacity management is controlled on any planning permission through conditions and the conditioning of an operational management plan.
- Maximum capacity should be capped at 250.

#### DESIGN

- The 1-way mirror film applied to all external glazing with a number of back-lit signs across both the Brompton Road and Lancelot Road elevations would be detrimental to the character of the surrounding area, and in particular, the listed Harrods building opposite.

#### HIGHWAYS

- The measures set out to control capacity and impacts on the surrounding area do not provide sufficient detail on how visitor arrivals will be managed to ensure that there will be sufficient pavement space for other pedestrians.

### **5.2 Applicant's Pre-Application Community Engagement**

The City Council always encourages and expects developers to carry out early community engagement in accordance with our Early Community Engagement Guidance (February 2022) prior to making any planning application. In accordance with this guidance, some sort of early community engagement is expected to have been carried out and so the absence of evidence of this is disappointing. Nevertheless, this expectation is not a requirement, and the application must be assessed on its merits.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the

development plan, unless material considerations indicate otherwise.

**6.2 Neighbourhood Planning**

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 was supported by local residents in a referendum held on 18 October 2018. It was adopted on 11 December 2018. It therefore forms part of the development plan for Westminster for development within the Knightsbridge neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

**7. BACKGROUND INFORMATION**

**7.1 The Application Site**

This application site comprises the entire first floor level of Prince’s Court (Gross Internal Area approx. 1500 sqm), with an entrance at ground floor level opening on to Brompton Road and two internal sets of stairs and one goods lift providing access to the shared undercroft service yard at ground floor level to the rear of the building. These premises were last in use a retail clothing shop and have been vacant for over three years. The site’s lawful use falls within Class E (commercial, business and service) of the Use Classes Order 1987 (as amended).

Prince’s Court is a mixed use building with a variety of commercial uses at ground and basement floor levels, the subject site at first floor level and eight storeys of residential flats above.

It is located in the Knightsbridge International Centre and the Central Activities Zone (CAZ). It is not listed, nor is it located in a conservation area. It is directly opposite Harrods, a grade II\* listed building, located in the neighbouring Royal Borough of Kensington and Chelsea.

**7.2 Relevant History**

94/03411/FULL – Installation of shopfront and change of use of part ground and 1st floors from office to retail & installation of new plant in rear area



Application Permitted

03 November 1994

There is also some recent planning history elsewhere within Princes Court.

At 94 Brompton Road:

23/02778/FULL - Installation of full height extract duct to the rear elevation.  
Pending

23/02776/FULL - Alterations to shopfronts at Nos. 94, 94A and 92 Brompton Road in connection with the formation of a single shopfront unit.  
Application Permitted 8 September 2023

23/02777/ADV - Display of four awnings and two halo illuminated fascia signs each measuring 3.2m x 0.42m, four internally illuminated plaque signs, two measuring 0.68m x 0.92m and two measuring 0.65m x 0.73m.  
Application Permitted 6 September 2023

## 8. THE PROPOSAL

This application seeks a flexible planning permission to use the subject site as either an 'interactive museum' or a commercial, business or service use falling within Class E of the Use Classes Order 1987 (as amended).

The 'interactive museum' proposed here is different from typical museums. Typical museums fall within Class F1 of the Use Classes Order and are for the purposes of education and research and are generally non-profits with collections that they safeguard as well as display. The proposed 'interactive museum' is different in that it is a commercial venture that does not perform the role of safeguarding a collection, but rather displays exhibits for the purposes of 'edutainment' – i.e. while the exhibits have some educational value the purpose of the museum is primarily for leisure purposes. It is, therefore, considered as a sui generis leisure use. With this in mind and for ease, this use is simply referred to as simply "the museum" (without quote marks) for the rest of this report. The museum would not include ancillary café/ restaurant or drinking areas, although there would be a shop for the sale of souvenirs.

This permission also seeks to allow the option to continue to use the site for class E purposes. This flexibility is sought at the request of the landowner, who seeks the security that should the 'interactive museum' not succeed, they can make use of the flexibility to change uses that the site currently benefits from by virtue of its existing lawful use being a use falling within Class E.

This permission is also sought for a temporary period of 10 years. Again, this at the request of the landowner, who does not wish for the sui generis 'interactive museum' to become the lawful use of the site in perpetuity, as it would become were the use to continue for more than 10 years.

## 9. DETAILED CONSIDERATIONS

## 9.1 Land Use

### **'Interactive Museum' Use**

Policy 1 of the City Plan 2019-2040 (April 2021) sets out that Westminster will continue to grow, thrive and inspire at the heart of London by: balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods; and, supporting town centres and high streets, including centres of international importance in the West End and Knightsbridge, to evolve as multifunctional commercial areas to shop, work, and socialise.

Policy 14 of the City Plan requires proposals in existing town centres and highstreets to enhance and diversity their offer as places to shop, work and spend leisure time. It also sets out that uses serving visiting members of the public will be supported at first floor level within centres characterised by large format, multi-level stores. At Part C, Policy 14 requires all development within the international centres, including Knightsbridge, to provide a focal point for large format comparison retail, supported by complimentary town centre uses that increase customer dwell time.

Policy 15 of the City Plan seeks to maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities.

Policy KBR14 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018) directs all non-residential development in Knightsbridge to the International Centre and expects proposals to mitigate and reduce to a minimum their contribution towards their impacts on the amenity of the existing community and other users. Developments within the International Centre must demonstrate that they will not have a significant adverse impact on saturation effects felt in the area in terms of insufficient pavement space, traffic congestion, and litter, rubbish waste and dirty pavements.

The proposed museum is considered to be a complimentary town centre use of a size appropriate for this location, which would add diversity to the uses in the area and increase customer dwell time in the Knightsbridge International Centre - where such uses are supported at first floor level. It would also form a new visitor destination in Westminster and bring back in to use floorspace in the International Centre that has been vacant for over three years.

The proposed museum would be open to the public between 10 a.m. and 10 p.m. each day and anticipates 700 to 1200 visitors per day, with no more than 320 visitors on site at a time. It is proposed that the museum will operate a pre-booking system with timeslots for visitors to manage capacity and eliminate any need for queuing outside of the building. The ground floor is over 20 metres deep, so should the need for queuing ever arise it can be contained onsite. These arrangements would adequately mitigate impacts on nearby residential amenity and it is considered any further restriction on capacity or operating hour would be unnecessary to mitigate the proposals impacts and unduly onerous of any operator of the museum. That the museum is operated in this fashion is recommended be secured by a condition on the planning permission requiring



that they operate and service the museum in accordance with their submitted management plan, which outlines the above measures.

The impacts the visitors to the museum would have on the residential properties above once they are inside the premises would be no different to the impacts the previous retail use of the site had. No visitor or staff parking is proposed and the servicing of the premises would be no more intense than the former retail use of the site and so the proposed museum use would not add to traffic congestion in the area when compared to the lawful use of the site.

Given the site's location and the museum's proposed operational and servicing arrangements, to be secured by conditions, the proposed museum is considered acceptable in land use terms would accord with Policies 1, 14 and 15 of the City Plan and Policy KBR14 of the Knightsbridge Neighbourhood Plan.

### **Commercial, Business or Service (Class E) Use**

Due to the existing lawful use of the site being retail, the site could presently, at any time, be used for any of the uses that fall within Class E - including as a café or restaurant, or as a gym or office – without the need for planning permission. As Class E is the existing lawful use of the site, it would not be reasonable to control or restrict the use of the site in anyway were it to be used as its existing lawful Class E use under this permission. The 1994 permission which allowed the retail use did not include any restrictions relating to how the use is operated.

Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, granting permission to allow the applicant to use site for either the museum or a Class E use will mean that the applicant can change between these uses for a 10 year period. Ordinarily, at the end of the 10 year period the current use of the site will become the lawful use of the site permanently. However, in this case the applicant seeks a temporary permission for 10 years to ensure that the use of the site reverts to Class E at the end of the period. Given that this is already the lawful use of the site, there are no land use implications to this.

It is noted that many objections are made on the grounds of detrimental amenity and highways impacts of the site falling into uses within Class E other than the former retail, e.g. restaurant or café. However, such changes of use presently do not trigger any planning control (the applicant could use the site as a restaurant now) and so it would be unreasonable to subject the Class E option to new planning controls under this permission.

### **Public Toilet Provision**

Policy 15 of the City Plan, at Part I, requires safe, secure and publicly accessible toilets in developments that generate a large number of visitors. The supporting text to this policy sets out that proposals that trigger this requirement include proposals providing entertainment uses of gross floorspace of 500 sqm or more, such as the proposed museum.

The museum will provide toilets for visitors, these are located on the first floor (beyond

the reception point). It would be unfeasible and, therefore, unreasonable to require publicly accessible toilets within the museum. This is because the only available location for toilets are at first floor level beyond the point where ticket control must necessarily begin. To open these facilities up to public use would deny the museum the ability to adequately control the number of people on the premises and cause confusion when managing guests.

Hence, while the proposal does not meet Part I of Policy 15, policy non-compliance in this respect is not considered to make the proposal as a whole unacceptable in this instance.

## 9.2 Sustainable Design

Policy 38 of the City Plan, at Part E, expects non-domestic development of 500 sq m or above to achieve at least BREEAM “Excellent” or an equivalent standard.

No BREEM pre-assessment for refurbishment and fit-out has been submitted, as is necessary. It is necessary that a pre-assessment is submitted to and approved by the Council before the development takes place so as to determine what measures could be utilised to improve its sustainability. Therefore, submission of a BREEAM pre-assessment to the Council will be secured by a condition on the planning permission. This condition will also secure that the achievable measures set out in the pre-assessment are implemented.

Due to the unique use proposed and the limited control the applicant has over the rest of the building the application site is a part of, there is some doubt as to whether a rating of “Excellent” would be achievable here. Hence, the condition mentioned above will allow scope for the development to achieve a lesser rating than “Excellent” if fully justified by an appropriately accredited assessor.

This will ensure that the environmental performance of the new museum is of a high standard and will accord with Policy 38.

## 9.3 Townscape, Design & Heritage Impact

No external works are proposed under this application and so an assessment of the proposal’s townscape, design and heritage impacts is not required here.

However, some objections have been made on design and heritage grounds. In particular, objecting to signage and blocking out of the first floor level windows. The elevation drawing submitted under this application shows the exterior of the premises in its pre-existing arrangement. This same drawing also serves as this application’s proposed elevation. Hence, the drawings show no alteration to the exterior of the building is proposed, nor does the proposal description allow for any.

Since this application was made, backlit advertisements have appeared in the first floor windows of the application site. The applicant understands that these have been installed by the landowner’s advertising broker. The proposed floorplans indicate internal signs (behind the first floor shopfronts), however these do not form part of the

application. In any case, advertisements are regulated under separate legislation to development requiring planning permission. As these advertisements are inside the building, they benefit from deemed consent under Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended). This deemed consent does not prohibit the Council serving a discontinuance notice on these advertisements if they are considered to cause substantial injury to the amenity of the locality or a danger to members of the public. Given the objections to this application for planning permission objecting to illuminated advertisements in these windows, these now existing advertisements have been referred to the Council's Planning Enforcement Team for their investigation. They must be considered separately to the application for planning permission at hand here.

It is presumed an application for advertisement consent for external advertisements for the museum will be received in due course should planning permission for the use be granted. This would be assessed separately on its own merits.

### **Designing Out Crime**

The Metropolitan Police's Designing Out Crime Officers have reviewed the proposal and see no reason why the proposal cannot achieve Secure by Design Accreditation. That the proposal meets the requirements of Secure by Design Accreditation will be secured by a condition on the grant of planning permission and this will ensure the proposal accords with the requirements of Policy 38 of the City Plan and Policy KBR16 of the Knightsbridge Neighbourhood Plan, which require developments to reduce the opportunities for crime.

## **9.4 Residential Amenity**

The impacts the proposal has on residential amenity all relate to the noise and disturbance resulting from the use of the site, as assessed in the above Land Use section. The proposals do not involve any extensions or plant or equipment that would trigger an assessment against Policies 7 and 33 of the City Plan and Policies KBR22 or KBR40 of the Knightsbridge Neighbourhood Plan.

## **9.5 Transportation, Accessibility & Servicing**

### **Servicing**

Policy 29 of the City Plan requires that servicing, collection, and delivery needs should be fully met within the development site.

Policy KBR14 of the Knightsbridge Neighbourhood Plan requires commercial development in the International Centre mitigates any impacts its servicing has on traffic congestion.

The application premises have use of the existing service yard, accessed to the side of Princes Court on Lancelot Place, and the servicing of the museum is not considered likely to be any more intensive than the prior retail use of the site. To secure all the

servicing needs of the museum are met within the existing service yard, compliance with the submitted servicing management plan will be secured by a condition on the planning permission. With this secured, the proposed museums' servicing would be acceptable in accordance with Policy 29 of the City Plan and Policy KBR14 of the Knightsbridge Neighbourhood Plan.

### **Trip Generation and Management**

The majority of trips to a from the site, regardless of its use, will be made by public transport or other sustainable modes such as walking or cycling due to the sites central, easily accessible location without car parking. This accords with Policy 24 of the City Plan, which encourages sustainable modes of transport.

Compliance with the submitted operational management plan for the museum will be secured by a condition as set out in the Land Use section of this report. This is also requested by the Council's Highway's Planning Manager so as to ensure that the measures to mitigate possible impacts of the development on the public highway are implemented.

### **Cycle Parking**

The proposed museum includes long stay cycle parking for 3 full sized and 3 folding bicycles in the staff areas. As the museum would have 20 full-time equivalent members of staff on site, this meets the minimum long stay cycle parking spaces for a museum use, as set out at Policy T5 of the London Plan (one cycle parking space per 8 members of staff), as supported by Policy 25 of the City Plan and Policy KBR27 of the Knightsbridge Neighbourhood Plan. That these spaces are provided will be secured by a condition on the planning permission.

### **Waste**

The proposed plans for the museum, as revised, show adequate waste storage facilities for the separate waste streams within the premises. That this are implemented in accordance with the approved plans will be secured by a condition and will ensure the museum accords with Policy 37 of the City Plan and Policy KBR21 of the Knightsbridge Neighbourhood Plan.

### **Car Parking**

The development would be car-free, as required by Policy 27 of the City Plan and KBR30 of the Knightsbridge Neighbourhood Plan.

### **TfL Comments**

Transport for London (TfL) made comments seeking for the construction impacts of the development to be mitigated. As the proposals here related solely to the use of the site and no external work, it is not reasonable to control it in this instance.

TfL also made comments seeking details of the servicing of the site, which will be

secured by conditions, as set above in this report.

## **9.6 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy by bringing back in to use over 1,500 sq m of vacant floor space in the Knightsbridge International Centre. This is welcomed.

## **9.7 Temporary Permission**

The landowner does not wish for this planning permission to authorise the site's use as a museum in perpetuity and the applicant is prohibited from making or agreeing to a permission that would result in this outcome. Consequently, in addition to the flexibility of uses that this permission would authorise, it is also necessary to limit the period of time which this permission would authorise the proposed uses for. This permission will, therefore, be limited to a period of 10 years, after which time the site will have to be restored to its prior lawful use (class E). This will be secured by a condition on the planning permission.

10 years is chosen as the period of time because officers do not consider that a permission could reasonably be described as temporary if it authorises uses for a longer period of time and also because after 10 years the provisions of Class V of Part 3 of the General Permitted Development Order 2015 cease to allow further changes of use being made under a given planning permission.

## **9.8 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.9 Planning Obligations & Pre-Commencement Conditions**

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

## **10. Conclusion**

This report has considered the material planning issues associated with the development in conjunction with all relevant national, regional and local planning policy.

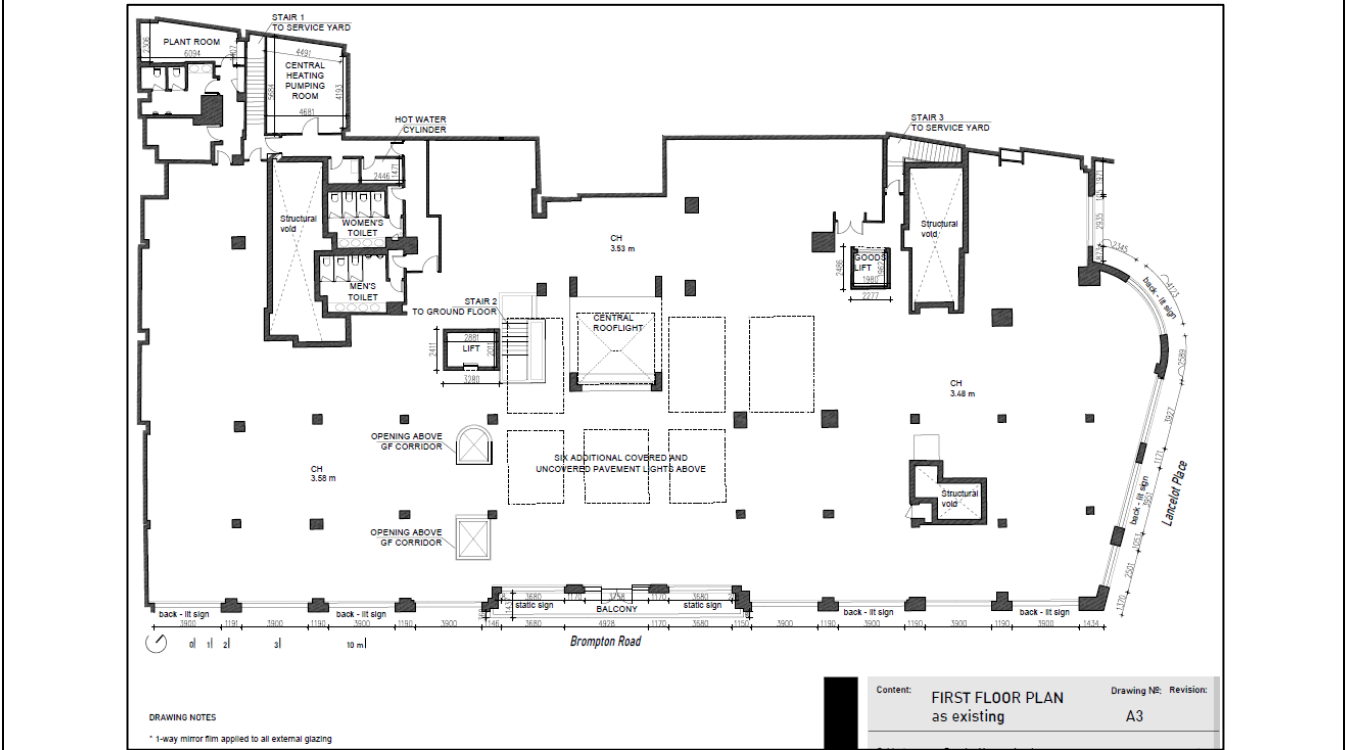
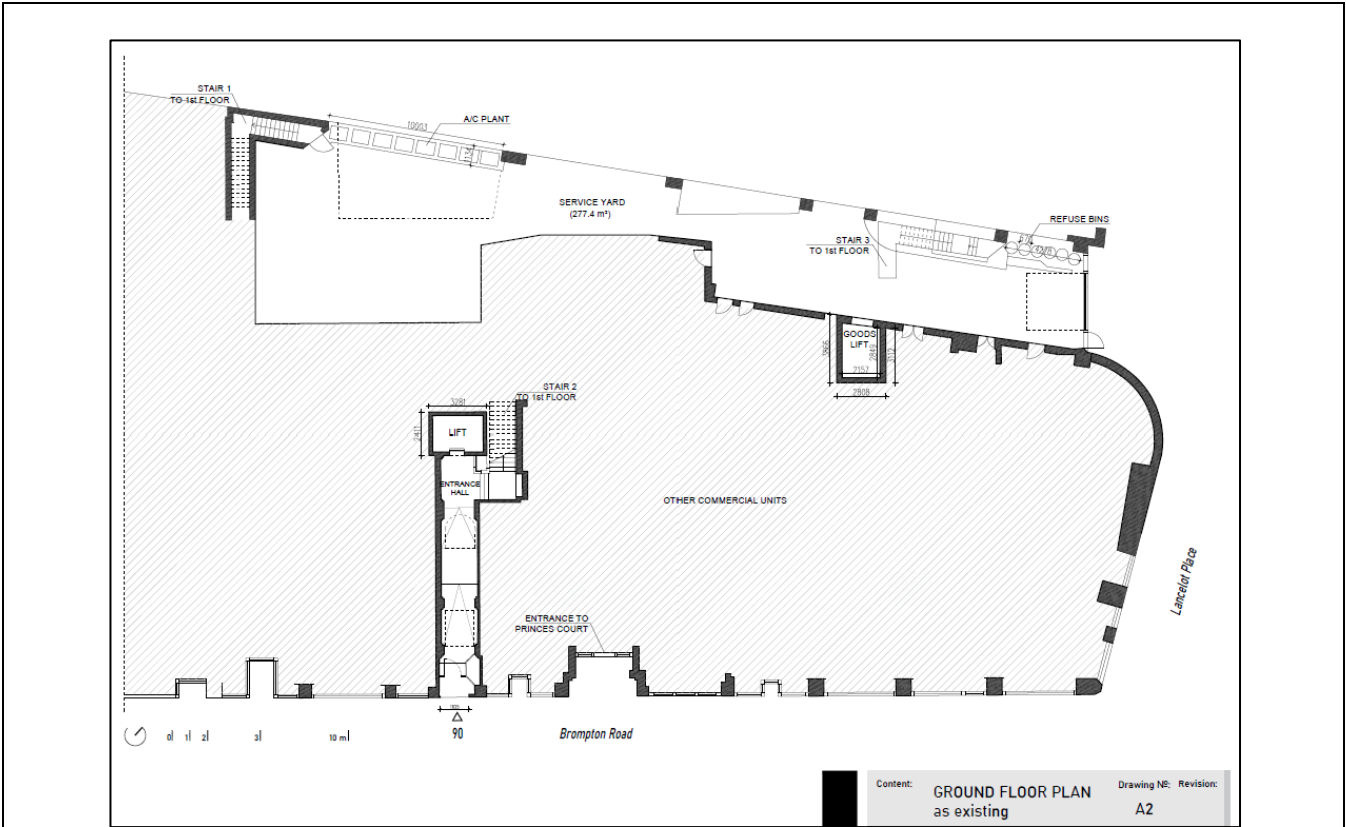
Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and the Knightsbridge Neighbourhood Plan 2018-2037. It is recommended that planning permission is granted, subject to the conditions listed at the end of this report, which are necessary to make the development acceptable.

Item No.
<b>2</b>

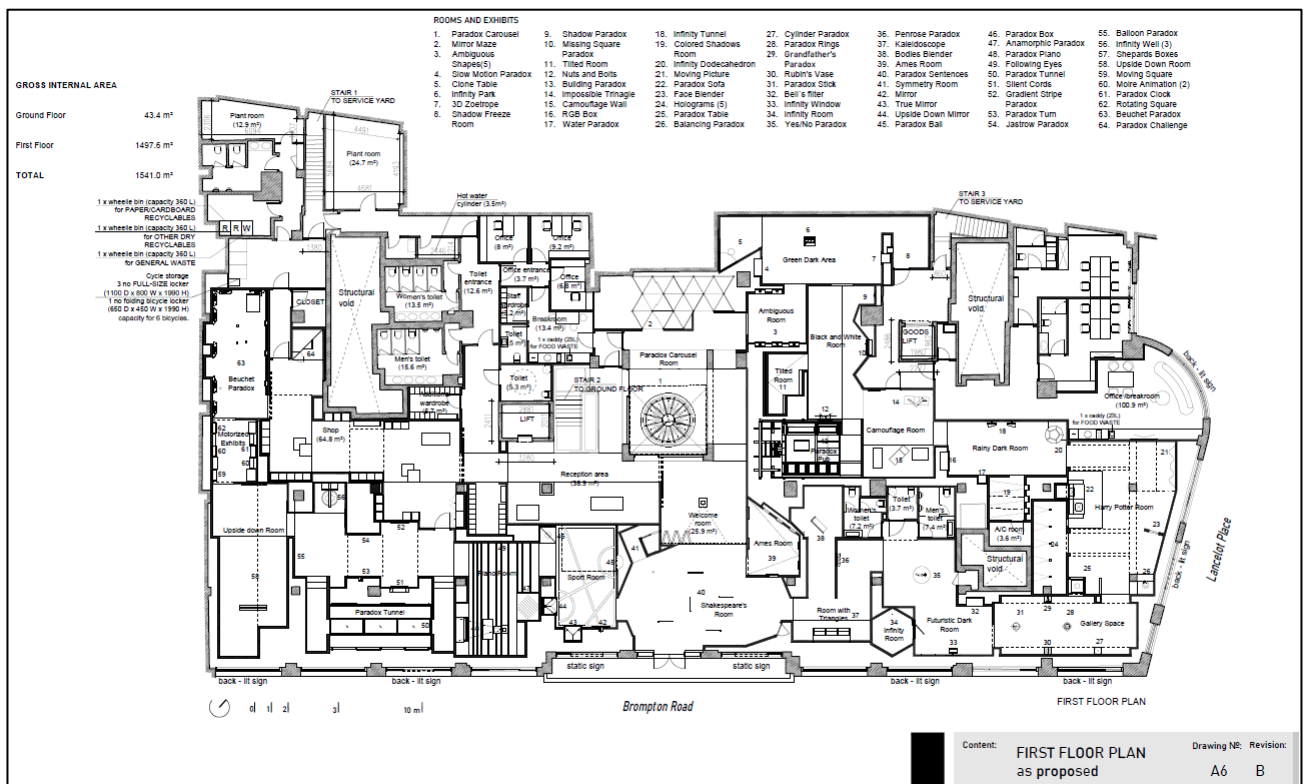
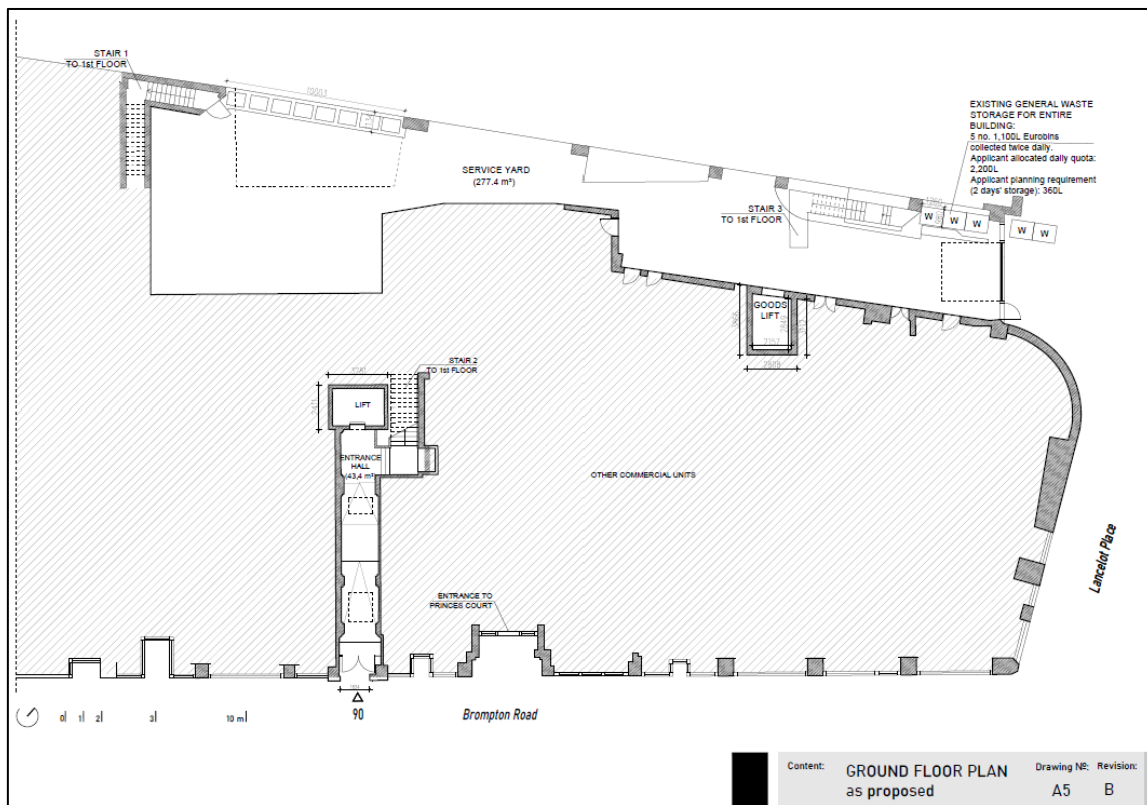
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT [jhowitt@westminster.gov.uk](mailto:jhowitt@westminster.gov.uk)

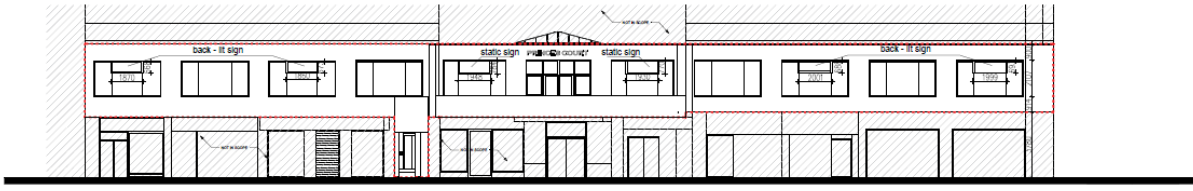
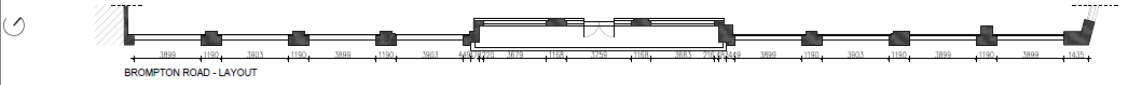
11. KEY DRAWINGS



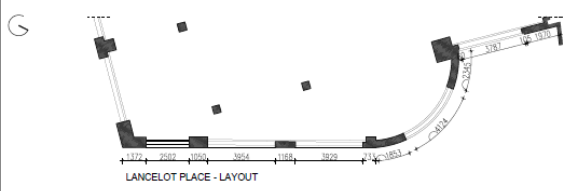
DRAWING NOTES  
 \* 1-way mirror film applied to all external glazing







----- application site  
 // not in scope



----- application site  
 // not in scope

NOTE  
 \* 1-way mirror film applied to all external glazing

	<b>Content:</b> SITE ELEVATION as existing and as proposed A4	<b>Drawing №:</b> Revision:
	<b>Subject:</b> Paradon Museum London <b>Project address:</b> 90 Brompton Rd, London SW3 1ES, UK <b>Project type:</b> CHANGE OF USE <b>Architect:</b> SVEN FRANČIĆ mag.ing.arch.	<b>TD:</b> 01-12/22 <b>Date:</b> 30/01/23 <b>Phase:</b> PLANIRANJE <b>Scale:</b> 1:200 @A3
DVA KVADRATA j.d.o.o. H. Badalića 25, 10 000 Zagreb, Croatia		

Item No.
<b>2</b>

**DRAFT DECISION LETTER**

**Address:** 90 Brompton Road, London, SW3 1ER

**Proposal:** Dual/alternative use as either an 'interactive museum' (sui generis) or as commercial, business or service premises (Class E) for a temporary 10 year period.

**Reference:** 23/00935/FULL

**Plan Nos:** A1; A2; A3; A4; A5 Rev B; A6 Rev B.

**Case Officer:** Max Leonardo **Direct Tel. No.** 07817095744

**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 **Pre Commencement Condition.**  
A. You must apply to us for our written approval of an independent BREEAM Pre-Assessment (undertaken by a licensed BREEAM accredited assessor, or an equivalent independent measure of energy performance and sustainability) before the 'interactive museum' use begins. It must demonstrate it is possible to achieve a BREEAM rating of 'Excellent' or higher (or an equivalent independent measure of energy performance and sustainability), or explain why an alternative rating lower than 'Excellent' is the highest possible rating that can be achieved.  
  
B. Within three months of the 'interactive museum' use beginning, you must apply to us for our written approval of a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the BREEAM rating as set out in the Pre-Assessment approved under part A.

Reason:  
To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 3 The premises must meet the standards of Secure By Design accreditation and maintain this standard for the lifetime of this permission.

Reason:

To reduce the chances of crime as set out in Policy 38 of the City Plan 2019-20140 (April 2021) and Policy KBR16 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018).

- 4 You must provide each cycle parking space shown on the approved drawings prior to opening the 'interactive museum' to visitors. Thereafter the cycle parking spaces must be retained and the spaces used for no other purpose for as long as the 'interactive museum' is in use.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021) and Policy KBR27 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018).

- 5 You must provide the separate stores for waste and materials for recycling shown on drawing number A6 Rev B prior to opening the 'interactive museum' to visitors. Thereafter these separate stores for waste and materials for recycling must be retained, clearly marked and made available all times to all staff of the 'interactive museum' for as long as the 'interactive museum' is in use.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021) and Policy KBR21 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018).

- 6 You must carry out the measures included in your Operational and Servicing Management Plan dated 17 October 2023 at all times that the 'interactive museum' is in use.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 16 and 29 of the City Plan 2019-20140 (April 2021) and Policy KBR14 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018).

- 7 Visitors shall not be permitted within the 'interactive museum' before 10.00 or after 22.00 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 16 of the City Plan 2019 - 2040 (April 2021) and Policy KBR14 of the Knightsbridge Neighbourhood Plan 2018-2037 (December 2018).

- 8 The uses allowed by this permission can continue for up to 10 years following the date

of this planning permission. After that the site must return to its previous use within Class E of the Use Classes Order 1987 (as amended).

Reason:

As requested by the applicant.

### 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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

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 at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and

sufficient means for preventing a fall. You must therefore ensure the following:

- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.  
[www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm)

The following are available from the British Standards Institute - see [shop.bsigroup.com/](http://shop.bsigroup.com/):

BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 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](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 6 The term 'clearly mark' in condition 6 and 10 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 8 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 9 Although illuminated signs behind the property's windows has 'deemed' advertisement consent, it does not meet our design guidelines and we may make you remove it.

- 10 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the part-ground and first floors can change between the interactive museum and Class E uses we have approved for 10 years without further planning permission. However, condition 8 ensures the permission is temporary and you must revert back to a Class E use after the 10 year period. For the avoidance of doubt, Class E comprises:
- E(a) Display or retail sale of goods, other than hot food
  - E(b) Sale of food and drink for consumption (mostly) on the premises
  - E(c) Provision of:
    - E(c)(i) Financial services,
    - E(c)(ii) Professional services (other than health or medical services), or
    - E(c)(iii) Other appropriate services in a commercial, business or service locality
  - E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
  - E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
  - E(f) Creche, day nursery or day centre (not including a residential use)
  - E(g) Uses which can be carried out in a residential area without detriment to its amenity:
    - E(g)(i) Offices to carry out any operational or administrative functions,
    - E(g)(ii) Research and development of products or processes
    - E(g)(iii) Industrial processes

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

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Pimlico North	
<b>Subject of Report</b>	<b>54 Warwick Square, London, SW1V 2AJ,</b>		
<b>Proposal</b>	Extensions at rear first floor level; creation of roof terrace at rear second floor, alterations to existing rear first floor conservatory and internal alterations, all in connection with use of first and second floors as two 1 bedroom residential flats (Class C3).		
<b>Agent</b>	Christian Leigh		
<b>On behalf of</b>	Mr Guy Chambers		
<b>Registered Number</b>	23/00721/FULL	<b>Date amended/ completed</b>	2 August 2023
<b>Date Application Received</b>	5 February 2023		
<b>Historic Building Grade</b>	Grade II listed		
<b>Conservation Area</b>	Pimlico		
<b>Neighbourhood Plan</b>	Pimlico		

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

## 2. SUMMARY & KEY CONSIDERATIONS

The proposal consists of a single-storey upward extension at first floor level of the rear projection and creation of roof terrace on top of the extension with a 2.9m set back from the rear, and the associated alterations to existing rear first floor conservatory, all in connection with change use of first and second floors from office (Class E) to two 1-bedroom flats (Class C3).

The key considerations in this case are:

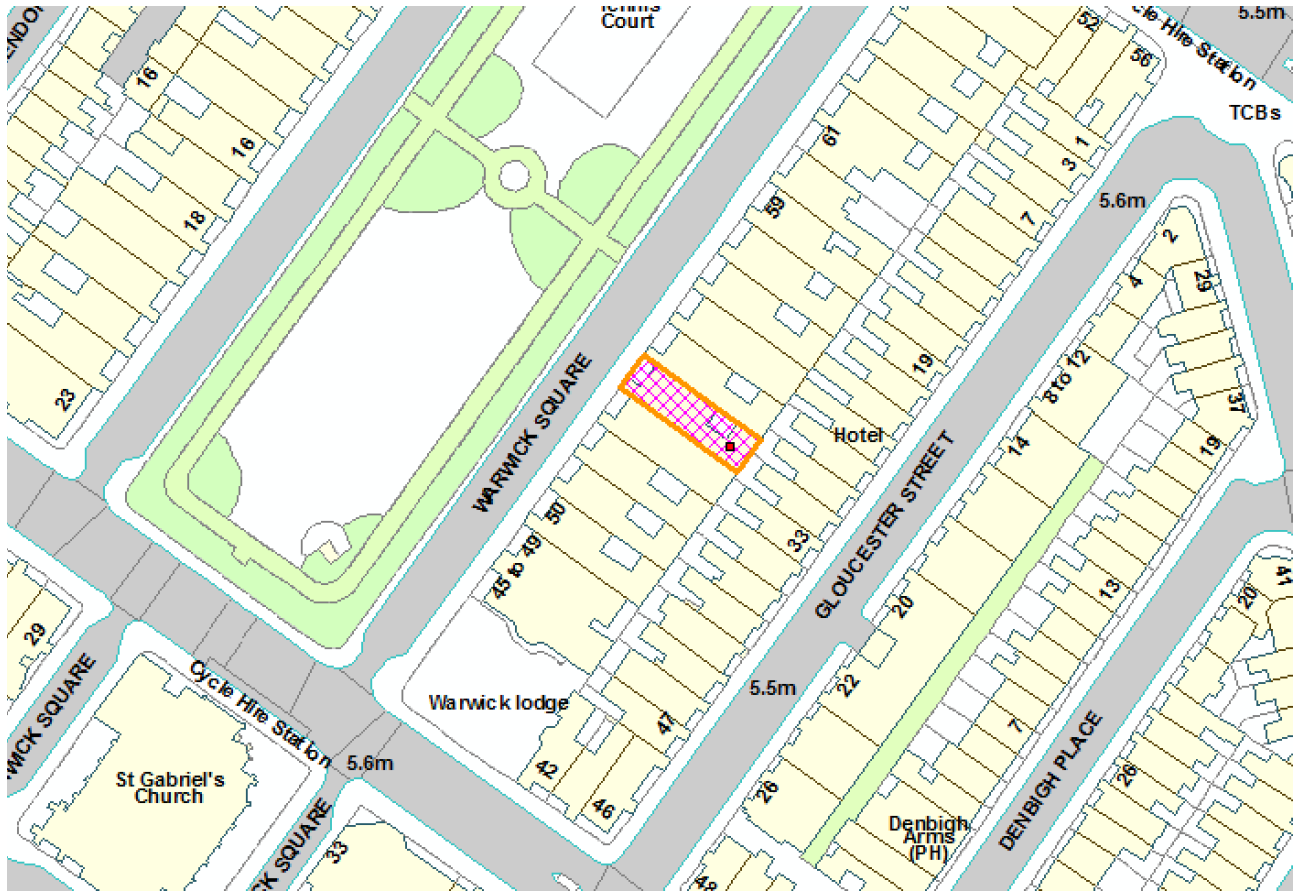
- The acceptability of the loss of office floorspace in land use terms.
- The acceptability of the proposed residential accommodation in land use terms.

- The acceptability of the energy performance of the extended and altered building.
- The acceptability of the proposed extended and altered building in design terms.
- The impact of the proposed extension and alterations on the significance of the listed building, on the character and appearance of the Pimlico Conservation Area.
- The impact on the amenity of neighbouring residential properties.

For reasons set out in this report, the proposal, with conditions, is acceptable in land use, design, heritage, amenity and sustainability terms and neighbouring residential occupiers would not be unduly harmed. As such, the applications are recommended for approval subject to a the conditions to both the planning and listed building applications as set out in the draft decision letters.



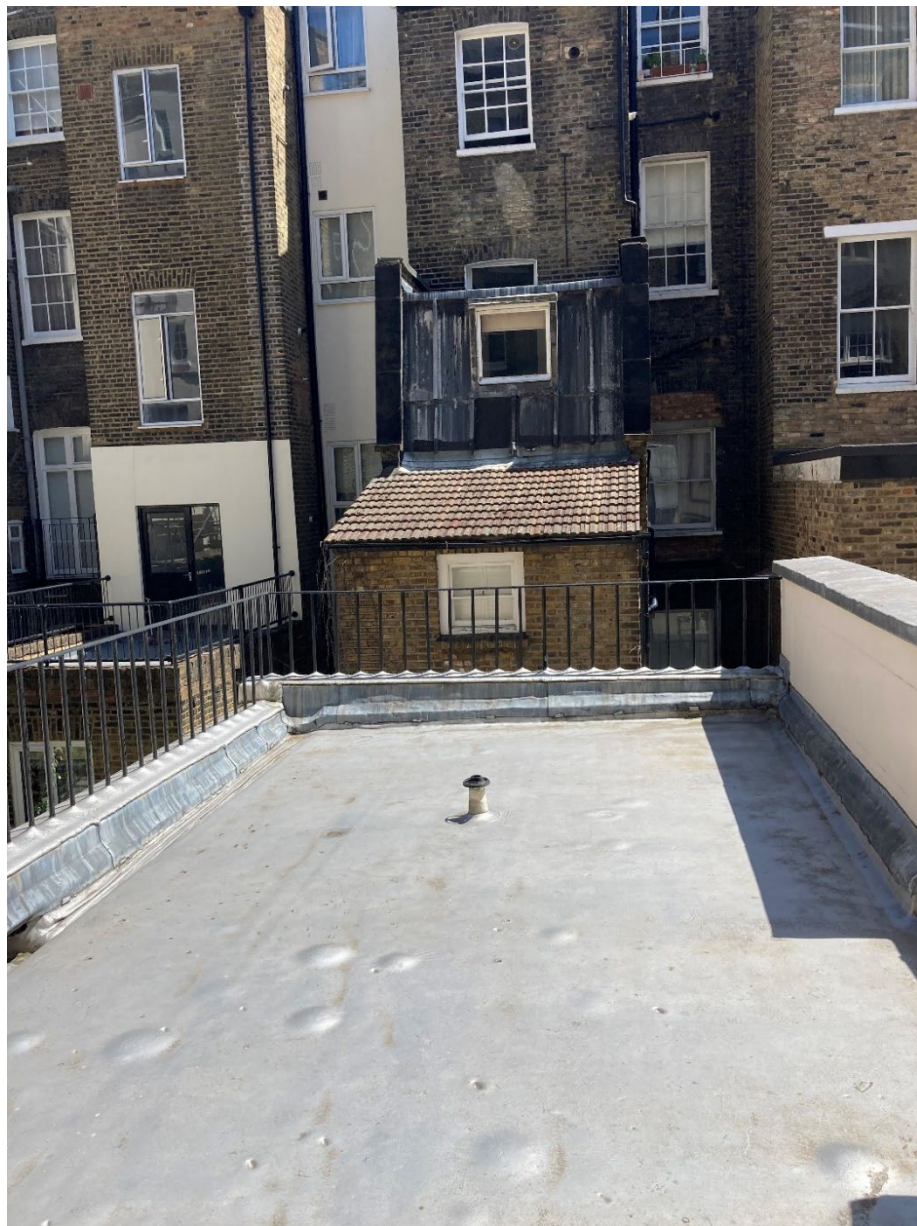
3. LOCATION PLAN



4. PHOTOGRAPHS



The rear elevation of 54 Warwick Square



**The existing roof top of the rear projection of 54 Warwick Square**





**View from the rear of 54 Warwick Square**



**54 Warwick Square Aerial View**

## 5. CONSULTATIONS

### 5.1 Application Consultations

**CLLR JIM GLEN:**

Initially raised objection but changed to neutral following a site meeting with the applicant who explained the amendments and the scale of the proposals.

**PIMLICO NEIGHBOURHOOD FORUM:**

No response to date.

**PIMLICO FREDA:**

No response to date.

**WESTMINSTER SOCIETY:**

No response to date.

**WASTE PROJECT OFFICE:**

The drawings submitted are not in line with the council waste storage requirements. Further details of waste storage required.

**HIGHWAYS PLANNING:**

No objection, subject to conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 15

No. of objections: 7

No. in support: 5

No. in neutral: 3

The objections are summarised as follows:

#### Amenity issues

- Loss of privacy given the overlooking element of the proposed roof terrace and no attempt to screen the new roof terrace
- Potential noise disturbance from the roof terrace
- Substantial material loss on daylight and sunlight received from the adjoining properties and the flats at lower levels
- Insufficient and inaccurate information and analysis provided in the sunlight & daylight report
- Flawed justification in the sunlight & daylight report
- A harmful sense of enclosure to neighbouring buildings
- A noticeable loss of outlook from the rear of 53 Warwick Square

#### Design and townscape issues

- The scale and bulkiness of the extension is overbearing

Land use

- The proposed one bedroom units would be in excess of the space standard and the extension should be removed

Other issues

- 21 days consultation is insufficient to conduct the detailed analysis on the impact
- Lack of pre-application engagement with the adjoining residents who were only informed after the application was submitted
- The application is lack of details and information to allow full assessment of the proposals
- The proposals would only benefit the developer on the cost of the surrounding neighbours

The supports are summarised as follows:

Land use

- The reconversion of the unit to residential flat is welcomed
- The reconverted residential use would be in line with the predominate use of this area

Amenity

- Most of the buildings in the Square already have similar extensions and the proposals are consistent with other development
- The proposed terrace, which is higher and smaller than the existing, will be less overlooking

The comment in neutral are summarised as follows:

- Longer consultation is needed to analyse the impact of the scheme
- Both objections and support are understood

PRESS NOTICE/ SITE NOTICE:

Yes

## 5.2 Applicant's Pre-Application Community Engagement

While not a requirement, the Council's Early Community Engagement Guidance Note encourages applicants to carry out early engagement for householder development. Householders carrying out development (such as extensions and alterations to houses), are encouraged to consult those living adjacent or very close to the site at an early stage. The type of engagement recommended may include, but should not necessarily be limited to, written notice of the proposals and/or offering a meeting with neighbours to enable them to comment on your proposals prior to submission of a formal application.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

**6.2 Neighbourhood Planning**

The application site is located within an area covered by Pimlico Neighbourhood Plan. The Pimlico Neighbourhood Plan policies on a range of matters including commercial and mixed-use development, design and heritage, housing and hotels, public realm and environment.

The plan has been through independent examination and was supported by local residents and businesses in referendum was held on Thursday 22 September 2022. It was adopted on 7 December 2022. It therefore forms part of the development plan for Westminster for development within the Pimlico neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

**6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

**7. BACKGROUND INFORMATION**

**7.1 The Application Site**

54 Warwick Square is a five storey grade II listed townhouse dating from the mid-19th century, located mid- terrace within a grade II listed group numbered 50-66 on the east side of the square. Warwick Square is a grade II listed registered Park and Garden. The square and the application building form part of the Pimlico Conservation Area. The building is also within the Central Activities Zone (CAZ).

The building was originally built as a residential dwelling and is within a predominately residential part of the CAZ. It currently comprises residential (Class C3) and office (Class E) uses. It includes a residential basement (lower ground floor) level flat, offices on the ground, first and second floor levels, and residential flats on the third and fourth floor

levels. The application relates to the offices at first and second floor level.

## 7.2 Recent Relevant History

On 22 September 2022, the City Council granted listed building consent for the installation of six traditional cast iron air bricks to run linear within the ceiling void of the existing rear flat roof extension through to the external of the existing rear lightwell. (Ref: 22/05896/LBC)

On 29 July 2021, the City Council granted listed building consent for internal alterations including removal and addition of partitions and refurbishment of rear office windows at ground floor level. (Ref: 21/03256/LBC)

## 8. THE PROPOSAL

Planning permission and listed building consent are sought for the construction of a single storey extension at first floor level on top of the existing rear addition, associated alterations to an existing first floor conservatory, creation of a terrace at second floor level and internal alterations throughout in connection with use of first and second floors as two 1-bedroom flats (Class C3).

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

Given the proposals relate to the creation of new residential units from a change of use from the existing office located within CAZ, the proposals would be considered within the context of policies 8 (Housing Delivery), 12 (Housing Quality) and 13 (Supporting economic growth) of Westminster's City Plan 2019-2040.

#### Loss of offices

Key considerations in assessing the proposal will be impact upon employment floorspace as there is a policy presumption to protect office floorspace in the CAZ from a change to a residential use.

Policy 13 (Supporting economic growth) of the City Plan 2019-2040 states that new and improved office floorspace will be supported to encourage a continued growth of the economy. Policy 13D states that the net loss of office floorspace from the CAZ to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use.

Four supports have been received from neighbours on the land use grounds. They welcome that the scheme would bring the original residential use back to the floors of the building which is located in an area with predominantly residential in character.

Considering the application property was in residential use originally (and the existing offices in fact detract the significance of the listed building), alongside the predominantly



residential character of the area, the principle of the loss of office floorspace is acceptable and in compliance with Policy 13D.

### New residential units

Policy 8 seeks to increase the amount of housing delivered within the City and states that this will be achieved by delivering a high number of homes on small sites. Therefore, the principle of providing additional housing is supported and would contribute towards meeting the City's housing targets.

Policy 12 requires new homes to 'provide a well-designed, energy efficient and high-quality living environment, both internally and externally. It states new homes will be designed to a standard that ensures the safety, health and wellbeing of its occupants.' Paragraph 12.1 explains that high-quality can take many forms and that this includes ensuring new homes have adequate natural light and ventilation.

The proposed 1-bed flats would provide acceptable standard of accommodations in terms of unit size (94.08 and 67.47 sqm GIA), which would be more than adequate for a 1-bedroom dwelling when assessed against the Nationally Described Space Standards (which requires a minimum of 39 sqm GIA). The flats would be dual aspect and the rooms for both units would benefit from windows providing acceptable levels of natural light and outlook (particularly given they are located on the first and second floors). One of the flats would have access to a new roof terrace. A condition is also recommended to ensure the flats have acceptable internal noise environments. The above considered, the flats would provide acceptable living accommodation and the proposals therefore comply with policy 12.

## **9.2 Environment & Sustainability**

Policy 38D of the City Plan seeks to ensure all development is designed to be durable, adaptable and limit long-term resource use, including water and energy consumption, with features to mitigate and adapt to climate change integrated in development design from the outset.

According to the submitted Sustainable Design Statement, various measures would be carried out to be in line with City Plan policy, including prioritising durable, high quality and sustainable materials and reusing recovered facing bricks from demolition in new external wall construction. These measures welcomed in sustainability terms.

## **9.3 Biodiversity & Greening**

Policy 34 of the City Plan and the council's Environmental SPD (ESPD) seek to protect and enhance the city's green infrastructure to maximise its environmental, social, and economic value. The proposals would include planters along the three sides of the new terrace. This addition is welcome and ensures that the proposal provides some greening.

## **9.4 Townscape, Design & Heritage Impact**

### **Legislative & Policy Context**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

In terms of the City Plan, the relevant policies are policies 38, 39 and 40 of Westminster's City Plan 2021.

Policy 38 in part states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and respond to Westminster's context by positively contributing to Westminster's townscape and streetscape.

Policy 39 states in part that works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail and historic fabric. That development will preserve or enhance the character and appearance of Westminster's conservation areas.

Policy 40 states in part that development will sensitively be designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape. That alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape.

## **Assessment**

#### Upward extension to the rear projection

Consent is sought for the construction of a full depth extension at first floor level above an existing full depth ground floor projection, involving the demolition of an existing lean-to structure which is not considered to be of historic or architectural significance. The existing first floor timber framed conservatory which projects from the principal rear wall is to be altered and shortened, with the external door removed to provide access to the proposed extension. An insulated panel is proposed in place of one of the existing windows. The solid panel in the location proposed looks incongruous and detracts from the appearance of the conservatory; the imposition of an amending condition requiring this to be changed to a window to match the retained existing windows (albeit to amended proportions) is therefore recommended.

The proposed extension is to be finished in render to match the floor below and will include two side sash windows. Archival maps of the site indicate that the buildings extended the full depth of the site originally. Whilst some objectors find the scale of the extension overbearing, it is considered that the extension at first floor level would relate sensitively to the neighbouring properties and would follow the general pattern of development to the rear of these townhouses, causing no harm to the group value of the terrace. Legibility of the historic rear building line has already been degraded by the first-floor conservatory and lean-to structure to the closet wing. The proposal to create a full depth extension is not, in this particular instance, considered harmful to the historic plan form or the appearance of the listed building.

#### Roof terrace on the new extension

A terrace is proposed above the first-floor extension. The proposals originally showed a second-floor glazed extension to the rear, but following negotiations with officers this has been omitted due to concerns raised regarding overdevelopment of the historic rear elevation and the incongruous design of the proposal.

The proposed second floor terrace is not considered harmful to the significance of the listed building or the character and appearance of the conservation area given that the revised proposal shows it well set back from the rear edge and subject to the imposition of a condition restricting the installation of associated structures and clutter.

#### High-level door opening

A new door opening is proposed in the principal rear wall to accommodate access to the terrace. A door opening in this location is not historically accurate and has an awkward visual relationship with the existing window adjacent, resulting in the loss of a small amount of historic fabric, causing some harm. However, it is acknowledged that the pattern of fenestration on these buildings has been altered in a piecemeal fashion over time and there is little consistency.

#### Impact on the listed building

The building was converted into flats during the 1930s and archival drawings indicate that several new partitions were installed at this date. Internal alterations are proposed at first and second floor levels.

At first floor level, the proposals involve demolition of an existing front-rear partition in the front principal room. The removal of this poorly located partition is a significant heritage benefit that will enhance legibility of the historic principal room volume, plan

form and visibility of historic plasterwork. The proposals also involve removing studwork that currently divides the front and rear principal first floor rooms to create an enlarged opening. The imposition of a condition to protect historic plasterwork is recommended for clarity. Replacement of modern chimneypieces is acceptable subject to securing details of the proposed replacements. Consent is sought to reinstate shutter boxes and architrave linings to the front windows to match historic detailing, which is supported in heritage terms.

A new kitchen is proposed in the rear principal room. This proposal will cause some harm, given that this a principal part of the building which was not historically intended for utilitarian uses. However, the kitchen units are completely freestanding and are set away from the wall. Given that no units are fixed to the fabric of the building, the degree of harm caused is minor and no objection is raised in this instance given the significant heritage benefits offered by the scheme elsewhere on this level of the building. An existing door is shown retained and fixed shut, but will remain visible and legible.

At second floor level, the proposals involve the installation of new partitions in the rear room to divide this space into three cellular spaces. This aspect of the proposals will cause harm to legibility of the historic plan form and the original room volume and proportions will be lost. The layout to the front part of the second floor is generally as existing, reusing existing door openings to minimise loss of historic fabric. An existing non- historic door opening between the proposed kitchen and WC/ utility is to be infilled, which is uncontentious in listed building terms. A new kitchen is proposed in the smaller of the two front second floor rooms, which will obscure an existing fireplace. However, this fireplace is in an unusual location which is not mirrored on the lower floors. It is therefore likely to be a modern addition and concealing it is therefore acceptable.

In general, some poorly sited cabling detracts from the appearance of the interior, particularly at second floor level. A condition is recommended requiring this cabling to be removed prior to occupation of the flats, to enable the aesthetic value of the original plasterwork to be enhanced.

### **Conclusion**

While some elements of the proposal result in a minor degree of less than substantial heritage harm, other elements result in a heritage benefit. It is considered that the heritage harm and heritage benefits offset each other. Therefore, overall the proposal would be acceptable in heritage terms and in accordance with the City Plan and requirements of the NPPF.

### **9.5 Residential Amenity**

Policies 7 and 33 of the City Plan seek protect residential amenity in terms of light, privacy, sense of enclosure and to encourage development, which enhances the residential environment of surrounding properties.

Policies PIM 3 and PIM 4 of Pimlico Neighbourhood Plan provide more detailed framework on the developments in related to upward extensions and design of rear terraces in the Pimlico Conservation Area. The policies state that these changes would be acceptable if it will not result in a loss of amenity or privacy to neighbouring

properties.

The proposal includes a full depth upward extension to the rear projection of the building at first floor level along with a new terrace on the roof to serve the second floor flat. Seven objections have been received from neighbouring residents on grounds that the new extension would overshadow / reduce light to neighbouring properties and the flat in the lower floor of the same building. The objectors are also concerned that the new roof terrace would harm neighbouring residents in terms of overlooking, noise and disturbance.

### Daylight and Sunlight

The application is supported with a daylight and sunlight report, which is in accordance with the Building Research Establishment (BRE) guidelines. The report assesses the impact of the development on the light received by the neighbouring properties at 29, 31 & 33 Gloucester Street and 53, 54 and 55 Warwick Square. The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE explains their guidelines are intended for use for rooms in adjoining dwellings where light is required, and principally seeks to protect light to main habitable rooms (i.e. living rooms) in residential dwellings, and it accepts that bedrooms are of less importance. Offices are normally artificially lit spaces and would therefore have a low expectation of natural light when compared to dwellings.

### Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL). VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss could be noticeable. NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss could be noticeable.

All windows to the rear pass the VSC measure. 11 windows to no. 53, 54 and 55 Warwick Square breach the VSC measure. The VSC breaches to the residential windows are summarised below.

Table: VSC Breaches

Floor and Building	Window	Room Use	Existing VSC	Proposed VSC	Loss	% Loss
Ground 53	46	Bedroom	11.9	4.9	7	59
Ground 53	47 internal	Bathroom	3.3	0	3.3	100
Ground 53	49	Conservatory (above open plan living area)	8.1	5.9	2.2	27
Ground 53	50	Conservatory (above open plan living area)	26.5	19.2	7.3	28
Ground 53	51 internal	Drawing Room	7.8	5.7	2.1	27
First 53	55	Bedroom	18.5	12.3	6.2	34
First 53	56	Bathroom	12.6	6.6	6	48
Lower ground 54	66	Bedroom	4.5	3.5	1	22
Ground 54	71	Office (Class E)	4.9	3.2	1.7	35
Ground 55	1	Storage	11.9	4.3	7.6	64
First 55	4	Bedroom	16.4	9.7	6.7	41

In terms of the NSL measure, at 53 Warwick Square there would be one breach to the bedroom at ground floor (window 46) where there would be a 87% loss and one breach to the first floor bedroom (window 55) where there would be a 91% loss. At 54 Warwick Square there would be a 50% loss to a bedroom to the basement flat (window 61 and 62), and a 21% loss to the office at ground floor (window 71).

#### *53 Warwick Square*

This property contains the most windows impacted in terms of loss of daylight. The proposals impact two bedrooms, one on the ground and one of the first floor. These bedrooms contain window or glazed door which look towards/ over the existing rear projection and therefore the upward extension would result in additional obstruction to in front of these openings. Window 46 to the ground floor bedroom would lose 59% under the VSC measure and the room 87% under the NSL measure (although this bedroom also contains a rear window which would not breach the BRE guidelines). Window 55 to the first floor bedroom would lose 34% under the VSC measure and the room 91% under the NSL measure. The measures taken together indicate that these rooms will experience a noticeable loss of daylight.

In terms of VSC, there would also be an impact on the conservatory and some of the windows which have become internal as a result of its construction. Although, there would be no breach of the NSL measure (and both measures should be considered together to assess the impact of daylight). The conservatory is in effect a hallway which

leads from the ground floor drawing room to the ground floor terrace plus a stairwell which leads down to the open plan kitchen and living area on the lower ground floor. Approved drawings showing the layout of 53 Warwick Square indicate that the drawing room (window 51 – 27% loss under the VSC measure) is a dual aspect room and while the conservatory is a light source for the open plan living kitchen area (via the stairwell), it also benefits from numerous other rooflights in compliance with BRE guidelines. Hallways/ stairwells themselves are non-habitable spaces and the BRE guidelines do not consider it crucial to protect light to non-habitable spaces. For all these reasons, the impact on the conservatory is considered relatively minor. There is also a bathroom impacted on the first floor (window 56) but again, this is a non-habitable space.

While it is regrettable that there would be a noticeable loss of light to 53 Warwick Square, most of the rooms impacted have other sources of daylight and the most severely impacted rooms are bedrooms which are of lesser importance as compared to the principal habitable spaces of a dwelling. Most notably, 53 Warwick Square benefits from a similarly sized extension as that proposed to 54 (as do many others on this terrace). In that context it would be unreasonable to refuse permission on the grounds of light loss when the BRE guide notes that in a dense urban environment, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

Among the objections received, some objectors questioned the accuracy of information in the report, for example it is argued that there are many discrepancies to the windows of the adjoining 53 Warwick Square, including room uses – an officer has visited the site, and the above table is accurate, as far as officers are aware. While visualisations can be helpful in understanding the proposals, it is the scaled drawings that are considered to understand the scale of the development.

#### *54 Warwick Square*

In terms of 54 Warwick Square there is only one residential window which breaches the VSC measure (window 66) and one residential room which breaches the NSL measure (windows 61 and 62). Both of these rooms are bedrooms.

In terms of window 66, which serves a bedroom to the rear of the main building, it only marginally breaches the VSC measure (22%). It experiences very low levels of existing daylight and this means that a small absolute loss (1) has resulted in a percentage loss in excess of BRE guidelines, but in actuality because the absolute loss is low it is unlikely that the loss would be noticeable to occupiers. In addition, that bedroom complies with the NSL measure.

The other bedroom (to the rear of the site) which is served by windows 61 and 62 does not comply with the NSL measure. However, again this is a function of very low levels of existing daylight. The NSL measure indicates that only within 2% of the existing room is the sky currently visible and this would reduce to 1%, and so while this is a 50% loss, in actuality an occupier will unlikely notice the difference between visible sky in 1% of the room as compared to 2% of it.

At ground floor, there would be a loss in VSC to the rear window at ground floor. However, this window is to an office (class E) and it is not therefore residential and the loss is therefore not of a significant concern.

Overall, it is not considered that the proposals will result in an undue loss of light to other occupiers within 54 Warwick Square.

#### *55 Warwick Square*

55 Warwick Square contains two windows on the party boundary with 54 Warwick Square. Windows on party boundaries are typically considered unneighbourly. Both windows in this case are obscure, which will limit the daylight which can travel through them. Planning records indicate that the ground floor window serves a storage room (which is non-habitable) and the first floor window serves a bedroom which also contains an alternative window. Given these windows are themselves unneighbourly, it would be unreasonable to seek to protect them in the same manner as other residential windows. However, even if that were not the case, given the circumstances of the rooms, it is not considered that they would suffer a loss of light detrimental to living conditions despite the daylight losses.

#### Sunlight

The BRE guide indicates that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The guide indicates that if loss of sunlight from the proposed development is greater than 20% either over the whole year or just during winter months, or there is more than a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

All the windows have been identified, numbered and analysed in the assessment and almost all windows which meet the requirement for sunlight except 3 windows which would have 16%, 12% and 5% loss in total annual sunlight hours (window 1, 4 and 50).

Given windows 1 and 4 are flank windows serving the rear projection of the adjoining 55 Warwick Square, window 50 is the rooflight serving the hallway/ stairwell the loss of sunlight, and given the circumstances as described in the daylight section, it is not considered that the loss of sunlight will be detrimental to the living conditions of neighbours in this case.

#### Sense of enclosure

There have been objections that the extension will result in an increased sense of enclosure to the adjoining properties, particularly to those on the lower levels. As mentioned, some objectors pointed out the discrepancy between the sunlight & daylight report and the real impact on the neighbours. It is argued that the sun simulation and rendering in the submitted drawings and report are inaccurate and playdown the adverse impact on lights received and sense of enclosure.

In response to the above objection, the agent has submitted an Amenity Consideration Report on visual representations to justify the scheme and to support the accuracy of their submitted drawings in terms of representation of rear extensions of neighbouring properties and visual change to the application building.

The submitted drawings are considered accurate, and the objections relating to false or



misleading information of this application cannot be supported.

The upward extension of the rear projection would increase its height and therefore increase the enclosure within the gaps between the rear projections at 53, 54 and 55 Warwick Square. Considering the circumstances set out in the daylight and sunlight sections, and that the building and the proposed rear extension follows the established pattern along the rear of the Square and would be similar to the existing rear projections at 53 and 55 Warwick Square, it would be unreasonable to resist this proposal on the grounds of increased sense of enclosure as the neighbouring buildings most impacted by the proposal (53 and 55) already benefit from a similar rear projection. The rear elevation opposes 31 and 33 Gloucester Street to the rear, and the increased height and massing of the upward extension would also be visible from there. However, given the separation provided by the gardens and the established pattern of development on the terrace, there would not be unacceptable increase in a sense of enclosure.

#### Overlooking, privacy and noise

A roof terrace is proposed on top of the first-floor extension. There is currently a significant level of mutual overlooking from the existing roof terrace (on top of the existing rear projection) and windows of the application site with views to the rear elevation of 31 and 33 Gloucester Street, the adjoining properties at 53 and 55 Warwick Square and the basement flat within the application building. The proposed terrace within the extension would alter the nature of the overlooking because the new roof terrace would be more elevated than the existing, but overall, it would not result in a worse level of overlooking – particularly as the new roof terrace would be smaller.

The applicant's Amenity Consideration Report on overlooking and privacy demonstrates that overall there would be no additional loss of privacy from the proposed roof terrace. Initially, the proposed terrace extended the full extent of the rear extension. During the course of the application, the extent of the terrace was reduced, and a planted area was introduced to the rear to increase on-site biodiversity and to reduce the potential of views into the properties at lower levels and rear of buildings nearby. The amended terrace, which has a 2.9m set-back from the rear end of the new extension, would not impact on neighbours in terms of overlooking such as to justify a recommendation for refusal. While there would also be new windows, these combined with a smaller replacement roof terrace would not worsen overlooking overall when compared to the existing situation which includes the larger roof terrace. Also, the use of the roof terrace would change from being associated with a commercial use to one being associated with a residential use, which will be a type of roof terrace more compatible in this residential context. It would likely have less potential to disturb neighbours in terms of noise given that it would be smaller than the existing and would be in connection with a single 1-bedroom flat (rather than offices).

#### Conclusion

The case officer has undertaken site visits to both application property and the properties of the objectors due to the number of comments received and divided views on the development. Whilst the objections on the amenity grounds are clearly understood, considering the scale of the scheme has been reduced in response to the objection, considering the degree of impact and considering the final proposals follow

the established pattern of this part of the Warwick Square, the application is not resisted on amenity grounds.

### **9.6 Transportation, Accessibility & Servicing**

The site is centrally located and well served by public transport including principal bus routes and benefits from the highest public transport accessibility (PTAL) rating (6b).

#### Car Parking

No car parking is proposed, Policy 27 supports residential development without car parking provision.

#### Cycle Parking

The proposed 2 x 1-bedroom flats will require a minimum of 2 cycle parking spaces. The submission documents state that bicycle storage space is already provided in the lower ground floor common area in the vaults of the building. Whilst no further details are provided, given the application is related to units on the first and second floor levels, the existing storage on the lower ground, which are more accessible, would be acceptable. A condition is recommended to require further details to ensure cycle parking is provided in line with the London Plan requirements.

#### Waste Storage

The submission documents state that refuse storage will remain unchanged from the current arrangements. Currently all residential and commercial units within the building leave their refuse and recycling in bags outside their individual entrance doors and the full-time Porter for the block takes them away daily to the communal refuse bin points on the South end of Warwick Square. However, detailed drawings about refuse storage would be required to meet the council waste storage requirements and therefore a condition is recommended to secure this.

### **9.7 Other Considerations**

None.

### **9.8 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

### **9.9 Planning Obligations & Pre-Commencement Conditions**

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

### **10. Conclusion**

For the reasons set out in this report, the proposed development is considered to accord with the relevant policies in Westminster's City Plan 2019-2040 (adopted April 2021) and Pimlico Neighbourhood Plan. The reconversion of the properties from office to residential units is welcomed in land use terms. The proposed extension, which follows the general pattern of development to the rear of these townhouses, is not refusable in

design and townscape terms.

The new roof terrace is considered not to have an unacceptable impact on the amenity of neighbouring residents in terms of overlooking or noise and disturbance following the amendment. Whilst the high opening door and internal alteration will be resulting in the loss of a small amount of historic fabric and causing some harm to the listed building, given the pattern of fenestration on these buildings has been altered in a piecemeal fashion over time and the level of harm caused by the internal alteration is a low degree of less than substantial, the change would not harm significance of the listed building and this part of the Conservation area.

The application is considered acceptable in design, heritage, amenity, and environmental terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

(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: JOSUHA HOWITT BY EMAIL AT [jhowitt@westminster.gov.uk](mailto:jhowitt@westminster.gov.uk)

**11. KEY DRAWINGS**

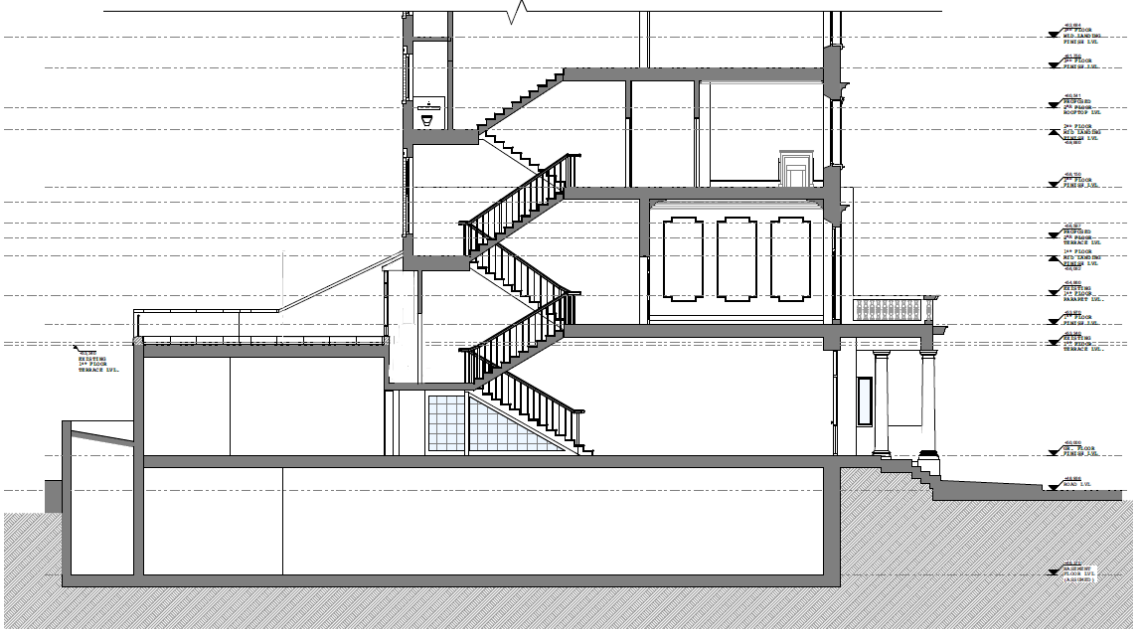




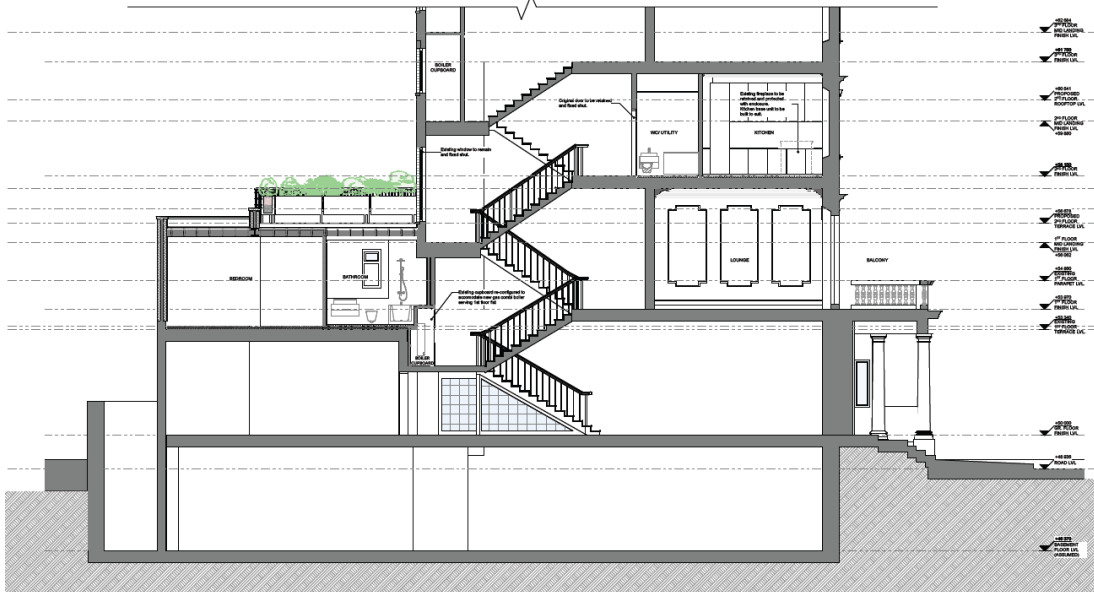
**Existing elevations**



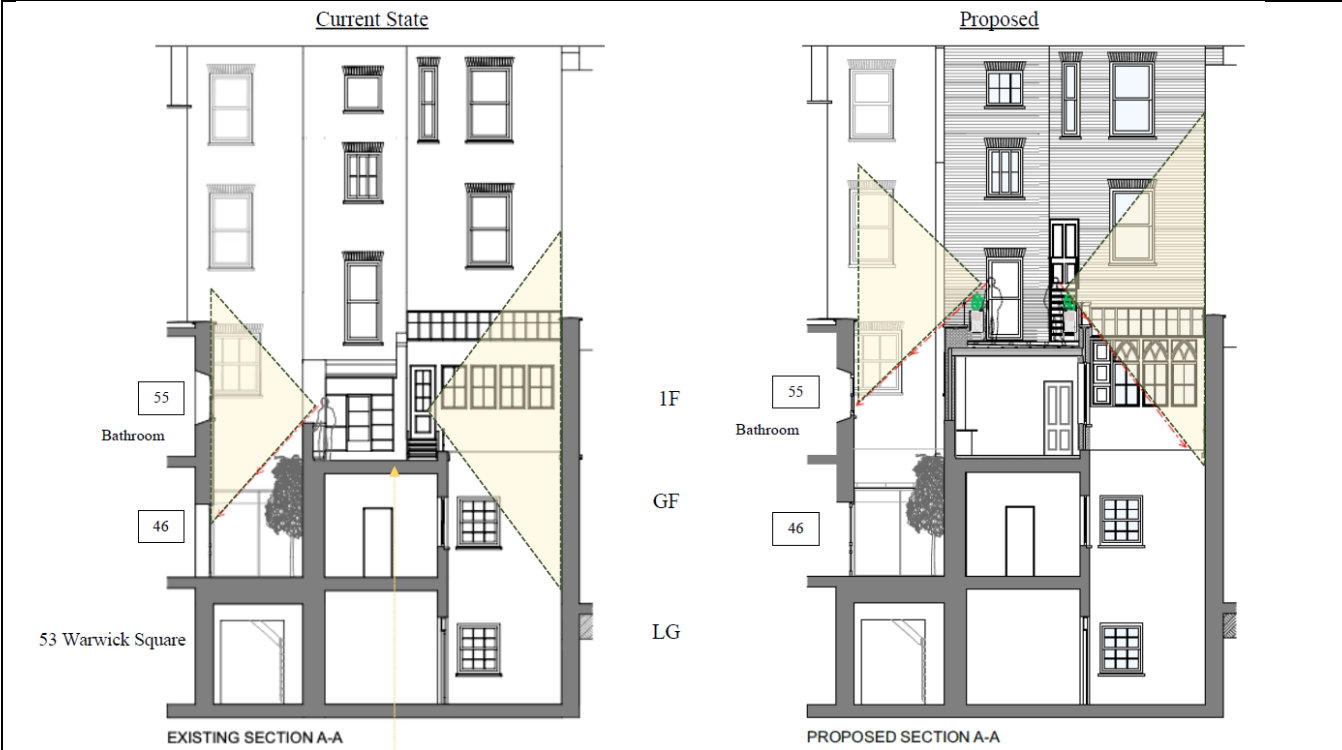
**Proposed elevations**



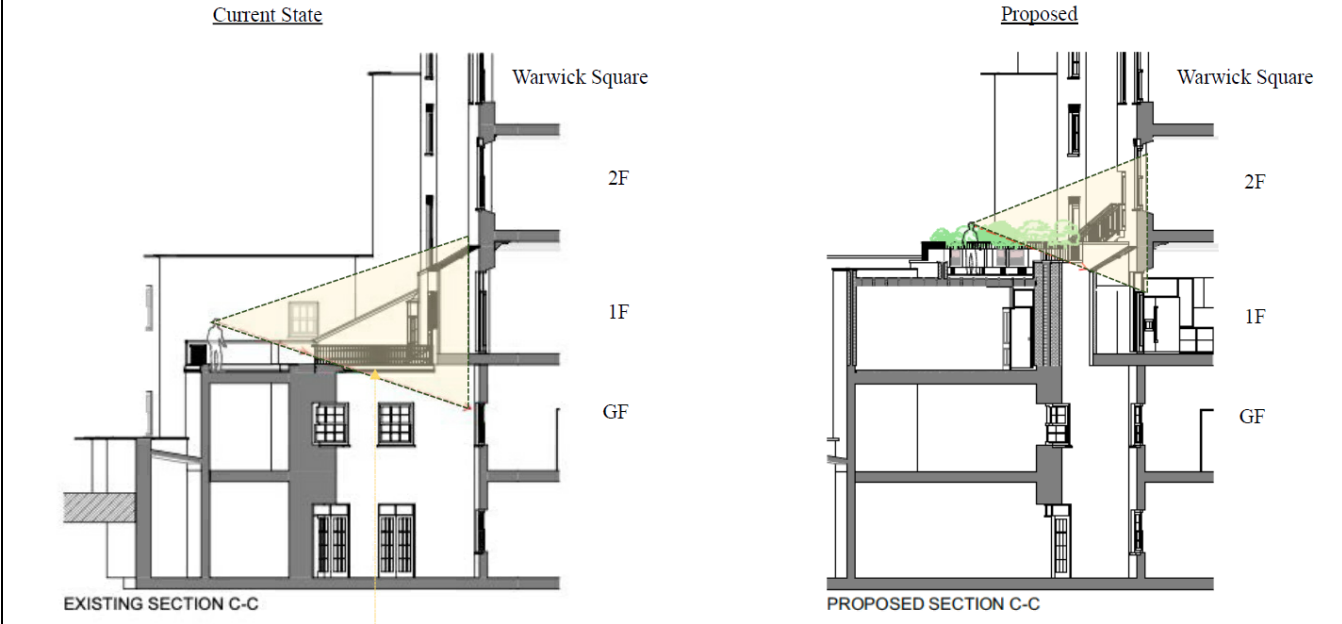
Existing section BB



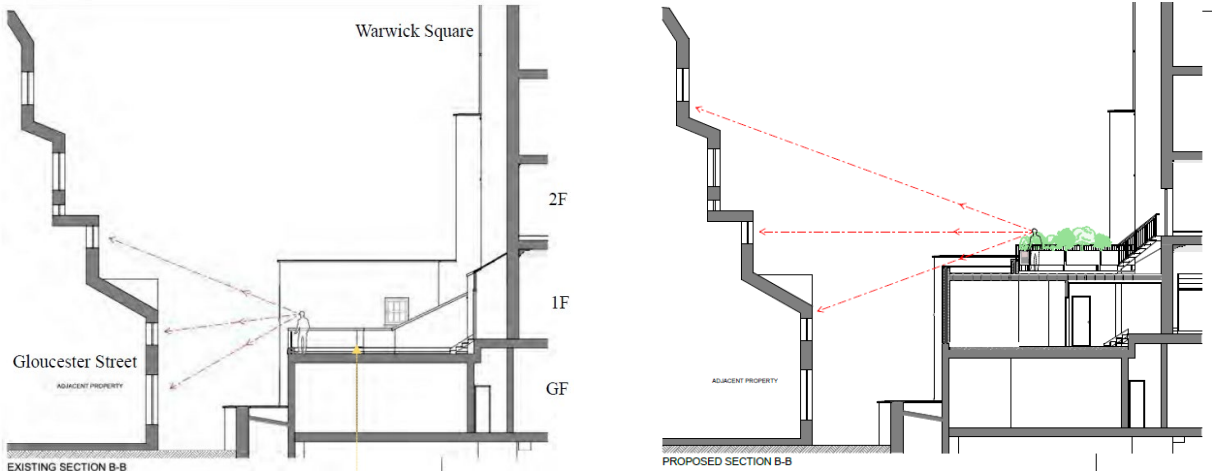
Proposed section BB



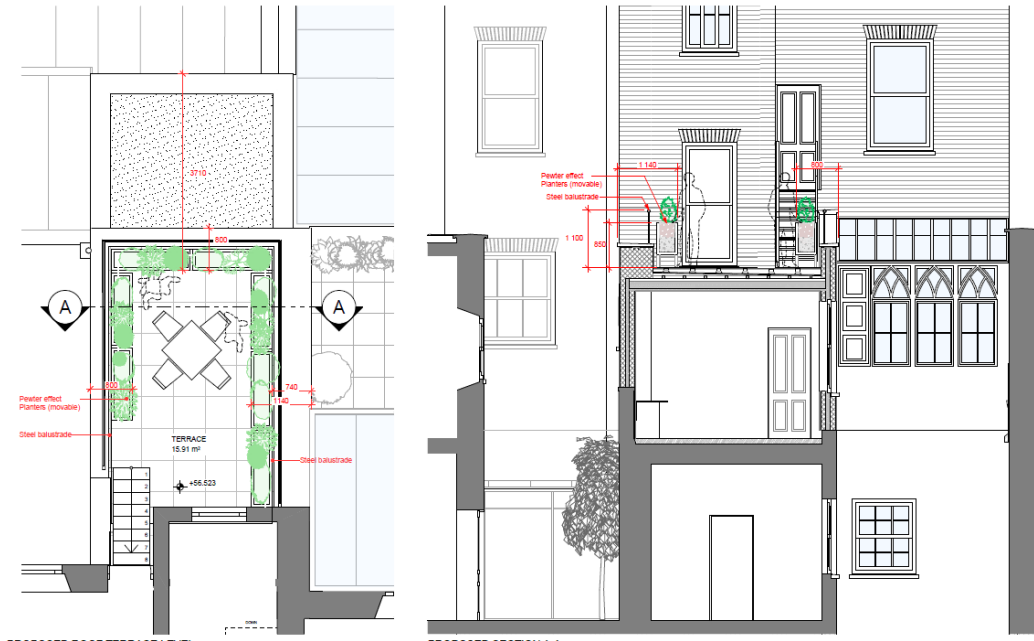
**Existing and proposed sightline (i)**



**Existing and proposed sightline (ii)**



**Existing and proposed sightline (ii)**



**Detailed plan and section of the roof terrace on the extension**



**DRAFT DECISION LETTER – Planning Permission**

**Address:** 54 Warwick Square, London, SW1V 2AJ

**Proposal:** Extensions at rear first floor level; creation of roof terrace at rear second floor and alterations to existing rear first floor conservatory in connection with use of first and second floors as two 1-bedroom flats.

**Reference:** 23/00721/FULL

**Plan Nos:** Existing drawings:  
A/01, A/101-Rev A, A/102-Rev A, A/103-Rev A, A/104-Rev A, A/105-Rev A, A/106-Rev A;

Proposed drawings:  
A/201-Rev D, A/202-Rev D, A/203-Rev C, A/204-Rev D, A/205-Rev D, A/215, SK/511- Rev A, SK/513 - Rev A, Daylight and Sunlight Report dated 17 January 2022

**Case Officer:** Morgan Cheung

**Direct Tel. No.** 07971092759

**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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of details of the following parts of the development:

1. Railings (1:10)
2. External windows and doors (1:10)
3. External terrace access stair (1:20)
4. Planters (1:10)

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 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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 The facing render must match the existing original work in terms of colour and texture. This applies unless differences are shown on the approved drawings.

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 Except for those shown on the approved drawings, you must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the flat roof/ roof terrace.

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

1. Amend solid panel shown on first floor conservatory to a window to match the detailing and glazing pattern of adjacent existing retained windows.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 8 You must paint the terrace railings black and maintain them in that colour.

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 9 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 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 in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to

everyone using the two residential flats. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 11 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the residential use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the two residential flats. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

#### **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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

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 – Listed Building Consent**

**Address:** 54 Warwick Square, London, SW1V 2AJ

**Proposal:** Extensions at rear first and second floor levels; creation of roof terrace at rear second floor and alterations to existing rear first floor conservatory in connection with use of first and second floors as two 1-bedroom flats.

**Reference:** 23/00722/LBC

**Plan Nos:** Existing drawings:  
A/01, A/101-Rev A, A/102-Rev A, A/103-Rev A, A/104-Rev A, A/105-Rev A, A/106-Rev A

Proposed drawings:  
A/201-Rev D, A/202-Rev D, A/203-Rev C, A/204-Rev D, A/205-Rev D, A/215, SK/511- Rev A, SK/513 - Rev A

**Case Officer:** Morgan Cheung

**Direct Tel. No.** 07971092759

**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:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 2 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 Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 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 Pimlico Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of details of the following parts of the development:

1. Railings (1:10)
2. External windows and doors (1:10)
3. External terrace access stair (1:20)
4. Chimneypieces (1:20)
5. Window shutters and architraves (1:10)
6. Plans showing new internal service route locations and impact on historic fabric.
7. Schedule of internal doors identifying doors to be retained or replaced and 1:10 detailed drawings of new internal doors.
8. New cornices (1:5) including reflective ceiling plans showing areas of corning to be retained or replaced.
9. Planters (1:10)

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 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 Pimlico Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 The facing render must match the existing original work in terms of colour and texture. This applies unless differences are shown on the 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 Pimlico Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 Except for those shown on the approved drawings, you must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the flat roof/ roof terrace.

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 Pimlico Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

1. Amend solid panel shown on first floor conservatory to a window to match the detailing and glazing pattern of adjacent existing retained windows.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Pimlico Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 8 The terrace railings hereby approved shall be painted black and maintained that colour.

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 Pimlico Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 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 Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 10 You must not disturb existing original plasterwork, joinery and internal doors unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

(R27BE)

- 11 You must remove the redundant surface mounted cabling from the building before you residential units are occupied. (C26VA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

(R27BE)

### 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 (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 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)



Item No.
<b>3</b>

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.

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