



City of Westminster

# Committee Agenda

Title: **Planning Applications Sub-Committee (3)**

Meeting Date: **Tuesday 3rd October, 2023**

Time: **6.30 pm**

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

Members: **Councillors:**  
Nafsika Butler-Thalassis (Chair)  
Patrick Lilley  
Md Shamsed Chowdhury  
Louise Hyams



**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)  
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 Patrick Lilley had replaced Councillor Cara Sanquest

That Councillor MD Shamsed Chowdhury was substituting for Councillor Ryan Jude and that Councillor Louise Hyams was substituting for Councillor Amanda Langford.

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 personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

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

**(Pages 5 - 10)**

#### **4. TREE PRESERVATION ORDER TPO: 696 - 9 CAMBRIDGE STREET, LONDON, SW1V 4PP**

**(Pages 11 - 20)**

#### **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. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

- |   |                        |
|---|------------------------|
| <b>1. 40 EASTBOURNE TERRACE, LONDON, W2 6LG</b> | <b>(Pages 23 - 48)</b> |
| <b>2. 62 CLIFTON HILL, LONDON, NW8 0JT</b>      | <b>(Pages 49 - 76)</b> |
| <b>3. 1-4 MARBLE ARCH, LONDON, W1H 7EJ</b>      | <b>(Pages 77 - 88)</b> |

**Stuart Love**  
**Chief Executive**  
**22 September 2023**

## Order of Business

At Planning 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 (3)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 8th August, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Nafsika Butler-Thalassis (Chair), Md Shamsed Chowdhury and Jason Williams

**Also Present:** Councillor Laila Cunningham (Item 3) and Councillor Jessica Toale (Item 5).

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillors Md Shamsed Chowdhury and Jason Williams were substituting for Councillors Ryan Jude and Cara Sanquest.
- 1.2 Apologies were received from Councillor Amanda Langford.

#### 2 DECLARATIONS OF INTEREST

- 2.1 The Chair explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and 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 2 issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Jason Williams declared that in respect of Item 4 he had previously been a Member of the Covent Garden Area Trust, he was no longer a Member however and he had not discussed the application with any parties.

- 2.3 Councillor Jason Williams and Md Shamsed Chowdhury both declared that in respect of Item 5 Councillor Jessica Toale, who was making a deputation at the meeting, was a colleague of theirs but they had held no discussions regarding the application with her.

### **3 MINUTES**

- 3.1 **RESOLVED:** That the minutes of the meeting held on 30 May 2023 be signed by the Chair as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

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

#### **1 5 BALFOUR PLACE, LONDON, W1K 2AU**

Erection of a single storey extension at sixth floor level with a terrace to the rear. Demolition of existing rear lower ground floor extension and erection of an alternate extension in the northern portion of the rear garden with a terrace above. Partial infilling of internal lightwell from first to fifth floor level adjacent to No. 4 Balfour Place to accommodate a lift. External alterations including modifications to the rear fenestration, replacement window and installation of railing detailing to the front elevation, modifications to main entrance portico, alteration to fire access arrangement and associated works. Reconfiguration of existing building, and together with the proposed extensions to provide six residential units (one additional unit) (Class C3).

Brian Abel, a local resident, addressed the Sub-Committee in objection to the application.

#### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

#### **2 OSLO COURT, PRINCE ALBERT ROAD, LONDON, NW8 7EN**

Erection of a single storey roof extension to provide four new residential units (Class C3) with external terraces, green roof and PV panels, installation of associated plant equipment, extension of main stair tower and existing lifts, replacement of existing restaurant extension and provision of separate restaurant entrance. (Linked with 21/06286/LBC)

Additional representations were received from Lambert Smith Hampton (13.07.23) and the Leaseholders Association of Oslo Court (03.08.23). The planning officer had also circulated clarifications and corrections to the report (04.08.23).

Late representations were received from Airspace (04.08.23), the Twentieth Century Society (11.01.23), KM Heritage (undated).

Tom Grey, representing Airspace Advisory, addressed the Sub-Committee in support of the application.

Milton Woolf, representing the Leaseholders Association of Oslo Court, addressed the Sub-Committee in support of the application.

Ashok Ghosh, a local resident, addressed the Sub-Committee in objection to the application.

**RESOLVED (Councillors Chowdhury and William – Refuse; Councillor Butler-Thalassis – Grant):**

- 1) That planning permission be refused on the grounds that the proposals would harm the special architectural and historic interest of the grade II listed building, in addition to failing to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. The Sub-Committee also considered that Insufficient information had been provided to confirm that the proposed development would not cause harm to protected trees.
- 2) That listed building consent be refused on the grounds that the proposals would harm the special architectural and historic interest of the grade II listed building, in addition to failing to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area.

**3 40 EASTBOURNE TERRACE, LONDON, W2 6LG**

Servicing Management Plan and Operational Management Plan for the hotel and restaurant uses, and details of how a no Coach/no group bookings policy will be managed, pursuant to condition 10A (OMP) and 10B (No coach or Group booking policy) and 32 (SMP) of planning permission dated 1 November 2019 (19/03058/FULL)

Additional representations were received from two local residents (28.07.23, 01.08.23 and 02.08.23), South-East Bayswater Residents Association (03.08.23) and Gerald Eve (01.08.23).

Late representations were received from Whitbread (04.08.23), Yard Nine (04.08.23) and one local resident (04.08.23).

Mark Younger, representing CSHV IUK ET Propco Limited, addressed the Sub-Committee in support of the application.

Amy Rogers, a local resident, addressed the Sub-Committee in objection to the application.

David Hugh-Jones, a local resident, addressed the Sub-Committee in objection to the application.

The Committee Clerk read out the deputation from John Walton, representing the South East Bayswater Residents Association, in objection to the application.

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

**RESOLVED (Councillor Chowdhury and Williams – Defer; Councillor Butler Thalassis – Grant):**

That the application be deferred for a site visit to enable the Sub-Committee to observe the delivery bay in operation.

**4 35 THE MARKET, COVENT GARDEN, LONDON, WC2E 8RF**

Use of an area of public highway measuring 6.5m x 10.5m for the placing of 26 tables, 52 chairs, 10 stools, 13 planters, 2 parasols, external bar area, service station and associated works in connection with Sushi Samba for a temporary period until 24 March 2024.

Miriam Holland, representing the Covent Garden Area Trust addressed the Sub-Committee in objection to the application.

**RESOLVED UNANIMOUSLY:**

That conditional planning permission be granted for a temporary period until 24 March 2024.

**5 16 BOURDON STREET, LONDON, W1K 3PH**

Use of the ground floor as a retail unit (Class E(a)), alterations to the ground floor front elevation including the installation of a louvre to serve an air conditioning unit, and internal alterations.

A late representation was received from a local resident (07.08.23).

Lyndsey Ingram, representing the Lyndsey Ingram Gallery, addressed the Sub-Committee in support of the application.

Diana Dennis, a local resident, addressed the Sub-Committee in support of the application.

Craig Marks, a local resident, addressed the Sub-Committee in objection to the application.



Peter Clifford, a local resident, addressed the Sub-Committee in objection to the application.

Belinda Harley, representing the Residents Association of Mayfair and St James, addressed the Sub-Committee in objection to the application.

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

**RESOLVED UNANIMOUSLY:**

- 1) That conditional permission and conditional listed building consent be granted subject to:
  - i) The introduction of an operational management plan to mitigate the impact on residents, to be agreed with officers under delegated powers;
  - ii) An amendment to Condition 10 to ensure it referred to Class E(a); and
  - iii) An amendment to Condition 13 to ensure that the hours permitted included events being held at the gallery.
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

**6 15 CLIVEDEN PLACE, LONDON, SW1W 8LA**

Application 1

Variation of condition 1 of planning permission dated 7 July 2020 (RN: 20/01382/FULL) for: Retention of an air conditioning unit in an acoustic enclosure within the rear garden and rear double-doors to rear elevation at lower ground floor level. Namely, to change the acoustic enclosure to a louvred system (retrospective).

Application 2

Installation of louvred acoustic housing under stairs in rear garden (retrospective).

An additional representation was received from one local resident (04.08.23).

Michael Nathan, a local resident, addressed the Sub-Committee in objection to the application.

**RESOLVED (Councillors Butler-Thalassis and Williams – Grant; Councillor Chowdhury – Refuse):**

Application 1:

- 1) That conditional permission be granted.

Application 2:

- 1) That conditional listed building consent be granted.
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

**7 7 CAROLINE PLACE, LONDON, W2 4AW**

Installation of 1 air conditioning unit in the rear garden, housed in an acoustic enclosure.

An additional representation was received from one local resident (03.08.23).

Late representations were received from a local resident (03.08.23), Councillor Cunningham (7.8.23) and the Bayswater Residents Association (07.08.23).

Duncan McLeod, representing McLeod Studio, addressed the Sub-Committee in support of the application.

Frances Hunter Gordon, a local resident, addressed the Sub-Committee in objection to the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

The Meeting ended at 10.16 pm

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

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



City of Westminster

## Executive Summary and Recommendations

**Title of Report:**

**Tree Preservation Order No. 696 – 9 Cambridge  
Street, London SW1V 4PP**

**Date:**

**3 October 2023**



## **Summary of this Report**

On 8 June 2023 the City Council made a provisional Tree Preservation Order (TPO) to protect one Sycamore tree (labelled T1 on the TPO plan) located at 9 Cambridge Street, London SW1V 4PP (the Property). The TPO is provisionally effective for a period of six months from the date it was made (8 June 2023) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 8 December 2023. The TPO was made as the tree makes a valuable contribution to amenity and to the appearance of the townscape and makes a positive contribution to the character and appearance of the Pimlico conservation area.

The TPO was made following receipt of six weeks' notice of intent (a S211 notification) to remove one sycamore from land in the ownership of 9 Cambridge Street. The tree is located adjacent to 5 St George's Drive. The tree is protected by virtue of its location within Pimlico conservation area. The reason given for the proposed removal of the tree is that it is causing damage to the foundation piers of 5 St George's Drive.

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 MacAusland Design Limited. This is to be treated as both an objection from a local resident and/or as agent for pre-application planning enquiries, and as an objection from the owner of the Property.

## **Recommendations**

The Sub-Committee should decide EITHER

(a) TO CONFIRM Tree Preservation Order No. 696 (2023) with or without modification with permanent effect; OR

(b) NOT TO CONFIRM Tree Preservation Order No. 696 (2023).



City of Westminster

# Committee Report

Item No:

Date:

3 October 2023

Classification:

General Release

Title of Report:

Tree Preservation Order No. 696 (2023) – 9  
Cambridge Street, London SW1V 4PP

Report of:

9 Cambridge Street, London SW1V 4PP

Wards involved:

Pimlico North

Policy context:

No requirement to have regard to Development Plan policies when confirming a TPO but special attention must be paid to desirability of preserving enhancing the character and appearance of the conservation area  
Notwithstanding the above – the following planning policies are of relevance: 32, 34, 39 of the City Plan 2019 - 2040 April 2021

Financial summary:

No financial issues are raised in this report.

Report Author:

Ross Fletcher and Georgia Heudebourck

Contact details

Rfletcher@westminster.gov.uk  
Georgia.heudebourck@rbkc.gov.uk

## 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 696 (2023) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 8 June 2023.
- 1.2 The purpose of a Tree Preservation Order (TPO) 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 tree planting if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 696 (2023) was made following the receipt by the City Council of six weeks’ notice of intention to remove one Sycamore tree (T1) from land in the ownership of 9 Cambridge Street (shown labelled T1 of the TPO Plan). Under s211 of the 1990 Act it is 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 Sycamore T1 is prominent in views from Elizabeth Bridge and St Georges Drive, and is highly visible to the thousands of passengers using trains in and out of Victoria Station every day. It makes a positive contribution to the character and appearance of the conservation area, and helps to soften and provide relief to an otherwise relatively unprepossessing view from Elizabeth Bridge.
- 1.5 The tree is about 15 m in height. It has been heavily pruned where it overhangs the railway, which is of some detriment to its form, but not to an extent that it has resulted in significant damage to the appearance of the tree.

- 1.6 The tree is a mature specimen, in good condition. It has a long life-expectancy.
- 1.7 The scale and form of the sycamore is such that it is in proportion to the adjacent property. However, it is growing on a narrow strip of land between a ground floor extension to 5 St George's Drive which is supported on piers, and the boundary wall with the railway. The tree is very close to the extension. Whilst there is evident damage to the piers and cracking to the extension, it has not been demonstrated that the tree is the cause of the damage. The owner advises the extension has been built illegally on land in the ownership of 9 Cambridge Street, but given that the extension appears to have been in situ for a considerable period of time, this is a long standing matter, and unlikely to be a planning enforcement matter. Notwithstanding the somewhat uncomfortable relationship with the ground floor extension, from public vantage points the tree appears suitable in its location and makes a positive contribution to the townscape.
- 1.8 Pre-application advice has recently been provided regarding a proposed development on the land on which the tree is located. (P22/00778). As such there appears to be a risk of development resulting in the loss of the tree. A TPO ensures that its retention or removal can be properly considered as part of any future planning application.
- 1.9 The tree is considered by the Council's Tree Section to have high amenity value and makes a positive contribution to the townscape. The Provisional TPO was considered by the tree section to be expedient in the interest of amenity and in order to allow the Council to have regard to the tree as material to the consideration of any future scheme of redevelopment of the land.
- 1.10 The initial reason given by the applicant for the proposed removal of the tree (T1) was:
- The tree is causing damage to foundation piers of 5 St George's Drive.
- 1.11 Subsequent to making the TPO the City Council received an objection from MacAusland Design Ltd. The objection is to be treated as both an objection from a local resident and/or as agent for pre-application planning enquiries, and as an objection from the owner of the Property.

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

2.1 The City Council's Arboricultural Service received an email dated 12 June 2023 from MacAusland Design Limited objecting to the TPO on the grounds that:

- The applicant has made two pre-application enquiries to the Council in relation to proposed development of the land on which the tree is situated and on both occasions the council supported a new house on the site. A detailed design for the house has been completed and the applicant has spent considerable sum of money on this.
- Placing a TPO on the self-seeded tree that is already destroying the structures around it and appears to pose future threat of collapsing onto the mainline railway makes no sense.
- Pre-applications have been undertaken and a scheme has been developed because we have had plenty of interaction with the planning department so why would an experienced officer such as yourself intervene to intentionally place such an obstacle in our path?
- There was previously a house on the site so it would seem like total madness if a self-seeded tree like this would make a site unavailable to be redeveloped, particularly given the damage it is already causing to the adjoining building and the future risk it poses to the railway.
- If the application is obstructed I wouldn't be surprised if the council end up getting sued for wasting everyone's time and money, certainly that would be my recommendation to the applicant.

## **3 Response to Objection**

3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 24 July 2023. The Officer considered the objection and stated the following conclusions: -

- The Officer explained the TPO was made because the tree is considered to be of high amenity value and makes a positive contribution to the townscape and to the character and appearance of Pimlico conservation area.
- Two pre-application enquiries have been made relating to development of the land on which the tree is located, one in 2016 which does not seem to mention



trees at all, and one in 2022, in which you, as the agent for the pre-application enquiry, were advised that the removal of the tree would need to be justified at planning application stage. Whilst the section 211 notice did not state that it was intended to remove the tree in relation to any proposal for development, or in advance of a future planning application being made, after the 6 week notification period had elapsed, had no TPO been made, it would have been possible to remove the tree without further notice to the Council.

- The Officer noted she is unable to provide the objector with an assurance that a future planning application would not be obstructed by the presence of a TPO because that would prejudice the merits of a future planning application.
- The objector anticipates legal action against the Council if planning permission is refused on the grounds of the loss of the tree. As above, making the TPO simply ensures that the tree will be material to the consideration of any future planning application.
- With regard to damage to the foundation piers of 5 St George's Drive, two photos of the piers were submitted with the section 211 notice, but no supporting information was provided to demonstrate that the tree was the cause of the cracking evident on the photos. Should evidence be submitted to support the view that the tree is the cause of damage to the foundation piers of 5 St George's Drive, then the Council could consider the evidence and decide whether or not to confirm the TPO on this basis, or if a future TPO application is made, whether to grant or refuse consent for the removal of the tree. However, in the absence of sufficient evidence, removal the sycamore on this ground would be premature at this stage.
- Whilst it is never possible to guarantee tree safety, provided the tree is in good health and condition, then this is normally accepted as a low risk. However, it is prudent to have trees inspected periodically by a qualified arboriculturist, and should a future application be made for the sympathetic reduction of the canopy of the tree, it is likely it would be considered favourably.

#### **4 Further objection**

- 4.1 The City Council's Legal Service received an email from MacAusland Design on 17 August 2023. The Email includes an arboricultural impact assessment for planning purposes, prepared by a tree consultant. The Email also noted that the life expectancy of the tree is a mere 10 to 20 years.
- 4.2 The views of the tree consultant are summarised at section 7 of the impact assessment and are as follows:-

- The removal of the sycamore is required to facilitate a proposed development.
- The removal of the sycamore is also considered to be appropriate given the limited room for future growth of the tree and unsympathetic past management as a result.
- The proposed development will use all available space within the site therefore the incorporation of new tree planting will not be possible.

## **5 Response to the further objection**

5.1 On 14 September 2023 the City Council's Arboricultural Officer sent a letter in response to the email of 17 August 20203 and attached Arboricultural impact Assessment. The Officer considered the assessment and made the following conclusions: -

- Removal of the tree is not considered appropriate because there is limited room for future growth. Any conflict with the adjacent building at 5 St George's Drive or with the railway could be managed by sympathetic crown reduction, which, as set out previously, is likely to be considered favourably.
- The tree consultant considers the tree to have a life expectancy of 10-20 years, but the Officer considers this to be rather a severe assessment. The tree is a mature specimen and the opinion of your tree consultant is that its structural condition is fair and its physiological condition is good. On this basis, in my view the tree has a considerably longer life expectancy than 10-20 years.
- The comments by your tree consultant that the tree is required to facilitate development and that there is insufficient space for future tree planting are matters which should be considered as part of the assessment of the merits of the current or any future planning application, and the Officer advised that she could not prejudge them.

## **6 Response by objector**

6.1 The City Council's Legal Service received a further email from MacAusland Design dated 15 September 2023.

- The impact assessment was conducted by an experienced Arboriculturist, if the findings of that professional do not fit in with the Council's wider objectives

that is not our problem and it is not for you to sit as judge and jury to dismiss their findings.

- A detailed inspection of the tree and site was conducted to inform the report. It is not clear if you have even seen the tree from anywhere other than at a distance from the public highway but regardless of that, if you are disagreeing with the appointed professional then we need to know what qualifies you to disagree in an official capacity and what gives you the right to effectively dismiss an expensive report.
- The idea that the council can require applicants to spend large sums of money on copious reports to accompany a planning application only to ignore the professionals report at will if it does not fit in with your preference is extremely concerning.
- Given that in this instance the need for new housing in the City will clearly outweigh your desire to retain the tree, we must view this as a deliberate attempt to extort money from the applicant via some form of planning condition yet to be disclosed. Prove us wrong.
- Should you be of a mind to advise councillors of your personal disagreement with the professionals findings, effectively tainting the TPO discussion, then we will make a formal complaint.

## **7 Conclusion**

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

(a) TO CONFIRM Tree Preservation Order No. 696 (2023) with or without modification with permanent effect.; OR

(b) NOT TO CONFIRM Tree Preservation Order No. 696 (2023).

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ROSS FLETCHER, LEGAL SERVICES (Email <a href="mailto:Rfletcher@westminster.gov.uk">Rfletcher@westminster.gov.uk</a> ) OR GEORGIA HEUDEBOURCK, LEGAL SERVICES ON 07790 979410 (Email <a href="mailto:Georgia.heudebourck@rbkc.gov.uk">Georgia.heudebourck@rbkc.gov.uk</a> )
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## **Local Government (Access to Information) Act 1985**

### Background Papers

1. Copy of Provisional TPO 696 (2023)
2. Objection Email from MacAusland Design Limited dated 12 June 2023
3. Response letter from the City Council's Arboricultural Officer dated 24 July 2023
4. Email from Agent noting the expectancy of the tree and enclosed Impact Assessment dated 17 August 2023
5. Response to Impact Assessment by City Council's Arboricultural Officer dated 14 September 2023.
6. Email response from MacAusland Design Limited dated 15 September 2023.
7. Report of Council's Arboricultural Officer dated 1 June 2023 recommending making of the Provisional Order

# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 3rd October 2023  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 22/01773/ADFUL L  Lancaster Gate	40 Eastbourne Terrace London W2 6LG	Servicing Management Plan, Operational Management Plan for the hotel and restaurant uses, and details of how a no Coach/no group bookings policy will be managed, pursuant to condition 10A (OMP) and 10B (No coach or Group booking policy) and 32 (SMP) of planning permission dated 1 November 2019 (19/03058/FULL).	CSHV IUK ET Propco Limited
	<b>Recommendation</b> Approve details.			
Item No	References	Site Address	Proposal	Applicant
2.	<b>RN(s):</b> 23/02503/FULL & 23/02504/LBC  Abbey Road	62 Clifton Hill London NW8 0JT	Erection of roof extensions, a side extension at lower-ground floor level, minor internal and external works, alterations to the boundary treatment and landscaping scheme.	Mr Vic Aswani
	<b>Recommendation</b> Refuse permission and listed building consent – on the grounds of inappropriate design, harm to the listed building, harm to the setting of the neighbouring listed building at No.64 Clifton Hill, and harm to the surrounding St Johns Wood Conservation Area..			
Item No	References	Site Address	Proposal	Applicant
3.	<b>RN(s):</b> 23/05052/FULL  West End	1 - 4 Marble Arch London W1H 7EJ	Use of lower ground, part ground and first floor as modern art museum use (Class F1) [Site includes 1-1A Great Cumberland Place]	Gerald Eve
	<b>Recommendation</b> Grant conditional permission.			

## CONFIRMATION OF TPO – REPORT FROM THE DIRECTOR OF LAW

(Public Item, but not for inclusion in the Planning Applications part of the agenda)

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> TPO No.696  Abbey Road	9 Cambridge Street London SW1V 4PP	To confirm or not confirm Tree Preservation Order No.696.	N/A
	<b>Recommendation</b> N/A			

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# Agenda Item 1

Item No
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 3 <sup>rd</sup> October 2023	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved.</b> Lancaster Gate (Pre May 2023, within Hyde Park, now adjoining).	
<b>Subject of Addendum Report</b>	<b>40 Eastbourne Terrace, London, W2 6LG</b>		
<b>Proposal</b>	Servicing Management Plan, Operational Management Plan for the hotel and restaurant uses, and details of how a no Coach/no group bookings policy will be managed, pursuant to condition 10A (OMP) and 10B (No coach or Group booking policy) and 32 (SMP) of planning permission dated 1 November 2019 (19/03058/FULL).		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	CSHV IUK ET Propco Limited		
<b>Registered Number</b>	22/01773/ADFULL	<b>Date amended/ completed</b>	June 2023
<b>Date Application Received</b>	16 March 2022		
<b>Historic Building Grade</b>	Unlisted, but a number of designated heritage assets are located in close proximity, including Paddington Station (Grade I) on the opposite side of Eastbourne Terrace, the Hilton Hotel (Grade II) located to the front of the station in Praed Street and terraced properties along Westbourne Terrace (Grade II).		
<b>Conservation Area</b>	Outside of, but borders the Bayswater Conservation Area		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

1. Approve details.
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## 2. SUMMARY & KEY CONSIDERATIONS

<p>This application was first reported to the Planning Applications Sub-Committee on 8<sup>th</sup> August 2023 with a favourable officer recommendation.</p> <p>This Addendum report should therefore be read in conjunction with the original report (attached as a background paper).</p>
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Planning permission has already been granted by the Planning Applications Sub-Committee in 2019 for the part demolition, extension, and alteration of the building in connection with the use of 40 Eastbourne Terrace as a hotel and restaurant and development is underway on site. As part of that permission, it was accepted that the development was to be serviced from a loading bay within an enclosed structure, which was also to house a loading bay for the adjacent development at 50 Eastbourne Terrace and it was acknowledged that the development at 40 Eastbourne Terrace was likely to be serviced by around 15 vehicles per day of a maximum length of 8m and 7.5T.

The principle of servicing of the site from within a structure accessed via Chilworth Mews and the number of expected vehicles attending the site have therefore already been accepted. This application is an approval of details application, which follows on from the 2019 permission and requires details to be submitted for approval of a Servicing Management Plan (SMP), Operational Management Plan and details of a No coach booking policy. With respect to the SMP, it seeks to exert some control over the servicing of the premises so that, for example, the servicing is spread across the day, and a large number of vehicles do not all arrive at once. As such it is the content of the SMP that is under consideration.

The application was reported to the Planning Applications Committee on 8<sup>th</sup> August 2023, with a favourable officer recommendation. A presentation was given by officers and a short video provided by the applicant showing a vehicle entering and exiting the loading bay was played to the committee. SEBRA/PRACT and two residents verbally addressed committee objecting to the application and the developer spoke in support of their application.

After some debate, the Committee deferred making a decision on the application, to enable a site visit to be arranged, in order for them to observe the delivery bay in operation.

Since the application was reported to committee on 8<sup>th</sup> August 2023, further representations of objections have been received from SEBRA/PRACT and residents of Chilworth Mews, reiterating many of their grounds of objection and raising new ones including:-

i)The principle of the agreed servicing arrangement for the site & ability of the servicing of the site to be carried out within the loading bay.

The principle of servicing the site from Chilworth Mews within a loading bay structure which also contains a bay to serve 50 Eastbourne Terrace was agreed by the Planning Applications Sub-Committee in 2019 and is therefore not within the scope of the assessment of the SMP under this application.

ii)Vehicular route to site using the public highway should be agreed.

The use of the public highway and route of vehicles servicing the site is not proposed to be controlled. Chilworth Mews is available from both the northern and southern arches and the public highways is maintained by the City Council for all road users. The SMP and OMP include all necessary details.

iii) The scope of committee site visit and attendees.

The scope of the committee site visit and attendees has been agreed by the Chair of the



Planning Applications Sub-Committee in full knowledge of the requests by third parties for additional attendees and specific requests for vehicles and manoeuvres. The site visit is for the Committee to observe the delivery bay in operation.

iv) Highway matters outside of, but in the vicinity of, the development site.

These are matters outside of the remit of the developer. City Highways have undertaken a highways review of Chilworth Mews (which consider among other things; yellow line restrictions, two-way to one-way vehicle movement, the north and south arches and signs etc) and have undertaken a residents' meeting. The findings remain under consideration.

v) The proposed public realm changes associated with the development of 40 Eastbourne Terrace by City Highways and potential conflict with the arrangements already approved and those for determination for 40 & 50 Eastbourne Terrace.

This is a matter under the separate remit of City Highways and is at the time of writing this report, subject to formal consultation. As such, any representations will undoubtedly be considered by City Highways in the normal way.

vi) Complaints about various officer's advice including legal, highways and planning officers.

Representations make reference to various complaints about officers' professional code of conduct including legal, planning and highways officers. These are being dealt with under the relevant procedures.

The applicant and operator have written in support of their proposal, citing significant engagement with officers and the local community including two residents' meetings and a number of revised SMP's prior to submission of this current SMP. They state that they have sought to address concerns raised by objectors and advise that the application is now time critical if the development is to become operational in spring 2024.

The site visit for committee has been arranged to take place on 28<sup>th</sup> September 2023, and along with the committee members, the invitation to attend the site visit was extended to Ward Councillors, PRACT, SEBRA and some local residents. The attendees and order of play of the site visit has been agreed with the Chair, with full knowledge of the requests made in the representations:-

Agreed Order of Play for Committee Site Visit:-

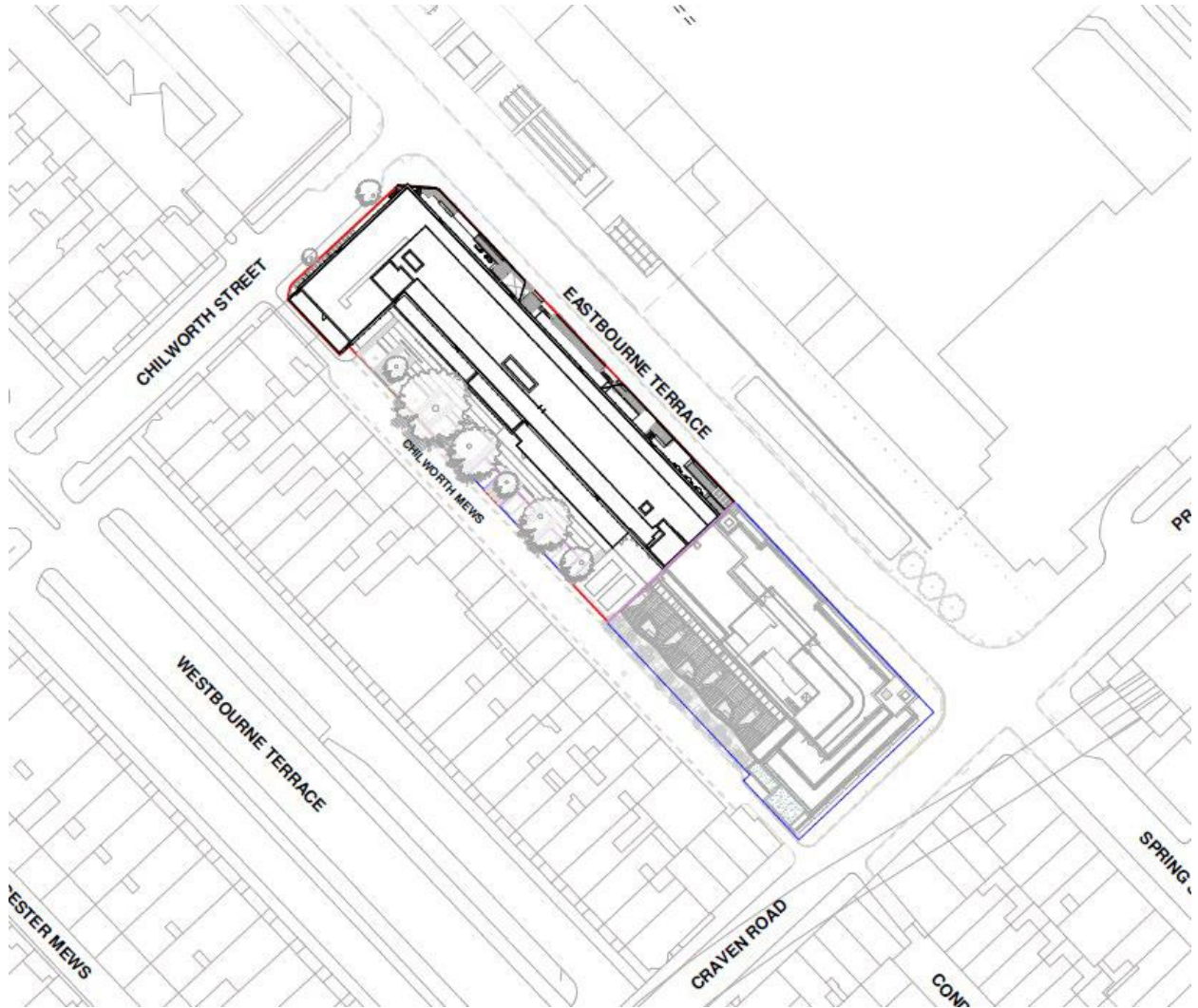
1. All meeting in Loading Bay in Chilworth Mews with vehicle already parked in 50ET bay. Provides opportunity to see space behind a parked vehicle in the loading bay.
2. Introduction by Chair and Presiding Officer.
3. Show the display screen within the Loading Bay to show how the loading bay manager knows that a vehicle is approaching.
4. Walk outside into Chilworth Mews and Loading Bay Doors shut. Aim to stand to the south of the bay to see vehicle enter via northern arch.
5. Call Driver, vehicle to enter from Chilworth Street under northern arch, loading bay doors open and reverse into loading bay, loading bay doors close.
6. All move to northern side of loading bay to see 40ET vehicle exit towards southern arches.
7. Loading Bay doors open, 40ET vehicle exits and goes towards southern arch. Loading

*Bay door closes. Demonstration finishes.*

Officers remain of the view that the Servicing Management Plan, Operational Management Plan and No coach/no group bookings policy associated with the proposed hotels and restaurant are acceptable. Notwithstanding the representations of objection received, the City Council's Highways Planning Officer is satisfied with the servicing strategy for all servicing to occur off street within the designated loading bay, designed for the largest vehicle expected to service the site including refuse vehicles and the vehicle tracking is considered robust with minimal impact on highways users. The commitments and processes of the SMP are welcomed as are the No coach party provision. The OMP is also considered to be acceptable to minimise the impact of the development on residents of Chilworth Mews with minimal pedestrian activity to the rear controlled by the OMP and conditions of the planning permission. Compliance with these documents will ensure the operational impact of the development on the amenities of residents will be minimised.

The application is therefore reported back to the Planning Applications Sub-Committee for determination.

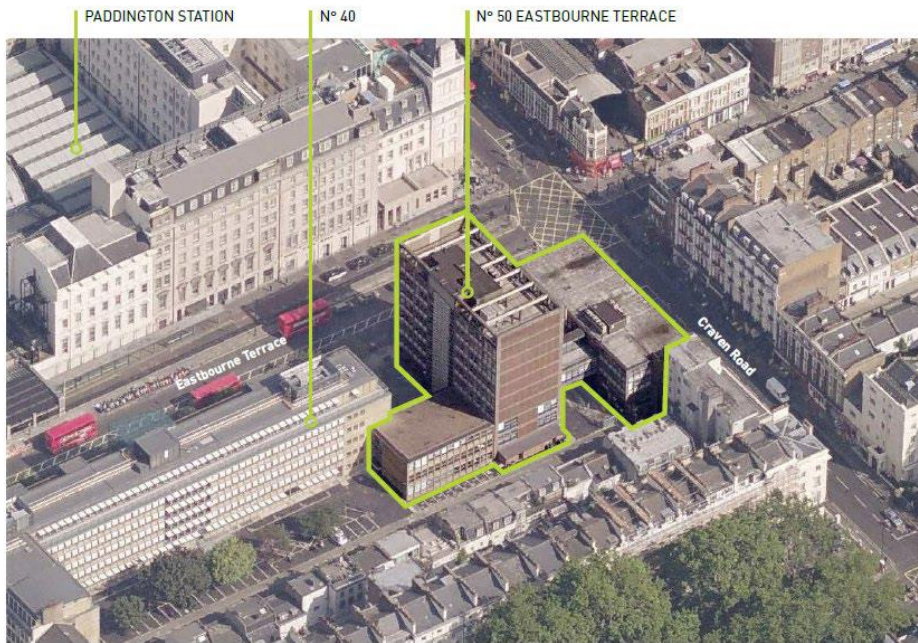
**3. LOCATION PLAN**



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4. PHOTOGRAPHS

40 EASTBOURNE TERRACE PRE – EXISTING AROUND 2016





**CHILWORTH MEWS- LOADING BAY FOR 40 & 50 EASTBOURNE TERRACE**



## CONSULTATIONS

### 4.1 Application Consultations

**REPRESENTATIONS REPORTED TO COMMITTEE ON 8<sup>TH</sup> AUGUST 2023, SET OUT UNDER THE CONSULTATION SECTION WITHIN THE COMMITTEE REPORT AND INCLUDED AS BACKGROUND PAPERS (GREENS)**

**HIGHWAYS PLANNING TEAM**

No objection

**WASTE PROJECT OFFICER**

No objection

**WARD COUNCILLORS OF LANACSTER GATE** (Following May 2022 elections the site is now within Lancaster Gate Ward).

Any response to be reported verbally.

**WARD COUNCILLORS FOR HYDE PARK** (Councillors for Hyde Park Pre May 2022)

Any response to be reported verbally.

**SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION (SEBRA)**

Objection.

- Request determination by Committee.
- Determination of application should be deferred until highways matters resolved to improve vehicular flow to and from loading bay, given changes to the layout of the road surface to Chilworth Mews.
- At the time of approval of 50 Eastbourne Terrace, developer undertook to encourage tenants to use smaller vehicles, request that 40 Eastbourne Terrace do the same.
- On reversing vehicles into and out of loading bay, reverse beepers should be off and white noise reduced, banksmen should be on site.
- Should sanction tenants not in accordance with SMP.
- Vehicle manoeuvres should be able to drive in or out without impinging on the area in front of the existing Mews houses and from either end of the Mews ( north or south arch).
- Slot times for the bays should be sufficient for the number of expected vehicles.
- Query vehicular swept paths, especially if both bays in operation.
- SMP requires risk analysis.
- Has approval been given for high servicing vehicles to pass through the southern arch?
- The new pavement in front of the Mews houses on the north east side of the Mews has narrowed the Mews and reduced the space for reversing movements to get into the servicing area.
- Large vehicles fail the swept path analysis.
- Encroachment to pot plants of Mews properties not acceptable
- Consider making Chilworth Mews one-way.

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- Risk of non-resident vehicles being parked in the mews on Sundays and other uncontrolled hours.
- Welcome meetings held as per the requirement of the informative of the main planning permission which expects neighbour liaison on this application.

**PADDINGTON RESIDENTS ACTIVE CONCERN ON TRANSPORT (PRACT)**  
Objection.

- Do not believe the SMP/OMP is workable due to insufficient width, both in the Mews and inside the dual use loading bay and we think a different solution has to be found.
- A test on the ground is needed including a transit van 2.5m wide and including two vehicles being inside the loading area at the same time.
- Severe damage to residential amenity
- Vehicle swept paths fail on all accounts.
- One or are reversing manoeuvre will be needed on both arrival and departure when there are two vehicles in the loading bay.
- Width of transit vans 2.5 wide require additional movements and swept paths for these vehicles should be provided.
- Width constraint within the dual use structure- not enough room for drivers when two vehicles in use.
- Driving out when two vehicles are in inside is problematic.
- Use of the joint servicing bay by long vehicles- swept path analysis not clear
- Swept paths must be specific for various types of vehicles- need it for transit vans.
- A large number of reversals add to delay, to visual intrusion in a previously quiet mews and to noise and air pollution. The risk of infringing on the frontages of the Mews Houses.

**PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)**

Any response to be reported verbally.

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

No. Consulted: 216

Total No. of replies: Numerous representations from six addresses

No. of objections: Numerous from six addresses, some stating on behalf of the local residents.

No. in support: 0

Objections to 40 Eastbourne Terrace SMP/OMP

- The loading bay is insufficient to accommodate the large vehicles. Vehicles will need to carry out extra reversing and will impact on the area outside Mews properties.
- Mews is not wide enough to accommodate large vehicles.
- 2.5m wide vehicles require extra turning area
- We need to see swept paths that actually work.
- Insufficient internal space between the two loading bays for each of 40 & 50 Eastbourne Terrace especially for linen trucks.

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- Expected deliveries for 40 Eastbourne Terrace is likely to be more which cannot be accommodated within the bay- please restrict.
- Reversing is an issue.
- Comments are applicable for 40 & 50 Eastbourne Terrace
- Already have ongoing problems to 50 Eastbourne Terrace.
- Impact of narrowing of the mews, , loading bay door width of 7m, lack of swept paths for a 2.5m wide van
- The enclosed loading bay arrangements are currently insufficient for the commercial development at 50 Eastbourne Terrace and cannot reasonably have servicing for a 366 bed hotel and sx250 seat full service restaurants added.
- Concurrent servicing for 40 and 50 Eastbourne Terrace cannot be achieved due to insufficient space within the enclosed loading bay.
- No information provided in the SMP to detail how banksmen are intended to monitor the road for waiting vehicles.
- Basic details on how, when and by whom doors and windows on the Chilworth Mews side of the building can be used, should be included in the document.
- Loading bay cannot take a 2.5m wide van.
- Mews has been narrowed and the swept path for vehicles does not work.
- Loading bay is of insufficient size to accommodate the largest vehicle proposed to service the development.
- SMP for 50 Eastbourne Terrace should be reviewed.
- Loading bay is tight and doors will not be able to be closed.
- The rest of the mews should also have a pavement.
- Turntable should be installed.

Problems with the related servicing of 50 Eastbourne Terrace:-

- Noise, nuisance and disturbance from deliveries to 50 Eastbourne Terrace, delivery drivers parking up and shouting, fire escape left open, fire escape left open, no banksmen. An internal arrangement with cameras is shown above not to resolve the problem, nor will an intercom, which would not resolve the waiting and potentially increase in noise.
- Continued breaches at 50 Eastbourne Terrace, cannot still be teething problems- the use of Chilworth Mews as part of the servicing area for 50 Eastbourne Terrace continued unchecked.
- Both the BNPRE Banksman responsible for the managing the servicing arrangements today and the delivery driver of the Bywater's vehicle have said to me today that both the servicing processes and provision of space within the loading bay are insufficient for the needs of this development.
- Council is in breach of its duty to seek a resolution to these continuing breaches by failing to acknowledge or implement the potential solutions to the problem put forward by our local community in our face to face meeting with the WCC Highways and Planning Officers on May 19<sup>th</sup>, 2023.
- Suggest reinstatement of loading bay on Craven & removal of controlled hours on the loading bay on the south side of Craven Road. Reinstatement /extension of the hours on loading and unloading in Craven Road would provide necessary waiting and servicing space for 50 Eastbourne Terrace, where the built loading bay has fallen short of requirements.
- The booking system is not being used consistently by tenants and deliveries are turning up and uploading in the road.



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- Loading bay attendant continue to accept goods unloaded within Chilworth Mews because delivery drivers change regularly and are not aware of the conditions on the bay.
- Delivery drivers ignore the “no waiting” rule in Chilworth Mews and often will not move when advised that service vehicles must not wait in the residential road.
- The driver of the Bywaters vehicle confirmed that the loading bay is too small safely accommodate 2 vehicles concurrently and that loading bay doors cannot be shut for servicing for vehicles over 7m.
- No station for banksmen to monitor arrivals and waiting whether booked in or casual and no information is provided in the SMP to detail how banksmen are intended to monitor the road for waiting vehicles.
- Approved SMP for 50 Eastbourne Terrace is out of date as does not reflect the loading bay now being within a structure.
- The servicing management arrangements and approach to servicing for 50 Eastbourne Terrace as approved can no longer be maintained in the shared enclosure. Therefore, this plan needs to be reviewed and amended in conjunction with the other activities in the shared space.

PRESS NOTICE/ SITE NOTICE:  
No

**REPRESENTATIONS RECEIVED AFTER THE COMMITTEE REPORT WAS COMPLETED AND THEREFORE NOT SET OUT IN THE REPORT, BUT CIRCULATED TO THE COMMITTEE AS ADDITIONAL REPRESENTATIONS (BLUES) PRIOR TO COMMITTEE ON 8TH AUGUST 2023.**

**SEBRA/PRACT**

- Risk that the SMP will not work properly once the hotels are open, and the joint loading bay is in full use for both 40 & 50 Eastbourne Terrace.
- Loss of amenity
- Width of loading bay inadequate, but could be somewhat alleviated by two guidance lines to indicate that vehicles should keep to their side of the loading bay, alignment on entry and exit and for parking within the bay so as to allow space for side unloading when required.
- With vehicles up to 2.5m wide manoeuvring will be tight, and could cause delay of repeated reversals in the mews.
- There is no mention of vehicle widths in the officer’s report- 2.5 width should be used rather than 2.1m width.
- Request for a live open test before determination, with prior notice and the presence of residents. There should be two 2.5m width long vehicles with one vehicle 2.5m wide parked in the bay and another entering or leaving it. It should include both the reversal movement into the bay, its exit from it and the necessary manoeuvring in the Mews both before entry and after exit.
- Understand that a film has been prepared, but if seen during the meeting, there would be little chance for committee members or objectors to digest it.
- Condition on the hours that Banksmen will be on duty on the mews to assist delivery vehicles entering and leaving the joint loading bay.

**Adjoining owners/occupiers and other representations**

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### **Two representations of objections from two addresses within Chilworth Mews:-**

- August is peak holiday season and not the right time to hold the planning applications sub-committee meeting on this case.
- Waiting for City Highways to respond to queries about the highway.
- What are the different roles of planning and city highways they are inextricably linked in this case.
- Report omits material evidence and information related to the servicing operations impact on public safety.
- The 2019 planning permission acknowledged that the loading bay would accommodate 15 HGVs for this development plus 35 for 50 Eastbourne Terrace
- The SMP approval for 50 Eastbourne Terrace must now be resubmitted to take into account that their loading bay is no longer within the demise of that development, but part of the loading bay for this development.
- It has not been demonstrated how concurrent HGV movements within the loading bay can be safely undertaken.
- How will the loading bay doors will be kept closed when vehicles not entering or exiting the loading bay?
- The loading bay should be 2m wider as per the 2019 permission.
- Loading bay vehicle tracking fails to take into account normal width of proposed servicing vehicles.
- Require evidence that there are safety margins for vehicle movement in the loading bay when the doors are closed.
- Request to include the full transport assessment for the development.
- Do not agree with applicants swept path analysis.
- The mews is restricted.
- Chilworth Mews has been reduced in width since the granting of planning permission.
- Maximum common width of van has not been considered- A width of 2.5m must be used.
- Three point turns will be required which would impact on residential amenity.

### **One representation of support from the applicant**

- In accordance with an informative imposed on the original planning permission, extensive consultation has been undertaken with local stakeholders and Ward Councillors, with two separate joint meetings held in June 2022 and June 2023. In addition, an extensive review of all the consultee comments that have been received has been undertaken during the determination period of the application which has now run for 17 months.
- By taking account of the comments that have been raised to date by local stakeholders, three separate revisions of the OMP/SMP have been issued (and consultation undertaken) under the application and various discussions have been held with Westminster Planning and Highways Officers to formalise an agreed final position of the SMP/OMP.
- Representations have been received from neighbouring residents concerning highway arrangements along Chilworth Mews separate discussions with WCC Highways have been on-going and have led to a separate report being prepared by WCC Highways to respond to queries raised. such Highways matters fall outside of

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the development site and are therefore outside of the developer's control and any application.

- Condition 27 and 28 confirm the access and maintenance arrangements for Chilworth Mews.
- To ensure a consistent approach to the running and management of the two loading bays, the details submitted for 40 Eastbourne Terrace have been prepared to align with the principles approved for 50 Eastbourne Terrace under planning ref. 20/02855/ADFULL. The two loading bays are within an enclosure approved under the main planning permission at 40 Eastbourne Terrace. The enclosure is designed to reduce the impact of servicing vehicles on the amenity of local residents within Chilworth Mews. The doors of this enclosure will be kept closed at all times, other than to allow a vehicle to enter or exit the designated loading bays. Each loading bay can operate independently from the other, with swept path analysis (as submitted) showing that a vehicle can enter and depart from either bay while the other bay is in use.
- A booking management system will be in place to control and manage the delivery vehicles entering the loading bay. This booking system is also used for 50 Eastbourne Terrace and therefore it can/will limit the opportunity for more than one vehicle to arrive at the same time. Should this ever occur, one of the vehicles will be allowed to enter its designated loading bay while the other will be requested to leave the Mews and return once the first vehicle has completed its manoeuvre.
- The number of deliveries noted within the report is based on expected servicing requirements for a development of this size and this has been approved through the planning process.
- There is a 'no-idling' policy in place for all vehicles within the loading bay and if a vehicle arrives at the loading bay and cannot be immediately accommodated, the driver will be told to move on and return and will not be permitted to wait within Chilworth Mews. Any vehicles will typically be directed to Chilworth Street to wait until the designated loading bay becomes available. The building management team at the site are aware of these measures and all staff who are in place will have full 'banksman' training.
- An operational risk assessment has also been completed for the loading bay and has been submitted as part of the revised OMP/SMP. The risk assessment outlines the considered risk items relating to the loading bay and measures in place to ensure that these risks are reduced and do not cause any disruption to the neighbouring residential properties along Chilworth Mews.
- The swept path analysis undertaken has been generated via an Industry Standard System "Autodesk Vehicle Tracking (AVT)" and was undertaken by a qualified transport consultant, Steer, who have confirmed that the manoeuvring of vehicles into and out of the loading bay is achievable. Furthermore, Steer have been in regular contact with WCC Highway Officers throughout this process. The highways officer has reviewed the swept path analysis and confirmed that they are in agreement with the acceptability of the analysis undertaken.
- Additional swept path analysis was carried out by WCC City Highways on separate Chilworth Mews queries and was included as part of their highways report following the meeting with residents in June 2022. This analysis confirmed the acceptability of vehicles manoeuvring within Chilworth Mews and that vehicles using the loading bay are able to do so lawfully and safely via either of the arches.

**REPRESENTATIONS RECEIVED AFTER THE COMMITTEE REPORT WAS COMPLETED AND THEREFORE NOT SET OUT IN THE REPORT, BUT CIRCULATED TO THE COMMITTEE AS LATE REPRESENTATIONS (REDS) ON THE NIGHT OF COMMITTEE ON 8TH August 2023.**

**One representation of objection from an address within Chilworth Mews:-**

- No. 50 Eastbourne Terrace was meant to be a single loading bay in an open space, with unfettered access and the swept path drawing that accompanied it showed easy use by what was called a Rigid Vehicle Example of 8m long and a standard 2.5m width. This loading bay is now located within an enclosed loading bay along with a bay for 40 Eastbourne Terrace.
- The loading bay has changed since 2019, reduced width to incorporate a cycle access path.
- The swept path analysis does not include 2.5m wide vehicles.
- Insufficient space within loading bay to unload.
- Loading bay not able to cater for two of the largest vehicles at the same time.
- Vehicles will drive over the yellow line and pot plants outside of the Mews houses.
- Width and size of loading bay insufficient for two 2.5m wide vehicles and taking into account when doors are in use.
- The permission being sought here for No. 40 is totally different to what was promised in the Transport Assessment of 2019 and, like the permission for the 2020 SMP for No. 50 in 16/07359/FULL it needs to be re-submitted, but standard width vehicles of 2.5m must be used for all the swept-paths, or for a test on the road. It cannot be correct to keep using 2.0m wide examples to get permission for vehicles that are going to be 20% wider as standard.

**Two representations in support of the proposal from the applicant and operator**

- The developments at 40 & 50 Eastbourne Terrace are responsible for the wider regeneration of the area.
- The design principle of the loading bay for 40 Eastbourne Terrace to locate it to adjacent to the consented loading bay at 50 Eastbourne Terrace to enclose them provides operational benefits by bringing together service operations for the two buildings into one physical location which will be managed by one party.
- As per an informative imposed on the original planning permission extensive consultation has been undertaken with local stakeholders, residents and SEBRA, planning officers, highways officers and ward councillors in regard to the submitted OMP/SMP, with two separate meetings held in June 2022 and June 2023, resulting in three separate revisions of the OMP/SMP.
- Highway arrangements along Chilworth Mews and the wider highway network are outside the scope of the planning permission and therefore the developer's control and have already been considered separately by WCC, they are separate and do not form part of this application.
- Whitbread have leased the whole of 40 Eastbourne Terrace and the application has been submitted with their full input and with the benefit of the actual manager of the loading bay, currently BNPPRE.
- Whitbread is a FTSE 100 company and the largest hospitality business in the UK. The company has extensive experience in running hotels and restaurants and close to 850 sites across the UK and Ireland and around 100 hotels in London including

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- seven Premier Inn and hub by Premier Inn hotels within Westminster. It has extensive experience of operating and servicing hotels within urban environments, including locations which are close to sensitive neighbouring uses.
- Whitbread are committed to promoting and securing the training and employment of local residents in order to support the local communities in which their hotels operate both during the construction and operation of the proposed hotel scheme at 40 Eastbourne Terrace, once operational, it is expected that around 120 FTE jobs will be created across the hotel and restaurant.
  - Whitbread is keen to establish and maintain a positive working relationship with neighbouring residents at the new hotel and can confirm the hotel will be staffed 24/7, 365-days a year. The business would be happy to introduce its appointed hotel and restaurant management team to residents at the point of opening, should this be desired, to establish a point of contact at the new operation and with appropriate contact details, including a 24 hour phone line.
  - Whitbread would occupy the building and manage the premises under the Premier Inn, hub by Premier Inn and Bar + Block brands.
  - Central London and Westminster is a focus for the expansion of Whitbread's brands. The location of 40 Eastbourne Terrace Site is an attractive one for a Whitbread-operated hotel given its proximity to regional and national transport connections and the area's vibrant business and leisure economies.
  - The development will increase much needed visitor accommodation in the area. Whitbread's hotel brands appeal to domestic travellers and attract leisure and business travellers in equal measure across the year, contributing to the local economy during their stay and in the case of 40 Eastbourne Terrace supporting businesses within the Paddington Opportunity Area and along Praed Street.
  - For an average-sized Premier Inn hotel it is estimated £3.3m of external expenditure per year.
  - The company has a focus on attracting people from NEET (Not engaged in education, employment or training) backgrounds into work, offers flexibility, promotes from within, and its pay for progression model enables its hotel and restaurant team members to be rewarded for developing skills and abilities through tailored training programmes.
  - During the development of the SMP/OMP, Whitbread has been consulted regularly in relation to the proposed SMP/OMP measures to determine their suitability for the future running of the hotel, whilst also seeking to lessen external activities to the rear of the site to minimise amenity impacts on neighbouring residents.
  - Whitbread are in full agreement with the measures imposed within the pending SMP/OMP, and following a positive determination of the document, would fully adhere to the measures upon occupation of the site.

### **REPRESENTATIONS RECEIVED SINCE COMMITTEE ON 8<sup>TH</sup> AUGUST 2023**

#### **SEBRA**

- The test should be of a 'worst case scenario,' that is using two large vehicles, both having the maximum permitted size of 8m long; and also, being 2.5m wide. (For instance, linen collection for the two large hotels.)
- One vehicle should be seen reversing into the servicing bay, when the other is already unloading inside it.
- The test should show maximum sized vehicles entering and leaving the Mews, at both ends. Request for a simulation of the doors being opened, to let a second

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- vehicle in, and then closed again. The test should include a variety of vehicles of the types commonly used; vehicles of varying lengths but all 2.5m, rather than 2.0 or 2.1m as used in many swept path drawings by Steer. “Should be seen entering the Mews at both ends.
- Any difficulty in such movements (including making turns into the Mews from Craven Road and Chilworth Street, or *vice versa* turns into these streets, after leaving the Mews), should be covered in the test, in view of the safety risks when large vehicles pass through the arches. Both these streets are well connected with the Strategic Road Network.
  - Chilworth Street is a quiet residential street. The turns both into it and out of it, should be tested with vehicles parked there, especially with one parked in the space to the south west of the arch, which has been nominated as a waiting area for entry to the Mews. Likewise, other spaces are likely to be occupied.
  - The SMP for No. 40 (of June 2023) appears to leave open the question of entering or leaving at either end of the mews.
  - Within the Booking Management System, the preferred routing for access to the site via the Strategic Road Network will be provided. This will include what direction vehicles should approach the site from and what routes should be taken on departure. This information will be clearly displayed on the booking portal when deliveries are booked.“
  - The test should include the regular process of opening and closing the doors to the servicing bay, with one vehicle inside, in order to let another one reverse into it.

#### **PRACT**

- On the later resubmission of the SMP for No. 50. how will it address the points that 50 Eastbourne Terrace no longer has a loading bay within their demise, and No. 40 now have ownership and responsibility for the whole bay? Does this mean that No. 50 will in effect use its side of the bay as a tenant of the owners of No. 40? Given this, how will vehicle routes into the Mews and out of it be addressed, taking account of the routes of vehicles servicing both Nos. 40 and 50?
- Will the resubmission of the SMP for No. 50 be treated as a planning application, with the usual consultation on it?

- The vehicle routes within the Mews to both sides of the bay must be considered jointly. Whilst each set of vehicles will use its own side of the joint servicing bay, they will encounter each other in the Mews from time to time, unless there is very precise timing of their movements, and this is so very well observed as to keep them apart at all times. Similar thoughts apply to means of limiting the amount of opening and closing of the doors of the joint loading bay. The SMP for No. 40 should recognise this overall responsibility for the use of the bay for No. 50, including routes within the Mews to and from the No. 50 side of the bay. The SMP for No. 40 should not be taken as predetermining precise routes into and out of the Mews for No. 40 alone, in the light of the same being under review for No. 50. It would be helpful to have this clarified by an addition to the wording. Routes within the Mews for both Nos 40 and 50 should be reviewed jointly. The considerable difference between the character of Chilworth Street - quiet and residential - and that of Craven Road needs to be taken into account carefully, as part of the necessary overall review of vehicle movement into the Mews and away from it. An overweight of routes by way of Chilworth Street must be avoided.
- Given the ownership of the bay, the Booking Management System, ultimately under control of the owners of No. 40, will determine vehicles routes for both Nos. 40 and 50. But it seems to me that the final planning consents should make clear that the City Council still has the right to a continuing overview of vehicle routes, in particular to ensure that they reduce as much as possible their adverse impact on the amenity of those living in both the Mews and Chilworth Street; and if need be the Council will continue to exercise this right.
- The final planning consents should clarify that the City Council maintains its right to have a continuing overview of vehicle routes, in particular to ensure that they reduce as much as possible their adverse impact on the amenity of those living in both the Mews and Chilworth Street, and to prevent an overweight of routes via Chilworth Street. How can this be clarified? (Of course, booking systems rely on a wide variety of GPS and other data, but we think it should be made clear that the City Council has the right to access this data mix, if it so wishes.
- A meeting to discuss these matters would help a lot.

#### **Representations of objection from three addresses within Chilworth Mews**

- Serious concerns regarding the safety and amenity of the residents of Chilworth Mews, as well as pedestrians using the Mews as a thoroughfare.
- Several properties are rented out and the temporary tenants are not part of the consultation. However, they are also subject to the risks outlined previously.
- The opinion of the many people who use the Mews as a thoroughfare and are at risk from the increased two way traffic in a narrow roadway and risk of injury within the southern arch way has not been canvassed.
- The sign warning of height restrictions over the archway at the southern end of the Mews is not advisory; it is mandatory. Why is it that there is continued assertion to the contrary by Officers of the Council?
- Damage to the structure at the top of the archway which underpins residential accommodation, from over-height vehicles. Why is it that the risk of structural damage to residential accommodation is being discounted?
- People being hit by vehicles walking along the narrow footway through the archway. (I am one of those struck by a vehicle should you not have had my testimony). Why is it that that the risk to the foot passengers passing through the southern archway is not considered important? The foot way is barely 2' wide.
- A doorway to multiple flats opens directly within the archway. How can that not be of concern to Officers of the Council allowing multiple large vehicles access daily?

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- “Rat run” of vehicles bypassing the traffic lights at the junction of Craven Road and Westbourne Terrace through the Mews to enter Craven Rd.
- Traffic backing up trying to exit into Craven Rd in the face of traffic entering the Mews from Craven Rd.
- Vehicles trying to exit through the south archway into Craven Rd are restricted by the vehicles waiting at the traffic lights at the junction of Craven Rd and Eastbourne Terrace.
- Approximately 50 vehicles a day are expected to service 40 & 50 Eastbourne Terrace through Chilworth Mews.
- Bizarro Restaurant on Craven Rd is serviced from within Chilworth Mews directly inside the southern archway.
- The proposal to make Chilworth Mews one way from south to north was dismissed with no evidence given for that decision, merely an opinion.
- Compelling and detailed evidence from residents of the risks of oversized vehicles manoeuvring into the loading bay.
- The necessity of vehicles to make multiple turns to enter the loading bay and the impact on the frontage of houses in the Mews.
- No rebuttal from Westminster Council, Planning, or Highways of the evidence submitted. due regard should be being given to the accountability for any untoward outcome in the event of the evidential warnings being discounted.
- Decisions made by you all on the critical issues outlined by the residents of Chilworth Mews in this consultation, place people’s safety and amenity above commercial considerations.
- Request that the Planning Team North thoroughly reevaluates the concerns raised by residents, taking into account the evidence provided. It is essential that the safety and amenity of Chilworth Mews and its residents are given the utmost priority in the planning process. The mews has to face some changes in order to become safer for residents.
- Unless the mews becomes one-way, it is not feasible to ensure public safety. It would be a danger to the public for deliveries of such frequency to be carried out if the mews remains two-way. Making the mews one-way would ease the flow of deliveries and ensure safety.
- "The mews is changing daily, and the data collected in 2022 will not be representative of the conditions we will face once the hotel is in operation.
- Do not understand why residents saying something is dangerous is not taken into consideration or why there must be a fatal accident for action to be taken. Who would be held accountable if such an accident were to happen?
- There is a blind spot for pedestrians turning into the mews from craven road. It is impossible for the cars to see any pedestrian and the pedestrians to see any cars. There is also hardly any paving, so you have to stand on what is basically a slope and peep into the mews to see if there is a car coming before walking into the mews. This is of course something impossible for most people to do, and completely dismisses people who use wheelchairs or have baby prams. A one-way mews with cars going from craven road into the mews would mean that pedestrians do not have to worry about cars coming from inside the mews. I am attaching a video which hopefully gives a better idea of the layout of that corner as you walk into the mews".
- Request for matters to be an item for the cabinet meeting on 11.09.2023 that Westminster Council Planning and Highways Officers have made public statements about the purpose and meaning of regulatory traffic signs in Westminster that conflict with the published legislation.
- Highways and Planning Officers have stated that road safety signage is “not enforced,” implying immunity from prosecution to those who might breach that safety regulation designed to protect the local community.



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- Highways and Planning Officers deny published safety legislation for the benefit of selected commercial developments and at the cost of local area safety, welfare and amenity.
- Westminster Council Planning and Highways Officers have made public statements about the purpose and meaning of regulatory traffic signs in Westminster that conflict with the published legislation.
- Highways and Planning Officers have publicly stated that road safety signage is “not enforced,” implying immunity from prosecution to those who might breach that safety regulation designed to protect the local community.
- Highways and Planning Officers deny published safety legislation for the benefit of selected commercial developments and at the cost of local area safety, welfare and amenity.
- Asking the Cabinet to challenge Council Management and Officers responsible for this application. Council public servants are un-elected, yet have the power to significantly influence public safety, without any public accountability for their actions.
- The evidence overwhelmingly indicates that Council Officers have re-interpreted UK highways safety legislation for the benefit of particular commercial operations at the expense of public safety and welfare.
- Evidence is available demonstrating Council Officer's “alternative view” of UK safety legislation in the form of emails, a community report, notes from community meetings and the hearing transcript from the Sub Committee meeting on August 8th . An equal amount of evidence is available demonstrating local area safety incidents communicated to the Council in the form of emails, photographs and notes from the face-to-face meetings with Highways and Planning Officers.
- Grateful if our elected Council Officers would support residents in ensuring that UK safety legislation remains for the public good and challenges this instance of its manipulation for selected commercial benefit.
- This is a matter of public safety, where several incidents have already been reported in Chilworth Mews, resulting from the Council's sanction of vehicles exceeding published height restrictions on mews arches, (10' 6”), to access the road.
- 51 HGVs per day are approved. 36 per day currently have permission to access the mews, irrespective of their height. This has resulted in numerous over-sized vehicles accessing the road and several causing safety incidents, including arch damage, damage to resident's cars and frontages, a resident being hit in the head by the wing mirror of an over-sized HGV and another nearly crushed in the arch by an HGV that mounted the pavement in the arch in which they were standing.
- Council Officer's approval of this application ignores not only highways legislation set out in Traffic Signs Regulations and General Directions 2002, but also the safety assurances provided by the Director of Town Planning and Building Control and the Chief Executive, (Formal Response reference 30437337), that:
- *“Vehicles exceeding heights indicated in metric and imperial units prohibited .” (Paragraph 13, letter of April 11, 2023.); and “Metropolitan Police advise that action taken is typically prosecution of a driver for negligence where a sign has been ignored.” (Paragraph 6, letter of April 11, 2023.)*
- Council Officers have publicly rebuked UK legislation in community correspondence and at the Public Hearing on August 8th. Moreover, they have recently provided an open invitation for vehicle drivers to break the law with impunity, stating: *“neither Westminster City Council nor the police enforce height restrictions”*.
- It is unimaginable that the Council supports this application, which threatens to compound the safety incidents in Chilworth Mews, and that they offer immunity from prosecution for those who break the law.
- Approval for this application must explicitly condition maximum permitted vehicle sizes

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accessing Chilworth Mews that meet arch height restrictions, (including their safety margins), as well as road width restrictions in the arches, to ensure local area safety and welfare.

- Residents support the SEBRA/PRACT communication to the Council and the Committee on August 13, “We wish have discussions with the Council on the scope of the on-site test, before it is settled...” and, “we would expect further discussions with the Council, should there be any difference of opinion.”
- Residents are requesting greater transparency on the process for the test and the opportunity to fully contribute to the process to ensure an effective result.
- That residents are given the opportunity to have discussion and agree the scope and parameters of the on-site test before it is settled.
- That residents will have the opportunity to attend the test and/or see a video of what was undertaken.
- That the video is placed in the public domain, and that the public is given the opportunity to comment on the test in the normal format and time frame, (via the Westminster Planning Portal and within 28 days of the publication of the information).
- Residents would like to agree an explicit purpose statement for the test to ensure that the scope and parameters set are sufficient to meet their intended purpose.
- Residents would like that purpose to be to evaluate safety, welfare and amenity in Chilworth Mews, Chilworth Street and Craven Road resulting from the access to and delivery processes for vehicles using the loading bay in Chilworth Mews for the site at the site of 40 Eastbourne Terrace.
- Residents are broadly in agreement with SEBRA/PRACT, but believe that further details are required to ensure the efficacy of the test.
- 2 maximum sized vehicles should be used for the test at no less than: 3.7 m high and 2.5m wide, excluding mirrors, 8m in length and 7.5t.
- Entry into the mews 2 from the south arch, 2 from the north arch with the second vehicle parked in the nominated waiting area on the south west side of the north arch, in the position noted in the SMP page 6, in Chilworth Street.
- Concurrent arrival of both vehicles to a bay from the same direction and opposite direction, from doors closed to doors closed. And with scenarios of vehicles already in the loading bay.
- Movements within the bay
- Two vehicles unloading concurrently each from the rear/side.
- Families live in accommodation located in and above the arches.
- Accommodation front doors located within the arches.
- The proximity of door thresholds to the road; The width of the road within the arch, (2.1m).
- The notable arch damage to the ceiling of the arches.
- Changes to the south end of Chilworth Mews which are excluded in SMP information, in particular the narrowed road at the south end of the mews and its likely impact on delivery vehicle movements.
- Daily commercial servicing for Bizarro restaurant and other Craven Road operations takes place daily at the south end of the road.

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- The whole of the service bay is within the demise of 40 Eastbourne Terrace and is operated by one single operator and booking system. The test must review the delivery processes for the whole of the bay and the final destination of the goods once in the bay is not a reason to exclude a review of delivery operations which are wholly within the demise of 40 Eastbourne Terrace. It is not reasonable for the Committee to consider the SMP for 40 Eastbourne Terrace without taking into account all vehicles that use that loading bay. Un-elected Council Officers, (Planning and Highways), are providing wrongful information, (that is, contrary to UK Highways Legislation), to both the public and the Committee, which is resulting in evidenced and increasing safety risks to the public and in particular, residents and road users in and around Chilworth Mews, but no apparent accountability for the veracity, (or absence thereof), the advice and information they provide to the public and Committee members, or the decisions that result from that advice and information compromising local area safety, welfare and amenity in Chilworth Mews, by discounting the meaning of the published height restrictions on mews arches,[1] which prohibit access for vehicles exceeding the published height restriction of 10' 6;" Authorizing the regular use of the mews for commercial vehicles well in excess of published; and, signalling immunity from prosecution for the drivers of vehicles who breach the access restrictions.
- Local area residents and road users believe that Council Officer's statements and actions are contrary to public safety, welfare and amenity and have addressed this via the Council's complaints procedure.
- The reply to the complaint stated: "*This sign is used to prohibit vehicles exceeding the stated height from a route. "Vehicles exceeding height indicated in metric and imperial units prohibited other than where the sign is placed."* (Formal Complaint Response reference 30437337 dated April 11th, 2023).
- In spite of this formal confirmation, Council Officers continue to promote wrongful information about the meaning of the signs and recommend both approval of over-sized vehicles to use the road, and also authorize immunity for drivers who contravene the prohibitions the signs designate.
- Providing wrongful information: At the public hearing on August 8th
- Approving prohibited vehicles:
- Promoting illegal road use
- Information provided by the Council is unlawful.
- Unacceptable for these vehicles to access the mews and residents are seeking a mechanism to deal with this in timely manner, without the need for a judicial review or other process that would leave the public in danger for an extended period while it was sorted out.

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- Officers failed to uphold the Professional Code of Conduct for Solicitors: Maintaining Trust and Acting Fairly: Officers response contradicts the evidence available, indicating it is wrongful. Lack of due process:
- The video shown to committee on 8<sup>th</sup> August should have been shared with all before the hearing.
- The decisions of Councillors Williams and Chowdhury were refusals, and that presenting officer intervened to commute these refusals to a deferral.
- No explanation was provided on the implications of the alteration of the decision from a refusal to a deferral or the processes that will follow. council has indicated that the “further information” sought by the Committee will not be shared with the public Lack of accurate information: Officer statement contradict the Highways Act and Police
- Due process and accurate information are being selectively applied in this case, resulting in the exclusion/limited inclusion of primary stakeholders who will be directly affected by the decisions made.
- Checks and balances to stem any erosion of fair public processes in planning applications initially rest with the Solicitor(s) responsible for advising the Council on the application, and that this advice must be consistent with their profession requirements to maintain trust and act fairly.

**Representation of support on behalf of the applicant.**

- Continue to work with officers and local stakeholders to address perceived concerns with the SMP and OMP, we would like to provide some context on the application and to emphasise the rigorous assessment and scrutiny to which the SMP and OMP have already been subject to.
- Following the discharge of pre-commencement conditions, the development was lawfully begun in October 2021. The Planning Permission for hotel use is therefore extant.
- The submission of details under a planning condition are aimed at resolving specific issues that required further clarification following the approval of the Planning Permission and as development comes forwards. It does not allow an opportunity for principles, and layouts, approved under the Planning Permission to be queried or amended.
- The detailed SMP and OMP were first submitted to discharge the planning condition in March 2022. The documents were robust and based upon agreed principles and detail accepted elsewhere across the City.
- Given the extent of local interest and comments, we have now had three separate revisions to the SMP and OMP documents following re-consultation on numerous occasions. We have also held two separate meetings with Ward Councillors, local stakeholders, and residents. By any margin, this is significant and extensive consideration for a condition discharge application.
- The Council have undertaken a separate review of the public highway along Chilworth Mews following local resident comments directly relating to this area. This is a separate matter currently being discussed between the Council and local residents does not form part of this pending condition application submission. What it does show is that highway related matters have been subject to a high-level of independent scrutiny and analysis.
- The principles of the scheme including the location of the loading bay have all been approved and the current application relates solely to the approval of details for 40 Eastbourne Terrace only. The proposed servicing arrangements have previously been approved by the Council in connection with 50 Eastbourne

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Terrace. The SMP and OMP are incredibly robust documents and go well beyond that prepared and approved elsewhere within the City, including in other sensitive locations.

- The application was validated on 16 March 2022, some 18 months ago. Based on the type of application under consideration, 18 months is not a reasonable length of time to determine a condition discharge application which has a statutory determination period of 8 weeks. The applicant has been extremely patient in terms of re-consultation and refinement to the documents to address the comments received, many of which go well beyond normal requirements.
- The hotel has been under construction for the past two years. The development is now nearing completion ahead of its scheduled opening next year. The application was submitted with sufficient time in the programme for a decision to be taken. The scheme is one that will bring significant employment and economic benefits to the Paddington Opportunity Area, and Praed Street, and this delay on the approval of details under the aforementioned conditions could seriously undermine the ability to the scheme to deliver on these benefits.

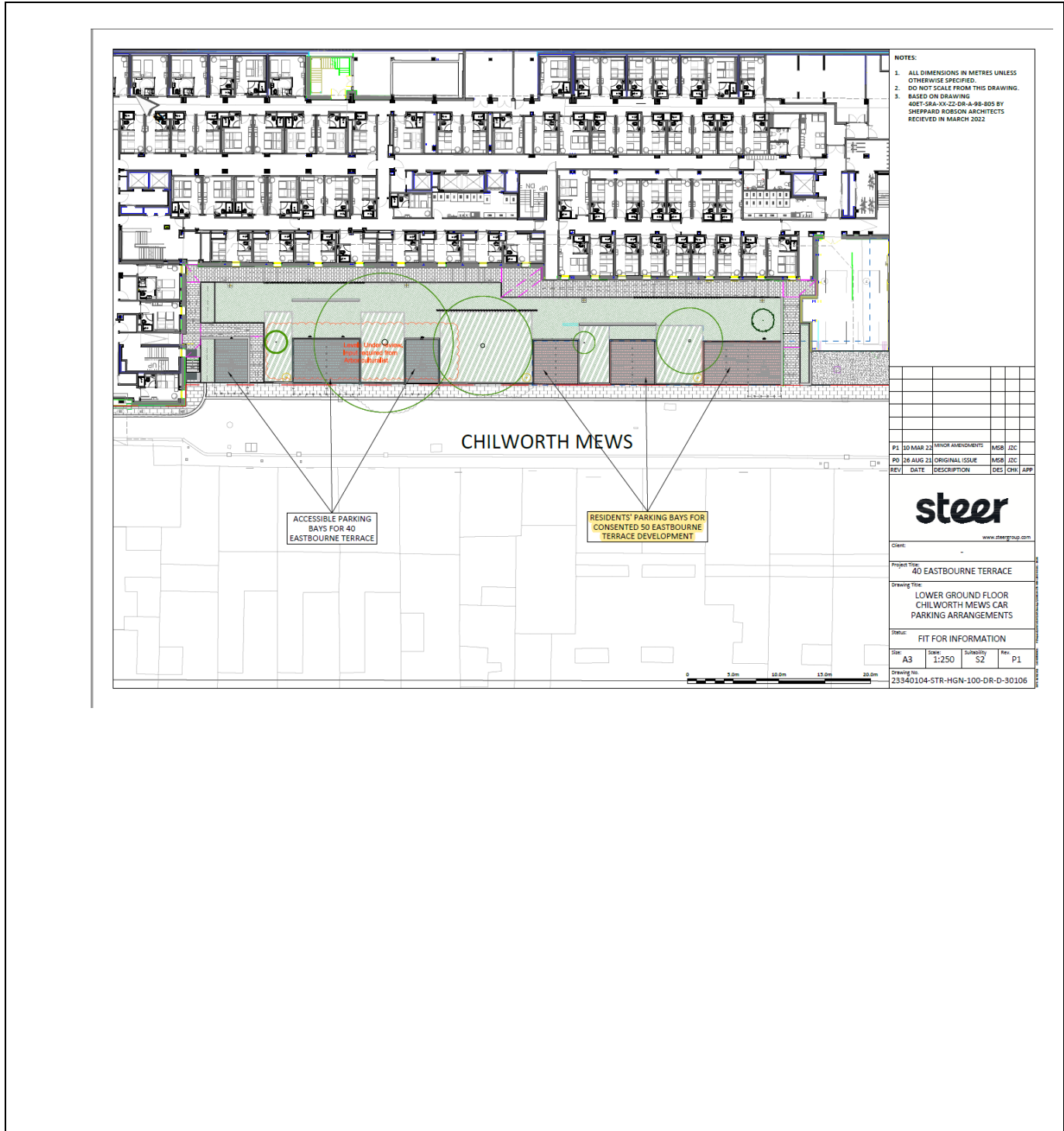
## **5. Conclusion**

For the reasons set out in the summary above and taking into account the full officers report of 8<sup>th</sup> August 2023. The submission is considered to be acceptable and fulfils the requirements of conditions 10A, 10B and 32 and officers' recommendation remain the same. The application is following the requested site visit by the Committee reported back to committee for determination.

(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 SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

**6. KEY DRAWINGS**



**NOTES:**  
 1. ALL DIMENSIONS IN METRES UNLESS OTHERWISE SPECIFIED.  
 2. DO NOT SCALE FROM THIS DRAWING.  
 3. BASED ON DRAWING 40ET-50a-XX-22-DR-A-99-005 BY SHEPPARD ROSSON ARCHITECTS RECEIVED IN MARCH 2022

REV	DATE	DESCRIPTION	DES	CHK	APP
P1	10 MAR 22	MINOR AMENDMENTS	MSB	JDC	
P0	26 AUG 21	ORIGINAL ISSUE	MSB	JDC	

**steer**  
www.steergroup.com

Client: -

Project Title: 40 EASTBOURNE TERRACE

Drawing Title: LOWER GROUND FLOOR CHILWORTH MEWS CAR PARKING ARRANGEMENTS

Status: FIT FOR INFORMATION

Size: A3	Scale: 1:250	Subsistency: S2	Rev: P1
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Drawing No: 23340104-STR-HGN-100-DR-D-30106

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## DRAFT DECISION LETTER

**Address:** 40 Eastbourne Terrace, London, W2 6LG,

**Proposal:** Servicing Management Plan, Operational Management Plan for the hotel and restaurant uses, and details of how a no Coach/no group bookings policy will be managed, pursuant to condition 10A (OMP) and 10B (No coach or Group booking policy) and 32 (SMP) of planning permission dated 1 November 2019 (19/03058/FULL).

**Reference:** 22/01773/ADFULL

**Plan Nos:** 40 Eastbourne Terrace Servicing Management Plan and Operational Management Plan June 2023 ref: 23340101.

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641  
07866036375

### Recommended Condition(s) and Reason(s)

### Informative(s):

This permission fully meets condition(s) 10A, 10B and 32 of the planning permission dated 1 November 2019 (19/03058/FULL). (I11AA)

Failure to comply with the Servicing Management Plan & Operational Management Plan may result in us taking legal action to stop any breach of planning of condition.

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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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 3 October 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>62 Clifton Hill, London, NW8 0JT</b>		
<b>Proposal</b>	Erection of roof extensions, a side extension at lower-ground floor level, minor internal and external works, alterations to the boundary treatment and landscaping scheme.		
<b>Agent</b>	Ms Elizabeth Woodall		
<b>On behalf of</b>	Mr Vic Aswani		
<b>Registered Number</b>	23/02503/FULL & 23/02504/LBC	<b>Date amended/ completed</b>	25 April 2023
<b>Date Application Received</b>	14 April 2023		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	St. John's Wood		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Refuse permission and listed building consent – on the grounds of inappropriate design, harm to the listed building, harm to the setting of the neighbouring listed building at No.64 Clifton Hill, and harm to the surrounding St Johns Wood Conservation Area.

## 2. SUMMARY & KEY CONSIDERATIONS

The applications relate to a four-storey detached dwelling house located on the corner of Clifton Hill and Abbey Road. The property is a Grade II listed building and is located within the St. John’s Wood Conservation Area.

Planning permission and listed building consent are sought for roof extensions, including a turret extension over an existing terrace and an extension to infill the valley between the two front gables. A small side extension at lower ground floor level is also proposed, along with alterations to the boundary treatment and landscaping works.

Ward Councillor Mendoza has called these applications in to be determined by planning committee on behalf of all Abbey Road Ward Councillors.

Representations of support have been submitted by neighbouring residents on the grounds that they consider the proposals appropriate in design and heritage terms. There have been no objections received from neighbouring residents, however, the St John's Wood Society has raised concerns regarding the impact these proposals will have on the character of the listed building.

The key considerations in this case are:

- The acceptability of the proposals in terms of their design and impact on this Grade II listed building
- The impact of the proposals on the setting of neighbouring listed buildings and the character and appearance of the St John's Wood Conservation Area.

The proposed turret roof extension is considered to be unacceptable in design and heritage terms and would be harmful to the architectural and historic interest of this grade II listed building, the setting of the neighbouring listed building at 64 Clifton Hill and would fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area.

For the reasons set out in the draft decision notices, the applications are recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation facing Clifton Hill



Side Elevation facing Abbey Road



## **5. CONSULTATIONS**

### **5.1 Application Consultations**

#### **WARD COUNCILLORS (ABBEY ROAD)**

Cllr Mendoza has called these applications in on behalf of all Ward Councillors

#### **ST. JOHN'S WOOD SOCIETY**

We have some concerns regarding the impact the proposals will have on the character of this listed building but defer to the opinion of the conservation officer.

#### **ARBORICULTURAL OFFICER**

No objection, subject to conditions to secure further details.

#### **ADJOINING OWNERS/OCCUPIERS RECEIVED:**

No. Consulted: 16

No. of objections: 0

No. in support: 4 (Including 1 on behalf of 4 flats)

Letters of support have been received from neighbouring residential occupiers on some or all of the following grounds:

- Support the proposed plans as it will enhance the existing building.
- The proposed scheme is very well thought out and the extension on the roof terrace is very sensible and compliments the house.
- The proposals will in no way detract from the character of the neighbourhood or the appearance of the house.
- The proposals are sensitive to the heritage design of the property and in many ways mirror what was historically built at 64.
- The work will mostly be away from the boundary with 64 and should only have a small impact.

#### **PRESS NOTICE/ SITE NOTICE:**

Yes

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

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. In the accompanying Planning Statement, the applicant has stated that immediate neighbours who are most likely to be affected by the proposals were consulted prior to the submission of the 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) (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 application site is not located within an area covered by a Neighbourhood Plan.

**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**

62 Clifton Hill is a grade II listed building located within the St John's Wood Conservation Area. It is a four storey, neo-gothic villa on the corner of Clifton Hill and Abbey Road. The building is in use as a single dwelling house. Towards the end of the 19th century, a single storey wing in a complimentary style was added to the rear/north side of the main original building.

The site is located within a Surface Water Flood Risk Hotspot.

**7.2 Recent Relevant History**

There is extensive planning history for this property, the most relevant applications are listed below:

23/01704/LBC  
Internal alterations and general refurbishment  
*Granted 5 April 2023*



18/05310/LBC

Erection of a glazed side extension to lower ground floor level, lowering of the rear studio floor level and alterations (some areas raised, others lowered) of the garden ground levels and other alterations to the rear wing including new doors and windows, the erection of a single storey conservatory structure to rear lower ground floor level, installation of railings to the Abbey Road and Clifton Hill boundary frontage, alterations to fenestration and other internal and external alterations (Linked to 18/05309/FULL).

*Granted 19 September 2018*

18/05309/FULL

Erection of a glazed side extension to lower ground floor level, lowering of the rear studio floor level and alterations (some areas raised, others lowered) of the garden ground levels and other alterations to the rear wing including new doors and windows, the erection of a single storey conservatory structure to rear lower ground floor level, installation of railings to the Abbey Road and Clifton Hill boundary frontage, alterations to fenestration and associated external alterations (Linked to 18/05310/LBC).

*Granted 19 September 2018*

18/05308/LBC

Erection of a glazed side extension to lower ground floor level, lowering of the rear studio and rear garden ground levels and other alterations to the rear wing including new doors and windows, the installation of railings to the Abbey Road and Clifton Hill boundary frontage, alterations to fenestration and associated external alterations and internal alterations (Linked to 18/05307/FULL).

*Granted 19 September 2018*

18/05307/FULL

Erection of a glazed side extension to lower ground floor level, lowering of the rear studio and rear garden ground levels and other alterations to the rear wing including new doors and windows, the installation of railings to the Abbey Road and Clifton Hill boundary frontage, alterations to fenestration and associated external alterations (Linked to 18/05308/LBC).

*Granted 19 September 2018*

## 8. THE PROPOSAL

Planning permission and listed building consent are sought for:

- The erection of a turret style roof (in the location of an existing roof terrace);
- The erection of an infill roof extension, between two peaked roofs, to allow the re-configuration of the second floor;
- The erection of a small extension to the side of the property at lower ground floor level;
- External repair and maintenance works, including re-slating the roof (re-using existing slate where possible), the reinstatement of missing chimney pots, cleaning and repainting stone parapets and repairing and redecorating timber window frames;
- The installation of internal partitions
- Alterations to the boundary treatment are also proposed, although the detailed design of the boundary treatments is not clear from the submitted drawings.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

Policies 8 and 12 of Westminster's City Plan seek to increase residential floorspace, ensure provision of family-sized homes and supports residential extensions that will provide a well-designed, energy efficient and high-quality living environment, both internally and externally.

The existing property is a single-family dwelling. The proposals will create an additional 15sqm of internal floor space, which is considered to be in accordance with policies 8 and 12 and acceptable in land use terms.

### **9.2 Environment & Sustainability**

#### **Sustainable Design**

Policies 36 and 38 of Westminster's City Plan require developments to be designed to reduce energy demand and to incorporate sustainable design measures.

The applicant has submitted a sustainable design statement, in which they state that high quality and durable materials will be used that will enable the extended lifetime of the building. No demolition, other than minimal internal alterations, is proposed and existing materials will be re-used where possible. This will minimise on-site waste and carbon emissions associated with disposal of any construction waste.

The proposals will include features that optimise water efficiency, with the fitting of water efficient taps and shower heads. The sustainable design statement also discusses the proposed installation of a rainwater harvesting tank to the rear of the property, whereby surface water run-off will be collected, stored and re-used for water supply purposes. These are welcome sustainability measures and the proposals are therefore considered acceptable in terms of sustainability. Had this application been recommended for approval, conditions would have been attached to secure these measures.

### **9.3 Biodiversity & Greening**

City Plan Policy 34 on Green infrastructure seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls and roofs and other green features where possible. The policy also seeks to increase biodiversity and protect open spaces. The proposed landscaping includes the replacement of existing hardstanding with soft landscaping and permeable paving. The proposals are considered acceptable in terms of biodiversity and greening. Had the application been recommended for approval, full details of the proposed landscaping would have been secured via condition.



## 9.4 Townscape, Design & Heritage Impact

Key considerations in assessing the proposals will be impact upon the appearance of the building and the surrounding townscape, including the settings of neighbouring listed buildings and the character and appearance of the St. John's Conservation Area. Proposals will be assessed against the National Planning Policy Framework (NPPF), specifically chapters 12 and 16, as well as policies 38, 39, 40 of Westminster's City Plan 2019-40 (April 2021). Our adopted supplementary planning guidance 'Development and Demolition in Conservation Areas' and 'Repairs and Alterations to Listed Buildings' are also relevant in considering the proposals.

**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 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.

Policy 38 Design Principles (B) states that development will positively contribute to Westminster's townscape and streetscape by having regard to the character and appearance of adjacent buildings and heritage assets.

Policy 39 Westminster's Heritage (B) states that development must "(1) ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance" and "(2) secure the conservation .... of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs...".

With regards to listed buildings, part (G) states 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." Paragraph 39.2 states that " Applicants should ensure the significance of heritage assets and impact of proposals have been fully assessed and understood. In the first instance, harm to their significance should be avoided." Paragraph 39.9 states "We expect alterations and extensions to listed buildings to safeguard important or original fabric and relate sensitively to the architectural detail, materials and style of the original building and any later phases of work which contribute to significance." Part (K) Conservation Areas, states that "Development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible."

Policy 40, Part (A) Townscape and Architecture, states that "Development will be sensitively 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." Part (D) states "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." Part E states: "Roof extensions will be supported in principle where they do not impact adversely on heritage assets and should: 1. where part of a terrace or group already characterised by roof additions or alterations, be of appropriate design which follows an established form.....3. in other locations, be of appropriate design sympathetic to the architectural character of the existing building."

Paragraph 40.7 states: "Works to alter and extend existing buildings will be supported where they are successfully integrated with their surroundings. To achieve this, extensions should be subordinate to the host building, respecting the scale, detailing and materials of both existing buildings and adjoining townscape." Paragraph 40.8 states: "Roof extensions can be a practical way to create additional floorspace but can also have a significant impact on the character and appearance of buildings and the wider townscape, and a sensitive approach and highest standards of design will be required."

The Council's SPG 'Repairs and Alterations to Listed Buildings' states that "The City Council will ...endeavour to preserve listed buildings, their settings and those features of special architectural or historic interest that they possess." 5.4 Alterations to listed buildings states "works to listed buildings should retain historic fabric and features of architectural or historic interest in situ and repair all damaged historic fabric or features, rather than replace them. The City Council encourages the reinstatement of missing architectural features where there is clear evidence of their original appearance."

### **Assessment**

The proposed small lead roofed extension is roughly in the position of the previously approved glazed roofed extension, set down within an existing lightwell at lower ground floor level. Its traditional design and small size will ensure it integrates successfully with this elevation.

The reinstatement of missing terracotta chimney pots and the roof extension in the valley between the gables are also considered acceptable, subject to details. Similar extensions in the roof valleys have been approved at matching properties in the local area. The proposed internal alterations at lower ground through first floor level are also considered acceptable in design terms.

The drawings provided do not include enough details of the proposed changes to the boundary treatments or some of the external alterations to the building. Had the proposals been recommended for approval, details of these aspects of the proposals would have been secured by condition.

Regardless of the acceptable aspects of the scheme, the turret extension, proposed to be erected at the location of the existing roof terrace, is considered the wrong form of roof extension for a house of this type. Although there are larger houses in the local area where castellated towers are part of the original design, houses of the same type / size as that on the application site were not designed with these and no similar high level turret extensions have been added to any of the houses of the same size / type in the local area. The height and mass of the proposed turret extension would make it much more visually prominent than the gables that define the roofline of this house and the most visually dominant feature of the building.

In addition, a large part of the external wall facing the terrace will be removed to provide an internal link to the new extension. This will erode the plan form and involve the loss of historic fabric.

For the reasons above, the turret extension and the associated internal alterations are considered to harm the architectural and historic interest of this listed building, the setting of the nearby listed building at no.64 Clifton Hill and the character and appearance of the St. John's Wood Conservation Area. The level of harm that would result from the proposals is considered at the moderate end of less than substantial. Paragraph 202 of the National Planning Policy Framework (NPPF) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, the property is already in its optimum viable use and there would be no public benefits resulting from the proposed works to offset the degree of harm caused.

As stated above, Policy 40 of the City Plan 2019-2040 (April 2021) supports roof extensions in principle, but only where they do not impact adversely on heritage assets. As set out above, the turret extension and associated internal alterations will adversely impact multiple heritage assets.

Therefore, the proposals are considered unacceptable in design terms due to their impact upon the appearance of the host building, setting of the adjoining listed building at no. 64 and the surrounding conservation area and are considered contrary to relevant local and national policies, in particular Policies 38, 39 and 40 of the City Plan 2019-2040, and paragraph 202 of the NPPF. Therefore, planning permission and listed building consent should be refused.

This recommendation is made with consideration of the statutory duties imposed by the

Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapters 12 and 16 of the NPPF.

### **9.5 Residential Amenity**

Policies 7 and 33 of the City Plan 2019-2040 seek to protect residential amenity and environmental quality from development. Policy 7 (A) (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity and preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking, and Policy 33 (A) aims to protect local environmental quality.

Representations supporting the scheme have been received from neighbouring properties, which point out that works will mostly be set away from the site boundaries and will have little impact on surrounding properties.

The proposed side extension at lower ground floor level and infill extension at roof level would not result in any residential amenity impacts to neighbouring properties, due to their scale and location away from the boundaries of the site. The only works which could potentially impact the residential amenity of neighbouring properties is the turret style roof extension, proposed in the location of the existing roof terrace to the rear of the site.

The rear elevation of the application site faces the side elevation of the neighbouring property at 49 Abbey Road, which has only one clear glazed window at second floor level, facing the application site. The distance between this window and the proposed turret style extension would be over 6.8 metres. Given the scale of the extension and the distance to this window, it is considered that it would not have a detrimental impact in terms of loss of light or sense of enclosure.

The extension would also have a bedroom window facing the property at 49 Abbey Road. However, given the oblique angle between the two windows and the existing roof terrace in this location, it is considered that that the proposed window would not give rise to an unacceptable loss of privacy over the existing situation on site. If the proposals were recommended for approval a condition would be required to prevent the roof of the extension from being used for sitting out.

Overall, the proposals are considered to be acceptable in amenity terms.

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

The proposals do not result in any transportation, accessibility or servicing issues.

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

It is recognised that the proposal will create jobs during the construction period.

**9.8 Other Considerations**

**9.8.1 Impact on Trees and landscaping proposals**

There are several mature trees on the site, including some which are protected by a Tree Preservation Order (TPO). Others are protected due to their location within the conservation area.

The applicants propose to remove two birch trees, identified as T1 and T2, on the grounds of their condition, and replace them with Silver Birch Trees. T4, a third silver birch, is proposed for retention, as is T5, a pear tree. Any tree pruning proposals should be subject to a separate s211 notification or a TPO application.

Further details of the boundary treatment would be required in order to fully assess the impact of the proposals on trees. Had the applications recommended for approval, further information would have been secured by condition.

Although there is currently insufficient information to assess the full impact of the proposals, it is not considered that there would be an unduly harmful impact to warrant refusal on these grounds. Accordingly, informatives are recommended to advise the applicant that should a revised proposal be submitted in future, the accompanying plan and section drawings must show the existing and proposed foundations, and that any changes to the boundary treatments must be designed to ensure the protection of the branches, trunks and roots of retained trees.

**9.8.2 Flood Risk**

The site is located within a surface water flood risk hotspot area and the applicant has submitted a Flood Risk Assessment, as required by Policy 35 on Flood Risk. The assessment recommends mitigation against flood risk, including removal and replacement of existing hardstanding by permeable paving and open grass areas, to allow surface water run-off to infiltrate into the ground, which would help to reduce the risk of surface water flooding. Aco 'Lightpoint' linear drains, which will be connected to the existing drainage system that currently serves the site, are proposed at regular intervals within the permeable pavement areas to collect excess run-off generated by big rainfall events. The proposals include a rainwater harvesting tank located to the rear of the property, whereby surface water run-off will be collected, stored and re-used for water supply purposes. Had the application been recommended for approval, these flood mitigation measures would have been secured by condition.

**9.9 Environmental Impact Assessment**

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

**9.10 Planning Obligations & Pre-Commencement Conditions**

Planning obligations are not relevant in the determination of this application. As the applications are recommended for refusal, there are no recommended conditions.

**10. Conclusion**

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning legislation and policies. Whilst the proposals are considered to be acceptable in land use, amenity, sustainability, flood risk, trees (subject to conditions) and greening. The turret extension at roof level is considered the wrong form of roof extension for a house of this type, as its height and mass would make it much more visually prominent than the gables that define the roofline of this house and the most visually dominant feature of the building. In addition, a large part of the external wall facing the terrace will be removed to provide an internal link to the new extension. This will erode the plan from and involve the loss of historic fabric. The level of harm that would result from the proposals is considered at the moderate end of less than substantial. In this instance, the property is already in its optimum viable use and there would be no public benefits resulting from the proposed works to offset the degree of harm caused.

Accordingly, it is considered the proposed development would fail to accord with policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and would not meet the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, it is recommended that planning permission and listed building consent should be refused on the grounds that the proposed development would be harmful to the architectural and historic interest of this grade II listed building, the setting of the neighbouring listed building at 64 Clifton Hill and also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT <a href="mailto:icorrie@westminster.gov.uk">icorrie@westminster.gov.uk</a>
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11. KEY DRAWINGS

Existing view looking southward along Abbey Road



Proposed view looking southward along Abbey Road





**Existing view from Clifton Hill, looking West**



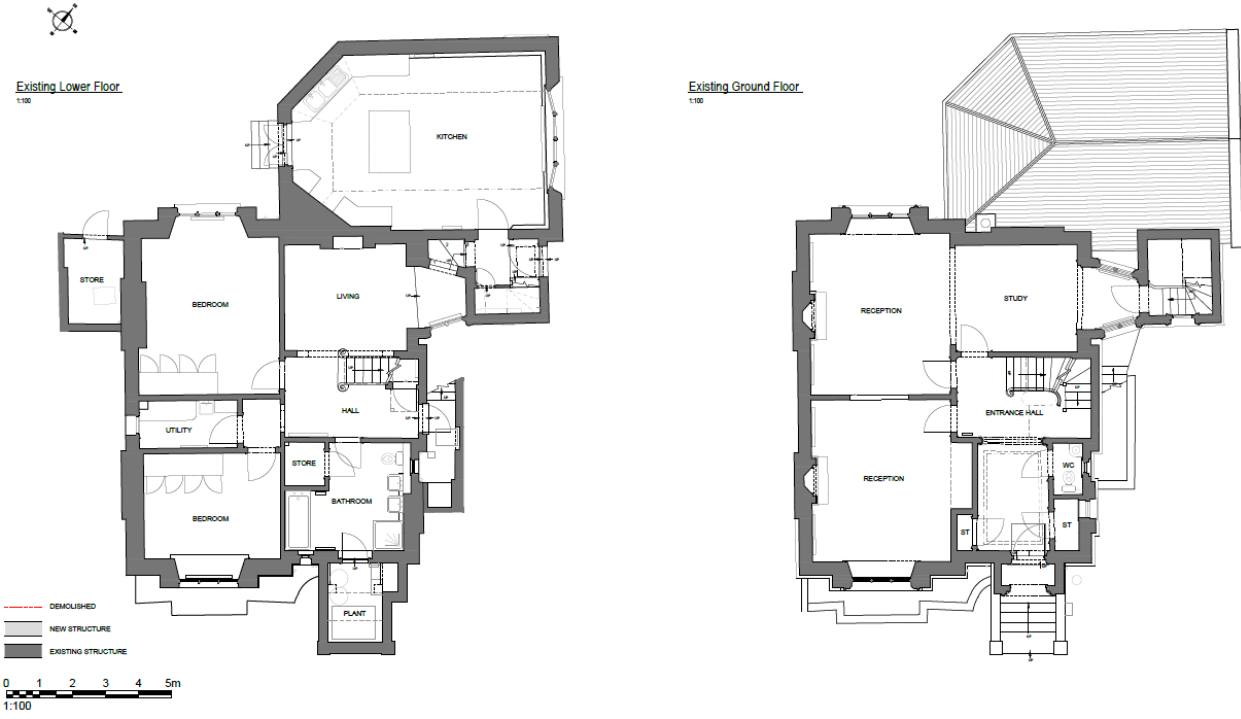
**Proposed view from Clifton Hill, looking West**



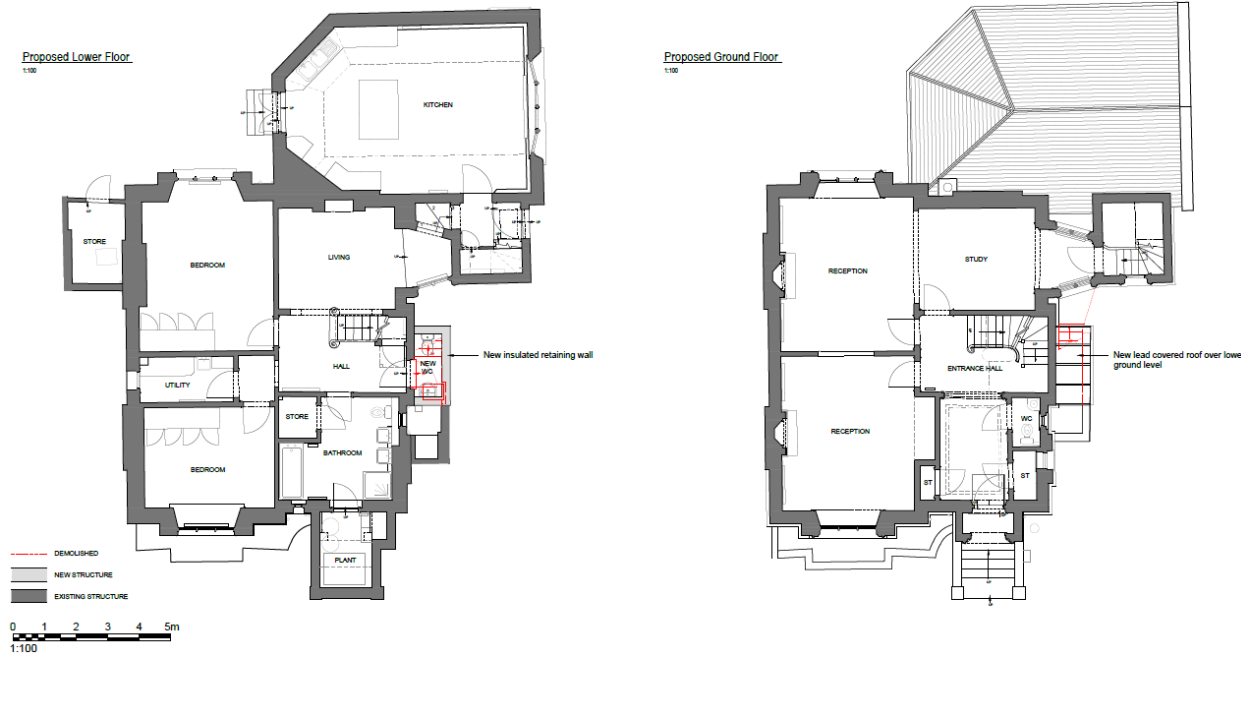




### Existing Lower Ground and Ground Floor Plans

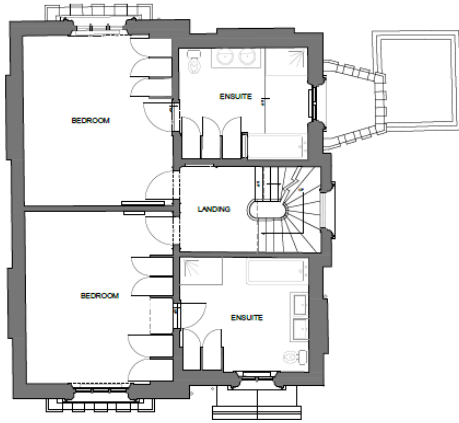


### Proposed Lower Ground Floor and Ground Floor Plans

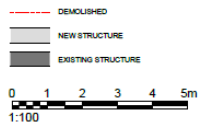
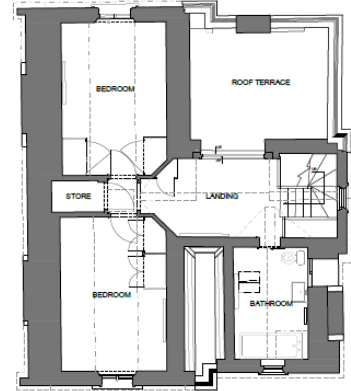


### Existing First Floor and Second Floor Plans

Existing First Floor  
1:100

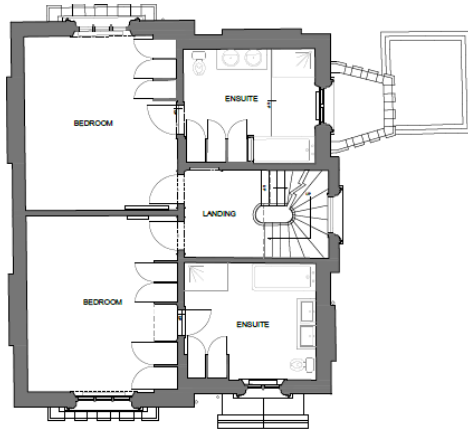


Existing Second Floor  
1:100

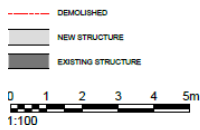
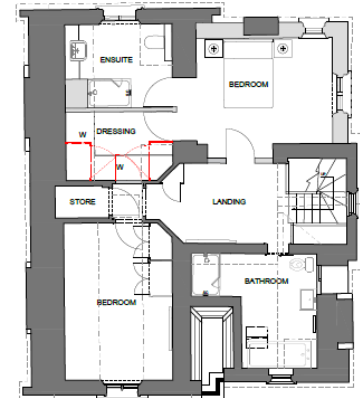


### Proposed First Floor and Second Floor Plans

Proposed First Floor  
1:100

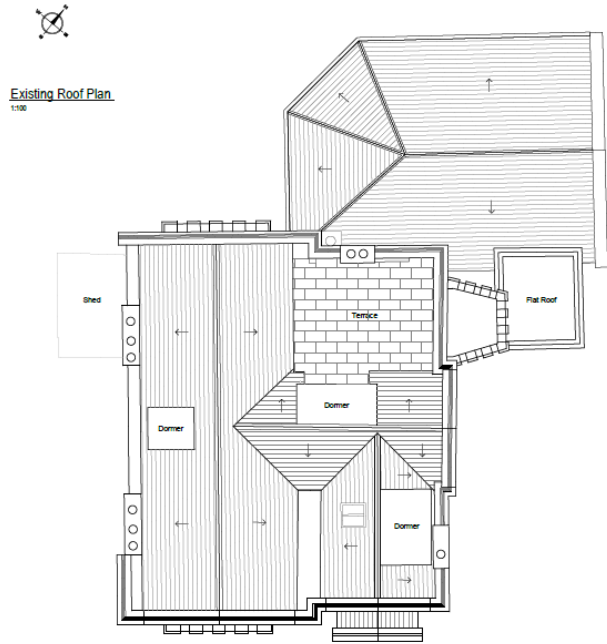


Proposed Second Floor  
1:100

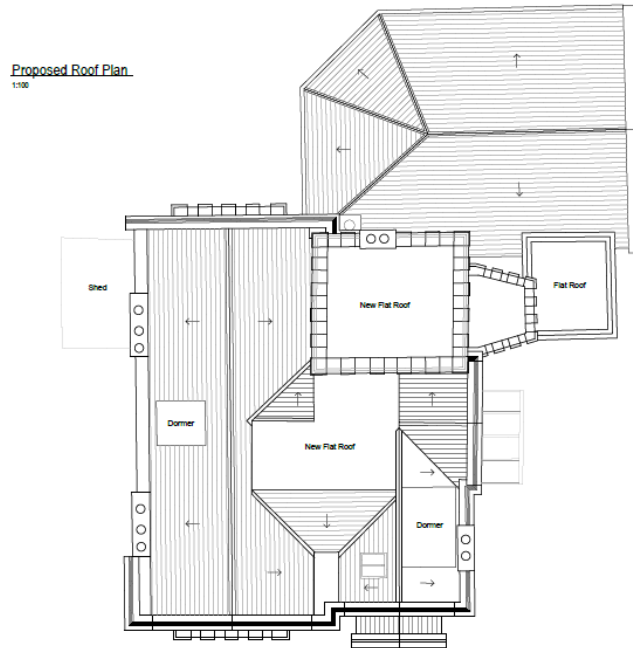


No changes

### Existing Roof Plan



### Proposed Roof Plan



**Existing South East and North East Elevations**



Existing South East Elevation - Clifton Hill  
1:100



Existing North East Elevation - Abbey Road  
1:100

**Proposed South East and North East Elevations**



Proposed South East Elevation - Clifton Hill  
1:100



Proposed North East Elevation - Abbey Road  
1:100

**Existing North West and South West Elevations**



Existing North West Elevation  
1:100



Existing South West Elevation  
1:100

**Proposed North West and South West Elevations**



Proposed North West Elevation  
1:100



Proposed South West Elevation  
1:100

Existing Section A-A



Proposed Section A-A



**DRAFT DECISION LETTER**

**Address:** 62 Clifton Hill, London, NW8 0JT

**Proposal:** Erection of roof extensions, a side extension at lower-ground floor level, external alterations, alterations to the boundary treatment and landscaping scheme.

**Reference:** 23/02503/FULL

**Plan Nos:** 3100; 3101; 3110 Rev A; 3200 Rev A; 3201; 3202; 3210 Rev A; 3211 Rev B; 3212; 3301; 3300; 3310; 3311; 3350; 3351; 417/01; 417/02; 417/03A; 417/04B; Design & Access Statement; Flood Risk Assessment by Glanville (Issue 3: dated 14 April 2023); Planning Statement; Tree Condition Survey by Goodger Design Associates dated March 2023 (12 September 2023 Update); Townscape Visual Impact Assessment; Heritage Statement; Sustainable Design Statement;

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641  
07866037313

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

Reason:

- 1 Because of its size, location and detailed design, the proposed turret roof extension would harm the architectural and historic interest of this grade II listed building and the setting of the neighbouring listed building at 64 Clifton Hill. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Conservation Area. This would not meet Policy 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EC)s

**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 so far as practicable. 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, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.



2 Please be advised that the principle of the side extension at lower ground floor level, repairs to (and some replacement of) existing windows and the installation of new railings - some to replace the timber fencing atop the boundary walls - have all been agreed under previous grants of permission / consent. As these previous grants of permission / consent have been part-implemented (RN: 18/05309/FULL and 19/05310/LBC), the refurbishment of the windows and the installation of the railings can be carried out under them. See the next informative regarding how these works should be represented in any future submittal.

3 In relation to design and conservation, please be advised that any future application must include:

- Elevations and/or sections showing the existing and proposed height of the boundary treatments. If the railings to the boundaries approved under the previous RNs will not be implemented, the drawings should demonstrate that any proposed new railings to the two street facing boundary walls would be traditional in design and remain lower than the existing gate piers in order to be considered consistent with the railings at other front boundaries in the local area.

- Plans and section drawings showing existing and proposed foundations.

In addition to the above, any future submission would benefit from having photographs of the existing boundary treatments, a brief explanation as to how the current proposals differ from what was previously agreed.

- More details of what method of cleaning is proposed to the stone parapets. If cleaning will involve removal of the existing paint from the stonework and/or masonry cleaning beyond a light nebulous spray, please provide information as to what type of stone will be cleaned, what (different) types of soiling and / or contaminants you propose to remove through cleaning, what methods and/or products you propose to use and why these are the best choice.

In addition to the above, any future submission would benefit from having photographs of sample areas where cleaning trials have been carried out cross-referenced to an elevation marked up to show each of these areas. These sample areas should be representative of the various surfaces and soiling/contaminants.

- Revised proposed drawings showing any new works (not previously approved) to any windows. [If the agent wishes show previously approved works to the windows, they can show these with annotations 'as previously approved under RN: xx/xxxxx']

- Revised proposed elevation and/or section drawings showing any changes to ground levels [if these are proposed]

- More details of the proposed uplighters (fixed into the new drains) in the garden. Officers consider that some of these could result in a light wash effect on external walls and we would not support lighting the building. Ideally, any garden lighting should be downlighting.

- More details of the extent of re-slating proposed at the roof and whether any existing rainwater pipes and/or the existing rooflight will be replaced.

Item No.
<b>2</b>

- 4 In relation to trees, please be advised that any future submission should:
- Include details of the proposed boundary wall treatment including foundations and methods to retain and protect roots, tree trunks and structural branches during the demolition and construction of the boundary treatment. If necessary, the railings should also be modified to accommodate trunks and low structural branches. This should be demonstrated as part of an arboricultural impact assessment.

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

**DRAFT DECISION LETTER**

**Address:** 62 Clifton Hill, London, NW8 0JT,

**Proposal:** Erection of roof extensions, a side extension at lower-ground floor level, minor internal and external works, alterations to the boundary treatment and landscaping scheme.

**Reference:** 23/02504/LBC

**Plan Nos:** 3100; 3101; 3110 Rev A; 3200 Rev A; 3201; 3202; 3210 Rev A; 3211 Rev B; 3212; 3301; 3300; 3310; 3311; 3350; 3351; 417/01; 417/02; 417/03A; 417/04B; Design & Access Statement; Flood Risk Assessment by Glanville (Issue 3: dated 14 April 2023); Planning Statement; Tree Condition Survey by Goodger Design Associates dated March 2023 (12 September 2023 Update); Townscape Visual Impact Assessment; Heritage Statement; Sustainable Design Statement;

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641  
07866037313

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

Reason:

- 1 Because of its size, location, detailed design, impact on plan form and loss of historic fabric, the proposed turret roof extension would harm the architectural and historic interest of this grade II listed building and the setting of the neighbouring listed building at 64 Clifton Hill. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet Policy 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EC)

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2 Please be advised that the principle of the side extension at lower ground floor level, repairs to (and some replacement of) existing windows and the installation of new railings - some to replace the timber fencing atop the boundary walls - have all been agreed under previous grants of permission / consent. As these previous grants of permission / consent have been part-implemented (RN: 18/05309/FULL and 19/05310/LBC), the refurbishment of the windows and the installation of the railings can be carried out under them. See the next informative regarding how these works should be represented in any future submittal.

3 In relation to design and conservation, please be advised that any future application must include:

- Elevations and/or sections showing the existing and proposed height of the boundary treatments. If the railings to the boundaries approved under the previous RNs will not be implemented, the drawings should demonstrate that any proposed new railings to the two street facing boundary walls would be traditional in design and remain lower than the existing gate piers in order to be considered consistent with the railings at other front boundaries in the local area.

In addition to the above, any future submission would benefit from having photographs of the existing boundary treatments, a brief explanation as to how the current proposals differ from what was previously agreed.

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In addition to the above, any future submission would benefit from having photographs of sample areas where cleaning trials have been carried out cross-referenced to an elevation marked up to show each of these areas. These sample areas should be representative of the various surfaces and soiling/contaminants.

- Revised proposed drawings showing any new works (not previously approved) to any windows. [If the agent wishes show previously approved works to the windows, they can show these with annotations 'as previously approved under RN: xx/xxxxx']

- Revised proposed elevation and/or section drawings showing any changes to ground levels [if these are proposed]

- More details of the proposed uplighters (fixed into the new drains) in the garden. Officers consider that some of these could result in a light wash effect on external walls and we would not support lighting the building. Ideally, any garden lighting should be downlighting.

- More details of the extent of re-slating proposed at the roof and whether any existing rainwater pipes and/or the existing rooflight will be replaced.

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 3 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>	1 - 4 Marble Arch, London, W1H 7EJ		
<b>Proposal</b>	Use of lower ground, part ground and first floor as modern art museum use (Class F1) [Site includes 1-1A Great Cumberland Place]		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Moco Museum		
<b>Registered Number</b>	23/05052/FULL	<b>Date amended/ completed</b>	1 August 2023
<b>Date Application Received</b>	21 July 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY & KEY CONSIDERATIONS

### Site and Planning History

The site is located at a strategically important location insofar as it is at the western gateway to Oxford Street. It is located within the Central Activities Zone ('CAZ'), the West End Retail and Leisure Special Policy Area ('WERLSPA') and the West End International Centre. The surrounding area is characterised by a variety of commercial uses, including the Cumberland Hotel on the opposite side of Great Cumberland Place. There are some arts and cultural venues in the wider area, including Frameless, a modern art installation, which is located nearby within the basement of the recently completed Marble Arch Tower development. There is some residential use at upper floors nearby as well, the nearest being immediately to the north of the site on the upper floors of Cumberland Court.

Planning permission was granted on October 2017 (Ref: 17/02923/FULL) (with subsequent amendments) for the redevelopment of the site behind a retained façade to provide a new building for replacement retail and office use. Retail use is permitted at basement level and most of the ground floor level. At first floor, the majority of the space is permitted as retail use, with part permitted as flexible retail / office use. The upper floors are all office use.

The development was recently completed but the developer (the Portman Estate) has advised that securing a retail occupier at the lower levels has proven challenging given the economic environment. Despite an active marketing campaign undertaken by the Estate's multiple agents, no meaningful offers from retail occupiers have been secured. However, an approach has been made by Moco Museum, who would like to expand its current presence in Amsterdam and Barcelona by opening a London museum and art gallery at the site. Permission is therefore sought for museum/art gallery (Class F1) use at the lower ground, ground and first floors (approximately 2,210 sqm GIA). There are no external alterations nor advertisements proposed at this stage.

### Proposal

The space would accommodate the various museum installations, providing three floors of accommodation in active use which are open to visiting members of the public. The proposals include a shop space at the ground floor selling merchandise to the public (without needing tickets for museum entry). An element of the approved retail use would therefore be retained under the proposal, as an ancillary part of the museum. Sales would include hot and cold soft drinks and potentially cold food in the future, which would be ancillary to the main use. The applicant is happy to accept a condition requiring this area to remain in retail use in perpetuity. The prominent dual aspect frontage on Oxford Street and Great Cumberland Place would include numerous window displays spanning both the ground and first floors, displaying goods and artwork. The proposed opening hours are 09.00 to 21.00 hours seven days a week.

Building regulations allow a maximum of 431 people inside the combined 3 floors of museum spaces at any given point of time, including staff. The proposed museum will offer educational experiences (as an ancillary function to the main use) for school children with free entry for children aged 7 and below. Concession tickets for children aged between 7-17 will be available, making the offering accessible for younger persons. The proposals will create new jobs for the local community, employing approximately 45 full time employees.

An Operational Management Plan (adherence is recommended to be secured by conditioned) sets out the management principles for the museum, preventing disturbance to local amenity (in particular the flats in Cumberland Court to the north of the site). A booking system is in place to manage visitor numbers and avoid a build-up of people impacting the public realm. The proposed museum ticketing strategy comprises both 'pre-booked' and 'on the door' ticket allocations. Based on the operator's experience at its Amsterdam and Barcelona museums, it is anticipated that the proposed museum will generate a 50:50 split, which will grow towards a 70:30 split in favour of pre-booked tickets over time once the museum becomes established.

Pre-booked tickets will specify a 15-minute arrival time, thus allowing an even distribution and control over arriving visitor numbers. The ground floor incorporates a dedicated queueing area, which will ensure that any build-up of visitors can be accommodated within the building and will not extend onto the street. It is considered appropriate to secure this queueing area by condition. Visitors enter the building at the Marble Arch entrance and exit to Great Cumberland Place (via the museum shop).

Servicing and deliveries are expected to be low, at an average of 2 deliveries per day. They would take place within the purpose-built servicing area at the rear of the site, where a waste holding and goods-in area is provided. This gives access to Bryanston Place (to the north of the site), which is subject to double yellow line markings with no loading restrictions. Only small parts of the collections are updated a few times a month which only requires small vehicles to deliver and collect art. No servicing will take place on Marble Arch or Great Cumberland Place. London Plan Policy requires the provision of 6 cycle parking spaces (based on 45 full time staff). This is recommended to be secured

by condition to ensure the proposal has access to 6 of the existing onsite cycle parking spaces at Basement level 2.

The nature of the proposal is unlikely to increase the number of private vehicles trips given the parking controls in the area and the proximity to public transport. However, other uses in the wider F1 use class have differing highway related impacts and it is recommended that a condition be imposed that limits the use of the site to F1b (for the display of works of works (otherwise than for sale or hire)) and / or F1c (museum) use only.

#### Policy

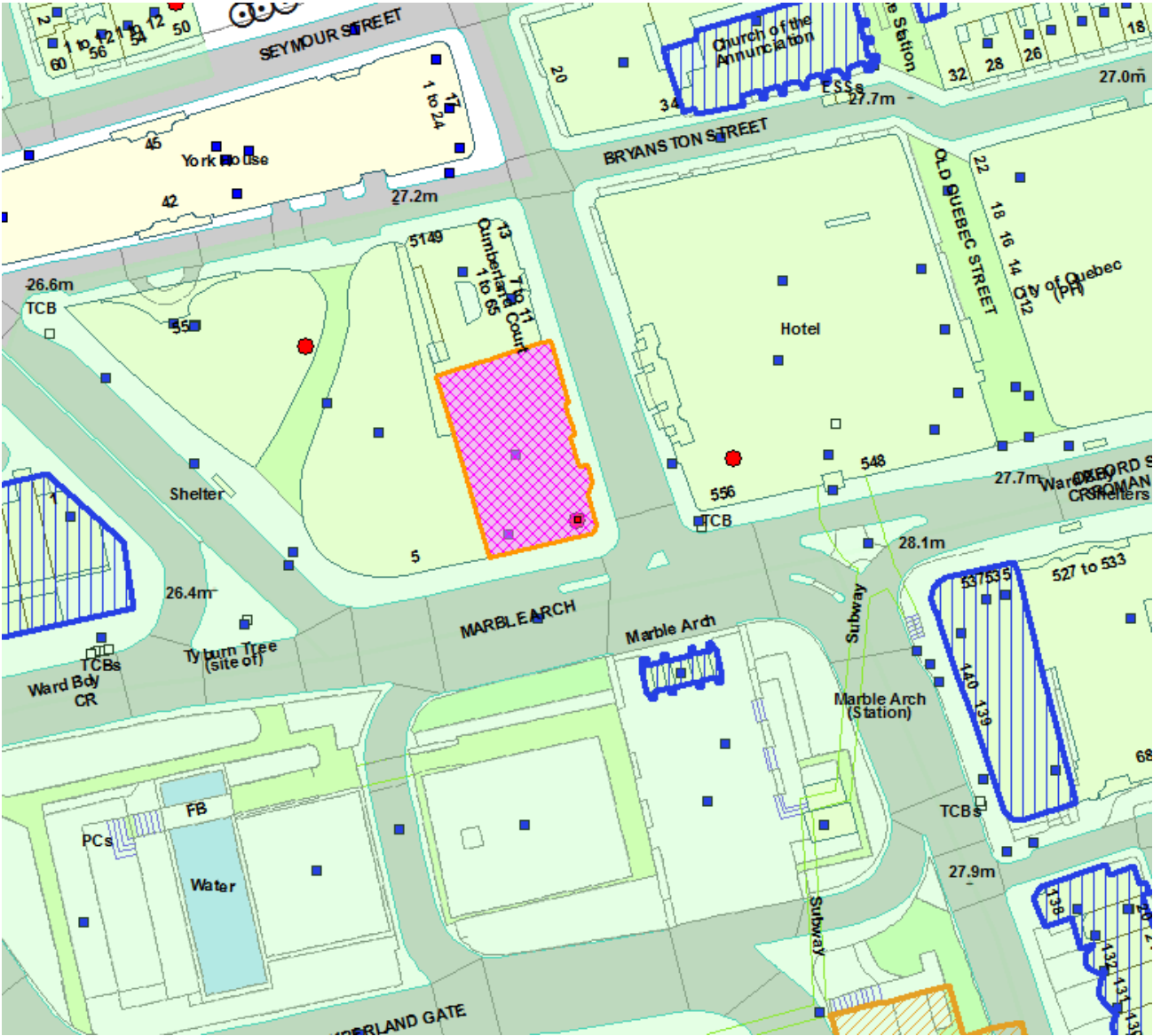
London Plan policy SD4 supports the promotion and enhancement of the CAZ's "*unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism function*". The policy also states that "*the vitality, viability, adaptation and diversification of the international shopping and leisure destinations of the West End including Oxford Street ... should be supported*". Policy HC5 of the London Plan supports the continued growth and evolution of London's diverse cultural facilities and creative industries.

Policy 1 of the City Plan states that "*Westminster will continue to grow, thrive and inspire at the heart of London as a World City*" and that growth will be achieved by "*intensification of the CAZ, the West End, and our town centre hierarchy with commercial-led and mixed-use development to provide significant growth in office, retail, and leisure floorspace*". Policy 2 of the City Plan (WERLSPA) seeks to ensure that the intensification of uses in the WERLSPA delivers various priorities including significant jobs growth delivered by office, retail and leisure uses, an improved leisure and retail experience which supports the transformation of the Oxford Street district and an enhanced cultural offer.

Policy 14 (land use in the town centre hierarchy) supports in principle the "*intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses*", subject to their impact on townscape and heritage. Part A of the policy states that "*proposals in existing town centres and high streets will enhance and diversify their offer as places to shop, work and spend leisure time*". Part B states that "*Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy*". Part B of policy 14 states that "*The International Centres of the West End and Knightsbridge will provide a focal point for large format comparison retail, supported by complementary town centre uses that increase customer dwell time*". It also states that The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy. With regard to proposed arts and cultural uses, policy 15 states that new arts and cultural uses will be supported in the town centre hierarchy and commercial areas of the CAZ.

Given that museums and art galleries are town centre uses that have active frontages and serve visiting members of the public, the proposed use is therefore considered to comply with the above policies and is a welcome addition which will contribute positively to the function, vitality and viability of this part of the CAZ and WERLSPA at the gateway to Oxford Street. It will complement the range of other town centre uses in the area, contribute positively to the cluster of cultural uses in this part of the West End and help diversify the Oxford Street District, as it evolves in response to emerging market trends, to support its transformation and continued growth.

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### WARD COUNCILLORS FOR WEST END

Any response to be reported verbally

#### WARD COUNCILLORS FOR HYDE PARK

Any response to be reported verbally

MARYLEBONE ASSOCIATION – support the proposals.

HIGHWAYS PLANNING TEAM – no objections, subject to a condition preventing use of the site for any other uses within Class F1 (which might have adverse highways implications).

PROJECT OFFICER (WASTE) – following the submission of additional information about waste storage capacity etc, confirm no objections.

MARBLE ARCH BID – support the proposals.

#### DESIGNING OUT CRIME

Any response to be reported verbally

#### OXFORD STREET ASSOCIATION

Any response to be reported verbally

#### PLACESHAPING (PUBLIC REALM)

Any response to be reported verbally

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

No. Consulted: 89

Total No. of replies: 0

No. of objections: 0

No. in support: 0

#### PRESS NOTICE/ SITE NOTICE:

Yes

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

The applicant appointed Kanda Consulting to undertake wider pre-application engagement on the proposals for the future of the site. The consultation has taken place via a series of stakeholder meetings, a bespoke designed information pack circulated to the local area on 10th July 2023 with feedback mechanism, the offer of a webinar session and further dialogue with the local community. The applicant advises that feedback to date has been positive with consultees generally welcoming the proposals. A number of respondents noted that they were aware of the Moco Museum's in Amsterdam and Barcelona and felt the proposed use and operation would be a

significant benefit to the area. Prior to the wider consultation commencing with the circulation of the information packs, the Applicant approached a number of neighbours and local stakeholders to discuss the emerging plans, where the following themes were discussed.

<b>Date</b>	<b>Meeting and Attendees</b>	<b>Themes Discussed</b>
29th June 2023	A representative of The Portman Estate met and briefed Kay Buxton, CEO of the Marble Arch BID	<ul style="list-style-type: none"> <li>• Contribution to Marble Arch area</li> <li>• Style and operation of Moco Museum</li> <li>• Quantum of retail</li> </ul>
5th May 2023	A representative of The Portman Estate met and briefed Cllr Paul Dimoldenberg, Chairman of the Edgware Road Strategy Group and neighbouring Hyde Park ward councillors	<ul style="list-style-type: none"> <li>• A1 / F1 use</li> <li>• Retail display</li> <li>• Regeneration benefits of Moco elsewhere</li> <li>• Demographics of employees</li> </ul>

Other key stakeholders were approached including local Ward Councillors, the New West End Company, the Marylebone Association, the Marylebone Neighbourhood Forum and neighbours including The Cumberland Hotel. An information pack about the proposals was distributed to 909 addresses to raise awareness of the plans, invite recipients to attend a webinar and / or leave feedback via a freephone number of typeform survey.

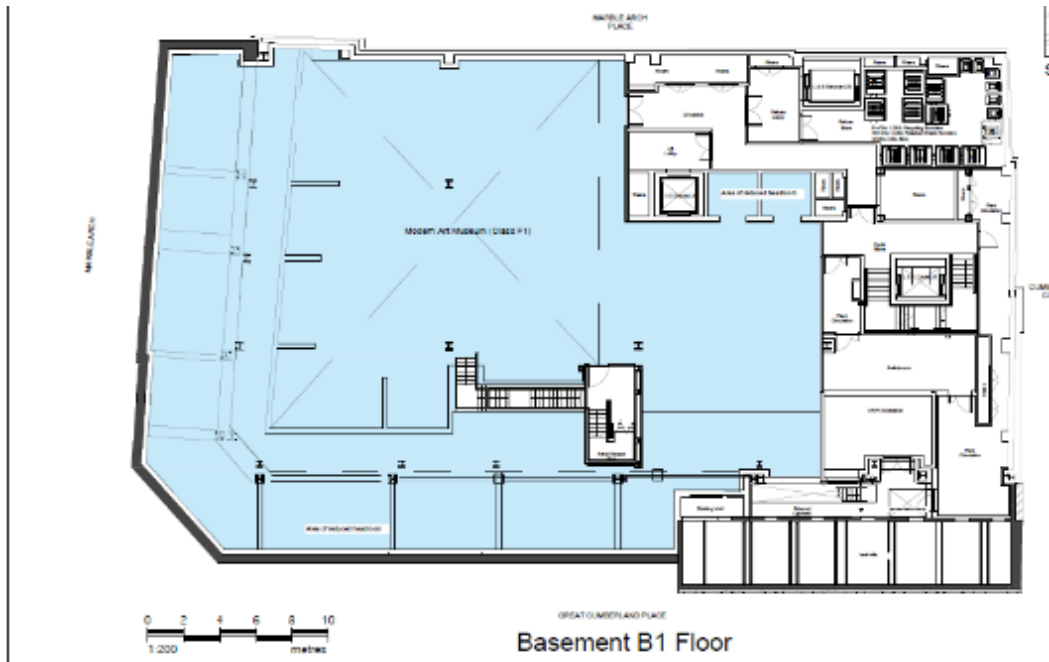
The proposals were generally well received by respondents through the online survey and stakeholder meetings, with the majority of consultees recognising the benefits of Moco Museum opening at Marble Arch, helping to form a new cultural quarter at the western end of Oxford Street and supporting the rejuvenation of the street.

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

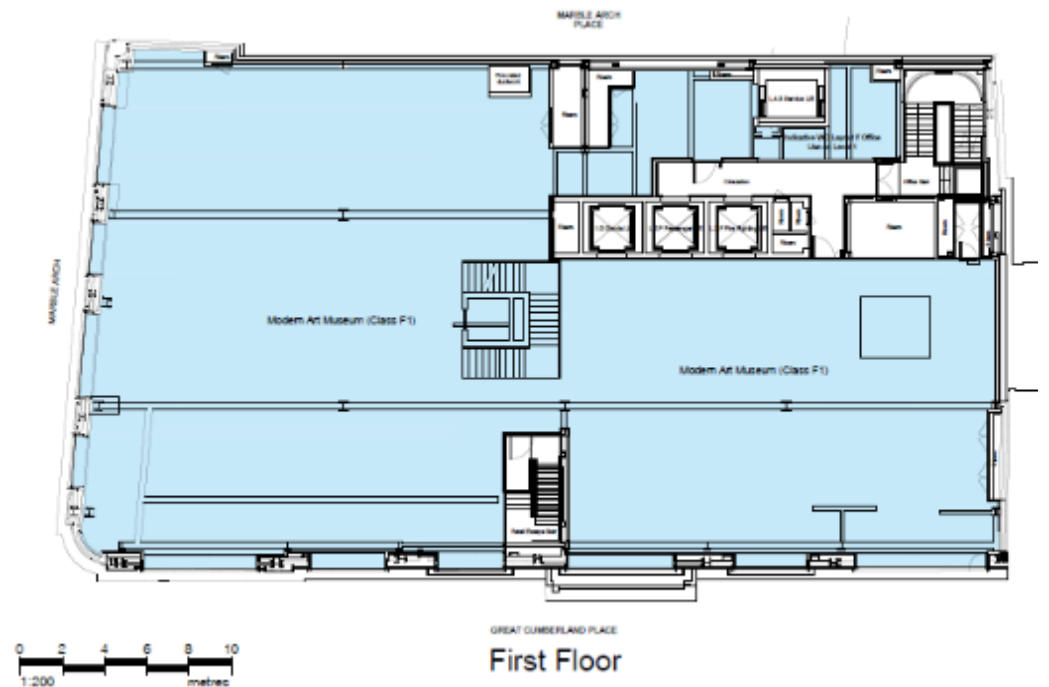
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)



### Proposed basement



### Proposed first floor



**DRAFT DECISION LETTER**

**Address:** 1 - 4 Marble Arch, London, W1H 7EJ,

**Proposal:** Use of lower ground, part ground and first floor as modern art museum use (Class F1) [Site includes 1-1A Great Cumberland Place]

**Plan Nos:** 1MA/B2/P/01, 1MA/B1/P/02 Rev A, 1MA/G/P/03 and 1MA/1/P/04; undated Operational Management Plan submitted with application and the Caneparo Associates Transport and Servicing Assessment dated July 2023.

**Case Officer:** Paul Quayle

**Direct Tel. No.** 07866 039895

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

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

Reason:

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

- 2 Customers shall not be permitted within the modern art museum premises before 09.00 hours or after 21.00 hours each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 3 You must apply to us for approval of an updated proposed ground floor plan that shows the queuing area inside the Marble Arch entrance and the retail shop area with its separate access from Great Portland Place. You must not commence the use hereby approved until we have approved in writing what you have sent us. You must then operate the premises retaining these two areas according to the approved drawings.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021), and to make sure that the development is completed and used as agreed and to make sure that it meets Policy 14 of the City Plan 2019 - 2040 (April 2021).

- 4 The use hereby approved must be carried out in accordance with the undated Operational Management Plan submitted with the application and the Caneparo Associates Transport and Servicing Assessment dated July 2023.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out

Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 5 Before the approved use commences, you must provide the store for waste and materials for recycling shown on drawing number 1MA/B1/P/02 Rev A and thereafter you must permanently retain it for the storage of waste and recycling. You must clearly mark it and make it available at all times to staff working at the modern art museum. (C14FC)

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)

- 6 You can use the premises the subject of this application only as a modern art museum within Class F1(b) and/or (c) and not for any other use within Class F of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class F use because it would harm the amenity of neighbouring occupiers and would not meet Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), and because servicing activity would have an adverse impact on the local highway network and would not meet Policy 29 of the City Plan 2019 - 2040 (April 2021). (R05JA)

- 7 You must allocate a minimum of six cycle parking spaces and associated facilities for cyclists shown on drawing 1MA/B2/P/01 for use by staff of the use hereby permitted prior to the commencement of the modern art museum use. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 8 With the exception of fire escape doors, you must hang all doors or gates so that they do not open over or across the road or pavement.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

**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 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 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)

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.