

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

1. RECOMMENDATION

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

2. SUMMARY

The applications relate to two former first-rate townhouses forming part of the Grade II listed terrace, 8-15 Princes Gardens. The buildings comprise 6 stories over basement level.

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

The nursery or "Early Years Education Centre" (EYEC) has expanded since these permissions were granted and now occupies the whole of no.8, the ground and first floor levels of no.9 and part of the basement at no.10. This expansion does not have the benefit of planning permission.

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

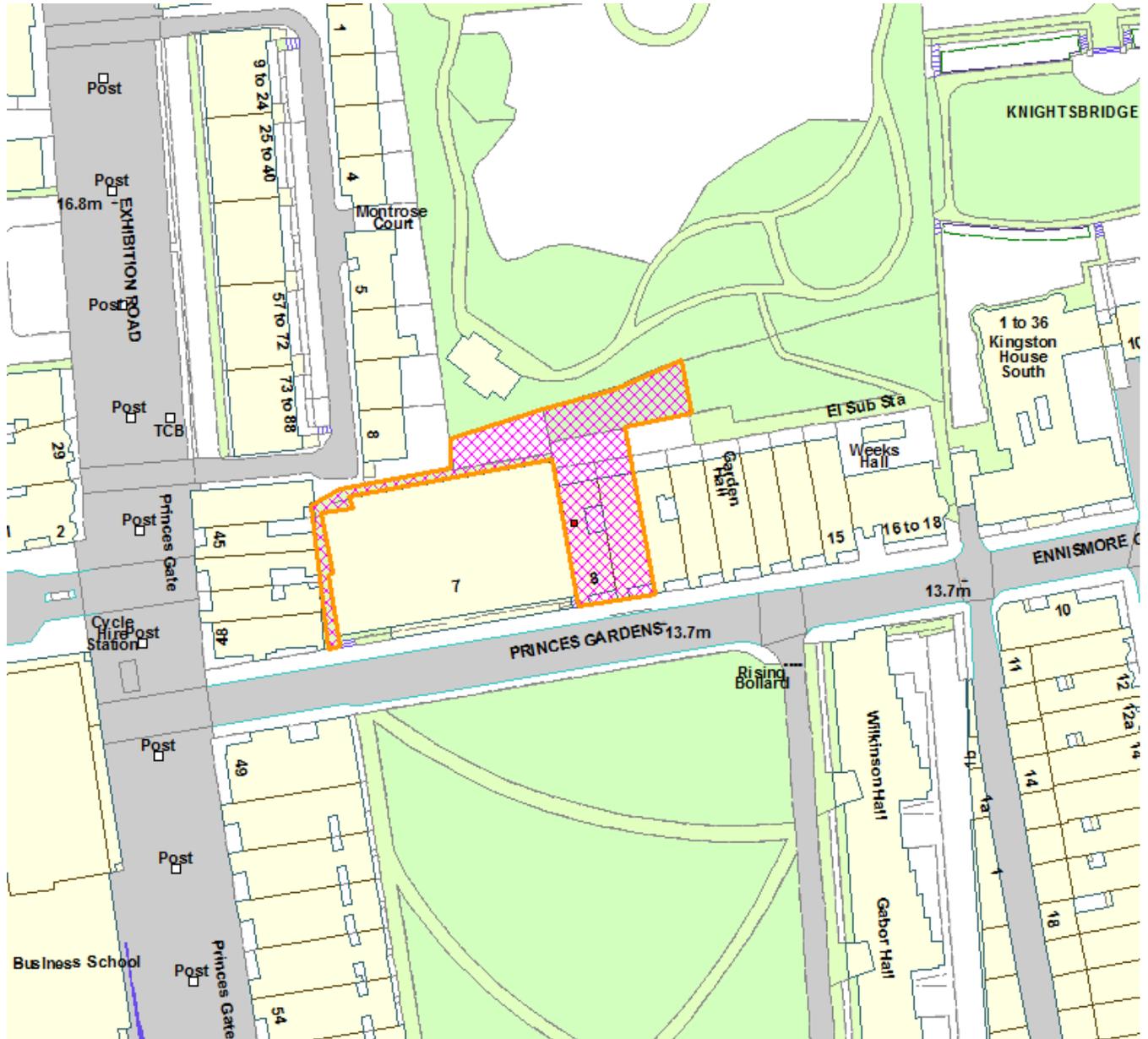
The applications are being considered at the same time as applications for planning permission and listed building consent for a change of use to school (Class D1) and associated works at the neighbouring 10 – 13 Princes Gardens (Item 2).

The key issues for the applications are:

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

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

3. LOCATION PLAN



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

4. PHOTOGRAPHS



Front of 8 -9 Princes Gardens



Rear of 8-9 Princes Gardens

5. CONSULTATIONS

HISTORIC ENGLAND

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

THE KNIGHTSBRIDGE ASSOCIATION

Comments received 13 June and 29 June 2018

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

Comments received 10 April 2018

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

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

- Any comments to be reported verbally.

WASTE PROJECT OFFICER

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

ARBORICULTURAL OFFICER

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

HIGHWAYS PLANNING MANAGER

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

ENVIRONMENTAL HEALTH

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

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 229

Total No. of replies: 52

No. of objections: 16

No. in support: 36

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

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

Amenity

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

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

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

Highways

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

Design and Conservation

- The proposals are not appropriate for a conservation area.

Other

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

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

Amenity

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

Other

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

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

6.2 Recent Relevant History

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

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

7. THE PROPOSAL

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

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

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

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

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

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

Loss of Student Housing

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

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

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

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

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

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

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

Creation of Nursery Floorspace

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. air quality

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

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

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

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

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

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

8.2 Townscape and Design

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

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

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

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

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

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

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

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

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

8.3 Residential Amenity

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

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

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

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

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

8.4 Transportation/Parking

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

Servicing and traffic generation addressed in section 8.1.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

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

8.7 Other Policy Considerations

Plant and Ventilation

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

Refuse /Recycling

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

Trees

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

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

8.8 Neighbourhood Plans

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

8.9 London Plan

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

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

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

8.12 Environmental Impact Assessment

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

8.13 Other Issues

Construction Impact

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

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

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

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

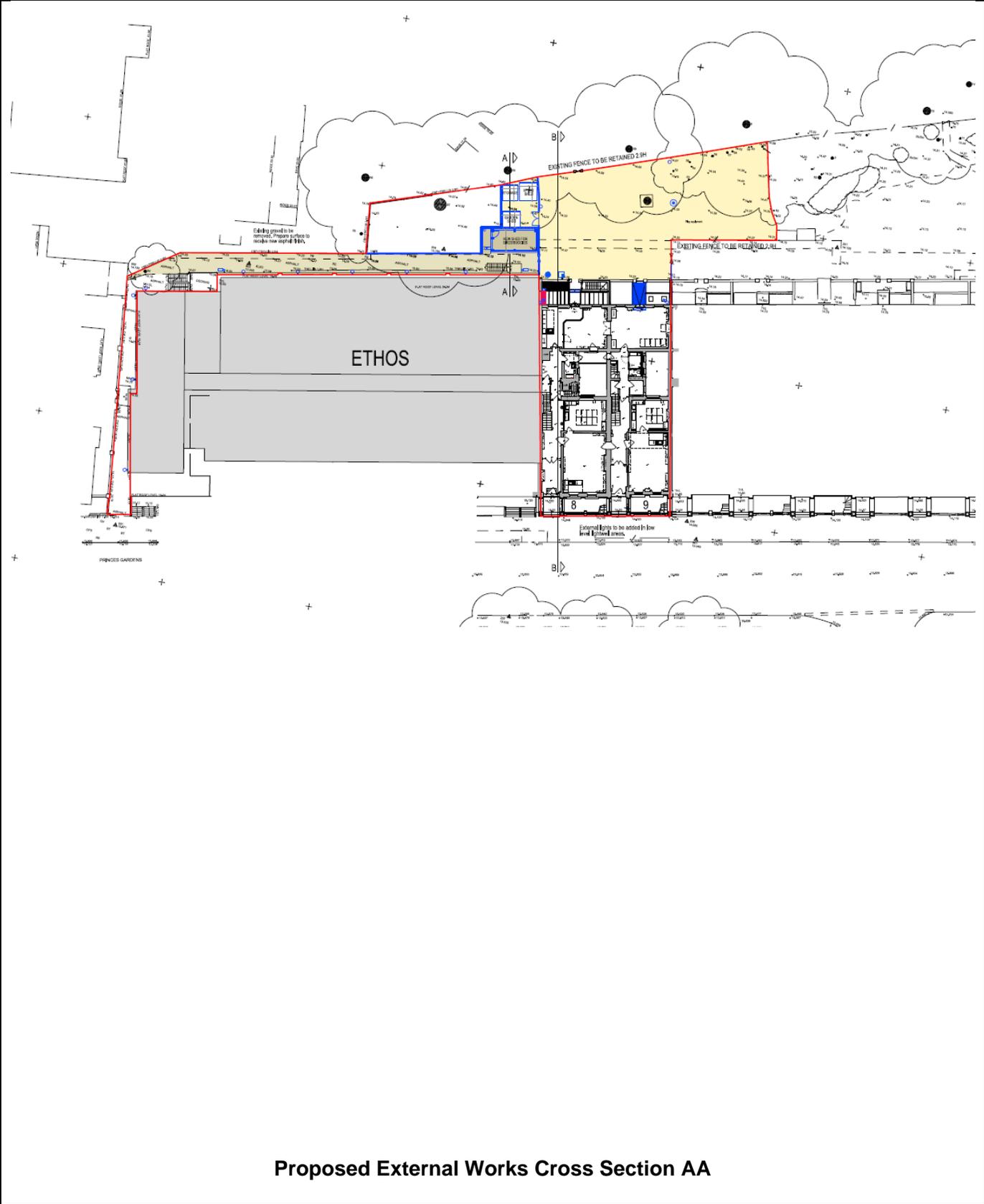
(Please note: All the application drawings and other relevant documents and Background

Item No.
1

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

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

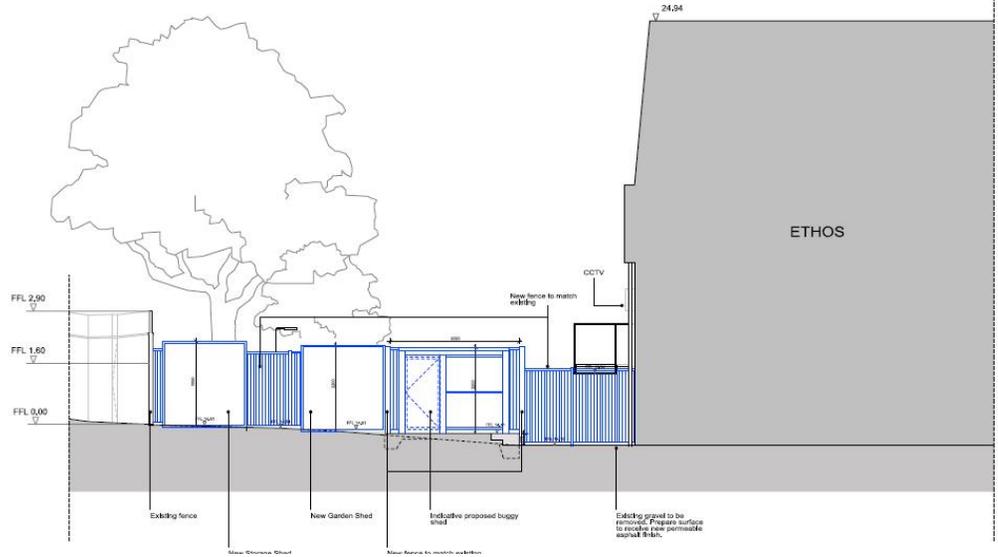
9. KEY DRAWINGS



Proposed External Works Cross Section AA



Indicative proposed buggy shed



Proposed Section B-B

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

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

Reference: 18/01763/FULL

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

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

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

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

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

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

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

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

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

Item No.
1

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

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

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

DRAFT DECISION LETTER

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

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

Reference: 18/01764/LBC

Plan Nos: PGGHLRA0001 Rev. A; PGGHLRA0002 Rev. A; PGGHLBA1501 Rev. C; PGGHLGA1501 Rev. C; PGGHLGMA1501 Rev. B; PGGHL1A1501 Rev. B; PGGHL1MA1501 Rev. B; PGGHL2A1501 Rev. B; PGGHL2MA1501 Rev. B; PGGHL3A1501 Rev. C; PGGHL4A1501 Rev. C; PGGHLRA1501 Rev. A; PGGHELEVA1501 Rev. A; PGGHELEVA1502 Rev. A; PGGHELEVA1503 Rev. A; PGGHELEVA1504 Rev. A; PGGHELEVA1505 Rev. A; PGGHSECA1502 Rev. B; PGGHSECA1504 Rev. B; PGGHSECA1505 Rev. B; PGGHLBA1801 Rev. B; PGGHLGA1801 Rev. B; PGGHLGMA1801 Rev. A; PGGHL1A1801 Rev. B; PGGHL1MA1801 Rev. A; PGGHL2A1801 Rev. B; PGGHL2MA1801 Rev. A; PGGHL3A1801 Rev. B; PGGHL4A1801 Rev. B; PGGHLRA1801 Rev. A; PGGHELEVA1801 Rev. A; PGGHELEVA1802 Rev. A; PGGHELEVA1803 Rev. C; PGGHELEVA1804 Rev. B; PGGHELEVA1805 Rev. A; PGGHSECA1802 Rev. B; PGGHSECA1804 Rev. A; PGGHSECA1805 Rev. A; PGGHDIAA2204 Rev. A; PGGHDIAA2205 Rev. A; PGGHDIAA2701 Rev. B; PGGHDIAA2702 Rev. B; PGGHDIAA2704; PGGHLBA4001 Rev. A; PGGHDIAA4502 Rev. A; PGGHDIAA4503 Rev. A; PGGHLBA4511 Rev. C; PGGHLGA4511 Rev. C; PGGHLGMA4511 Rev. C; PGGHL1A4511 Rev. C; PGGHL1MA4511 Rev. B; PGGHL2A4511 Rev. C; PGGHL2MA4511 Rev. B; PGGHL3A4511 Rev. C; PGGHL4A4511 Rev. C; PGGHL5A4511 Rev. B; PGGHLBA5011 Rev. C; PGGHLGA5011 Rev. C; PGGHLGMA5011 Rev. C; PGGHL1A5011 Rev. C; PGGHL1MA5011 Rev. C; PGGHL2A5011 Rev. C; PGGHL2MA5011 Rev. C; PGGHL3A5011 Rev. C; PGGHL4A5011 Rev. C; PGGHL5A5011 Rev. C; PGGHELEV7033; PGGHLGA9001 Rev. C; PGGHSECA9001 Rev. D; PGGHSECA9002 Rev. B; PGGHDIAA9001 Rev. B; PGGHDIAA9002 Rev. C; PGGHDIAA9003 Rev. D; PGGHLBM0005 Rev. P1.

For Information:, Design and Access Statement dated 19 February 2018; Heritage Statement dated February 2018; Cover Letter dated March 2018; Pre-Refurbishment Asbestos Survey Phase 1 dated October 2017; 8-9 Princes Gardens: Plaster condition investigation; Design and Access Statement LBC Comments Review dated 25 June 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

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

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

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

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

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

Item No.
1