

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

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY & KEY CONSIDERATIONS

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

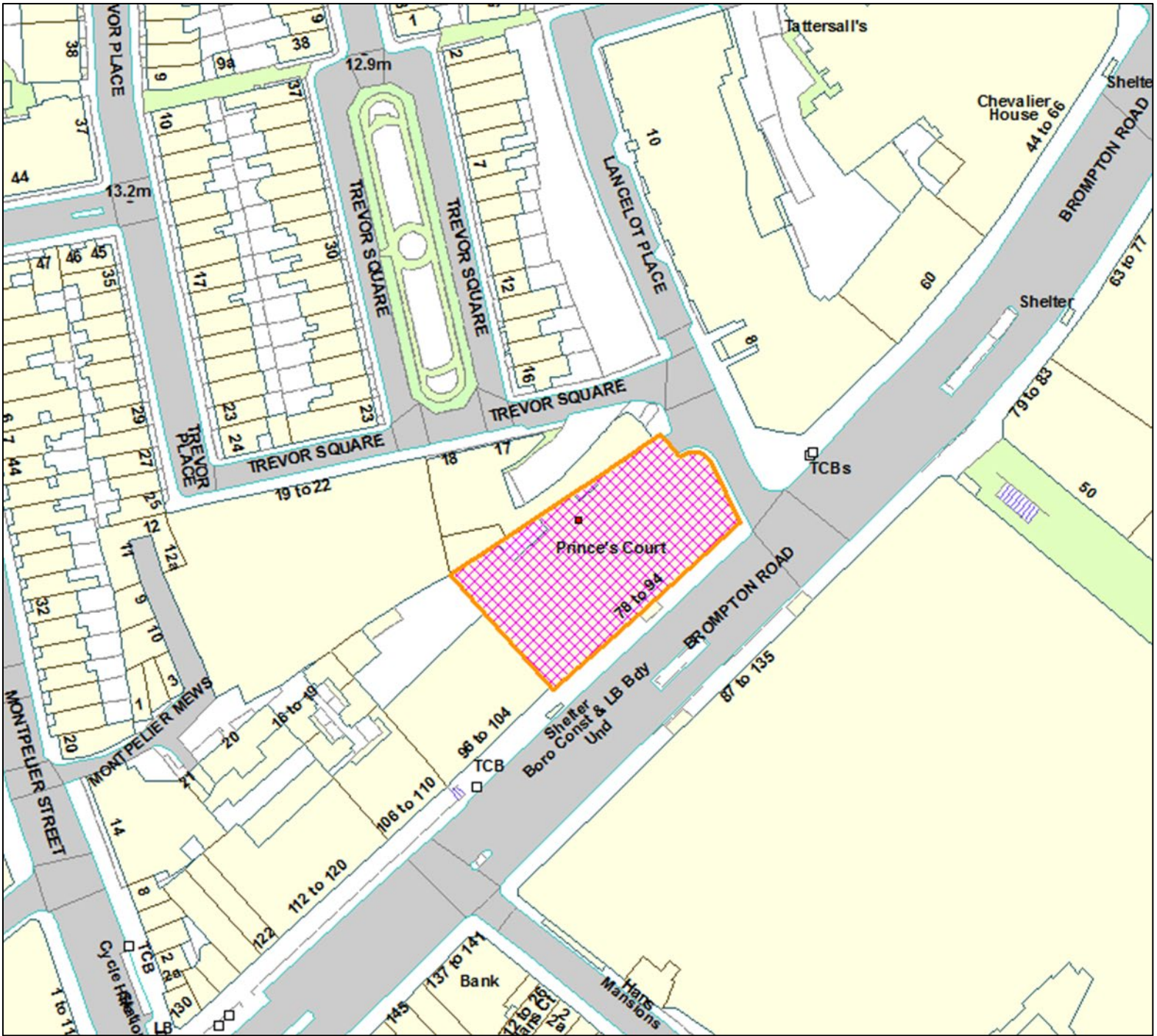
The key considerations in this case are:

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

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

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

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



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





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



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





**Interior 1.**



**Interior 2.**



**Service yard.**



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### First Consultation (begun February 2022)

##### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

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

##### KNIGHTSBRIDGE ASSOCIATION

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

##### TRANSPORT FOR LONDON

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

##### ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection.

##### ENVIRONMENTAL HEALTH

No objection subject to a condition securing hours of use.

##### WASTE PROJECTS OFFICER

More details required.

##### HIGHWAYS PLANNING MANAGER

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

##### ADJOINING OWNERS/OCCUPIERS

No. Consulted: 145

SITE NOTICE: Yes

##### PUBLIC RESPONSE

Total No. of replies: 1

No. of objections: 0

No. in support: 0

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

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

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

**KNIGHTSBRIDGE ASSOCIATION**

Any response will be reported verbally.

**TRANSPORT FOR LONDON**

No objection. Comments made under previous consultation still apply.

**METROPOLITAN POLICE (DESIGNING OUT CRIME)**

No objection, subject to Secure By Design condition.

**ROYAL BOROUGH OF KENSINGTON & CHELSEA**

No objection.

**HIGHWAYS PLANNING MANAGER**

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

**WASTE PROJECTS OFFICER**

No objection to revised plans, subject to conditions.

**ENVIRONMENTAL HEALTH**

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

**ADJOINING OWNERS/OCCUPIERS**

No. Consulted: 147

**PUBLIC RESPONSE**

Total No. of replies: 1

No. of objections: 1

No. in support: 0

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

## LAND USE

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

## DESIGN

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

## HIGHWAYS

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

## 5.2 Applicant's Pre-Application Community Engagement

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

## 6. WESTMINSTER'S DEVELOPMENT PLAN

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

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

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



development plan, unless material considerations indicate otherwise.

## 6.2 Neighbourhood Planning

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment.

It has been through independent examination and was supported by local residents in a referendum held on 18 October 2018. It was adopted on 11 December 2018. It therefore forms part of the development plan for Westminster for development within the Knightsbridge neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

## 6.3 National Policy & Guidance

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

## 7. BACKGROUND INFORMATION

### 7.1 The Application Site

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

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

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

### 7.2 Relevant History

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

Application Permitted

03 November 1994

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

At 94 Brompton Road:

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

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

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

## 8. THE PROPOSAL

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

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

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

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

## 9. DETAILED CONSIDERATIONS

## 9.1 Land Use

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

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

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

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

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

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

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



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

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

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

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

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

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

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

### **Public Toilet Provision**

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

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

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

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

## 9.2 Sustainable Design

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

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

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

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

## 9.3 Townscape, Design & Heritage Impact

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

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

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

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

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

### **Designing Out Crime**

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

## **9.4 Residential Amenity**

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

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

### **Servicing**

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

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

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



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

### **Trip Generation and Management**

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

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

### **Cycle Parking**

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

### **Waste**

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

### **Car Parking**

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

### **TfL Comments**

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

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

secured by conditions, as set above in this report.

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

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

## **9.7 Temporary Permission**

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

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

## **9.8 Environmental Impact Assessment**

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

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

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

## **10. Conclusion**

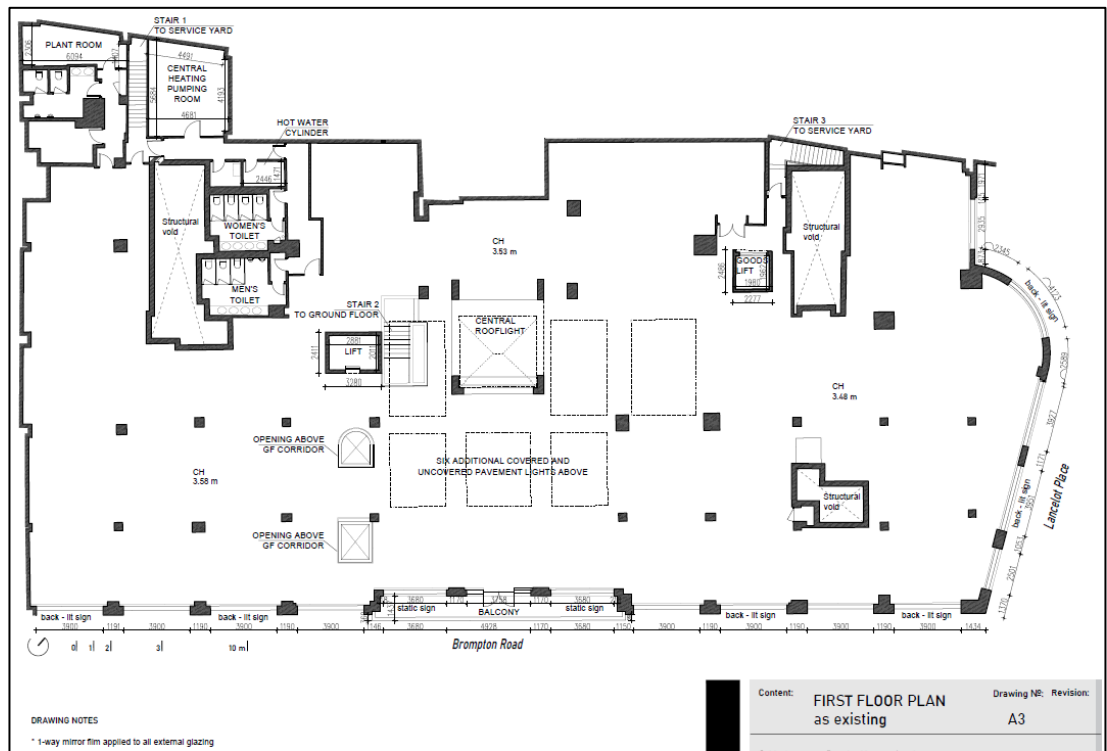
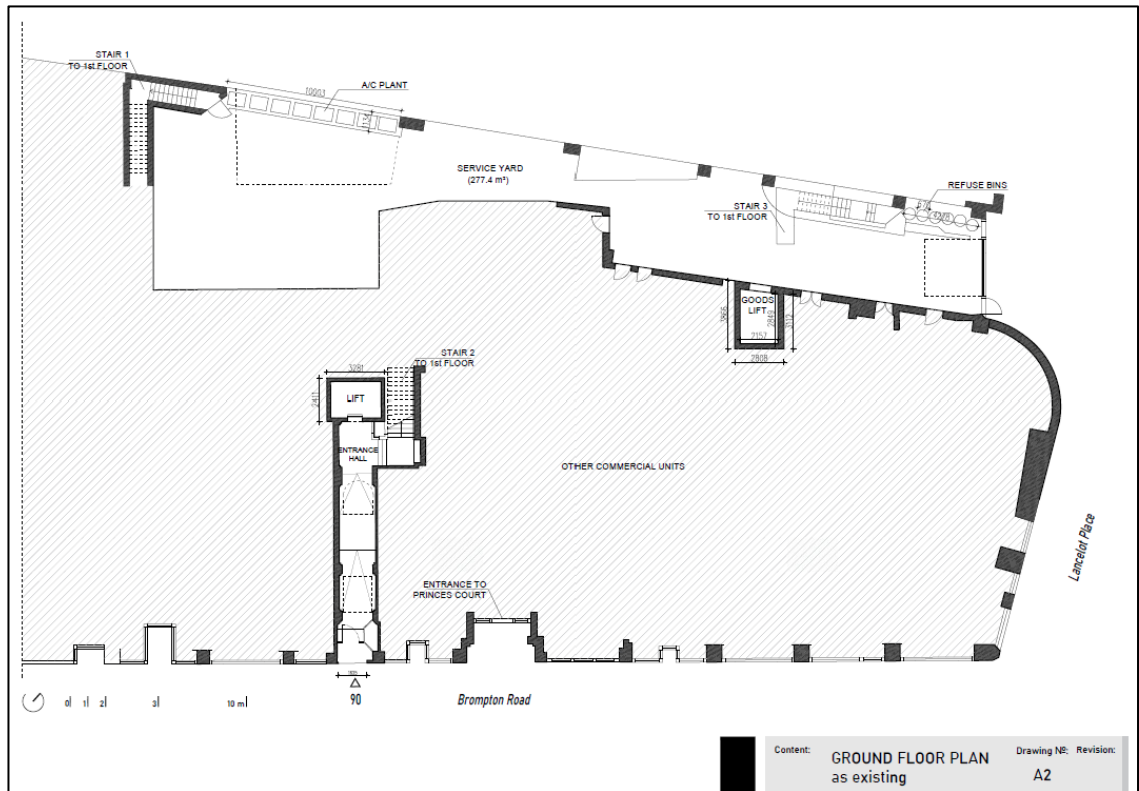
This report has considered the material planning issues associated with the development in conjunction with all relevant national, regional and local planning policy.

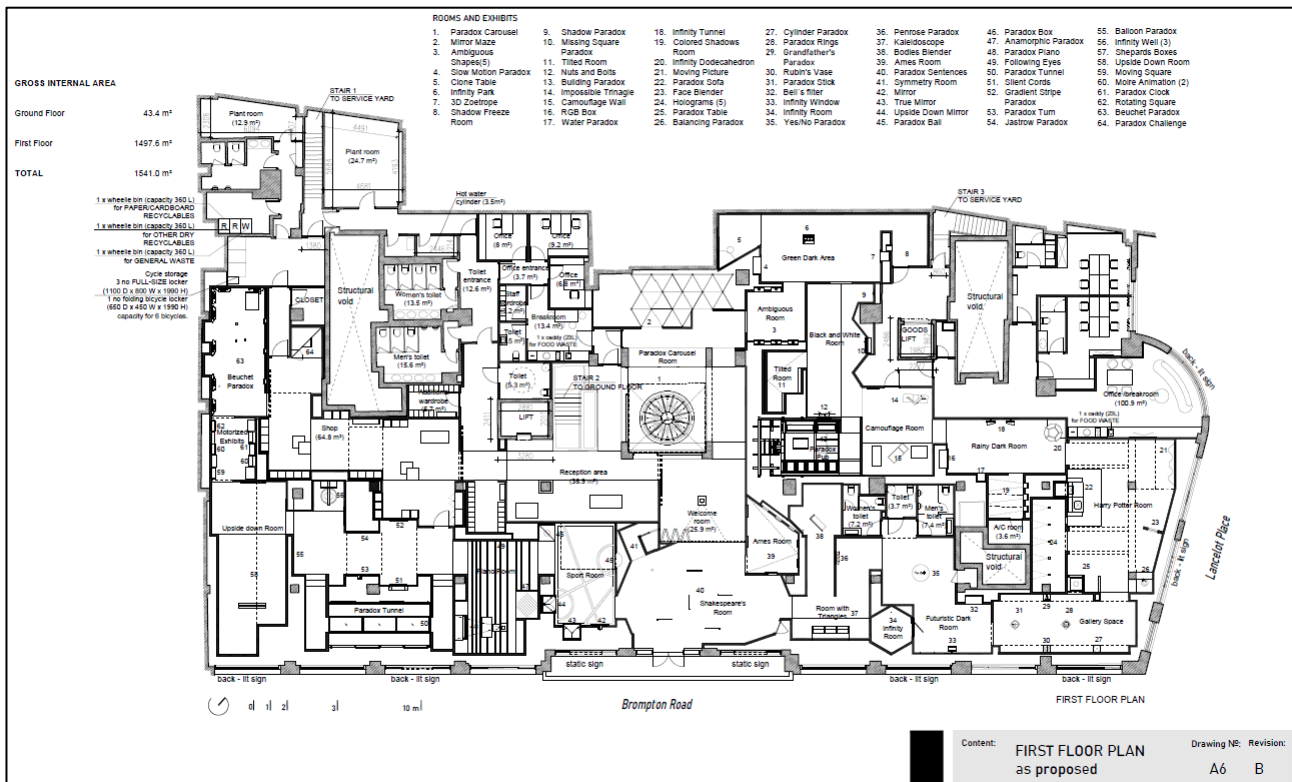
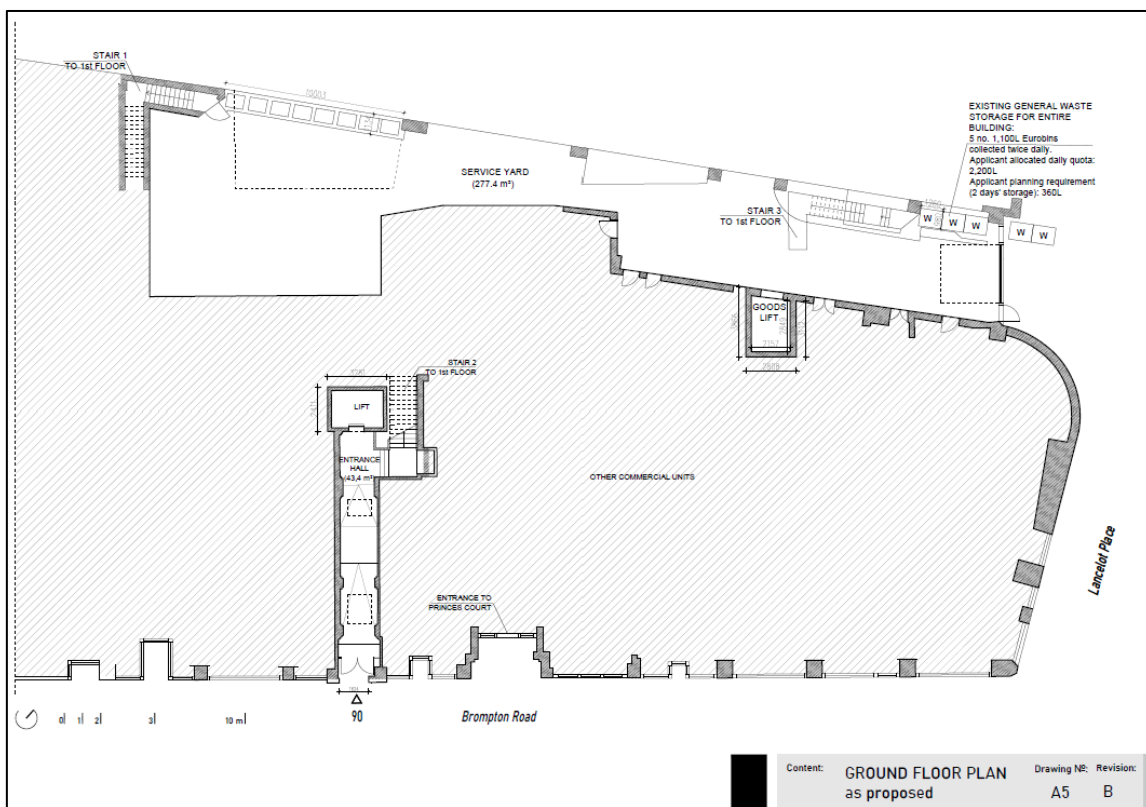
Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and the Knightsbridge Neighbourhood Plan 2018-2037. It is recommended that planning permission is granted, subject to the conditions listed at the end of this report, which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

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

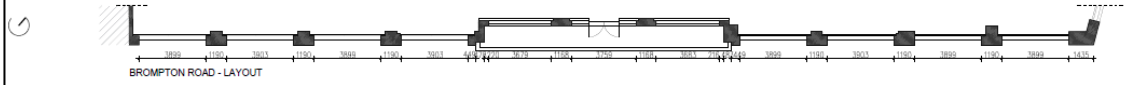
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT <a href="mailto:jhowitt@westminster.gov.uk">jhowitt@westminster.gov.uk</a>
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# 11. KEY DRAWINGS

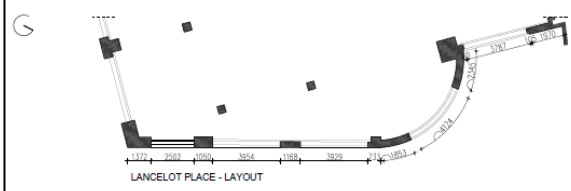








..... application site  
/// not in scope



..... application site  
/// not in scope

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

	<b>Content:</b> SITE ELEVATION as existing and as proposed A4	<b>Drawing N°:</b> Revision:
	<b>Subject:</b> Paradise Museum London <b>Project address:</b> 90 Brompton Rd, London SW3 1ES, UK <b>Project type:</b> CHANGE OF USE <b>Architect:</b> SVEN FRANČIĆ mag.ing.arch.	<b>TD:</b> 01-12/22 <b>Date:</b> 30/01/23 <b>Phase:</b> PLANING <b>Scale:</b> 1:200 @A3
<input type="checkbox"/> <input type="checkbox"/> DVA KVADRATA j.d.o.o. H. Badalića 25, 10 000 Zagreb, Croatia		

**DRAFT DECISION LETTER**

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

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

**Reference:** 23/00935/FULL

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

**Case Officer:** Max Leonardo

**Direct Tel. No.** 07817095744

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

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

Reason:

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

- 2 **Pre Commencement Condition.**

A. You must apply to us for our written approval of an independent BREEAM Pre-Assessment (undertaken by a licensed BREEAM accredited assessor, or an equivalent independent measure of energy performance and sustainability) before the 'interactive museum' use begins. It must demonstrate it is possible to achieve a BREEAM rating of 'Excellent' or higher (or an equivalent independent measure of energy performance and sustainability), or explain why an alternative rating lower than 'Excellent' is the highest possible rating that can be achieved.

B. Within three months of the 'interactive museum' use beginning, you must apply to us for our written approval of a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the BREEAM rating as set out in the Pre-Assessment approved under part A.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

As requested by the applicant.

### Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).
  
- CONSIDERATE CONSTRUCTORS:**  
You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk)
  
- BUILDING REGULATIONS:**  
You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
  
- 3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.  
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and

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

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

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

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

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

- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 6 The term 'clearly mark' in condition 6 and 10 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 8 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 9 Although illuminated signs behind the property's windows has 'deemed' advertisement consent, it does not meet our design guidelines and we may make you remove it.



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

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