

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Pimlico South	
Subject of Report	Westminster Cathedral Primary School, Bessborough Place, London, SW1V 3SE		
Proposal	Increase perimeter fence height to 2.5m along part of the Balniel Gate and Bessborough Street boundary and replacement fencing around part of the Kaywillo Lodge boundary; installation of disabled access ramp to northern building entrance; installation of air conditioning condenser units; widening of vehicular accesses on to Bessborough Place and, installation of an external kitchen pod in the playground, all in connection with a special education needs unit.		
Agent	Ms Louise Virrey		
On behalf of	Westminster City Council		
Registered Number	23/01473/COFUL	Date amended/ completed	24 May 2023
Date Application Received	7 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	No		
Neighbourhood Plan	Pimlico		

1. RECOMMENDATION

Grant Conditional Permission under Regulation 3 of the Town and Country Planning General Regulations 1992 (Council's Own Development).

2. SUMMARY & KEY CONSIDERATIONS

This application seeks planning permission for works across an existing vacant primary school in Pimlico to facilitate the use of the school for children with Special Education Needs (SEN) and the running of associated after school and weekend activities and school holiday short breaks for SEN

pupils. The works seeking planning permission consists of:

- 2.5-metre-high fencing and gates at certain points around the perimeter of the site.
- A new disabled access ramp into the school building near the Balniel Gate entrance to the site.
- External air conditioning condensers on and around the school building.
- Widening of the vehicular access between the site and Bessborough Place.
- An external kitchen in the playground as a standalone modular building.

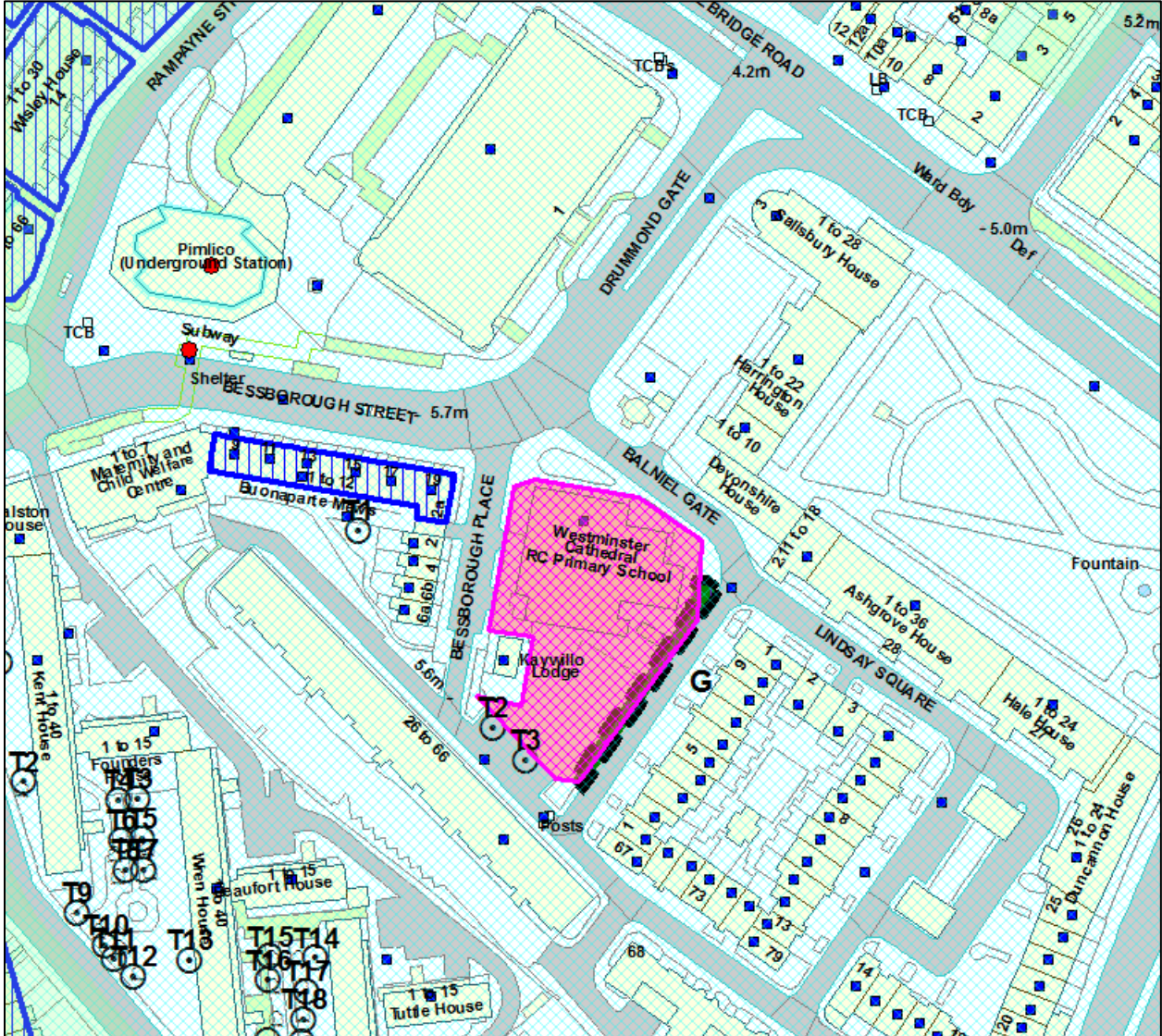
The key considerations in this case are:

- The acceptability of the proposed works in design terms and on the character and on the setting of the nearby designated heritage assets (the grade II listed Nos. 9-19 Bessborough Street (odds) and No. 2 Bessborough Street).
- The impact on the amenity of neighbouring residential properties.
- The impact on the public highways in the area.

Objections relating to all three of these considerations have been received from nearby residents.

As set out in this report, subject to conditions mitigating the impacts of the proposals on the appearance of the area, the amenity 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 Pimlico Neighbourhood Plan 2021-2040 (December 2022).

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Bessborough Street



Balniel Gate Entrance



View of Kaywillo Lodge from school playground



View of Bessborough Place - Main Entrance

5. CONSULTATIONS

5.1 Application Consultations

First Consultation (begun May 2023)

WESTMINSTER SOCIETY

No response.

PIMLICO FREDA

No response.

PIMLICO NEIGHBOURHOOD FORUM

No response.

ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT

Objection. Insufficient information provided to determine whether the proposal would comply with the Council's Noise Thresholds or not.

WASTE PROJECTS OFFICER

Objection. Further details of waste storage proposals required.

HIGHWAYS PLANNING MANAGER

Undesirable, but could be made acceptable with conditions/legal agreement.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 22

Total No. of replies: 3

No. of objections: 3

No. in support: 0

PRESS NOTICE/ SITE NOTICE

Yes

Three objections from nearby residents which can be summarised as follows:

AMENITY

- Noise from external air conditioning units.
- Extended hours of operation and external kitchen pod resulting in greater noise and disturbance.
- Height and proximity of proposed 2.5 metre fence would cause overshadowing and sense of enclosure at Kaywillow Lodge.

TOWNSCAPE & DESIGN

- Utilitarian/prison-like appearance of proposed gates and fencing would appear overbearing and incongruous in streetscene.
- Proposed signage should be no larger than is necessary to identify the school.

HIGHWAYS

- Additional numbers of pupils and staff and evening and weekend operation will

- generate more traffic movements.
- No dedicated parking, pick-up or drop-off spaces will cause indiscriminate on-street parking, vehicle idling and highway obstructions.
- Proposed SEN entrance not adequate for pick-up or drop-off from vehicles.
- Any realignment of kerbstones must re-use existing or find identical replacements, avoiding use of narrow concrete strips.

It should be noted that the objection relating to the impacts on Kaywillo Lodge was not made by or on behalf of the owners or occupiers of Kaywillo Lodge. Nevertheless, this does not lessen the relevance of this ground of objection.

Second consultation August 2023 (description of development amended and additional details provided)

ENVIRONMENTAL HEALTH - PLANT AND EQUIPMENT

No objection, subject to conditions.

HIGHWAYS PLANNING MANAGER

Undesirable, but could be made acceptable with conditions/legal agreement.

WASTE PROJECTS OFFICER

No objection to revised drawings.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 23

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two objections from nearby occupiers were received in response this application's second consultation. These objections are summarised as follows:

AMENITY

- Insufficient detail provided regarding proposed plant.
- No ventilation or extraction for kitchen pod.
- Extended hours of operation will result in greater noise and disturbance.

TOWNSCAPE & DESIGN

- Utilitarian appearance of proposed gates and fencing would appear overbearing and incongruous in streetscene.
- Kitchen pod appears overly industrial and out of character with surrounding area.

HIGHWAYS

- Additional numbers of pupils and staff and evening and weekend operation will generate more traffic movements.
- No dedicated parking, pick-up or drop-off spaces will cause indiscriminate on-street parking, vehicle idling and highway obstructions. Maximum car parking standards should be applied.
- Proposed SEN entrance not adequate for pick-up or drop-off from vehicles.

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) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

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

6.2 Neighbourhood Planning

The Pimlico Neighbourhood Plan 2021-2040 includes policies on a range of matters including commercial uses, design and heritage, housing and hotels, open spaces, pedestrian and transport facilities and protecting the environment.

It has been through independent examination and was supported by local residents in a referendum held on 22 September 2022. It was adopted on 7 December 2022. It therefore forms part of the development plan for Westminster for development within the Pimlico Neighbourhood Area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

This application site is Westminster Cathedral Primary School, a part-one, part-two storey primary school building and its curtilage, including a playground. It is surrounded by Bessborough Place, Balniel Gate and a small section of Bessborough Street. The application site surrounds Kaywillo Lodge (a residential property, formerly the school caretaker's lodge) on three sides.

The site is located in the Central Activities Zone. It is approximately 100 metres east of the Pimlico Local Centre and Pimlico Underground Station. None of the buildings on the site are listed and the site is not located in a conservation area. The site is within the setting of the grade II listed terrace Nos. 9-19 Bessborough Street (odds, to the immediate west of the site across Bessborough Place) and the grade II listed No. 2 Bessborough Street (approximately 100 metres west of the site along Bessborough Street).

The school site and Kaywillo Lodge together are wholly owned by the Diocese of Westminster who are leasing the school site to Westminster City Council but retaining control of Kaywillo Lodge, which they let to staff from their other school locations.

7.2 Recent Relevant History

09/04792/FULL - Installation of canopy within playground to provide outdoor teaching area.

Application Permitted 4 August 2009

08/10273/FULL - Erection of two single storey first floor extensions to provide additional teaching facilities.

Application Permitted 26 March 2009

05/02021/FULL - Erection of a single storey extension at ground floor level to Bessborough Place elevation to provide a secure entrance foyer and disabled toilet in connection with existing school.

Application Permitted 27 May 2005

TP.31772 - The development of the site of Nos. 21-27 Bessborough Street and Nos. 1-19 Bessborough Place, Westminster, as a Primary School for the Westminster Roman Catholic Diocese by the erection of one and two storey buildings and school-keeper's cottage.

Application Permitted 9 May 1961

8. THE PROPOSAL

This application seeks planning permission for works across the school site to facilitate the use of the site as a school for children with Special Education Needs (SEN) and to

run associated after school activities and school holiday short breaks for SEN pupils.

The works requiring planning permission consist of:

- 2.5-metre-high fencing and gates at certain points around the perimeter of the site.
- A new disabled access ramp into the school by the Balniel Gate entrance to the site.
- External air conditioning condensers on the school building.
- Widening of the vehicular access between the site and Bessborough Place.
- An external kitchen in the playground as a standalone modular building.

No change of use or enlargement of the school is proposed.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The school's prior capacity was of up to 210 children with 32 members of staff, albeit in recent times only 35 children have attended with 9 members of staff. With the proposed SEN school, it is anticipated that 50 pupils and 50 members of staff would be accommodated during normal school hours. For afterschool, weekend and school holiday activities for SEN pupils there would be 25 pupils and 25 staff. The after school activities will run from 15:00 to 19:00 and the weekend breaks will run from 09:30 to 16:30. Whilst it is accepted that the nature, character and hours of operation of the school would change when the school becomes a SEN school, it will still be a school falling within Class F1 of the Use Classes Order 1987 (as amended) and so no development requiring planning permission will have taken place in respect of the use of the site.

Some objectors have raised concerns about potential noise and disturbance generated from the new way in which the school will be operated, and that the school would be used in the evenings, weekends and school holidays. Nevertheless, as no change of use requiring planning permission is proposed, it is not reasonable for the council to control how the school might be operated through the use of planning conditions.

The proposed new modular kitchen is to be sited in the school playground. The applicant sets out that the kitchen pod is essential to the successful operation of this specialist school. The kitchen would be run by an external catering company who will deliver food to site in insulated boxes with reheating where necessary. Policy 18 of the City Plan (Education and Skills) states that the council will support the provision of new or expanded primary and secondary schools and further education facilities, to meet the needs of a changing population and enhance education provision. The proposed kitchen pod is therefore supported in policy terms. Objectors have raised concerns about plant noise and odours the new kitchen pod might generate. While there is cooking equipment inside the pod and it is very close to the residential Kaywillo Lodge, it involves no external plant and it will not be used for primary cooking. Subject to a condition to restrict primary cooking, the odour impacts of the kitchen pod are considered acceptable in accordance with Policy 33 of the City Plan.

9.2 Townscape, Design & Heritage Impact

Legislative & Policy Context

The application site is not in a conservation area, nor does it contain any listed buildings, although as set out above, the site is within the setting of a number of grade II listed buildings. Hence, the key legislative requirements in respect to relevant designated heritage assets are as follows:

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

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

Policy 38 of the City Plan 2019-2040 (April 2021) sets out that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and that all development will positively contribute to Westminster’s townscape and streetscape.

Policy 39 of the City Plan sets out that development must optimise the positive role of the historic environment in Westminster’s townscape and will ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance. It also requires that development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance.

Policy 40 of the City Plan sets out that development will be sensitively designed, having regard for prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.

The design policies in the Pimlico Neighbourhood Plan are not relevant to this application given its location outside a conservation area and the nature of the alterations proposed.

Impact on Townscape and Listed Buildings

The proposed new fencing to Balniel Gate and Bessborough Street frontages would reach 2.5 metres high, consist of an anti-climb mesh and be coloured black. It would not be so high, visually intrusive or incongruous with its surroundings as to have any

detrimental impact on the surrounding townscape or streetscape. Accordingly, it would also cause no harm to the setting of the nearby listed buildings at Nos. 9-19 Bessborough Street (odds) and No. 2 Bessborough Street.

The replacement fencing around Kaywillo Lodge will reach no higher than the existing fencing but it will appear more solid due to the anti-climb mesh being denser than the existing chicken wire fencing. This more solid appearance will continue to let most light through and it would not alter the way this boundary treatment is read in the wider townscape. It is therefore considered acceptable in design terms.

It is recommended that all new fencing be coloured black by a condition so as to minimise the fencing's visual impact on its surroundings.

Most of the proposed air conditioning/heat pump units are located where they cannot be seen from outside of the site, such as behind the brick wall on the Balneil Gate and Bessborough Street frontages or within the lightwell for the central hall's roof. There will, however, be some equipment located within a 2 metre high acoustic enclosure on the roof of a small ground floor projection on the west side of the school building. This acoustic enclosure's bulk and massing would not appear out of place given the school building's existing modular appearance. A condition is recommended to ensure the enclosure is coloured to match the colour of the wall it will project from so as to minimise its visual impact on the school building and surroundings.

The proposed modular kitchen pod, by virtue of its size and location in the playground, would form an acceptable addition to the built form of the school site and would cause no disruption to the wider townscape. It is therefore considered acceptable.

To conclude the proposals are considered acceptable and to accord with Policies 38, 39 and 40 of the City Plan and Chapters 12 and 16 of the NPPF.

It is noted that objections have described the proposed new fencing and kitchen pod as utilitarian and industrial in appearance. While officers agree these proposals do not necessarily enhance the appearance of the site or surrounding area, the proposals are assessed as not having any detrimental impacts on the quality of the appearance of the school building or its surroundings. Bearing in mind the proposals' necessity in facilitating the continued use of the site as a school, the failure to enhance the quality of the area in design and townscape terms does not mean that the proposals fail to accord with the above mentioned policies.

9.3 Residential Amenity

Only Kaywillo Lodge could be affected by the proposal in terms of daylight, sunlight and sense of enclosure. It would be affected by the proposed replacement fencing of the same height as the existing fencing that surrounds it on three sides. Whilst the outlook from Kaywillo Lodge will change as a result of the new fencing, it would not be so significant as to justify a refusal given that it would still have an open mesh structure and daylight would still pass through it. It is important to note that the fencing design has been chosen to enhance the security of the school site which is a material consideration and that historically Kaywillo Lodge formed part of the school site, hence its close

proximity to the school playground. The size of the proposed modular kitchen pod and extent it would appear above the existing wall is considered too minimal to impact daylight, sunlight and sense of enclosure compared to the effect of the proposed fencing.

Given the new, higher, more densely woven fencing is necessary for safety and security of the children in the school and the daylight, sunlight and outlook enjoyed at Kaywillo Lodge would not be significantly harmed, the proposal is not considered to unacceptably impact the amenities of the occupiers of Kaywillo Lodge in these respects. Hence it is assessed that the proposal accords with Policy 7 of the City Plan, which seeks to protect amenity by preventing unacceptable impacts in terms of daylight, sunlight and sense of enclosure.

9.4 Transportation, Accessibility & Servicing

Vehicular Accesses

Vehicular and pedestrian access to the school will continue to be achieved from Bessborough Place. The existing access point will be widened to serve the mini bus drop off bay at the frontage of the school. The kerbs will be realigned slightly and the gate widened to accommodate the tracking of a mini bus. The Highways Planning Manager does not object to the proposed enlargement to the vehicular accesses on Bessborough Place given the exceptional operational requirements of the school.

Works to the highway need to be undertaken by the Local Highway Authority and at the expense of the developer. This requires that a s.278 agreement, or some other similar legal agreement with the Local Highway Authority, be agreed before the works to the highway can commence. While ordinarily this should be secured before planning permission is granted, so as to not inhibit the other works to the school beginning while this agreement is being made, it is considered that an appropriately worded Grampian condition could be used to prevent works on the vehicular accesses beginning prior to this agreement being finalised, while not inhibiting the non-highways related works from commencing.

Subject to this Grampian condition, the proposed enlargements to the site's vehicular access would accord with Policy 28 of the City Plan.

Accessibility

The proposal includes providing an improved accessible ramp up into the school building near the existing Balniel Gate entrance to the site. This will improve accessibility to the building overall, promoting people-centred design in accordance with Part C of Policy 38 of the City Plan.

Aside from this and the widened vehicle accesses assessed above, the proposal would not alter the access to the site or the building.

Servicing, Waste & Recycling Storage

While the proposal is not required to provide details waste storage or servicing arrangements because the proposal does not involve a change of use or extension to the existing buildings, stores for the separate waste streams are shown on the submitted plans, in accordance with Policy 37 of the City Plan.

Parking

The proposed development is not required to provide any car or cycle parking in accordance with Policy 27 of the City Plan, since no change of use is proposed. The applicant advises that the majority of pupils will be dropped off and picked up by SEN transport and the existing school is provided with a total of 32 cycle parking spaces.

Travel Plan

The applicant has provided a draft Travel Plan for the school and its ancillary facilities. The Highways Planning Manager has reviewed this and considers that further details are necessary in respect to minibus arrivals and departures and that the draft Travel Plan includes a higher than expected number of car trips. They go on to recommend securing an updated Travel Plan for the new use by a condition on the grant of planning permission. However, as there is no change of use proposed under this application to tie compliance with the Travel Plan to, the applicant will instead be reminded of the Council's policy to promote sustainable travel to and from school, and between schools and other institutions by way of an informative. This will also note that the new Travel Plan for the site should include details of minibus arrival and departures to ensure they are staggered and do not result in localised congestion on the highway.

It is noted some objectors raised concerns about school pupils being dropped off from vehicles stopping outside the existing Balneil Gate entrance to the site and the obstruction this would cause. This entrance is shown as the SEN entrance on the submitted plans. Whilst these concerns are understood, it is not considered that people would realistically stop their vehicles here when the school's main entrance is on Bessborough Place and Balneil Gate is a private road with restricted gated access.

9.5 Other Considerations

Noise & Vibration

There are 12 external air conditioning condenser units proposed at various locations across the school building. The applicant has submitted a noise impact assessment for the proposed plant equipment. This sets out that all units would comply with the Council's Noise Thresholds but that a 2 metre high acoustic barrier around units on the roof of the ground floor projection on the east of the building is required. The Council's Environmental Health Officer has reviewed this noise impact assessment and does not object to its methodology or conclusions. Therefore, subject to conditions securing that the acoustic barrier is installed as shown, the plant equipment will comply with the Council's standard noise conditions and accords with Policy 33 of the City Plan.

9.6 Environmental Impact Assessment

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

9.7 Planning Obligations

As set out in the above Transportation, Accessibility & Servicing section of this report, an agreement needs to be made between the applicant and the Local Highways Authority in relation to the proposed widening of the vehicular accesses and this is sought to be secured through a Grampian condition preventing works on the vehicular access widening beginning until the Local Planning Authority is satisfied such arrangements have been made.

10. Conclusion

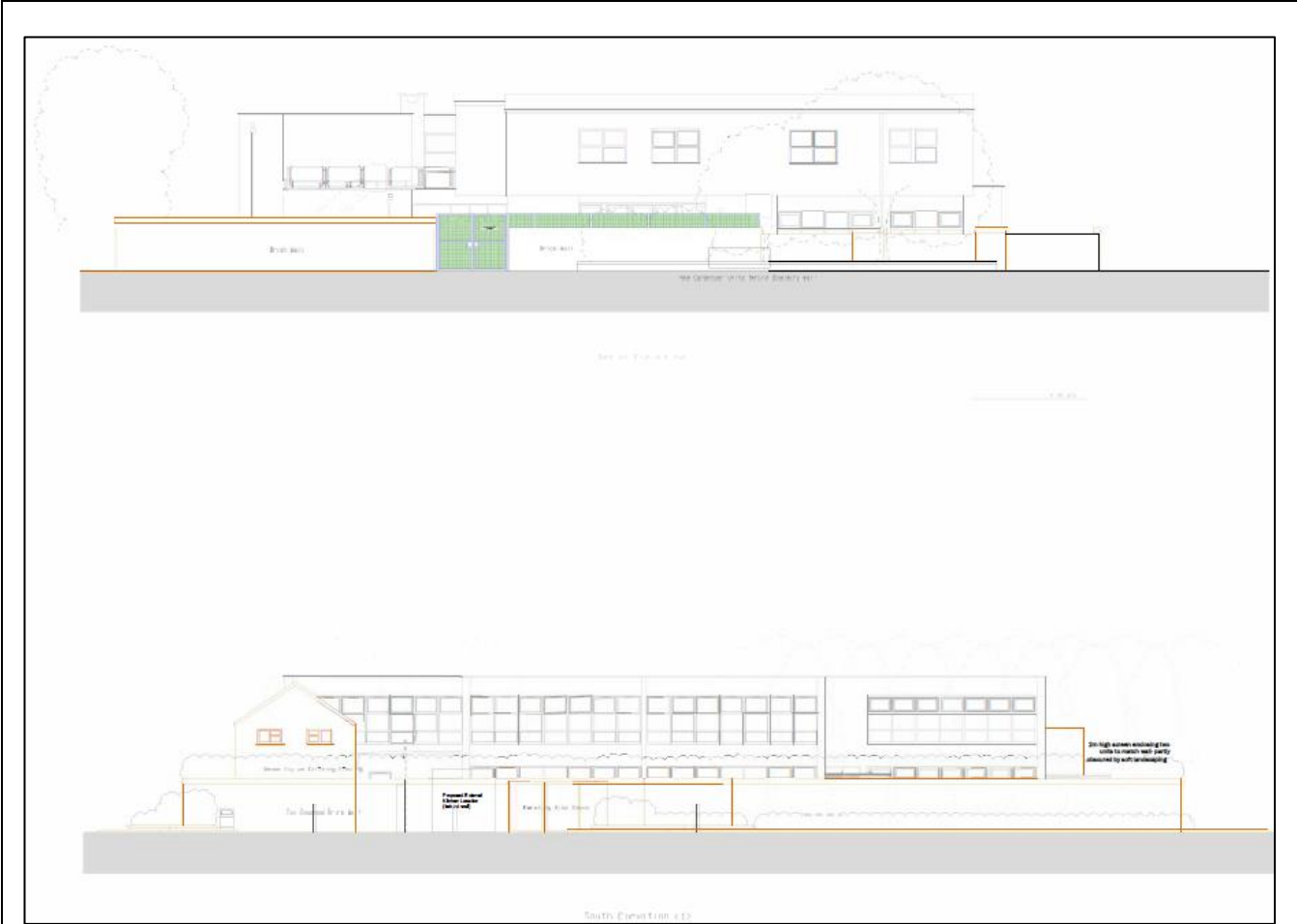
This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. Having regard to this assessment, it has found that the proposed development is acceptable.

Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the Pimlico Neighbourhood Plan 2021-2040, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission be granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

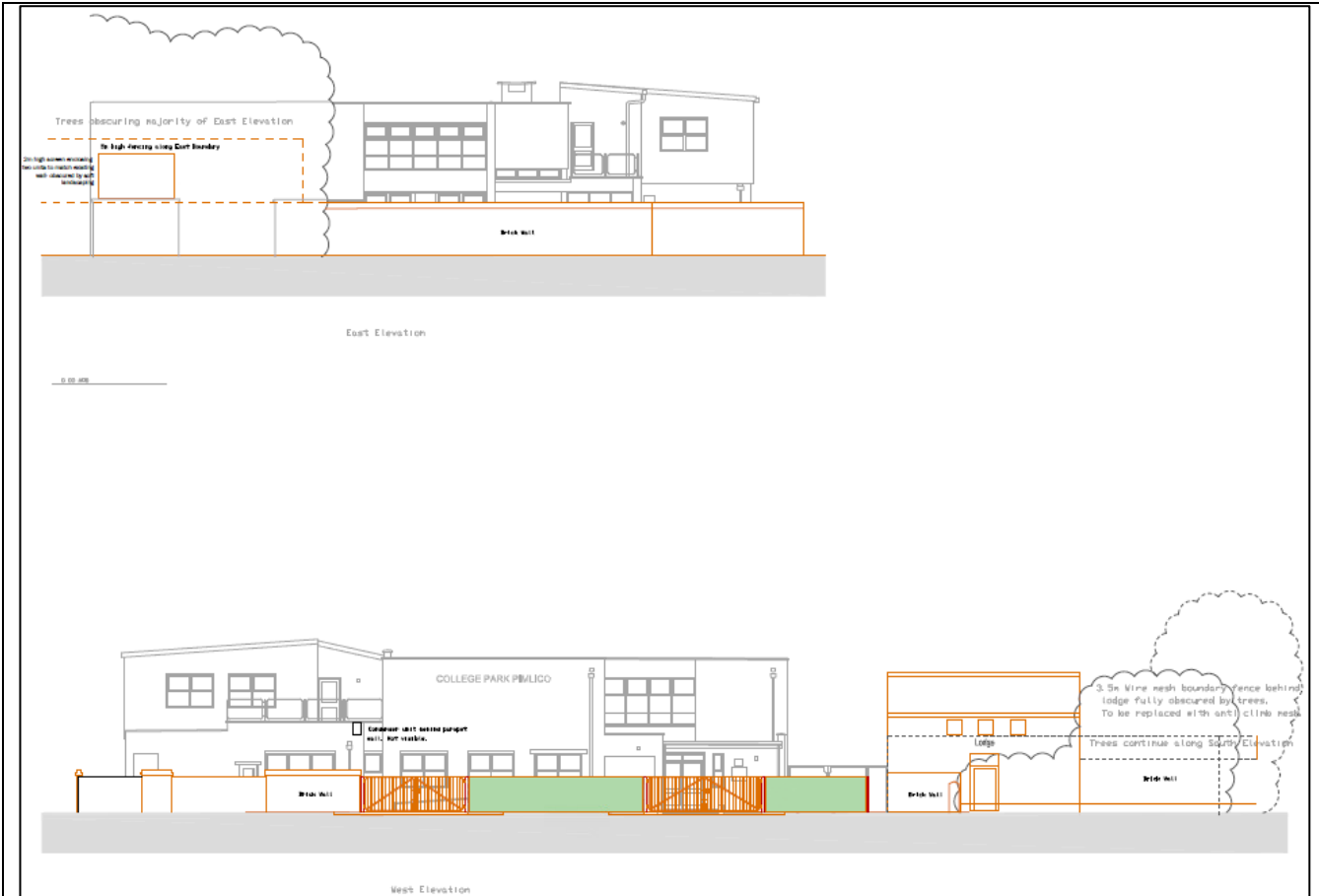
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

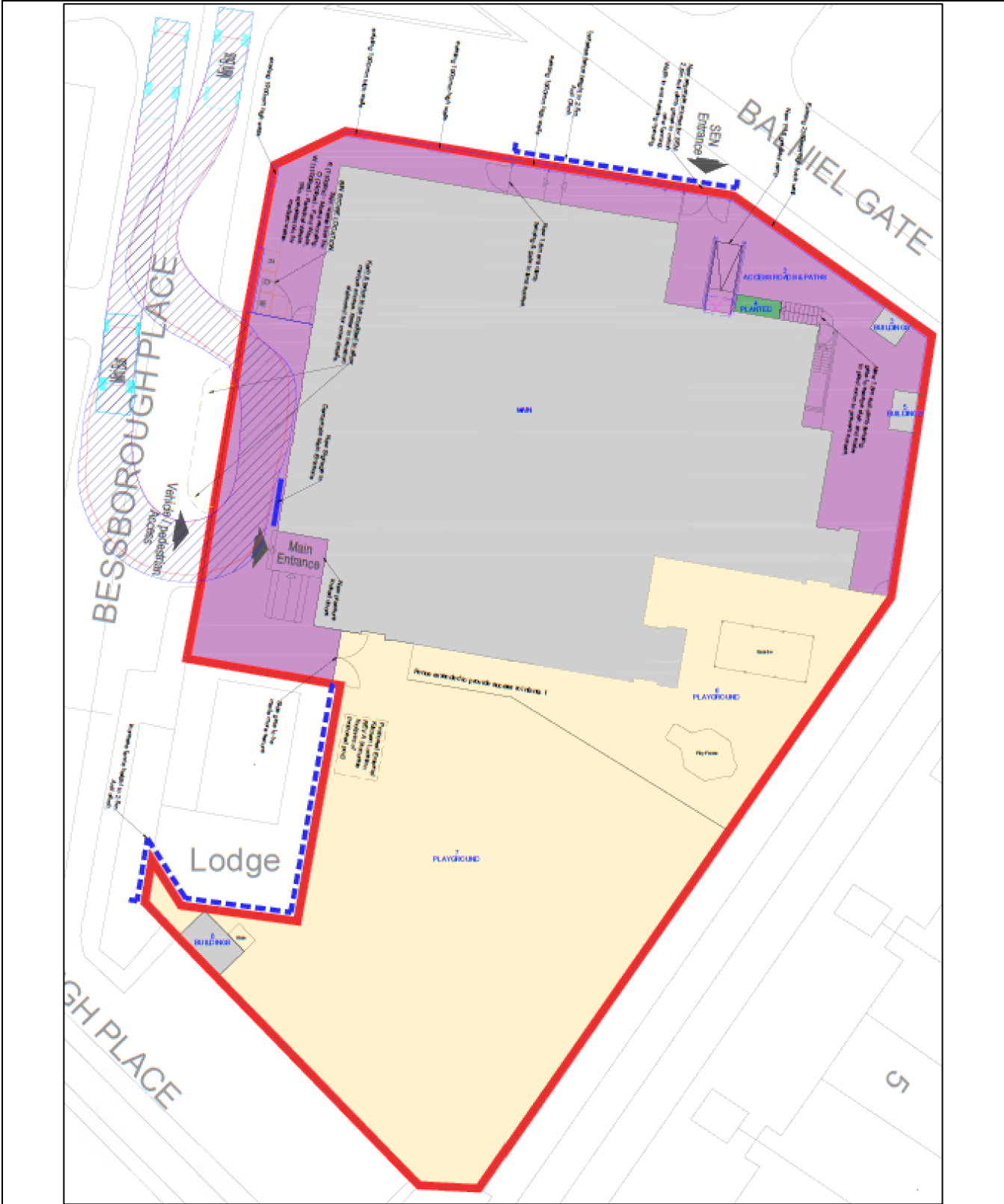
11. KEY DRAWINGS



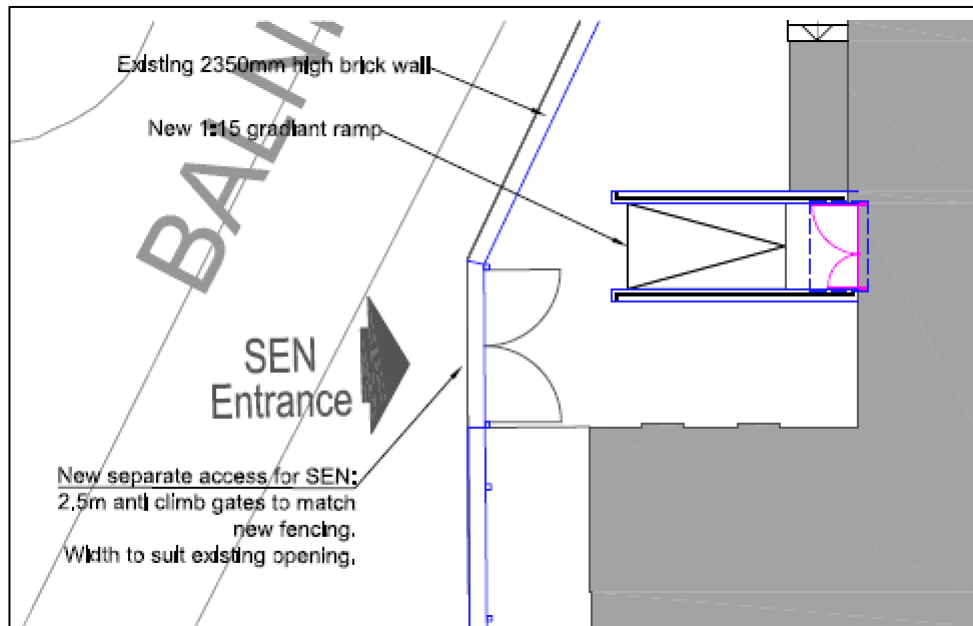
Proposed North and South Site Elevation



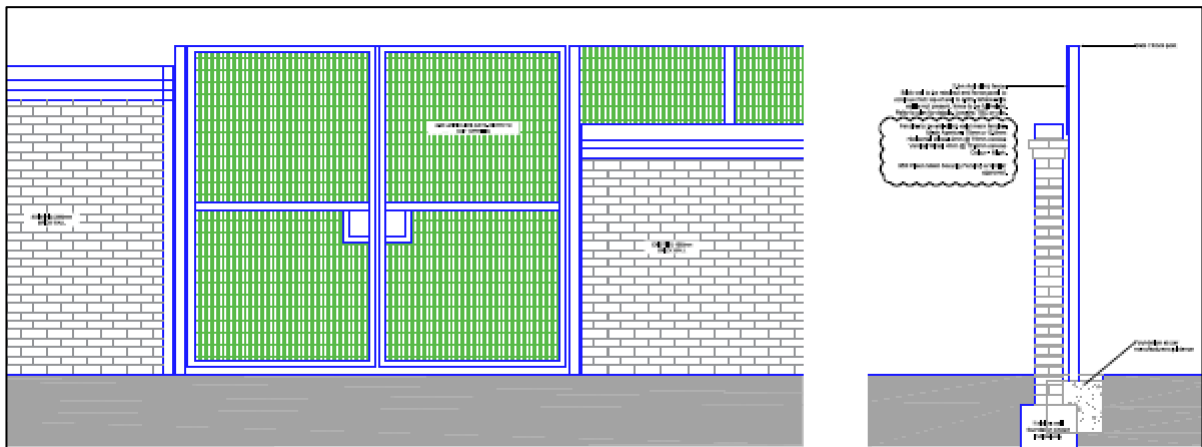
Proposed East and West Site Elevation



Proposed Site Plan



SEN Entrance



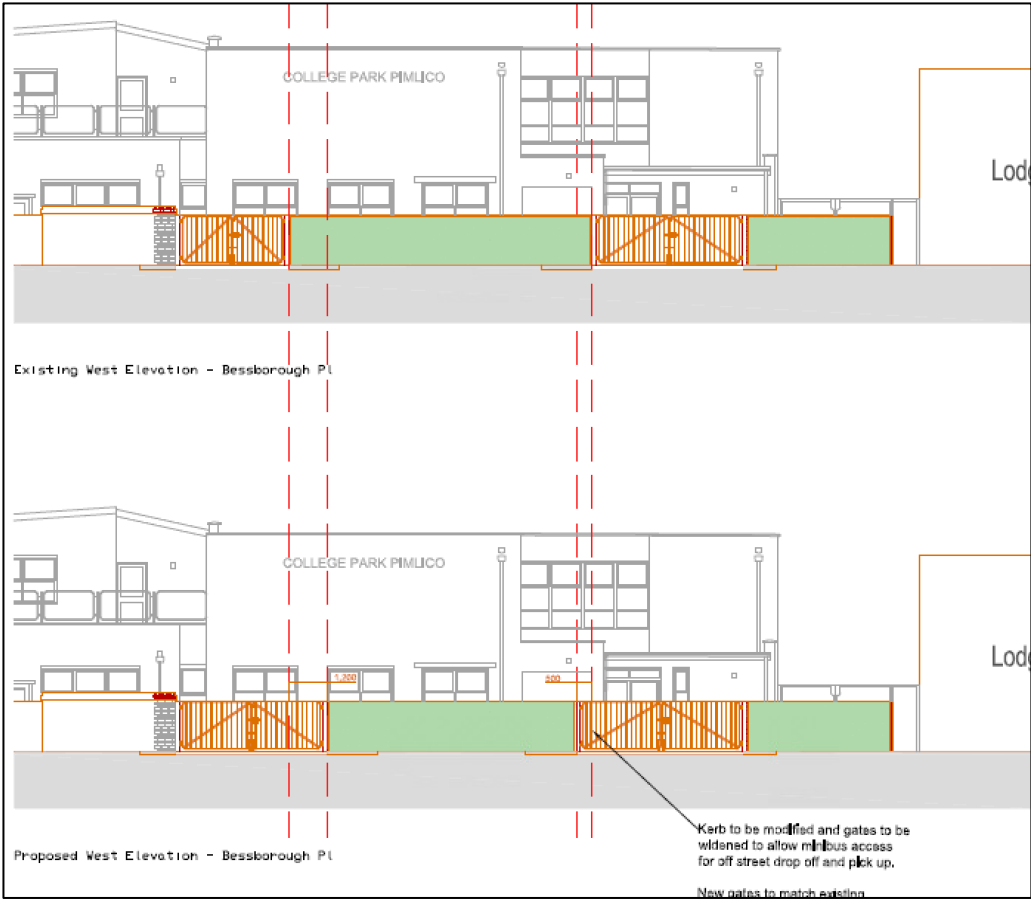
Proposed Fence/Gate Elevation & Section



Examples of Proposed Fencing



Proposed Kitchen Pod External Visualisation



Existing and Proposed Elevation of Front Entrance Vehicular Gates

DRAFT DECISION LETTER

Address: Westminster Cathedral Primary School, Bessborough Place, London, SW1V 3SE

Proposal: Increase perimeter fence height to 2.5m along part of the Balniel Gate and Bessborough Street boundary and replacement fencing around part of the Kaywillo Lodge boundary; installation of disabled access ramp to northern building entrance; installation of air conditioning condenser units; widening of vehicular accesses on to Bessborough Place; and, installation of an external kitchen pod in the playground, all in connection with a special education needs unit.

Reference: 23/01473/COFUL

Plan Nos: 0001 S0 R09 Proposed Site Plan; 20221 S0 R01 Proposed Site Elevations Sheet 1; 20221 S0 R01 Proposed Site Elevations Sheet 2; 5000 S0 R02 External Works Details; WC/21520 A Proposed Air Conditioning Layout Ground Floor; WC/21520 A Proposed Air Conditioning Layout First Floor; Fencing Specs (Urban 358); KP23205-GA Rev. 1 Revised Kitchen Pod.

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 4 A. All fencing must be coloured black and maintained in that colour.

B. All external screening around any plant, equipment or machinery must be coloured to match the wall it is next to and maintained in that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 5 You must not start any works enabling the proposed widening of the vehicular accesses until you have submitted to us and we have approved in writing appropriate arrangements to secure the proposed works to the public highway necessary to facilitate the widening of these vehicle accesses. You must then only carry out the development according to the approved arrangements.

Reason:

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

- 6 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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

expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.
- (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 8 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

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

- 10 There shall be no primary cooking in the kitchen pod such that you must not cook raw or fresh food within it.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

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.

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 at www.westminster.gov.uk/contact-us-building-control

- 3 You are reminded of the Council's statutory duty to promote sustainable travel to and from school, and between schools and other institutions. This involves preparation of a suitable Travel Plan, which should include details of minibus arrival and departures to ensure they are staggered and do not result in localised congestion on the highway. The Travel Plan should be developed alongside the Council's Road Safety Education Officer/School Travel Plan Officer. Please visit www.westminster.gov.uk/roads-and-travel/walking-and-cycling/school-travel-plans
- 4 The appropriate arrangements referred to in Condition 5 include all arrangements (legal, administrative and physical) relating to alterations to the vehicle crossovers and footways on Bessborough Place and must be done to the Council's specification at full cost to you (the developer).
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 7 Under Condition 10 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food.

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However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

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.