

CITY OF WESTMINSTER		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 22 June 2021	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia
<b>Subject of Report</b>	<b>13 - 17 Montpelier Street, London, SW7 1HQ</b>	
<b>Proposal</b>	<p><u>Application 1 (20/07400/FULL &amp; 20/07401/LBC):</u> Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, shopfront alterations to nos. 13 and 15, new retractable awnings, lowering of front basement vaults and internal alterations in connection with the continued use of the restaurant at lower ground and ground floor level.</p> <p><u>Application 2 (21/01233/FULL &amp; 21/01234/LBC):</u> Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and at main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level.</p> <p><u>Application 3 (21/01285/FULL &amp; 21/01286/LBC):</u> Use of first and second floor level as three self-contained residential flats (Class C3), infill extension at rear first floor level to Montpelier Place elevation, creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level.</p>	
<b>Agent</b>	Charlotte Jordan, Savills	

<b>On behalf of</b>	Monte London Ltd		
<b>Registered Number</b>	<b>Application 1:</b> 20/07400/FULL & 20/07401/LBC  <b>Application 2:</b> 21/01233/FULL & 21/01234/LBC  <b>Application 3:</b> 21/01285/FULL & 21/01286/LBC	<b>Date amended/completed</b>	19 November 2020
<b>Date Application Received</b>	19 November 2020		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

### Application 1

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

### Application 2

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

### Application 3

1. Refuse planning permission and listed building consent – design grounds.

## 2. SUMMARY

Nos. 13-17 Montpelier Street is a row of three grade II listed, four-storey townhouses which form a detached terrace on the west side of Montpelier Street at the corner with Montpelier Place. The three buildings have been linked internally. The site has a lawful restaurant use at lower ground and ground floor level, with ancillary residential accommodation and storage space on the upper floors. The site is located within the Knightsbridge Conservation Area and Central Activities Zone (CAZ).

Three sets of applications for planning permission and listed building consent have been submitted for similar development proposals. The main differences are as follows:

- Application 1 and Application 2 are identical, with the exception that Application 1 includes proposals for shopfront works, alterations at lower ground and ground floor level including the front vaults and internal refurbishment.

- Application 3 is identical to Application 2 but includes an infill extension at rear first floor level to accommodate a third self-contained residential unit (use class C3)

A significant number of representations have been received to all three sets of applications including Councillor Robathan, Councillor Hitchcock, the Knightsbridge Neighbourhood Forum, Knightsbridge Association and surrounding residents. Objections predominantly relate to the intensification and misuse of the existing restaurant use.

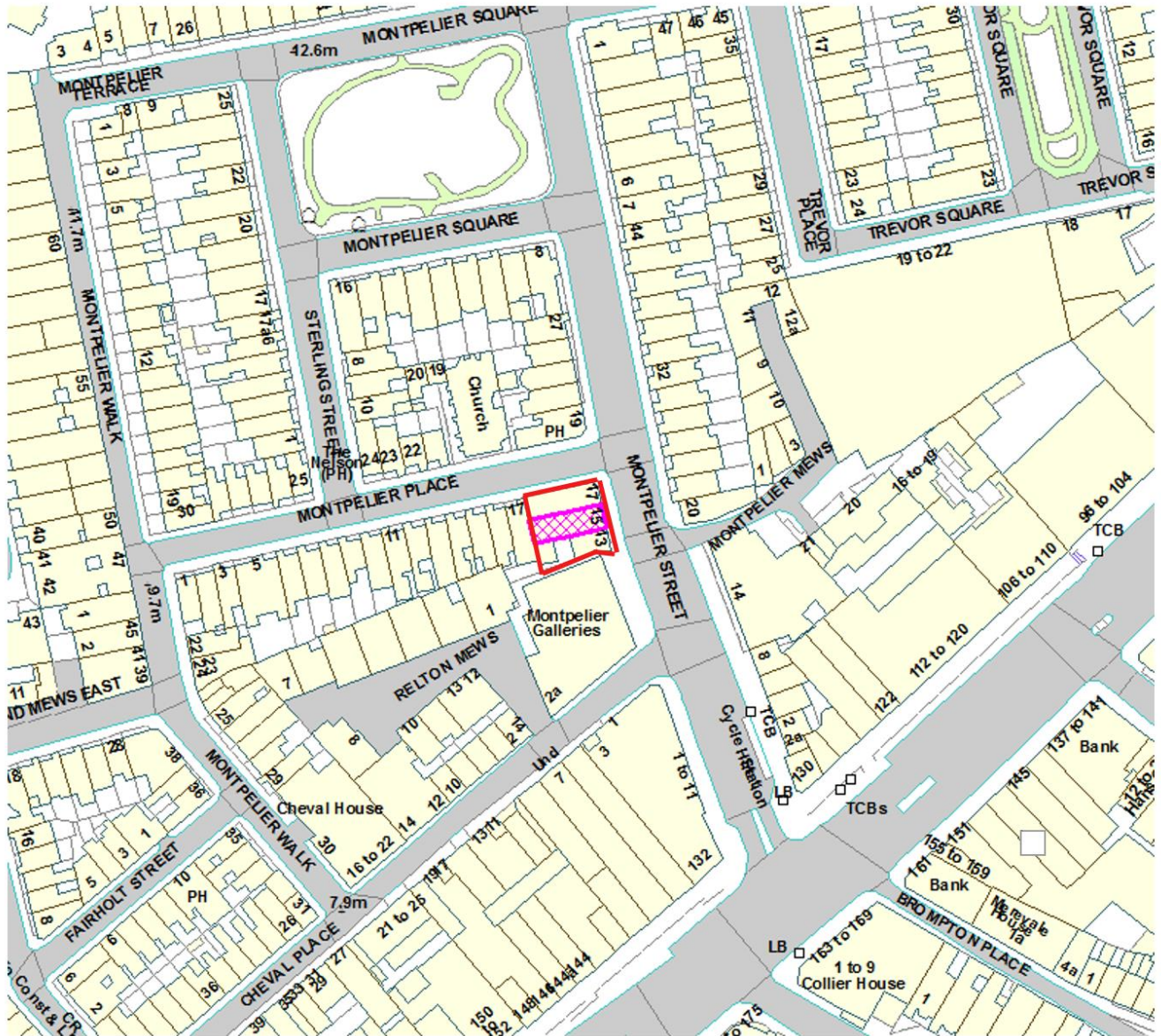
The key issues for consideration in relation to the three applications are:

- The impact of the development proposals on the grade II listed building and character and appearance of the Knightsbridge Conservation Area;
- The land use implications of the proposal.
- The impact of the development proposals on the neighbouring residential amenity.
- The impact on the local highway network.

For the reasons set out in this report, Applications 1 and 2 are considered acceptable in land use, heritage, design, amenity and highway grounds in accordance with the policies set out in our City Plan 2019-2040 (April 2021) and the Knightsbridge Neighbourhood Plan (2018) and are recommended for approval subject to the conditions set out in the draft decision letters.

Application 3 is considered unacceptable on design grounds as per the design policies set out in our City Plan 2019-2040 and the Knightsbridge Neighbourhood Plan and is recommended for refusal for the reasons set out in the draft decision letter.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### APPLICATION 1

#### COUNCILLOR ROBATHAN

Objection. Concerned by the proposals whereby there is a suggestion of intensification of the restaurant premises which would be inappropriate in a residential area. Any shisha use would inevitably impact on the neighbouring residential premises and would be difficult to justify on this site.

#### COUNCILLOR HITCHCOCK

Objection. The proposals would not be in keeping with the existing heritage and design of the area, including the proposed fenestration, the removal of iron railings and installation of a concrete terrace wall and illuminated signage. The proposed outdoor seating would lead to crowding on pavements and overspill of pedestrians onto the public highway. The proposals are not in keeping with the predominantly residential setting of the area. The proposals would create significant volumes of traffic and disturbance on Montpelier Street and neighbouring residential streets and could back up onto Brompton Road. This would create traffic problems for the surrounding streets. The proposal to offer valet parking in a residential neighbourhood is wholly inappropriate. The proposals do not comply with the Knightsbridge Neighbourhood Plan and should be refused accordingly.

#### KNIGHTSBRIDGE ASSOCIATION

##### Original Application

- The proposals fail to address or mention the relevant Knightsbridge Neighbourhood Plan (KNP) policies.
- The nature of the Nammos brand (per their website) suggests there would be considerable 'intensification' of a restaurant towards a nightclub with a distinct change in the scale and nature of operations and activity. The proposed restaurant/nightclub would be very large (up to 160 seats in conjunction with the proposed extension to the external seating area and seating at basement level). Such impacts of this intensification would include noise, loitering, litter, nuisance, parking, vehicle movements including from so-called valet parking.
- The large number of patrons arriving and departing, with no on-site parking, will create significant volumes of traffic and disturbance on Montpelier Street and neighbouring residential streets. Obstructions to pedestrians on the adjoining pavement will also arise whereby pedestrians will be forced into the road when they pass the new restaurant.
- The storage and removal of waste at the proposed volumes would result in further noise, disturbance, and loss of amenity to residents.
- The extension of the outdoor seating area would risk shisha smoking and bring outdoor dining to the completely residential end of Montpelier Street and Montpelier Place. This would have a negative impact on the amenity of local residents.
- The proposals include nine 'pin' spotlights to illuminate the façade which is more appropriate for an international nightclub than a listed terrace in a residential conservation area. No lighting or signage should be allowed on the listed facades.
- The amalgamation of the three listed houses into one block would denature the character of the individual listed buildings and transfigure the streetscape and

conservation area. Currently, the three facades have very distinct features and should retain their different character.

- The residential amenity for the two new apartments would be adversely affected by the presence of a nightclub on the ground and lower-ground floors.
- The arrival of a Nammos 'restaurant' (or 'nightclub') would exacerbate the rat-running phenomenon which the Knightsbridge Association has been trying to contain for several few decades. A predominantly residential street on an existing and problematic rat-run in a Conservation Area is not therefore an appropriate location for a busy 'restaurant' or anything like a 'nightclub'.
- Object to these planning applications in order to keep Montpelier Street and the surrounding Knightsbridge Village a quiet residential neighbourhood.
- Concern that the proposed private external amenity terrace at first floor level will be used by restaurant users.

**Revised Application** (to remove car valet station, additional planters on the principal elevation, reduce rooflight projections and raise the parapet line to the north elevation of the rear first floor flat roof. An interim operational management scoping document was also submitted).

- Retain original objections to the application.
- The applications fail to consider the relevant policies within the City Plan 2019-2040 and London Plan 2021.
- The additional information submitted by the applicant does not satisfactorily address the significant number of concerns that have been raised to these applications to date. T
- The description of development fails to include a sufficient description of the proposals associated with the intensification of the use of the restaurant.
- All applications cannot be determined until all matters associated with the use of the restaurant have been resolved and should be determined together at a single Planning Committee meeting.
- Rebuts the covering letter by Savills dated 16 February 2021 whereby the planning statement produced by Savills dated November 2020 does not reference the Neighbourhood Plan under paragraph 4.3. T
- The submitted operational management plan and scoping document fails to provide clarity and certainty as to how operations associated with the restaurant will not cause harm to the amenity of existing and future residential occupiers. Notwithstanding the willingness to accept a pre-occupation condition to submit details of a full management plan, it is considered that planning decisions should be taken based upon a full understanding of the cumulative impacts of a development on existing and future residential occupiers, including those proposed at the first and second floors within the building.
- The applicant must prepare a full suite of management plans in relation to the operation of the restaurant and made available for public comment before any decision on these applications are taken. The documents should include a waste management plan, operational plan, travel plan, servicing and deliveries management plan, noise management plan, lighting management plan and construction management plan.
- The claim by Savills dated 16 February 2021 that Policies KBR14 and KBR15 are not relevant to the planning application because no 'new' restaurant use and no intensification of the existing restaurant would take place is unfounded. The proposal

is to split the existing use of the building from solely restaurant use to both residential and restaurant use. The Savills letter claims that the previous restaurant operated 139 covers and that this number of covers would not change. However, those covers serviced over five floors in the building, whereas the proposal is to operate 139 covers (no change from the existing as claimed by the applicant) over just the lower ground and ground floor of the building; this clearly represents an intensification of the use of the existing restaurant activities into a much smaller floor area and below a proposed residential use. The term 'intensification' can relate to an increase in activity of an existing use or an existing use continuing within a smaller floor area of a building. Policies KBR14 and KBR15 must be considered. Consequently, a restrictive hours of operation condition in relation to the restaurant must be applied in accordance with Policy KBR15 of the KNP.

- The proposed floor plans indicate a use other than 'fine dining' under use class E. They show areas of a 'bar style' seating that would indicate a use more akin to a drinking establishment.
- It is possible that the proposed green roof at first floor level would become an extension of the first floor rear outdoor terrace. The noise and activity generated from this terrace will destroy the quality of life for all residents on Montpelier Place. Overlooking for No. 19 Montpelier Place and Relton Mews. The use of this terrace area must be controlled by condition and must be for residential use only.
- No information has been provided as to how users of the restaurant use and residential use will be encouraged to cycle and walk to the site.
- The applicant has not provided an Air Quality Assessment to demonstrate how any air quality impacts will be mitigated.
- No indication as to how the energy efficiency of these historic buildings and their water consumption could be improved through the development proposals.
- A fully compliant Noise Assessment is required. The applications cannot be determined until the full impacts of noise associated with the playing of music in the restaurant are understood.
- The application drawings show bar and dining areas at the lower ground and ground floor levels. This arrangement would be a material change from the former restaurant and therefore demonstrates an intensification in use that the applicant has failed to explain. Customers will clearly be able to attend the restaurant for a drink at the bar only and will generate more activity than the previous operations.
- There is no justification or explanation for the removal of internal walls with the listed building.
- Opinion of Christopher Lockhart-Mummery QC on behalf of the KA:  
 The former restaurant operated over the four floors of the building, primarily operating at ground floor level and had limited covers at first floor level. The former restaurant had an approximate cover capacity of ~100 covers. There was a bar at ground floor level but with no adjacent seating and there was no facility for visitors to have a drink at the bar only.  
 The proposals would suggest, by way of the layout, that visitors could drink at the bar(s) only; 139 covers are proposed and would operate over two floors as opposed to the former four floors. The building is also subject to renewal, which plainly demonstrates giving the site a new lease of life. On this basis, it is considered that the proposals would result in the intensification of the entertainment use and as such Policies KBR14 and KBR15 of the KNP apply. Consequently, a full suite of management plans must be provided prior to the



determination of the application.

## KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

### **Original Application**

- The proposals fail to address or mention the relevant Knightsbridge Neighbourhood Plan (KNP) policies.
- The Nammos' website and the club-like format suggest the intention to intensify the restaurant use (i.e., introduce shisha smoking). KBR14 (C) states that the intensification of retail or entertainment uses outside of the International Shopping Centre must demonstrate no adverse impacts on residential amenity. Where appropriate, mitigation measures that address the matters will be dealt with by way of planning conditions. The applicant has not demonstrated that there would be no adverse impact on residential amenity.
- Nammos is an international brand synonymous with jet-set travel, supercars, extravagant events, shisha smoking and music entertainment. Unlikely the significant adverse impacts on residential amenity could be fully or adequately mitigated.
- Should WCC be minded to approve the application, then suitable conditions should be imposed including hours of operation of the restaurant, setting a maximum cover capacity and size of the bar area, prohibition of shisha smoking, and the submission of appropriate management documents (e.g., an operational management plan (OMP)).
- Given the scale and nature of Nammos' potential impact on the area, the KNF consider that a Community Liaison Group is established to manage the potential issues.
- The applicant has not submitted a servicing management plan (SMP)
- Breadth of the new Class E prompts us to request that WCC includes conditions to address the points raised, including condition to prevent shisha smoking.
- The applicant has not submitted a Construction Management Plan is important for a large and complex project of this nature. The applicant should comply fully with the Knightsbridge Neighbourhood Forum's best practice guidance on construction standards and procedures.
- Concerned about the possible impacts of the proposed restaurant on the narrow pavement space outside and its close proximity to the carriageway
- Requests the submission of a travel plan and condition preventing valet parking
- The proposal is not accord with design policies set out in the KNP such as KBR1 for lighting, KBR8 for advertising and KBR9 in which all plant should be re-considered at lower ground level.
- Welcomes in principle the full restoration of the heritage fabric of the buildings.
- While the KNF welcomes in principle the addition of two flats, it is considered that 13-17 Montpelier Street would be much better suited to full reinstatement as three separate townhouses than possible intensification as an active restaurant with two small flats.

### **Revised Application**

- Retain original objections to the application.
- Current application descriptions are misleading (i.e., no mention of a restaurant and the LBC implies the restaurant is lawful). Descriptions should be amended and consulted on.

- The operational management plan and scoping document is a very thin document that fails to address the many issues raised previously by the KNF and others. The restaurant application should not be considered until a full suite of management plans has been consulted upon (e.g., travel plan, construction management plan, waste plan, full operational management plan, noise management plan and a servicing and deliveries plan).
- The site is within an Air Quality Focus Area which means that an Air Quality Assessment is required under the City Plan 2019-2040.
- Disagree with Savills' argument that the application does not lead to intensification of the premises given that the same number of covers is being proposed within half of the space, broadly doubling the intensification of the use. The addition of bars on two levels would likely lead to an 'intensification' of activity.

#### ENVIRONMENTAL SCIENCES

No objection subject to standard conditions controlling noise and vibration of the external plant, a prior-to-occupation condition to secure details of an odour reduction scheme in relation to the replacement kitchen extract duct and standard conditions ensuring that the design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise and from noise and vibration within the development. A non-standard condition and supplementary information is also minded to ensure that the design and structure of the separating building fabric should be such that in the event of music and/or entertainment occurring, residential occupiers above are protected at the quietest time of day and night.

#### HIGHWAYS PLANNING OFFICER

Cycle parking provision for the new residential units is supported. Cycle parking required for the restaurant premises.

No servicing management plan (SMP) has been submitted to support the application to demonstrate how the proposed development would minimise the impact of the proposals on the surrounding highway network. An SMP should be secured via condition. No delivery service should operate from the restaurant to minimise the impact of the use on the surrounding highway network.

No car parking is proposed for the new residential units. Despite a good public transport accessibility rating, residents within the area do own cars and residential parking bays have a high occupancy rate. There is no evidence to suggest that future residential occupiers would have different car ownership levels to existing residents in the area. The applicant is minded to include a lifetime car club membership for future residential occupiers in order to reduce on-street car-parking demand and stress levels.

The lowering of the floor level within the front vaults does not raise highways concerns.

#### WASTE PROJECT OFFICER

No objection subject to a standard condition ensuring that the waste stores are provided before anyone moves into the property, are clearly marked, made available at all times to everyone using the building and not used for any other purpose.

#### ARBORICULTURAL OFFICER

No objection subject to a condition securing a biodiversity management plan (BMP) in

relation to the green roof. The BMP should include details of the exact species type, show a deeper substrate, use plugs for the planting and provide information on a proactive management regime.

#### ADJOINING OWNERS/ OCCUPIERS

No. consulted (original application): 03

No. consulted (revised application): 131

Total no. responses received: 254 (from 137 addresses)

Total no. objections: 252

#### Land Use

- No consideration has been given to the Knightsbridge Neighbourhood Plan
- The applicant treats too lightly the emerging City Plan.
- The breadth of the new Class E prompts us to request that WCC includes conditions to fully address the concerns raised.
- Policies contravene policies within the Knightsbridge Neighbourhood Plan, particularly policies 14C and 15C.
- Concerns that the restaurant may become a nightclub: the proposed layout of the ground floor is designed as a club, not for fine dining.
- Concerns of shisha smoking in relation to the restaurant use.
- Do not believe the residential units would be independent of one another and may connect with the restaurant. The access between the two should be permanently blocked.
- Object to proposed opening hours.
- Object to the introduction of a new door on Montpelier Place and it would blur the line between the restaurant and a private residential entrance.
- An appropriate suite of management plans should be submitted as part of this application including details for waste management, travel to and from the site, servicing and deliveries, noise and lighting.

#### Design

- Object to changes to front façade. Multi-coloured lighting would be detrimental to the feel of the area and no signage or lighting should be allowed.
- Object to the loss of ground floor Victorian bow-window and original shop-front of No. 17 Montpelier Street.
- Objects to extending and providing outdoor seating.
- The proposals would transform the three houses into a single block and demolish the distinctive features of each house. Each listed house should preserve its historic details to retain their different character.
- The proposals would be out of keeping with the streetscape and Conservation Area
- The Heritage Statement fails to provide any proper assessment of the impact of the development on the significance of the relevant heritage assets.

#### Amenity

- There would be an intensification of the restaurant use which would be incompatible with the residential locality. The proposals should be directed to the International Shopping Centre, not for this residential locality.

- Increased noise pollution.
- The proposals would have a negative impact on the residential amenity and amenity of future occupiers in the proposed new upper floor flats.
- The roof terrace would be a new addition and would undoubtedly be used by occupants to have private parties, smoke shisha etc. This would negatively impact the residential amenity. Concerns of overlooking from this terrace also.
- The proposed retractable skylights would allow noise to travel and disturb the quiet neighbourhood.
- Increased light pollution.
- The proposals would threaten the use of the German Christ Church.

#### Highways

- Concerns of restaurant leading to increased noise pollution, traffic and congestion, littering, loitering, nuisance, parking, and issues with servicing and rubbish collection, taxis and minicabs. Valet parking should not be allowed.
- The roads are already very narrow with parked cars. The nightclub would lead to an increase in cars and cars trying to find parking spaces causing environmental pollution, super sports cars revving their engines late at night and speeding around the streets which would cause noise pollution.
- The proposals would exacerbate rat-running in this locality
- The pavements are very narrow for pedestrian. The large nightclub would have a negative effect on pedestrians and traffic management.
- No provision of cycle parking or car parking for restaurant staff

#### Other

- The strategy of overlapping proposals are designed to confuse people
- Concerns with the impact on the residential amenity and local highway network during the construction period

#### Total no. support: 1

- The area is too quiet. There is no pub and hardly a corner shop. Welcome the advent of somewhere to go out locally.

#### Total no. neutral: 1

- The restaurant-nightclub would bring in lots of traffic, especially late at night. This will inevitably have an adverse impact on the immediate area in terms of increased traffic and noise. However, I am supportive of economic and social activity in the area to enhance amenities provided the restaurant management can maintain decorum. The project implies considerable expenditure which would go to waste if the licence were revoked due to mismanagement.

#### SITE & PRESS NOTICE

Yes.

#### APPLICATION 2

#### COUNCILLOR ROBATHAN

Objections made to Application 1 relevant and maintained in relation to this application.

**COUNCILLOR HITCHCOCK**

Objections made to Application 1 relevant and maintained in relation to this application.

**KNIGHTSBRIDGE ASSOCIATION**

- Objections made to Application 1 relevant and maintained in relation to this application.
- Request all applications are determined together at a single planning committee.

**KNIGHTSBRIDGE NEIGHBOURHOOD FORUM**

- The proposals fail to address or mention the relevant Knightsbridge Neighbourhood Plan (KNP) or Westminster's City Plan 2019-2040.
- The applicant has made no effort to contact/consult with the KNF before submitting the proposals or during the application process.
- Request all applications are determined together.
- In light of approval, strict conditions should be attached regarding the roof terrace to minimise impact on residential amenity including residential use only, no smoking, no external music playing, sensitive use of lighting, no fixed furniture and no use after midnight.

**ENVIRONMENTAL SCIENCES**

As per application 1 above.

**HIGHWAYS PLANNING OFFICER**

As per application 1 above.

**WASTE PROJECT OFFICER**

As per application 1 above.

**ARBORICULTURAL OFFICER**

As per application 1 above.

**ADJOINING OWNERS/ OCCUPIERS**

No. addresses consulted: 22

Total no. responses received: 55

Total no. objections: 55

Objections are as per Application 1.

**SITE & PRESS**

Yes.

**APPLICATION 3****COUNCILLOR ROBATHAN**

Objections made to Application 1 relevant and maintained in relation to this application.

**COUNCILLOR HITCHCOCK**

Objections made to Application 1 relevant and maintained in relation to this application.

**KNIGHTSBRIDGE ASSOCIATION**

- Objections made to Application 1 relevant and maintained in relation to this application.
- Request all applications are determined together at a single planning committee.

**KNIGHTSBRIDGE NEIGHBOURHOOD FORUM**

- The proposals fail to address or mention the relevant Knightsbridge Neighbourhood Plan (KNP).
- Please determine these applications after determining the larger applications including the restaurant proposals.
- In light of approval, strict conditions should be attached regarding the roof terrace to minimise impact on residential amenity including residential use only, no smoking, no external music playing, sensitive use of lighting, no fixed furniture and no use after midnight.

**ENVIRONMENTAL SCIENCES**

As per application 1 above.

**HIGHWAYS PLANNING OFFICER**

As per application 1 above.

**WASTE PROJECT OFFICER**

As per application 1 above.

**ARBORICULTURAL OFFICER**

No objection.

**ADJOINING OWNERS/ OCCUPIERS**

No. addresses consulted: 22

Total no. responses received: 24

Total no. objections: 24

Objections are as per objections under Application 1 and:

**Design**

- Objects to the infill extension. This is one of the last remaining corner 'gaps' in the Knightsbridge Conservation Area and should be preserved.

**Amenity**

- No details of any ventilation for the infill, or associated noise mitigation measures. Objects to the potential noise nuisance to neighbouring bedrooms.

**Other**

- It is becoming increasingly confusing how all the various applications for this site will fit in with each other

**SITE & PRESS**

Yes



## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

Nos. 13-17 Montpelier Street is a row of three grade II listed, four-storey (including lower ground) townhouses, which form a detached terrace on the west side of Montpelier Street at the corner with Montpelier Place. Over time the three buildings have been linked internally.

The site currently has a lawful restaurant use (planning use Class E) at lower ground and ground floor levels, with ancillary residential accommodation and storage space on the upper floors.

The site is located within the Knightsbridge Conservation Area and Central Activities Zone (CAZ). It is located approximately to the north of Brompton Road, which is a designated international shopping centre.

### **6.2 Recent Relevant History**

Advertisement consent was refused on 29 October 2020 for the display of eight non-illuminated advertisements measuring 1.65m x 0.34m (sign 1), 1.65m x 0.34m (sign 2), 8.25m x 0.18m (sign 3), 8.25m x 0.18m (sign 4), 6.79m x 2.66m (sign 5), 3m x 0.62m (sign 6), 3m x 0.94m (sign 7) and 3m x 0.94m (sign 8) on hoarding for a temporary period between 16 November 2020 and 24 June 2022. The application was refused on the grounds of their height, size, design and location, and the harm this would have on the special interest of these grade II listed buildings, the setting of adjacent listed buildings and the character and appearance of the Knightsbridge Conservation Area.

Planning permission and listed building consent were granted on 2 February 2016 for the conversion of the first and second floors to residential use (two 2 bed flats). External alterations including replacement of two French doors with sash windows to front elevation; alterations to fenestration to rear facade; opening of two blind windows, re-opening of blocked window at ground floor, and new fire escape door to north facade; reinstatement of lost stucco cornice at roof level. Internal alterations including removal and addition of partitions to suit the conversion.

Planning permission and listed building consent were refused for the construction of a mansard roof, alterations to windows and doors and internal alterations in association with the use of the first, second and third floors as three flats on 24 November 2015 and subsequently dismissed on appeal on 28 July 2016 the following grounds:

Because of the loss of historic roof form and fabric and its height, bulk and design, the proposed roof extension would harm the special architectural interest and historic integrity of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. Also the works do not meet the requirements of para 134 of the NPPF

Planning permission and listed building consent were granted for the removal of existing ventilation ductwork and installation of new ventilation system to rear elevation with construction of brick enclosure on 30 May 2012.

Planning permission and listed building consent were refused on 22 November 2010 for the retention of unauthorised external works comprising ventilation duct to flank elevation, shopfronts to Nos. 13 and 15 and wooden decking and railings to front lightwell on the following grounds:

- Because of the materials, the shopfronts would harm the special interest, character and appearance of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet STRA 28, STRA 29, DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. Your development is also against the advice of the Secretary of State as set out in PPS 5.
- The ventilation duct results in excessive noise to the detriment of the amenity of surrounding neighbours. This does not meet STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.
- Because of the loss of historic plan form and fabric, the unauthorised internal works are contrary to paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. The works are also against the advice of the Secretary of State as set out in PPS 5.
- The proposed additional internal works will further compromise the character and appearance of this grade II listed building. This would not meet paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007, the advice set out in paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. The works are also against the advice of the Secretary of State as set out in PPS 5.

Planning permission and listed building consent were granted for the Installation of new shopfront to side (south) elevation including folding doors and raised terrace area on 10 December 2007

Listed building consent was granted for internal alterations including removal of part of party wall at basement level between Nos. 13 and 15 on 20 June 2007

Planning permission and listed building consent were granted for the installation of new shopfront on 18 April 2007.

Planning permission and listed building consent were granted for the installation of ductwork riser, roof mounted fan and canopy on 30 April 2002

Planning permission was refused for the use of ground floor of No. 17 Montpelier Street as a restaurant/bar (Class A3) forming an extension to the existing restaurant at 13-15

Montpelier Street and alterations to Montpelier Place elevation on 30 January 2001 on the following grounds:

The proposed Class A3 (restaurant/bar) use at ground floor level as an extension to the existing restaurant at basement and ground floor level of No 13-15 Montpelier Street would result in a loss of amenity to residents in the vicinity by reason of increased pedestrian activity, late night noise and disturbance and traffic congestion contrary to policies of Westminster City Council as set out in SS13 and SC19 of the City of Westminster Unitary Development Plan as adopted July 1997 and STRA 14 & 15 and SS3 of our Replacement Unitary Development Plan, placed on first deposit January 2001.

Planning permission for the use the ground floor of No. 19 Montpelier Street as a restaurant/bar (Class A3) forming an extension to the existing restaurant at 13-15 Montpelier Street and alterations to Montpelier Place elevation was refused on 23 May 2000 for similar grounds as above but was subsequently allowed on appeal on 02 April 2001.

## **7. THE PROPOSAL**

### **APPLICATION 1**

This application seeks planning permission and listed building consent for the use of the first and second floors as two new self-contained residential flats (use Class C3) with a new outdoor terrace at rear first floor level, the opening up of the blind windows to the Montpelier Place elevation and associated internal alterations.

Alterations are sought to the existing restaurant use which includes the replacement of existing roof lanterns with two new retractable/openable skylights on the rear first floor flat roof; replacement of the existing full height extract ductwork to the rear, replacement and installation of new air condenser units on the rear first floor flat roof and at main roof level; shopfront alterations to nos. 13 and 15, new retractable awnings, lowering of the front basement vaults and internal alterations. Extensive repair works are also proposed to the main roof.

During the application the proposals have been revised to remove a car valet station, and additional planters on the principal elevation, and to reduce the proposed rooflight projections and raise the parapet line to the north elevation of the rear first floor flat roof by 490mm.

The lower ground and ground floor of the building will remain in use as a restaurant as per the existing situation. Kitchen, storage and staff facilities as well as a customer dining room and WCs are proposed at lower ground floor level. The existing front vaults are proposed to be lowered by 840mm and underpinned to make these areas useable. The ground floor would host the main restaurant dining space with two large retractable skylights positioned above the seating areas to the rear.

Two 2-bed residential units are proposed at first and second floor level (one flat per floor) of approximately 114 sqm. The first floor flat will have access to the proposed terrace to the rear first floor flat roof. The existing blind windows to Montpelier Place are

proposed to be opened up with a traditional timber sash windows to match the other windows.

At main roof level, a small storage room is proposed to serve Flat 2, accessible by a ceiling hatch, two plant rooms and the termination of the kitchen extract duct, with fans and associated attenuators. Proposals also seek the extensive repairing of the roof including removing and replacing the roof coverings with slate to nos. 15 & 17 and repairing and reinstating the roof to no. 13, retaining their traditional butterfly form overall. Repair works also include the replacement of rotting timbers and replacing the valley gutters on a like for like basis.

Elevational alterations include the removal of the white paint to no. 13 Montpelier Street; replacement of the existing shopfronts to nos.13 and 15 to be in keeping with that at no. 17; removal of the non-original ironwork and replacement of two external French doors with traditional sash windows to the first floor of no. 15; and the replacement of the existing floodlights at the beginning of the first floor level to Montpelier Street with pin lights.

#### APPLICATION 2

The proposed development under Application 2 is identical to the works proposed in Application 1, excluding the alterations to the shopfronts, front vaults and internal alterations.

#### APPLICATION 3

The proposed development under Application 3 is similar to that proposed in Application 2, but includes the erection of an infill extension at rear first floor level to the Montpelier Place elevation to accommodate a third 1-bed residential unit of 59sqm. This would result in a reduction in the proposed terrace at rear first floor level and there would only be one new retractable skylight on the first floor flat roof.

The proposed infill extension would sit between the rear of the host building (No. 17) and No. 17 Montpelier Place and measure 2.7m in height (appearing as 1.9m in height above the parapet) and set back from the main building line of 17 Montpelier Street by approximately 1.3m, but in line with the building line of No. 17 Montpelier Place.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

Policy 8 of Westminster's City Plan 2019-2040 (adopted April 2021) supports the delivery of new housing across the Borough in order to exceed its housing target over the plan period. As such, the policy supports optimising site densities and delivering a higher number of homes on small sites.

Policy 10 of the City Plan requires an appropriate mix of unit sizes to be achieved in all residential developments by way of their size, type and tenure in order to contribute to Westminster's housing needs and creating mixed communities.

**APPLICATIONS 1 & 2**

Two 2-bedroom residential units are proposed at first and second floor level, increasing the number of residential units on site in accordance with Policy 8 and is considered acceptable in land use terms. One unit per floor is proposed and given the limited parameters of the site, it is not feasible to provide larger residential units and the provision of two-bedroom units is therefore considered acceptable in this instance.

The proposed development does not trigger the requirement for affordable housing under Policy 9 of the City Plan.

Policy 12 of the City Plan requires all new homes to be well-designed, energy-efficient and have high-quality living environments, both internally and externally. All new homes must meet or exceed the Nationally Described Space Standards where they are self-contained and provide the right amount of private external amenity space. Where it is not practicable to provide such space, the equivalent of the external requirement should be provided internally.

The proposed residential units comply with and exceed the Nationally Described Space Standards. The proposed units are dual aspect, would receive good levels of daylight and overall are considered to have a high-quality living environment in line with Policy 12 of the City Plan. Flat 1 would provide the required amount of private external amenity space, whilst Flat 2 would provide the requirement as additional internal living space which is considered acceptable.

**APPLICATION 3**

Three self-contained residential units are proposed, two 2-bedroom as per Application 1 & 2 and a third one-bedroom unit within the proposed extension at first floor level. The increase in residential units on site and mix of unit sizes proposed is considered acceptable in accordance with Policies 8 and 10.

**Restaurant use****ALL APPLICATIONS****Policy Context**

Policy 1 of Westminster's City Plan 2019-2040 (April 2021) outlines that Westminster will continue to grow, thrive and inspire as a World City by: 2) supporting the growth, modernisation and adaptation of a variety of business space including commercial growth; and 4) balancing the competing functions of the Central Activities Zone as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods.

Policy KBR14 of the Knightsbridge Neighbourhood Plan (KNP) seeks to mitigate the impact of commercial development and directs non-residential development to the International Shopping Centre (ISC) or Strategic Cultural Area where appropriate. KBR14(C) requires development which would intensify a retail or entertainment use outside of the ISC to demonstrate no adverse impact on residential amenity. If any impact would occur, then this should be mitigated appropriately such as by way of appropriately worded planning conditions.

Policy KBR15(C) of the KNP outlines that in residential areas, proposals for the intensification of existing retail and/or entertainment uses will only be supported if they demonstrate no significant adverse impact on residential amenity and the imposition of a condition which prohibits the opening hours between 11pm and 7am Monday-Saturday and between 10.30pm and 7.30am on Sunday. This is due to the impacts of entertainment uses felt by residents at night and in the early morning across the area.

#### Consideration

A significant number of objections have been received including Councillor Robathan, Councillor Hitchcock, the Knightsbridge Association, Knightsbridge Neighbourhood Forum and local residents on the basis that the proposals at lower ground and ground floor levels including the plant and kitchen extract proposals would support the intensification of an existing lawful restaurant use, outside of the International Shopping Centre to which this use should be directed, and triggering the application of Policies KBR14 (C) and KBR15 (C) of the Knightsbridge Neighbourhood Plan (KNP). Full details of the objections are set out in Section 5 above.

The proposed development includes internal and external works at lower ground and ground floor level in order to upgrade and refurbish the existing restaurant use following the closure of the former restaurant 'Montpeliano's' and change in restaurant operator.

The proposed floorplans show a dining space and ancillary bar at ground floor level with approximately 115 cover, with an additional 10 covers in an outdoor seating area to Montpelier Street (as was the former case) and a private dining room with 15 covers at lower ground floor level. No increase is proposed to the gross internal floor area and the applicant states that there will be a capacity of up to 139 covers, which is the same as the former capacity of Montpeliano's.

As originally submitted, the applications included a car valet station and additional planters to the Montpelier Street frontage for the restaurant use, however, these have been deleted following considerable objections.

In response to the objections received, the applicant has submitted an interim operational management scoping document. The scoping document details that the restaurant would have a formal fine-dining atmosphere and would operate a booking system by reservation only in order to ensure capacity is not exceeded and there would be no queuing on the street. No shisha smoking or nightclub/lounge-style seating would be offered. The bar area would be used to accommodate guests who arrive early and are waiting to be seated.

Overall, it is considered that the day-to-day operation and activity level of the restaurant as submitted would be such that it would not be materially different to how the former restaurant has operated in terms of floor area, layout, capacity and dining experience. The proposals are considered to be a refurbishment/upgrade to modernise the restaurant use, in line with Policy 1 of the City Plan.

However, given the significant number of objections received relating to this matter, the applicant has agreed to the imposition of a condition requiring the submission of a full operational management plan that would provide greater detail and assurances as to how the restaurant would mitigate any negative impacts on residential amenity.



Conditions are also recommended to ensure that the proposed bar area would be used to serve restaurant customers only, before, during or after their meals; limit the capacity to 139 covers only; and restrict opening hours to between 10:00 until 00:30 Monday to Saturday and 12:00 until 00:00 on Sunday (in line with the existing premises license which was issued on 20 April 2020).

It is proposed to have two openable skylights on the rear first floor flat roof to serve the restaurant which is likely to result in an element of noise spill, particularly to the new residential units above. A condition is recommended to restrict the hours that the skylights can be opened to between 10:00 and 18:00 to protect the amenity of surrounding residents. Matters on how the future residential occupiers on the upper floors will be protected from noise in the restaurant are set out in Section 8.7 of this report.

Comments made by the Knightsbridge Association state that dining has previously occurred on all floors of the building. Given that the current application is for residential use on the upper floors and given the conditions proposed, this would prevent this from occurring.

Subject to the recommended conditions, it is considered that the proposals relating to the restaurant use would not negatively impact on neighbouring residential amenity or on the amenity of future occupiers of the proposed residential units above. The proposals are therefore considered acceptable on land use grounds.

## 8.2 Townscape and Design

### Existing Site

Comprising basement, ground and two upper storeys, the buildings terminate with concealed butterfly roofs, which have been largely re-covered and include later dormer style additions. The terrace is constructed of traditional yellow stock bricks, though no. 13 has been painted.

Grade II listed for their architectural and historic interest, externally on the whole the buildings retain their original architectural form and character, with only the ground floor rear extensions being obvious later additions and of limited quality. The ground floor frontage of the building again has been altered over time but does appear to retain some traditional sections which are of interest.

Internally the buildings have been heavily altered, particularly at basement and ground floor levels. The upper floors are also currently in a poor state of repair due to water ingress from defected roofs. However, some original details at first floor level survive, notably window joinery, and the original floor plan is apparent, though impaired by previous works to laterally link the buildings.

In townscape terms the three buildings present a set piece on the western side of Montpelier Street and historically independent from the smaller scaled terrace to the west of the site on Montpelier Place. The terrace makes a positive contribution to the character and appearance of the Knightsbridge Conservation Area.

## Policy and legislation

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

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

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

In terms of the National Planning Policy Framework (NPPF, 2019) the key sections are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment). In the former chapter paragraph 131 indicates: “In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

In chapter 16 at paragraph 193 the NPPF makes clear: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 194 states: “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....”

Paragraph 196 states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Policy 38 which sets out design principles, requiring exemplary standards of high quality, sustainable and inclusive urban design and architecture.

Policy 39 relates to Westminster’s heritage and how it will be valued, and that development should optimise the positive role of the historic environment. Parts G, H and K and M specifically relate to Listed Buildings and Conservation Areas.

The Knightsbridge Neighbourhood Plan 2018-2037 was adopted in December 2018. It aims to enhance the special character of Knightsbridge including its architecture, heritage, townscape and trees while recognising its status internationally as a prime residential neighbourhood and centre for retail, culture and education. It also aims to improve the public realm and enhance and restore heritage features. Of most relevance from a design and conservation perspective are Policies KBR1, KBR2, KBR8 and KBR9.

## **Consideration**

### **APPLICATION 1 & 2**

As already explained the interior of the buildings at basement and ground floor level have over time being heavily altered, with little of the original internal character or plan form of the buildings remaining. Within these heavily altered areas the proposals seek new partitions and facilities to support the proposed restaurant and are noncontentious.

Proposals for the upper floors overall reflect the proposals approved in 2015. The internal works recognise the traditional subdivision between the buildings, and seek to retain or reintroduce party walls, particularly between the front rooms. Throughout, traditional interior details are to be reinstated where they have been removed, and the central sashes reinstated at first floor at no. 15.

Works also include the replacement of floor joists throughout the second floor resulting in an unfortunate loss of historic fabric causing minor harm to the significance of the building. However, considering the poor condition of the timbers caused by water ingress, and their instability in the walls, their replacement is felt necessary to secure the structural integrity of the floor.

In relation to the roofs, nos. 15 and 17 have modern coverings of cementitious slates and felt, though the structural timbers appear original. As a result of extensive and sustained water ingress, rot has been identified which has weakened the structural integrity of the valley gutters. Proposals seek to replace the valley gutters on a like for like basis, and recover the roofs with slate and lead flashing, retaining their traditional butterfly form. The lath and plaster ceilings to the second floor have also been damaged and proposed intent to reinstate them like-for like, the same is proposed for the ceilings on the first floor which have been lost. Fire and acoustic measures are proposed between the joists avoiding the need for plaster board ceilings, which is welcome. The improvements to the roof coverings is welcome and whilst the water damage and resulting loss of fabric is unfortunate, replacement of the impacted fabric on a like for like basis is felt to be appropriate and necessary for the long-term preservation of the buildings.

New plant is proposed at roof level, with air conditioning units positioned on platforms above the central valley gutters, walkways along the roof slopes and a duct along the valley of no.13. The services appear to be sufficiently concealed by the front and rear parapets to avoid causing visual harm.

Externally the buildings will be restored, and the paint removed from number 13 improving the appearance of the terrace. To the rear modest fenestration alterations are proposed, including replacement of modern windows to match the existing. Details of the replacements are secured by condition. A more notable alteration is the replacement of

the shopfronts at nos. 13 and 15, creating a more consolidated and traditional appearance which ties in more successfully with the original frontage at no.17, which is being retained. Details of the shopfronts are to be secured by condition.

The removal of the eclectic poor-quality modern lanterns which cover the rear is non-contentious. The replacement roof lights are more modern in their style and have a generous and solid upstand enabling the accommodation of external plant units covered by grills set neatly between each roof light. Overall, the appearance of the rear first floor flat roof will appear more ordered and no more impactful than the current arrangement.

The proposals include some removal of original fabric which will result in a minor level of harm, of which is considered to be less than substantial. In accordance with para 196 of the NPPF, such harm needs to be balanced by public benefits including securing the building's optimal viable use. The harmful works are necessary to secure the long-term preservation and structural integrity of the building, enabling its continued use, which is a public benefit. Alongside the heritage benefits of reinstating interior details, and improving the buildings appearance, the harm proposed is justified and acceptable.

The recommendation to grant conditional permission and consent is compliant with Policies 38, 39 and 40 of Westminster's City Plan (2019-2040), Policies KBR1, KBR8 and KBR9 of the KNP, the requirements set out in Chapters 12 and 16 of the NPPF and the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Sections 16, 66 and 72.

#### APPLICATION 3 (infill extension)

Of contention is the proposed construction of a single-storey infill extension on Montpelier Place, bridging the gap between the site and the terrace of modest scaled townhouses fronting the south side of Montpelier Place.

In townscape terms, the infill development would result in the loss of an established historic building gap and create an awkward juxtaposition between two separate and distinct terraces. The setback position of the extension would create a convoluted building line, one which would be at odds with the established streetscape. The extension would not only obscure the rear facade of the listed terrace, but impair its distinctive detached form and architectural character. Subsequently, it is considered that the first-floor extension due to its position, form, bulk, and appearance would harm the significance of 13-17 Montpelier Street and fail to preserve and enhance the character and appearance of the Knightsbridge Conservation Area.

On this basis, the first-floor infill extension is considered to be unacceptable, failing to comply with Policies 38, 39 and 40 of the City Plan and resulting in less than substantial harm to the significance of the host listed building and the Knightsbridge Conservation Area. In accordance with para 196 of the NPPF, such harm should be balanced by substantial public benefits, including securing the building's optimum viable use. Whilst the extension would provide one additional residential unit, this would not be an affordable unit and therefore the benefits of the schemes are limited to heritage benefits which are not felt to be sufficiently beneficial to outweigh the harmful impact of the extension being proposed. The recommendation to refuse permission and consent is therefore compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3 Residential Amenity

The surrounding locality, including Montpelier Street, Montpelier Place and Relton Mews is predominantly residential, largely characterised by single-family dwellings. Non-residential uses within the immediate vicinity include Bonhams to the south (an auctioneer of fine art, furniture, jewellery and collectables) and German Christ Church to the north on Montpelier Place.

Policy 7 (A) of the City Plan requires development to be neighbourly by protecting and enhancing amenity such as preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy, outlook and overlooking.

Paragraph 3.20 of the KNP specifies amenity as relating to the protection and enhancement of pleasant or advantageous features enjoyed by a property or occupier, which can be affected by development proposals, and includes daylight and sunlight levels received, sense of enclosure, overshadowing, overlooking, microclimate and other considerations. Policy 9 (C) of the KNP states that new development proposals for balconies and multi-functional use of roof areas is encouraged provided they: c. do not have a negative impact on the amenity of neighbouring residents by virtue of overlooking. Policy KBR40 (C) states that external lighting, where externally visible, minimises light spillage and protects the amenity of light-sensitive uses such as housing.

#### APPLICATIONS 1 & 2

The proposed development does not propose any extensions to the building. External alterations include the opening up of two windows at first and second floor level on the Montpelier Place elevation, plant equipment within acoustic enclosures, a terrace at rear first floor level, replacement rooflights with new retractable skylights and replacement lighting.

The external alterations, by way of their design, siting and scale are not considered to negatively impact the neighbouring residential properties in terms of loss of light, overshadowing, sense of enclosure, overbearingness or light spill. The proposed opening-up of the windows to Montpelier Place would be in keeping with the existing fenestration pattern along the street scene, and it is not considered that they would result in any undue overlooking or loss of privacy to the residents opposite.

The proposed terrace at rear first floor level will be largely concealed from street-level views by the proposed raised parapet wall to the Montpelier Place elevation and will look towards the flank elevation of 17 Montpelier Place which contains no windows. Concerns have been raised that the terrace could be used in connection with the restaurant use. The terrace is only accessible from within the flat proposed at first floor level and a condition is recommended to ensure that the terrace is only used in connection with the residential use. Similarly, concerns have been raised that the proposed green roof at first floor level could be used as an extension to the first floor terrace. A condition is recommended to ensure that the green roof is not used for sitting out purposes.

Overall, the proposals are considered acceptable on amenity grounds in line with Policy

12 of the City Plan and Policy 9 and 40 of the KNP.

### APPLICATION 3

The proposed infill extension will abut the flank elevation of 17 Montpelier Place which contains no windows, and given that it will only extend approximately 1.9m above the parapet to Montpelier Place ( 2.7m in total) it is not considered that it will negatively impact on neighbouring residential amenity in terms of light or overbearingness.

The proposed new windows on Montpelier Place would be in keeping with the pattern of fenestration on this street. The rear windows would predominately face Bonhams, a commercial premises, which is located approximately 12m away to the south and it is not considered that they will result in any significant overlooking into the neighbouring garden at No. 17 Montpelier Place.

Overall, the proposals are considered acceptable on amenity grounds, subject to the recommended conditions, for existing and future residential occupiers in line with Policies 7 and 12 of the City Plan and Policy 9 and 40 of the KNP.

## **8.4 Transportation/Parking**

The site is in short-walking distance from Knightsbridge Station and bus links on Brompton Road. On-street parking on Montpelier Street and Montpelier Place is limited and typically subject to resident and disabled permit-holder restrictions. The site is also located within a Controlled Parking Zone which means anyone who does drive to the site would be subject to those controls.

Policy 24 of the City Plan supports development which maximises trips made by sustainable modes of transport, reduces traffic and improves air quality. Development must positively contribute to the reduction of the dominance of private motor vehicles, whilst not worsening the excessive levels of on street parking and tackling poor air quality.

Policy 25 requires development to promote sustainable transport by prioritising walking and cycling in the city. As such, development must meet the cycle parking standards in the London Plan. Parking standards in the London Plan will apply to all developments, with the council prioritising alternative kerbside uses such as car club spaces ahead of parking for private vehicles as set out in Policy 27. Similarly, Policy KBR30 of the KNP encourages development to be motor-vehicle free.

Policy KBR27 of the KNP outlines that development should provide new or improve existing infrastructure and facilities, such as on-site cycle storage facilities, to support and encourage active travel and therefore encourage more walking and cycling.

### APPLICATION 1

No off-street parking is proposed for the residential units which is consistent with Policy 27 of the City Plan. However, the Council's Highways Planning Officer outlines that the evidence of the Council's most recent night time parking survey in 2018 shows a parking occupancy rate of 71%, with 57% for the daytime. Despite a good public transport accessibility rating, the Highways Planning Officer highlights that residents within the



area do own cars and that the applicant has not provided any evidence to suggest that future residential occupiers of the site would have different car ownership levels to existing residents in the area. On this basis, the applicant has agreed to a lifetime car club membership for future residential occupiers of the residential units in order to reduce on-street car-parking demand and stress levels. It is recommended that this be secured by condition.

An internal hanging bike store showing five stands for long-term cycle spaces are proposed at ground floor level, accessed from Montpelier Place, which is in accordance with London Plan standards and it is recommended that this be secured by condition. Given that the restaurant is existing, there is not requirement for cycle parking.

The lowering of the floor level within the front vaults does not raise highways concerns.

Following discussions with the applicant it is understood that the access door on Montpelier Place nearest no.17 Montpelier Place must be able to open outwards in case of an emergency (ie fire) due to the cover capacity of the restaurant. On this basis a condition has been agreed with the applicant that this door shall only open over the highway in an emergency, with the mechanism controlling its outward opening to be controlled by the building fire system.

The Highways Planning Officer has recommended conditions to secure a servicing management plan and prohibition of a delivery service. It is recommended that a servicing management plan be secured by condition, as well as servicing restricted to between the hours of 08:00 and 20:00 and that there be no delivery service operating from the site to ensure that the restaurant will not negatively impact on the local highway network and to protect the amenity of surrounding residents.

Overall, subject to the recommended conditions, the proposals are found acceptable on transport and parking grounds in accordance with Policies 24, 25 and 27 of the City Plan and KBR27 of the KNP.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

## **8.6 Access**

### APPLICATION 1

The proposed development would see the loss of the existing corner entrance and the addition of a new entrance on the northern elevation on Montpelier Place, adjacent to No. 17 Montpelier Place for staff. The restaurant's main entrance will remain as existing, on Montpelier Street.

The residential units on the upper floors are proposed to be accessed by a separate doorway on Montpelier Place.

### APPLICATIONS 2 & 3

As with application 1 the residential units on the upper floors are proposed to be

accessed by a separate doorway on Montpelier Place.

## 8.7 Other UDP/Westminster Policy Considerations

### Noise

#### ALL APPLICATIONS

Policy 33 (C) of the City Plan states that development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the Council's Noise Thresholds. Particular attention should be given to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses and minimising noise from plant machinery and internal activities.

Policy KBR40 (A) of the KNP states that good urban development which minimises or provides respite from noise can improve public health. Policy KBR40(B) requires new development to be designed to mitigate any adverse impact on the local noise environment, informed by a noise assessment as appropriate.

During the application process the applicant has agreed to the imposition of conditions controlling noise outbreak to protect the future residents of the upper floors. Following officer advice, a formal letter has been submitted demonstrating that the freeholder of the site would adhere to such conditions. The Council's Environmental Health Officer raises no objection subject to the imposition of these conditions.

The Council's Environmental Health Officer raises no objection to the proposed plant equipment and kitchen extract duct work subject to conditions to secure a supplementary acoustic report when the specification of plant equipment is known to ensure compliance with the Council's standard noise conditions and to secure details of an odour reduction scheme in relation to the replacement kitchen extract duct prior to occupation.

Subject to the recommended conditions the proposals are found to be in accordance with Policy 33(C) of the City Plan and KBR40 of the KNP and are found acceptable on noise grounds.

### Refuse/ Recycling

Policies 7(G) and 37 of Westminster's City Plan requires all new developments (including extensions and change of use) to provide appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection with sufficient capacity for projected current and future use.

Policy KBR21 of the KNP encourages the provision of dedicated non-recyclable and recyclable waste collection solutions, provided this does not reduce pedestrian amenity or space on pavements. Separate waste stream storage, including collection of recyclable materials and compostable waste is encouraged.

#### ALL APPLICATIONS

An internal waste holding area for the proposed residential units is proposed at ground floor level, accessed from a separate door at street level on Montpelier Place. It is recommended that this be secured by condition. The Council's Waste Project Officer raises no objection.

### **Biodiversity**

Policy 34 of the City Plan requires developments to, wherever possible, contribute to the greening of Westminster.

Policies KBR10 and KBR37 of the KNP supports urban greening such as green roofs (excluding synthetic materials), particularly where it will enhance biodiversity and the environment.

### **APPLICATIONS 1 & 2**

A green sedum roof is proposed at rear first floor level adjacent to Montpelier Place. The Council's Arboricultural Officer raises no objection to the green roof subject to a condition securing a biodiversity management plan (BMP) which should include details of the exact species type, show a deeper substrate, use plugs for the planting and provide information on a proactive management regime. Subject to this condition the proposals are in accordance with Policy 34 of the City Plan and Policies KBR10 and KBR37 of the KNP.

### **APPLICATION 3**

Given the location of the proposed extension no green roof is proposed.

### **Sustainability**

All new homes must be energy efficient as per Policy 12 of the City Plan, whilst Policy 36 expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. Policy 36 also expects development to minimise the risk of internal overheating.

Similarly, Policy KBR35 of the KNP states that it is essential that buildings minimise energy use and maximise energy efficiency. Policy KBR36 encourages the sensitive retrofitting of energy efficiency measures in historic buildings. Policy KBR39 states that all development should minimise water consumption through good design.

### **ALL APPLICATIONS**

The applicant has stated that they intend to include the following measures to improve the energy efficiency of the development:- energy efficient lighting (i.e., LED or similar); the use of mechanical heat recovery (MVHR) for fresh air ventilation serving the new residential units and kitchen extract to the restaurant; replacement of existing gas boilers with new high efficiency gas boilers; adding 175mm insulation to the top of the main roof where there was none previously and adding a minimum of 150mm of insulation at the first floor rear roof where there was previously less batt insulation of a poorer performance.

The applicant has stated that all proposals seek to reduce water usage by 25% (105 litres per person per day consumption) according to Building Regulations for new residential dwellings.

## **8.8 Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.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.

## **8.9 Neighbourhood Plans**

The Knightsbridge Neighbourhood Plan (KNP) 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.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. No pre-commencement conditions are proposed.

## **8.12 Planning Obligations**

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

## **8.13 Environmental Impact Assessment**

Not applicable for a development of this size.

## 8.14 Other Issues

### Construction impact

The Knightsbridge Neighbourhood Forum have raised that the applicant has not submitted a Construction Management Plan which is important for a large and complex project of this nature. They outline that the applicant should comply fully with the Knightsbridge Neighbourhood Forum's best practice guidance on construction standards and procedures.

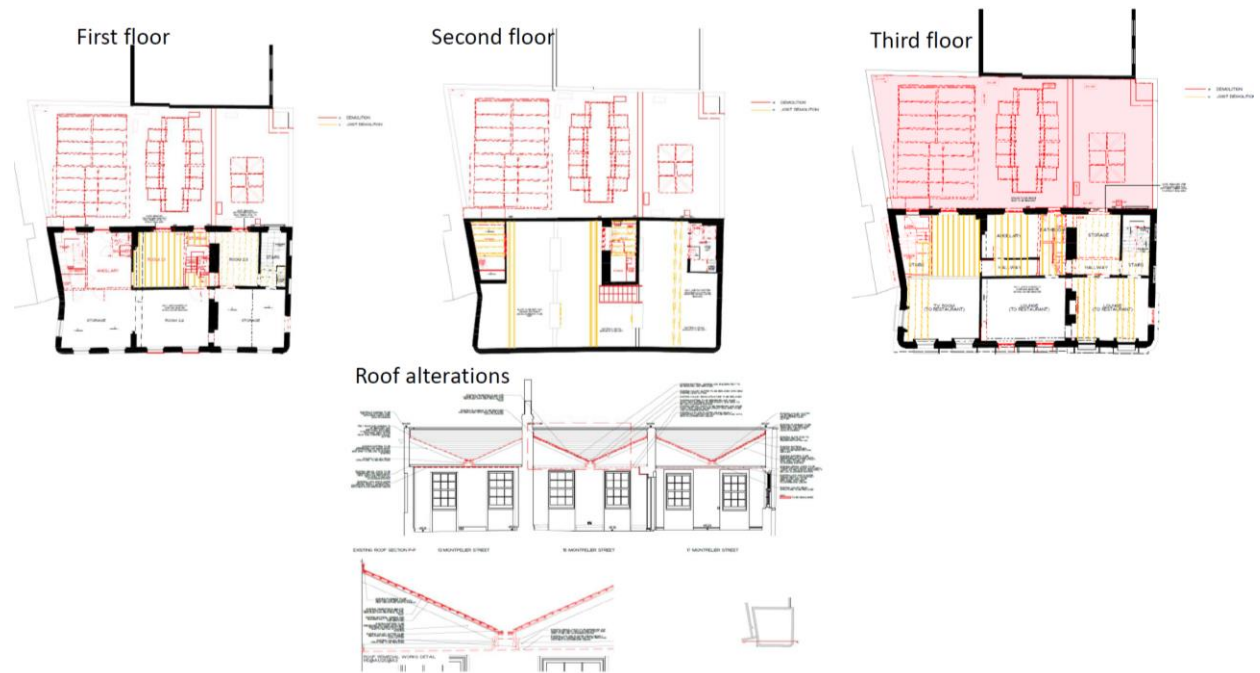
The proposals are not considered to be of a scale and nature that would warrant the submission of a construction management plan and the Council's standard condition controlling hours of building works is recommended in this instance.

(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: JULIA ASGHAR BY EMAIL AT JASGHAR@WESTMINSTER.GOV.UK

## 9. KEY DRAWINGS

### Proposed demolition plans





## Application 1: Proposed Plans and Elevations

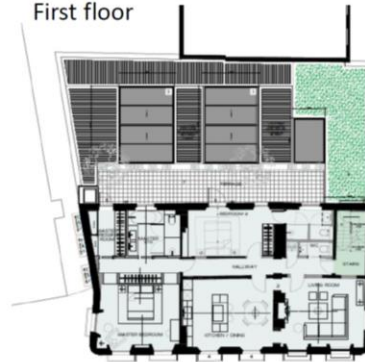


## Application 2: Proposed Plans and Elevations

Ground floor



First floor



Second floor



Third floor



East elevation (Principal façade)



North elevation



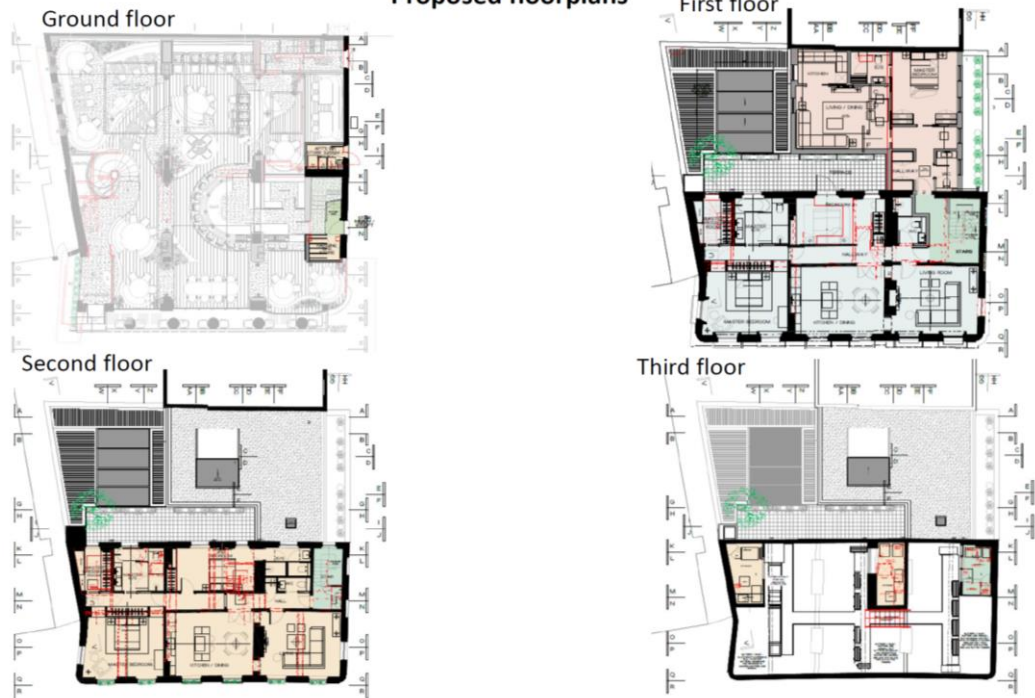
South elevation



West (rear) elevation



### Application 3: Proposed Plans and Elevations

**Proposed floorplans**

East elevation (Principal façade)



North elevation



South elevation



West (rear) elevation

**DRAFT DECISION LETTER**

**Address:** 13 - 17 Montpelier Street, London, SW7 1HQ

**Proposal:** Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, shopfront alterations to nos. 13 and 15, new retractable awnings, lowering of front basement vaults and internal alterations in connection with the continued use of the restaurant at lower ground and ground floor level.

**Reference:** 20/07400/FULL

**Plan Nos:** Location Plan; Existing Drawings: 200 Rev B, 201 Rev B, 202 Rev A, 203 Rev B, 204 Rev A, 300, 301 Rev A, 302, 303, 304 Rev A, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 400 Rev A, 401, 402 Rev A, 403 Rev A. Demolition Drawings: 242 Rev A, 243 Rev A, 244 Rev A, 515 Rev B. Proposed Drawings: 250 Rev F, 251 Rev F, 252 Rev E, 253 Rev C, 254 Rev C, 351 Rev C, 355 Rev A, 361 Rev B, 364 Rev C, 369 Rev A, 370 Rev A, 373 Rev A, 377 Rev B, 381 Rev B, 450 Rev E, 451 Rev F, 452 Rev D, 453 Rev D, 508\_01 Rev D, 510\_Rev B, 531 Rev E., , Information Only: Heritage Statement dated October 2020; Planning Statement dated November 2020; Design and Access Statement; , Drawing Issue Sheet; Cover letter dated 16 February 2021; Letters by Savills dated 22 April 2021; David Smith Associates drawings; David Smith Associates report dated 20 May 2021 (ref: TG/20/38102/HJ), Dryside Ltd letter dated 10 May 2021; Acoustic Report by Bickerdike Allen dated 28 October 2020 (ref: A11360\_00\_RP001\_2.0); Scoping Document - Operational Management Plan by Rigby & Rigby received 11 March 2021; Planning Addendum Montpeliano's by Rigby & Rigby received 22 April 2021; Residential Ventilation Design Statement; Letter from Monte London Ltd dated 06 May 2021.

**Case Officer:** Hayley White

**Direct Tel. No.** 020 7641  
07866038640

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of details of the following parts of the development:, , i)  
All new windows sections and elevation scaled 1:10 showing traditional joinery details., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must apply to us for approval the following:, , i) Detailed drawings of the new shopfronts, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 Prior to the occupation of the restaurant, you must apply to us for approval of a detailed

operational management plan to show how the restaurant, staff and customers will be managed, including booking arrangements and how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use. (C05JC), , , , ,

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 7 You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. All servicing must take place between 0800 and 2000 and there shall be no delivery service operating from the premises. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing by the local planning authority.

**Reason:**

To make sure that the restaurant use will not cause nuisance for people in the area or negatively impact the local highway network. This is as set out Policies 7 and 29 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 8 You must keep the bar areas to that shown on drawing numbers 200\_250 Rev F and 200\_251 Rev F. You must use the bar to serve restaurant customers only, before, during or after their meals. You must only use the remainder of the restaurant premises as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05FC)

**Reason:**

To prevent a use that would be unacceptable because of the character and function of this part of the Knightsbridge Conservation Area. This is in line with Policy 39 of the City Plan 2019 - 2040 (April 2021). (R05FD)

- 9 You must not allow more than 139 customers into the restaurant at any one time. (C05HA)

**Reason:**

To prevent a use that would be unacceptable because of the character and function of this part of the Knightsbridge Conservation Area. This is in line with Policy 39 of the City Plan 2019 - 2040 (April 2021). (R05FD)

- 10 Customers shall not be permitted within the restaurant premises before 10:00 or after 00:30 on Monday to Saturday and before 12:00 or after 00:00 on Sundays. (C12BD),

## Reason:

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

- 11 The retractable skylights to the restaurant shall stay closed before 10:00 and after 18:00 each day.

## Reason:

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

- 12 (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 draft Noise Technical Guidance Note (November 2019), 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)

- 13 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 draft Noise Technical Guidance Note (November 2019). (R48AB)

- 14 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 11 and 12 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 15 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 the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)



- 16 Prior to occupation of the restaurant at lower ground and ground floor level, you must apply to us for approval of details of an odour reduction scheme to prevent odour nuisance from kitchen fumes. You must then maintain these measures in the form shown for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

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

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49AB)

- 18 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. , , For any music noise; the indices of Leq and L FMax in the octavebands 31.5 Hz, 63 Hz and 125 Hz should be at least 10 dB below, the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring residential premises., , You must also comply with the undertakings set out in the letter from Panos Tryfon, Monte London Ltd, dated 06 May 2021 to ensure full accordance with this condition., (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49BB)

- 19 The proposed terrace at rear first floor level shown on drawing number 202\_252 REV E shall be used by the residential accommodation only and for no other use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

- 20 You must not use the green roof of the building for sitting out or for any other purpose. You can however use the green roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 21 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 200\_250 Rev F and 200\_251 Rev F prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

- 22 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 23 The awning must maintain a minimum of 2.6 metres vertical clearance from the footway surface and not extend within 1 metre horizontally of the kerb edge at all times.

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)

- 24 The access door on Montpelier Place nearest no.17 Montpelier Place shall only open over the highway in an emergency, with the mechanism controlling its outward opening to be controlled by the building fire system. No other door shall open over the highway.

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)

- 25 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following: , a) Confirmation of approval of the particular car club which is to be a Carplus accredited

club;, b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of; 1. the existence of the car club , 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee; 3. details of how to become a member of the car club; and, 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years] , c) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents. , d) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development. , e) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club., f) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club., g) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

**Reason:**

To mitigate the demand for on-street car parking for people living in the residential part of the development as set out in Policy 27 of Westminster's City Plan (adopted April 2021).

- 26 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 27 You must remove the plant on the south elevation of the building labelled 'AC unit to be removed' before the building is occupied.(C26VA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 28 You must apply to us for approval of details of a biodiversity management plan in relation to the green roof. The plan should include details of the exact species type, show a deeper substrate, use plugs for the planting and provide information on a proactive management regime. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you occupy the residential part of the development and you must not remove any of these features.

**Reason:**

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

**Informative(s):**

- 1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 (as amended), the development plan for this part of the City includes the Knightsbridge Neighbourhood Plan, as well as the City Plan 2019-2040 adopted in April 2021 and the London Plan (adopted in March 2021). In dealing with this application the City Council has had regard to relevant policies the neighbourhood plan as required by Chapter 2 of the NPPF (2019), but has not specifically referenced the neighbourhood plan policies in the reasons given in this decision letter as the relevant policies in this case are in general conformity with the policies in the City Plan 2019-2040 and/or London Plan policies that are referenced.
- 2 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.
- 3 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)
- 4 Conditions 11 and 12 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 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.
  
- 6 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , \*
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , \*
  - \* Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , \*
  - \* It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
  
- 7 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 neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
  
- 8 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
  
- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil), , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there**

**are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 10 Any kitchen odour reduction scheme must be bespoke designed for the intended food operation and based on the risk assessment guidance from the 2018 EMAQ document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems
- 11 -All cookline equipment must be placed under the extraction canopy, -The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or in compliance with the Building & Engineering Services Association document TR19 for cleaning, -Any cladding must be made of non-flammable materials (approved by Building Control or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches., -Access to the ducting must comply with the Health & Safety safe access standards, -The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade
- 12 The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus premises cannot emit smoke unless, burning an 'authorized fuel' or using 'exempt appliances'. Further information can be found at the following government website:, <https://www.gov.uk/smoke-control-area-rules>.
- 13 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). For further information please use the following link: [www.westminster.gov.uk/private-sector-housing](http://www.westminster.gov.uk/private-sector-housing). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk).
- 14 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following., \* Window cleaning - where possible, install windows that can be cleaned safely from within the building., \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained., \* Lighting - ensure luminaires can be safely accessed for replacement., \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.htm), , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 15 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under

the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation, e.g. windows kept closed and mechanical ventilation utilised.

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:** 13 - 17 Montpelier Street, London, SW7 1HQ

**Proposal:** Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, shopfront alterations to nos. 13 and 15, new retractable awnings, lowering of front basement vaults and internal alterations in connection with the continued use of the restaurant at lower ground and ground floor level. Repair works to main roof.

**Reference:** 20/07401/LBC

**Plan Nos:** Location Plan; Existing Drawings: 200 Rev B, 201 Rev B, 202 Rev A, 203 Rev B, 204 Rev A, 300, 301 Rev A, 302, 303, 304 Rev A, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 400 Rev A, 401, 402 Rev A, 403 Rev A. Demolition Drawings: 242 Rev A, 243 Rev A, 244 Rev A, 515 Rev B. Proposed Drawings: 250 Rev F, 251 Rev F, 252 Rev E, 253 Rev C, 254 Rev C, 351 Rev C, 355 Rev A, 361 Rev B, 364 Rev C, 369 Rev A, 370 Rev A, 373 Rev A, 377 Rev B, 381 Rev B, 450 Rev E, 451 Rev F, 452 Rev D, 453 Rev D, 508\_01 Rev D, 510\_Rev B, 531 Rev E., , Information Only: Heritage Statement dated October 2020; Planning Statement dated November 2020; Design and Access Statement; Drawing Issue Sheet; Cover letter dated 16 February 2021; Letters by Savills dated 22 April 2021; David Smith Associates drawings; David Smith Associates report dated 20 May 2021 (ref: TG/20/38102/HJ), Dryside Ltd letter dated 10 May 2021; Acoustic Report by Bickerdikey Allen dated 28 October 2020 (ref: A11360\_00\_RP001\_2.0); Scoping Document- Operational Management Plan by Rigby & Rigby received 11 March 2021; Planning Addendum Montpeliano's by Rigby & Rigby received 22 April 2021; Residential Ventilation Design Statement; Letter from Monte London Ltd dated 06 May 2021.

**Case Officer:** Hayley White

**Direct Tel. No.** 020 7641  
07866038640

### **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 building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

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

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

Reason:

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

- 6 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 building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 You must apply to us for approval of details of the following parts of the development:, , i) All new windows sections and elevation scaled 1:10 showing traditional joinery details., ii) All new internal doors, which on the first and second floors should be traditional panelled doors., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 8 You must apply to us for approval the following:, , i) A method statement for the removal of the paint on the external facade of no 13 Montpelier Place. , ii) A sample area no larger than 1m3 demonstrating the intended method of removal., , You must not start work on the paint removal until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 You must apply to us for approval the following:, , i) Detailed drawings of the new shopfronts, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 10 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 11 You must remove the plant on the south elevation of the building labelled 'AC unit to be

removed' before the building is occupied.(C26VA)

**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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 12 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 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council 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:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

**DRAFT DECISION LETTER**

**Address:** 13 - 17 Montpelier Street, London, SW7 1HQ

**Proposal:** Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and at main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level.

**Reference:** 21/01233/FULL

**Plan Nos:** Location Plan; Existing Drawings: 200 Rev B, 201 Rev B, 202 Rev A, 203 Rev B, 204 Rev A, 300, 301 Rev A, 302, 303, 304 Rev A, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 400 Rev A, 401, 402 Rev A, 403 Rev A. Demolition Drawings: 242 Rev A, 243 Rev A, 244 Rev A, 515 Rev B. Proposed Drawings: 251, 252, 253, 254, 351, 355, 361 Rev A, 364 Rev A, 370, 373 377 Rev AA, 381 Rev A, 450, 451, 452, 453, 508\_01 Rev D, 510\_Rev B, 531 Rev E., , Information Only: Planning Statement dated February 2021; Design and Access Statement; Heritage Statement dated February 2021; David Smith Associates drawings; David Smith Associates report dated 20 May 2021 (ref: TG/20/38102/HJ); Dryside Ltd letter dated 10 May 2021;; Acoustic Report by Bickerdike Allen dated 28 October 2020 (ref: A11360\_00\_RP001\_2.0); Residential Ventilation Design Statement;; Letter from Monte London Ltd dated 06 May 2021.

**Case Officer:** Hayley White

**Direct Tel. No.** 020 7641  
07866038640

### **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 , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic

restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of details of the following parts of the development:, , i)  
All new windows sections and elevation scaled 1:10 showing traditional joinery details., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must apply to us for approval of details of a biodiversity management plan in relation to the green roof. The plan should include details of the exact species type, show a deeper substrate, use plugs for the planting and provide information on a proactive management regime. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you occupy the residential part of the development and you must not remove any of these features.

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 6 Prior to the occupation of the restaurant, you must apply to us for approval of a detailed operational management plan to show how the restaurant, staff and customers will be managed, including booking arrangements and how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the

approved management plan at all times that the restaurant is in use. (C05JC), , , , ,

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 7 You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. All servicing must take place between 0800 and 2000 and there shall be no delivery service operating from the premises. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing by the local planning authority.

Reason:

To make sure that the restaurant use will not cause nuisance for people in the area or negatively impact the local highway network. This is as set out Policies 7 and 29 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 8 You must keep the bar areas to that shown on drawing numbers 200\_250 Rev F and 200\_251 Rev F. You must use the bar to serve restaurant customers only, before, during or after their meals. You must only use the remainder of the restaurant premises as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05FC)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Knightsbridge Conservation Area. This is in line with Policy 39 of the City Plan 2019 - 2040 (April 2021). (R05FD)

- 9 You must not allow more than 139 customers into the restaurant at any one time. (C05HA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Knightsbridge Conservation Area. This is in line with Policy 39 of the City Plan 2019 - 2040 (April 2021). (R05FD)

- 10 Customers shall not be permitted within the restaurant premises before 10:00 or after 00:30 on Monday to Saturday and before 12:00 or after 00:00 on Sundays. (C12BD),

Reason:

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

- 11 The retractable skylights to the restaurant shall stay closed before 10:00 and after 18:00 each day.

Reason:

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

- 12 (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 draft Noise Technical Guidance Note (November 2019), 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)

- 13 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 draft Noise Technical Guidance Note (November 2019). (R48AB)

- 14 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 11 and 12 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 15 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 the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 16 Prior to occupation of the restaurant at lower ground and ground floor level, you must apply to us for approval of details of an odour reduction scheme to prevent odour nuisance from kitchen fumes. You must then maintain these measures in the form shown for as long as the machinery remains in place.



## Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

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

## Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49AB)

- 18 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. , , For any music noise; the indices of Leq and LfMax in the octavebands 31.5 Hz, 63 Hz and 125 Hz should be at least 10 dB below, the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring residential premises., , You must also comply with the undertakings set out in the letter from Panos Tryfon, Monte London Ltd, dated 06 May 2021 to ensure full accordance with this condition., (C49BB)

## Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R49BB)

- 19 The proposed terrace at rear first floor level shown on drawing number 202\_252 REV E shall be used by the residential accommodation only and for no other use.

## Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

- 20 You must not use the green roof of the building for sitting out or for any other purpose. You can however use the green roof to escape in an emergency. (C21AA)

## Reason:

To protect the privacy and environment of people in neighbouring properties. This is as

set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 21 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 200\_250 Rev F and 200\_251 Rev F prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

- 22 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 23 The awning must maintain a minimum of 2.6 metres vertical clearance from the footway surface and not extend within 1 metre horizontally of the kerb edge at all times.

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)

- 24 The access door on Montpelier Place nearest no.17 Montpelier Place shall only open over the highway in an emergency, with the mechanism controlling its outward opening to be controlled by the building fire system. No other door shall open over the highway.

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)

- 25 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following: , a) Confirmation of approval of the particular car club which is to be a Carplus accredited club; b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of; 1. the existence of the car club , 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee; 3. details of how to become a member of the car club;

and, 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years] , c) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents. , d) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development. , e) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club., f) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club., g) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

**Reason:**

To mitigate the demand for on-street car parking for people living in the residential part of the development as set out in Policy 27 of Westminster's City Plan (adopted April 2021).

- 26 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 27 You must remove the plant on the south elevation of the building labelled 'AC unit to be removed' before the building is occupied.(C26VA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

**Informative(s):**

- 1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 (as amended), the development plan for this part of the City includes the Knightsbridge Neighbourhood Plan, as well as the City Plan 2019-2040 adopted in April 2021 and the London Plan (adopted in March 2021). In dealing with this application the City Council has had regard to relevant policies the neighbourhood plan as required by Chapter 2 of the NPPF (2019), but has not specifically referenced the neighbourhood plan policies in the reasons given in this decision letter as the relevant policies in this case are in general conformity with the policies in the City Plan 2019-2040 and/or London Plan policies that are referenced.

- 2 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.
  
- 3 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@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 Conditions 15 and 16 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)
  
- 4 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.
  
- 5 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:, , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;, , \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during

future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 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 neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 7 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 8 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil), , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 9 Any kitchen odour reduction scheme must be bespoke designed for the intended food operation and based on the risk assessment guidance from the 2018 EMAQ document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.
- 10 -All cookline equipment must be placed under the extraction canopy, -The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or in compliance with the Building & Engineering Services Association document TR19 for cleaning, -Any cladding must be made of non-flammable materials (approved by Building Control or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches., -Access to the ducting must comply with the Health & Safety safe access standards, -The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade

- 11 The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus premises cannot emit smoke unless, burning an 'authorized fuel' or using 'exempt appliances'. Further information can be found at the following government website:, <https://www.gov.uk/smoke-control-area-rules>.
- 12 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). For further information please use the following link: [www.westminster.gov.uk/private-sector-housing](http://www.westminster.gov.uk/private-sector-housing). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk).
- 13 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following., \* Window cleaning - where possible, install windows that can be cleaned safely from within the building., \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained., \* Lighting - ensure luminaires can be safely accessed for replacement., \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.htm), , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 14 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation, e.g. windows kept closed and mechanical ventilation utilised.

#### DRAFT DECISION LETTER

**Address:** 13 - 17 Montpelier Street, London, SW7 1HQ

**Proposal:** Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and at main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level. Repair works to main roof.

**Reference:** 21/01234/LBC

**Plan Nos:** Location Plan; Existing Drawings: 200 Rev B, 201 Rev B, 202 Rev A, 203 Rev B, 204 Rev A, 300, 301 Rev A, 302, 303, 304 Rev A, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 400 Rev A, 401, 402 Rev A, 403 Rev A. Demolition Drawings: 242 Rev A, 243 Rev A, 244 Rev A, 515 Rev B. Proposed Drawings: 251, 252, 253, 254, 351, 355, 361 Rev A, 364 Rev A, 370, 373 377 Rev AA, 381 Rev A, 450, 451, 452, 453, 508\_01 Rev D, 510\_Rev B, 531 Rev E., , Information Only: Planning Statement dated February 2021; Design and Access Statement; Heritage Statement dated February 2021; David Smith Associates drawings; David Smith Associates report dated 20 May 2021 (ref: TG/20/38102/HJ); Dryside Ltd letter dated 10 May 2021; Acoustic Report by Bickerdike Allen dated 28 October 2020 (ref: A11360\_00\_RP001\_2.0); Residential Ventilation Design Statement; Letter from Monte London Ltd dated 06 May 2021.

**Case Officer:** Hayley White

**Direct Tel. No.** 020 7641  
07866038640

### **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 building and to make sure the development contributes to the character and appearance of the Knightsbridge

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

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

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

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

Reason:

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

- 6 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 building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 You must apply to us for approval of details of the following parts of the development:, , i)  
All new windows sections and elevation scaled 1:10 showing traditional joinery details., ii) All new internal doors, which on the first and second floors should be traditional panelled doors., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the



work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 8 You must apply to us for approval the following: , i) A method statement for the removal of the paint on the external facade of no 13 Montpelier Place. , ii) A sample area no larger than 1m3 demonstrating the intended method of removal., , You must not start work on the paint removal until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 9 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 10 You must remove the plant on the south elevation of the building labelled 'AC unit to be removed' before the building is occupied.(C26VA)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 11 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 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council 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:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

**DRAFT DECISION LETTER**

**Address:** 13 - 17 Montpelier Street, London, SW7 1HQ

**Proposal:** Use of first and second floor level as three self-contained residential flats (Class C3), infill extension at rear first floor level to Montpelier Place elevation, creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level.

**Reference:** 21/01285/FULL

**Plan Nos:** Location Plan; Existing Drawings: 200 Rev B, 201 Rev B, 202 Rev A, 203 Rev B, 204 Rev A, 300, 301 Rev A, 302, 303, 304 Rev A, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 400 Rev A, 401, 402 Rev A, 403 Rev A. Demolition Drawings: 242 Rev A, 243 Rev A, 244 Rev A, 515 Rev B. Proposed Drawings: 251, 252, 253, 254, 351, 355, 359, 361, 364, 370, 373, 377, 381, 450, 451, 452, 453, 510\_Rev B, 531 Rev E., , For information only: Planning Statement dated February 2021;, Design and Access Statement; Heritage Statement dated February 2021; David Smith Associates drawings; David Smith Associates report dated 20 May 2021 (ref: TG/20/38102/HJ); Dryside Ltd letter dated 10 May 2021; Acoustic Report by Bickerdike Allen dated 28 October 2020 (ref: A11360\_00\_RP001\_2.0); Residential Ventilation Design Statement , Letter from Monte London Ltd dated 06 May 2021.

**Case Officer:** Hayley White

**Direct Tel. No.** 020 7641  
07866038640

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

Reason:

- 1 Because of its position, form, bulk and appearance the first-floor extension would harm the architectural and historic interest (significance) of these grade II listed buildings. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. It would also fail to meet policies KBR1 of the Knightsbridge Neighbourhood Plan (2018).

### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the

Item No.
<b>7</b>

City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

**DRAFT DECISION LETTER**

**Address:** 13 - 17 Montpelier Street, London, SW7 1HQ

**Proposal:** Use of first and second floor level as three self-contained residential flats (Class C3), infill extension at rear first floor level to Montpelier Place elevation, creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level. Repair works to main roof.

**Reference:** 21/01286/LBC

**Plan Nos:** Location Plan; Existing Drawings: 200 Rev B, 201 Rev B, 202 Rev A, 203 Rev B, 204 Rev A, 300, 301 Rev A, 302, 303, 304 Rev A, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 400 Rev A, 401, 402 Rev A, 403 Rev A. Demolition Drawings: 242 Rev A, 243 Rev A, 244 Rev A, 515 Rev B. Proposed Drawings: 251, 252, 253, 254, 351, 355, 359, 361, 364, 370, 373, 377, 381, 450, 451, 452, 453, 510\_Rev B, 531 Rev E., , For information only: Planning Statement dated February 2021; Design and Access Statement; Heritage Statement dated February 2021; David Smith Associates drawings; David Smith Associates report dated 20 May 2021 (ref: TG/20/38102/HJ); Dryside Ltd letter dated 10 May 2021, Acoustic Report by Bickerdike Allen dated 28 October 2020 (ref: A11360\_00\_RP001\_2.0); Residential Ventilation Design Statement , Letter from Monte London Ltd dated 06 May 2021.

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**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.