



Appeal Decisions

Hearing Held on 12 October 2022

Site visit made on 12 October 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 November 2022

Appeal A: APP/X5990/W/22/3290244 **13-17 Montpelier Street, London SW7 1HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Monte London Ltd against the decision of the City of Westminster Council.
 - The application Ref 20/07400/FULL, dated 18 November 2020, was refused by notice dated 20 July 2021.
 - The development proposed is 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.
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Appeal B: APP/X5990/W/22/3290247 **13-17, Montpelier Street, London SW7 1HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Monte London Ltd against the decision of the City of Westminster Council.
 - The application Ref 21/01285/FULL, dated 26 February 2021, was refused by notice dated 20 July 2021.
 - The development proposed is 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.
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Appeal C: APP/X5990/Y/22/3290246 **13-17 Montpelier Street, London SW7 1HQ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
- The appeal is made by Monte London Ltd against the decision of the City of Westminster Council.
- The application Ref 21/01286/LBC, dated 26 February 2021, was refused by notice

dated 20 July 2021.

- The works proposed are erection of 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; 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; repair works to main roof and internal alterations.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for 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 at 13-17 Montpelier Street, London SW7 1HQ in accordance with the terms of the application, Ref 20/07400/FULL, dated 18 November 2020, subject to the conditions set out in the schedule at the end of this decision.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Procedural Matters

4. As set out above, there are 3 appeals on this site relating to 2 different schemes. Appeal A relates to a refused planning permission, the related listed building consent having already been granted, whilst Appeals B and C relate to planning permission and listed building consent respectively. The principal difference between the schemes is that whereas Appeal A involves change of use of the upper floors to residential together with works to the restaurant below, the scope of the scheme covered by Appeals B and C is limited to change of use of the upper floors and the works to enable this. Whilst the residential components of the 2 schemes are much the same, that subject of Appeals B and C would provide an additional unit of accommodation through addition of an extension. I have considered each appeal on its individual merits, however, in order to avoid duplication, I have dealt with the appeals together, except where otherwise indicated.
5. The submissions contain various iterations of the descriptions set out in the banner headings above. However, the latter were agreed as correct at the Hearing.
6. Internal works have already commenced on site in connection with the listed building consent related to the scheme subject Appeal A. Though the same works are detailed on the plans subject of Appeal A, the main parties agreed

that they did not require planning permission. I shall consider the implications further below.

7. An application for costs was made by Monte London Ltd against the City of Westminster Council in respect of all 3 appeals. This application is the subject of a separate Decision.
8. I also dealt with 3 other appeals relating to this site at the Hearing, reference numbers APP/X5990/Y/22/3304123, APP/X5990/Y/22/3304129, and APP/X5990/Y/22/3304908. These are the subject of a separate decision.

Main Issues

9. The main issues are:

- the effects of the appeal schemes on designated heritage assets, including whether they would preserve a Grade II listed building (13-17 Montpelier Street) and any features of special architectural or historic interest which it possesses; whether they would preserve or enhance the character or appearance of Knightsbridge Conservation Area; and, in relation to Appeal B, whether the scheme would preserve the setting of the adjoining Grade II listed building (6-17 Montpelier Place); and
- the effect of the schemes subject of Appeals A and B on neighbour amenity having particular regard to late night noise and disturbance.

Reasons

Heritage

(a) The assets

10. 13-17 Montpelier Street is a Grade II listed building, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
11. 13-17 Montpelier Street comprises a former terrace of 3 properties of historic mixed use, which occupies a corner plot at the junction with Montpelier Place. Insofar as it is relevant to these appeals, its special interest and significance resides in its early/mid C19th date, terraced design which was originally characterised by its uniformity, and its relationship with buildings of similar age, character and origin within the surrounding streetscene. These include the neighbouring residential terrace, 6-17 Montpelier Place, which stands around the corner.
12. 6-17 Montpelier Place is also a Grade II listed building. Insofar as it is relevant to these appeals its special interest and significance resides in its early/mid C19th date, modest terraced design, which in this case includes retention of a high degree of uniformity, and its relationship buildings of similar age, character and origin within the surrounding streetscene.
13. Nos 13-17 and Nos 6-17 were historically separated by a gap within the frontage in Montpelier Place. This has been filled at ground floor level by the existing flat roofed rear extension to Nos 13-17 but continues to exist above. The extension holds no merit in itself, and its design relates poorly both to Nos

13-17, and Nos 6-17; the latter given its projection forward of the frontage. The gap however clearly exposes both the rear elevation of Nos 13-17 and the flank wall of Nos 6-17. The rear elevation of Nos 13-17 is typically plain and has been subject of some alteration, whilst the flank wall is blank. In this regard the importance of the gap lies less in the architectural qualities of the elevations in question than the fact that it allows the historic identity and form of both buildings to be clearly and distinctly appreciated. Its existence is thus a positive attribute of the settings of each.

14. Both listed buildings are located within the Conservation Area. The designation covers a large area of varied, predominantly C19th townscape. Once again, insofar as it is relevant to these appeals the special interest and significance of the Conservation Area resides in the collection of historic terraced housing it contains, which includes the historic Montpelier Estate, of which both listed buildings once formed part. Both therefore make a positive contribution to special interest and significance of the Conservation Area.

(b) Appeal A

15. As outlined above, listed building consent has already been granted for the works related to scheme subject of Appeal A. In doing so the Council was required to fulfil the duty set out in Section 16 of the Act to have special regard to preserving the building or its setting or any features of special architectural or historic interest it possesses. Insofar as the duty set out in Section 66 of the Act in respect of planning permissions is similar, and insofar as no additional objection has been raised in relation to the settings of other listed buildings, I am satisfied that the scheme subject of Appeal A would achieve preservation. Given the above, the contribution made by the listed building to the significance of the Conservation Area would be conserved, and the character and appearance of the Conservation Area would be preserved.

(c) Appeals B and C

16. As the works proposed in relation to Appeals B and C largely duplicate those shown in relation to Appeal A. Aside from the proposed first floor extension, most again therefore already have the benefit of listed building consent.
17. The extension would be located on top of the existing rear extension. In common with the latter, its design would not directly integrate with that of Nos 13-17. Aside from its flat roofed form, this would be most apparent in the differing proportions of the windows. Even in relation to the existing extension itself, integration would be poor given its pronounced set back, and use of differing finishes. In relation to the latter the uneven introduction of rustication across the side elevation of the building would furthermore appear incongruous, failing to accurately reflect the manner of its historic use in the surrounding area. Nor is it clear that it would represent an historically appropriate finish in relation to Nos 13-17. Addition of the extension would additionally obscure a larger proportion of the original rear elevation of Nos 13-17 than previously, and by reducing the size of the gap between it and Nos 6-17, each would appear less distinct. As the extension would therefore fail to conserve the significance of Nos 13-17, its special interest would not be preserved.
18. The extension would directly abut the flank wall of Nos 6-17, in relation to which it would be directly viewed. Unlike the ground floor extension, it would

not project forward of the frontage of Nos 6-17. However, having already established both that the design of the extension would appear incongruous, and that it would cause Nos 6-17 to appear less distinct, it follows that it would directly detract from appreciation of the significance of Nos 6-17. That being so, it would fail to preserve the setting of the latter.

19. The negative effects of the scheme on Nos 13-17 and Nos 6-17 would be clearly appreciable from and in relation to the surrounding streetscene. Whilst it may be the case that many, if not most such similar gaps in the surrounding area have been infilled in the past, this has little direct bearing on the harm I have identified above. As the positive contribution made by Nos 13-17 and Nos 6-17 to the significance of the Conservation Area would clearly be diminished, the scheme would fail to preserve the character and appearance of the Conservation Area as a whole.
20. The harm caused to the significance of Nos 13-17, Nos 6-17 and the Conservation Area would be less than substantial, and the adverse effects in this context would be of moderate nature. In relation to Nos 13-17 such harm attracts great weight, and in relation to Nos 6-17 and the Conservation Area, it attracts considerable importance and weight. In accordance with paragraph 202 of the Framework it is necessary to balance this harm against the public benefits of the scheme.
21. The schemes subject of Appeals B and C outline a range of works that would provide heritage benefits. These include renovation of facade and windows of Nos 13-17. However, as noted above, almost all these works have already been granted listed building consent and could thus be delivered by the scheme subject of Appeal A. In this regard Appeals B and C have been promoted as providing some additional enhancements. Insofar as these include rustication, I have established above that enhancement would not be achieved. Though reinstatement of the cornice along the Montpelier Place elevation would provide some aesthetic benefit, this could be achieved whether or not the extension was added. Indeed, its addition would be wholly distinct from the works giving rise to harm. That and the above being so I attach little weight to the heritage benefits of the scheme.
22. The scheme would deliver 3 new dwellings. This would however be only one more than the scheme subject of Appeal A. Whilst this would inevitably make a numerically positive contribution towards meeting the national objective of significantly boosting the supply of housing, the contribution would be very small. I therefore attach limited weight to the associated benefits.
23. Insofar as economic benefits can be attached to implementing the scheme, these are already being delivered through implementation of the existing listed building consent related to Appeal A. Any additional benefit offered by the scheme subject of Appeals B and C would be negligible.
24. I therefore find that the public benefits of the scheme subject of Appeal B and C would not outweigh the harm that it would cause to the significance of Nos 13-17, Nos 6-17, or the Conservation Area.

(d) Conclusion

25. For the reasons set out above I conclude that the scheme subject of Appeal A would have an acceptable effect on designated heritage assets, whereas that

subject of Appeals B and C would be unacceptable. In relation to Appeal B, and insofar as it is relevant to Appeal C, the scheme would therefore conflict with Policy 39 of City Plan 2019–2040 (the CP) which generally reflects heritage policy set out in the Framework; Policy 38 of the CP which seeks to secure development which positively contributes to Westminster’s townscape and streetscape; Policy 40 of the CP which similarly seeks to secure development of sensitive design in relation to townscape and architecture; and Policy KBR1 of the Knightsbridge Neighbourhood Plan 2018-2037 (the NP) which generally supports the above policies. In relation to both Appeals B and C the scheme would otherwise fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Amenity

26. The site is located a short distance from the junction of Montpelier Street with Brompton Road, the latter serving as a major focus for commercial activity. Whilst the frontage between Brompton Road and the site includes a mix of commercial and residential uses, uses beyond the site in Montpelier Street and Montpelier Place are currently predominantly residential. The immediate area is thus one of transitional character whose functions are mixed and include both daytime and night-time uses. This is reflected in prevailing noise environment which becomes quieter with increasing distance from Brompton Road, but which is far from tranquil adjacent to the appeal site.
27. Within this context Policy KBR14 of the NP states that intensification of entertainment uses must demonstrate no adverse impact on residential amenity. Entertainment uses include restaurants. The assertion that the appeal scheme would result in intensification forms the basis for amenity concerns.
28. The lawful use of the appeal site is as a restaurant. Given ongoing works it is not currently operational. However, its operation was previously subject to limited restrictions which were chiefly imposed by the licensing regime. Whilst this covered opening times, there were no restrictions placed on the layout of tables, chairs and stools, how many covers or sittings this could provide, how patrons might arrive or leave, the type of cuisine, dining experience or operating style involved. The only limit to the number of patrons who might be admitted was dictated by fire safety requirements.
29. Insofar as a change of use is proposed by both schemes this would only be in relation to conversion of the upper floors of the restaurant to residential. In neither case would any change of use occur in relation to the remaining floor space of the restaurant, which would in consequence become smaller. No matter how much more efficiently a smaller space can be used, a larger space will normally be capable of supporting a greater amount of activity. This is particularly pertinent in relation to the scheme subject of Appeal B given that the parts of the building that would continue in use as a restaurant fall outside its scope. As intensification of a lawful use does not generally require planning permission, making more efficient use of space within this context is clearly not unacceptable in principle. It is otherwise hard to see how making more efficient use of space can be credibly equated with intensification where the overall space available for use is undergoing contraction.
30. The main parties agree that the restaurant would support no more covers in the future than it did in the past. Though this is disputed by interested parties, I have been provided with no evidence which definitively contradicts the

affidavit provided by the previous operator. As outlined above, scope otherwise existed for variation. The restaurant would also open at the same times. Though slightly more bar area would be provided, the parameters within which the use would operate would essentially remain the same as previously. The fact that the dining experience and clientele might differ given the indicated switch from Italian to fine dining is hardly relevant, and nor are claims that the restaurant could operate as drinking establishment or night club, given that each would entail a change of use. Whilst the identity and offer of the restaurant would clearly differ, there would be no fundamental change in the character of the use.

31. Claims that intensification would occur otherwise chiefly focus on the assumed levels of future patronage of the restaurant. However, this cannot be known with any certainty, regardless of the international profile of the prospective operator, and the apparent popularity of its existing venues in other parts of the world. Interested parties further consider that the apparently limited local patronage of the previous restaurant represents a baseline against which to measure acceptability. However, whilst I have been provided with no more than anecdotal evidence for levels of past custom, such an approach seeks to place greater emphasis on business performance than it does the use. All else being equal, it cannot be reasonable to seek to constrain a future business on the basis of the performance of its predecessor, or to measure intensification in this way.
32. Given the agreed position that the majority of works to the restaurant shown on the plans in relation to Appeal A do not require planning permission, the above discussion is in any case largely academic. Indeed, whether or not Appeal A was allowed, the internal layout shown, could and most likely would be implemented with some minor adaptation, with either the layout of tables, chairs and stools shown, or a wholly different layout then installed. The restaurant could itself then reopen subject to the same level of control as previously. That being so, the consequence of dismissing the appeal would mainly be to prevent residential use of the floors above, and external alterations which have already been granted listed building consent.
33. For the above reasons I find that neither appeal scheme would result in intensification of the restaurant use. Its use would otherwise remain consistent with that of the transitional character and mixed functions of the area, with no greater scope for late night noise and disturbance than existed previously.
34. Insofar as both schemes entail adding residential accommodation over a restaurant, the living conditions of future occupants can be adequately secured by condition.
35. Policy KBR15 of the NP which relates to early morning and night-time uses was also cited in relation to this matter, and its relevance was contested. In this regard Part C applies to specified uses which are listed with reference to the Use Classes as they existed up to August 2020. Class A3, which previously applied to restaurants, is not included. Uses within what was Class A3 are now placed within Class E, as are some other uses which are listed within part C of Policy KBR15. Be that as it may, Part C cannot now be interpreted as applying to restaurants given that it was clearly not written to apply to restaurants. Part C of Policy KBR15 of the NP is therefore irrelevant.

36. Interested parties have raised some additional amenity concerns in relation to use of a new fire door which would open onto Montpellier Place, and overlooking which might arise from the proposed roof terraces and green roofs. Whilst use of the fire door can be properly controlled by condition, the terrace within the scheme subject of Appeal B would be enclosed by the extension. The location of the terrace within the scheme subject of Appeal A would itself be a sufficient distance from the frontage that it is unlikely that any meaningful views would exist beyond the parapet. The green roofs which feature within both schemes are clearly not intended as amenity spaces, and their use could again be controlled by condition.
37. Insofar as shisha smoking has been referenced by interested parties, this may be an activity which occurs outside some premises within the wider area, however, the appeal schemes do not include any proposal to support such activity. Whilst interested parties have additionally claimed that the appeal schemes would attract drug dealers and beggars into the area, I see no legitimate grounds for such concern.
38. For the reasons outlined above I conclude that the effects of both appeal schemes on neighbour amenity would be acceptable. Each would therefore comply with Policy 7 of the CP insofar as this states that development will be neighbourly where it protects and positively responds to local character. Whilst the decision notices also reference Policy 16 of the CP this is most logically interpreted as applying to new rather than existing 'food and drink' uses.

Conditions: Appeal A

39. I have imposed a standard condition specifying the time period for commencement of the development. This is notwithstanding commencement of the related listed building consent and taking into account the agreed position that such works did not require planning permission. A second condition identifies the approved plans for sake of certainty. In this regard I have added reference to plans detailing the windows, doors and the shopfront approved in the context of the related listed building consent. This is in the interests of clarity and consistency and avoids the need for suggested conditions covering these matters.
40. Conditions (3) – (7) outline a series of restrictions in relation to noise and vibration. They are principally required in order to ensure that acceptable living conditions are provided for future occupants of the flats, though additionally limit the extent to which disturbance of other noise sensitive uses can occur. I have omitted a need for testing, and reference to the option of applying to set an alternative fixed maximum noise level, as neither is essential, and conditions can be otherwise appropriately varied.
41. Condition (8) requires a car club scheme to be established in order to help manage parking demand in the area. I have not included the suggested specification of what such a scheme should contain as this is capable of being agreed through discharge of the condition.
42. Conditions (9) and (10) require provision of the bin and cycle store in order to ensure that occupants of the flats have suitable places to store waste and cycles. As the bins will presumably be supplied by the Council, there is no need to reference them.

43. Condition (11) requires planting details of the green roof and provision of a management plan. This is in the interests of enhancing biodiversity.
44. Condition (12) restricts use of the green roof in order to both avoid the potential for adverse effects related to overlooking, and conflict with the purpose of Condition 11. There is no related need to restrict use of the terrace to the first floor flat as it would clearly form part of and would only be accessible through it. Whilst interested parties have proposed wide ranging restrictions to the way in which future occupants could use the terrace, I see no justification for this given that it would be a small private space with limited external exposure.
45. Condition (13) restricts use of the new door on Montpelier Place to that of a fire door. This will limit scope for disturbance of neighbouring occupants arising from its use.
46. Condition (14) places limits use of the awning in the interests of pedestrian safety.
47. I have not imposed a condition limiting the number of customers, or a number of suggested conditions which seek to restrict the way in which the restaurant would be managed, run and would operate. No such restrictions exist at present, and none would have existed had I dismissed Appeal A, and had the restaurant then simply reopened following the current construction works. Such restrictions are therefore unreasonable.
48. A restriction of opening times is unnecessary given that this is controlled by licensing. Likewise, I have not imposed a condition in relation to odour.
49. There is also no need for a condition restricting the 'placement' of machinery, ducts, tanks, satellite or radio aerials on the main roof, as all would presumably be fixed and thus require planning permission and/or listed building consent.
50. There is also no need for conditions requiring use of matching materials, method of construction and finished appearance, or removal of air conditioning units as these conditions are imposed on the related listed building consent and need not be duplicated.
51. In the absence of any clear or exceptional reason why the restriction of changes of use within Class E should be considered either relevant or justified no such restriction is imposed.
52. Finally, I have not imposed any conditions relating to the control of construction activity. This is because construction is already ongoing in relation to implementation of the related listed building consent. In this regard there appears to little additional scope for undue disturbance of neighbours from implementation of the few works identified as specifically also requiring planning permission.
53. Insofar as interested parties suggest that conditions should additionally seek to control the way the flats would be let, I have been provided with no evidence which clearly demonstrates a need for this. The need for conditions in relation to a wide range of NP policies has also been suggested, however no draft text of these conditions has been provided.

54. The appellant has proposed a condition restricting shisha smoking inside and outside the restaurant. However, as already established, shisha smoking is not proposed, and it is otherwise unclear why a separate need exists to restrict it. It would in any case be illegal for this to occur inside the restaurant.

Conclusions

Appeal A

55. For the reasons set out above I conclude that the appeal should be allowed.

Appeals B and C

56. For the reasons set out above the scheme subject of Appeals Band C would cause unacceptable harm to designated heritage assets, and in relation to Appeal B, would conflict with the development plan taken as a whole. There are no other considerations which alter or outweigh these findings. I therefore conclude that Appeals B and C should be dismissed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 200_242_REV A; 200_243_REV A; 200_244_REV A; 200_515_REV B; 200_250_REV F; 200_251_REV F; 200_252_REV E; 200_253_REV C; 200_254_REV C; 200_351_REV C; 200_355_REV A; 200_361_REV A; 200_364_REV B; 200_369_REV A; 200_370_REV A; 200_373_REV A; 200_377_REV A; 200_381_REV A; 200_450_REV E; 200_451_REV F; 200_452_REV D; 200_453_REV D; 200_508_01 REV D; 200_510_REV B; 200_531 REV E; 200_590 REV B; 200_555 REV A; 200_556 REV A; 200_557 REV A; 200_558 REV A; 200_599 REV A.
- 3) The flats hereby permitted shall incorporate sound insulation measures sufficient to ensure that their occupants will not be exposed to levels of external noise indoors of more than 35 dB LAeq 16 hrs daytime and 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 octave bands 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).
- 4) The acoustic attenuation measures shown on the approved plans shall be installed prior to first use of the plant and machinery to which they relate. The acoustic attenuation measures shall thereafter be retained and maintained for as long as the plant and machinery to which they relate remains in use.

- 5) Where noise emitted from the plant and machinery hereby permitted does not contain tones and is not intermittent, the 'A' weighted sound pressure level 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. 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.

Where noise emitted from the plant and machinery hereby permitted contains tones or is intermittent, the 'A' weighted sound pressure level 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. 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.
- 6) No vibration shall be transmitted through the building structure and fabric 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.
- 7) The retractable skylights to the restaurant shall stay closed before 08:00 and after 20:00 each day.
- 8) The flats hereby permitted shall not be occupied until details of a car club scheme which shall be operated for the benefit of all future occupants of the flats have been submitted to and approved in writing by the local planning authority. The car club scheme shall then be operated in accordance with the approved details.
- 9) Prior to the first occupation of the flats hereby permitted, the bin store shown on approved plans shall be provided and made available for use by occupants of the flats for the storage of waste and recycling. The bin store shall thereafter be retained and kept available for these uses at all times.
- 10) Prior to the first occupation of the flats hereby permitted, the cycle store shown on approved plans shall be provided and made available for use by occupants of the flats for the storage of cycles. The cycle store shall thereafter be retained and kept available for this use at all times.
- 11) The green roof hereby permitted shall not be installed until planting details, together with a management plan outlining how the roof will be maintained in the interests of biodiversity, have been submitted to and approved in writing by the local planning authority. The roof shall then be installed in accordance with the approved details and managed thereafter in accordance with the approved management plan.
- 12) The green roof hereby permitted shall be used for no purpose other than as an emergency escape route.
- 13) The new fire escape door hereby permitted within the elevation fronting Montpelier Place shall be used as a fire exit, and for no other purpose, and shall be kept securely shut at all other times.

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

APPEARANCES

For the Appellant

Alex Graham BA(Hons) BPI MRTPI	Planning Consultant, Savills
Dave Ellis ARB RIBA	Architect, Rigby and Rigby
Hannah Cates	Heritage Consultant, Turley
Rebecca Mark ARB RIBA	Architect, Rigby and Rigby
Reuben Taylor KC LLB(Hons)	KC, Landmark Chambers

For the Council

Aurore Manceau	Senior Planning Officer
Jennie Humphrey	Design and Conservation Officer

Interested Parties

Alan Divall	Local resident
Catherine Fraser	Local resident
Cathryn Vanderspar	Local resident
Caroline Stoclin	Local resident
Cllr Elizabeth Hitchcock	Councillor for Knightsbridge and Belgravia
Dan Kolinsky KC	KC, Landmark Chambers (rep Knightsbridge Association)
Daniel Quirici	Montpelier Garden Square Association
Francesco Brenta	Local resident
Ian Shackleton	Local resident
John Dunbar Roake	Local resident
Melville Haggard	Knightsbridge Association
Mita Bannerjee	Local resident
Pastor Lars Klehn	The Deutsche Evangelische Christuskirche
Ravi Bulchandani	Neighbour
Simon Birkett	Knightsbridge Neighbourhood Forum
Zohreh Edmonds	Local resident

Documents presented at the Hearing

Appeal decision APP/K5600/W/20/3262527

Knightsbridge Neighbourhood Forum list of conditions