



City of Westminster

# Committee Agenda

Title: **Planning Applications Sub-Committee (4)**

Meeting Date: **Tuesday 26th September, 2017**

Time: **6.30 pm**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**  
Angela Harvey (Chairman)  
Iain Bott  
Jonathan Glanz  
Barbara Grahame

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |   |                          |
|---|--------------------------|
| <b>1. DEVELOPMENT SITE AT ST MARY'S HOSPITAL, PRAED STREET, LONDON</b>                            | <b>(Pages 5 - 70)</b>    |
| <b>2. 382-386 EDGWARE ROAD, LONDON, W2 1EB</b>  | <b>(Pages 71 - 100)</b>  |
| <b>3. WESTERN MARBLE ARCH SYNAGOGUE, 1 WALLENBERG PLACE, CITY OF WESTMINSTER, LONDON, W1H 7TN</b> | <b>(Pages 101 - 118)</b> |
| <b>4. 53 GREAT TITCHFIELD STREET, LONDON, W1W 7PT</b>   | <b>(Pages 119 - 134)</b> |
| <b>5. 55 LONG ACRE, LONDON, WC2E 9JL</b>  | <b>(Pages 135 - 148)</b> |
| <b>6. 97 WESTBOURNE PARK VILLAS, LONDON, W2 5ED</b>   | <b>(Pages 149 - 172)</b> |

**EXEMPT REPORTS UNDER THE LOCAL GOVERNMENT ACT 1972**

**RECOMMENDED:** That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item(s) of business because they involve the likely disclosure of exempt information on the grounds shown below and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

Item No of the Act	Grounds	Para of Part 1 of Schedule 12A
7	Information relating to the financial and business affairs of an individual including the authority holding the information and legal advice	3

7. 16 LEINSTER TERRACE, LONDON, W2 3EU

(Pages 173 - 196)

**Charlie Parker**  
**Chief Executive**  
**18 September 2017**

This page is intentionally left blank

# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 26th September 2017  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s) :</b> 16/11914/FULL  Hyde Park	Development Site At St Mary's Hospital Praed Street London	Demolition of existing buildings and the erection of a basement plus eight storey hospital building with associated link bridge (Use Class D1), with flexible Class D1/A1/A3 floorspace at ground floor level, and associated works including access, servicing and patient drop-off facilities.(EIA Application accompanied by an Environmental Statement).	
<p><b>Recommendation</b> For Committee's consideration</p> <ol style="list-style-type: none"> <li>1. Do members consider that the clinical needs cited by St Mary's Hospital, particularly their confirmation that a fit for purpose outpatients building needs to be of this size and scale and that this is the only site where they claim they can deliver the building within their campus, provides sufficient justification and public benefit to outweigh:               <ol style="list-style-type: none"> <li>a. The significant loss of residents' amenity, resultant from loss of daylight and sunlight, sense of enclosure, and noise and disturbance from the overall intensification of activities on the site.</li> <li>b. The loss of on-site car parking (30 spaces) for hospital staff.</li> </ol> </li> <li>2. Subject to 1. above, grant conditional planning permission subject to the views of the Mayor of London, and subject to a S106 legal agreement to secure the following:-               <ol style="list-style-type: none"> <li>I. Payment for the cost of highways works necessary to facilitate the development, including new footway, footway crossovers, revised parking bays.</li> <li>II. £162,000 (index linked and payable on commencement) towards carbon offset fund.</li> <li>III. £15,000 (index linked and payable on commencement) towards replacement of 3 street trees.</li> <li>IV. Monitoring costs.</li> </ol> </li> <li>3. If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then               <ol style="list-style-type: none"> <li>a) The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol> </li> </ol>				
2.	<b>RN(s) :</b> 17/04311/FULL  Church Street	382-386 Edgware Road London W2 1EB	Construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace; basement excavation and external facade alterations in association with the provision of four retail units at ground floor level and 7 residential units and additional office (Class B1) floorspace on the upper levels.	
<p><b>Recommendation</b> Grant conditional permission.</p>				
3.	<b>RN(s) :</b> 17/04338/FULL 17/04339/LBC	Western Marble Arch Synagogue	Use of part fourth floor, new fifth floor extension and adjacent fifth floor plant room to provide hotel accommodation with associated terrace areas (Class	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 26th September 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Bryanston And Dorset Square	1 Wallenberg Place City Of Westminster London W1H 7TN	C1) in connection with the hotel at 2 Wallenburg Place; installation of new access ladder, platform and access doors to the existing flue at rear second floor level and internal alterations at third and fourth floor levels. (APPLICATION SITE INCLUDES 2 WALLENBURG PLACE)	
<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 17/02844/FULL  West End	53 Great Titchfield Street London W1W 7PT	Use of ground floor and basement as a restaurant (Class A3), alterations including the installation of full height extract duct and plant at rear basement level, installation of kitchen supply inlet, toilet extract and general extract to ground and first floor rear facade and installation of a cigarette bin to the shopfront on Great Titchfield Street.	
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 17/03147/TCH  St James's	55 Long Acre London WC2E 9JL	Use of an area of the public highway on the Hanover Place frontage for the placing of four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use	
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 17/05606/FULL  Bayswater	97 Westbourne Park Villas London W2 5ED	Use of part basement and ground floors as 1 x 2 bedroom maisonette (Class C3) and external alterations including creation of front lightwell with associated railings, staircase and new windows to front elevation and installation of raised terrace with associated railings and doors to rear elevation.	
<b>Recommendation</b> Grant conditional permission.				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 26th September 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

7.	<p><b>CONFIDENTIAL ITEM</b>                  This item is due to be published on the 'confidential' part of the agenda as the report involves the likely disclosure of exempt information relating to legal advice.</p>			
	<p><b>RN NO(s):</b>                  16/09230/CLEU                  D                   Lancaster Gate</p>	<p>16 Leinster                  Terrace                  London                  W2 3EU</p>	<p>Sui generis                  mixed hotel and                  short stay hostel                  use comprising                  of 16 private                  bedrooms and                  28 dormitory                  bedrooms (no                  more than 9                  beds per                  dormitory                  bedroom) with                  minor temporary                  variations in the                  use of up to 8                  rooms to                  accommodate                  guest                  requirements.  <b>(Addendum                  Report)</b></p>	<p>Totalvition Limited</p>
	<p><b>Recommendation</b>                  Refuse Certificate of Lawfulness – on grounds that the evidence submitted is insufficiently consistent and unambiguous to demonstrate on the balance of probability that the use as a mixed hotel and short stay hostel use (Sui Generis) has been the lawful use of the application premises for the relevant 10 year period.</p>			

This page is intentionally left blank



# Agenda Item 1

Item No.
----------

1
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 26 September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Development Site At St Mary's Hospital, Praed Street, London, W2</b>		
<b>Proposal</b>	Demolition of existing buildings and the erection of a basement plus eight storey hospital building with associated link bridge (Class D1), with flexible Class D1/A1/A3 floorspace at ground floor level, and associated works including access, servicing and patient drop-off facilities		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Imperial College Healthcare NHS Trust		
<b>Registered Number</b>	16/11914/FULL	<b>Date amended/ completed</b>	22 December 2016
<b>Date Application Received</b>	14 December 2016		
<b>Historic Building Grade</b>	N/A		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

<p>For Committee's consideration</p> <ol style="list-style-type: none"> <li>1. Does the Sub-Committee consider that the clinical needs cited by St Mary's Hospital, particularly their confirmation that a fit for purpose outpatients building needs to be of this size and scale and that this is the only site where they claim they can deliver the building within their campus, provide sufficient justification and public benefit to outweigh:             <ol style="list-style-type: none"> <li>a. The significant loss of residents' amenity, resultant from loss of daylight and sunlight, sense of enclosure, and noise and disturbance from the overall intensification of activities on the site.</li> <li>b. The loss of on-site car parking (30 spaces) for hospital staff.</li> </ol> </li> <li>2. Subject to 1. above, grant conditional planning permission subject to the views of the Mayor of London, and subject to a S106 legal agreement to secure the following:             <ol style="list-style-type: none"> <li>i. Payment for the cost of highways works necessary to facilitate the development, including new footway, footway crossovers, revised parking bays.</li> <li>ii. £162,000 (index linked and payable on commencement) towards carbon offset fund.</li> <li>iii. £15,000 (index linked and payable on commencement) towards replacement of 3 street trees.</li> <li>iv. Monitoring costs.</li> </ol> </li> </ol>
---

3. If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then
  - a. The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b. The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

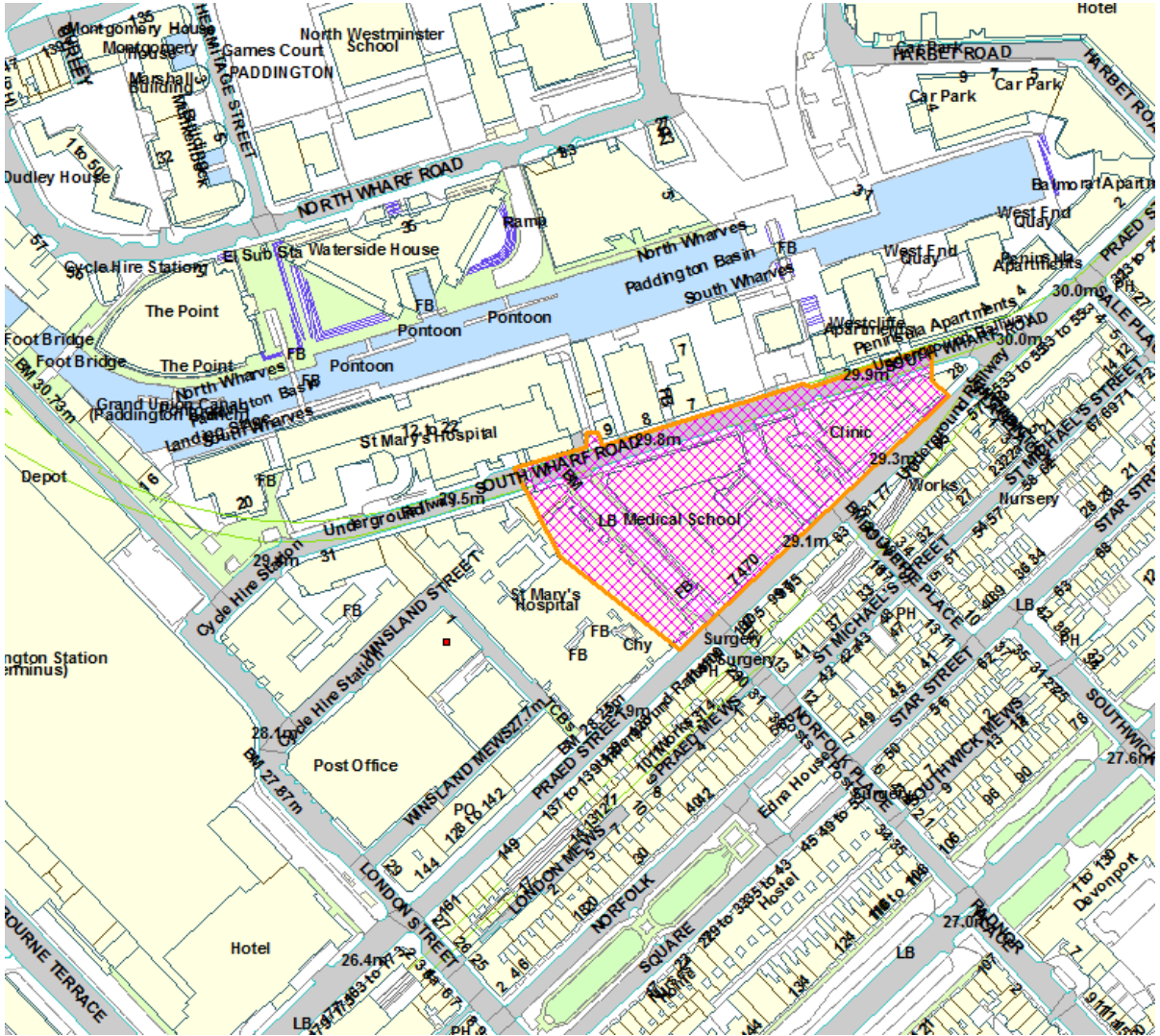
## 2. SUMMARY

Planning permission is sought to redevelop this “triangle site” within St Mary’s Hospital Campus to provide a new 8-storey (plus basement) hospital outpatient building. This is proposed as the first phase of the Hospital’s masterplan, which would in the future see this new building linked by a bridge over South Wharf Road to a further new building on the Acrow site opposite and the consequential sale of some of the existing buildings/sites on campus to fund the masterplan development.

There is general support for the principle of a new outpatients building, for the provision of such services within a single building and for the strategic benefits it would bring to patients. The proposal will result in a prominent landmark hospital building which will impact on the setting of listed buildings and the Bayswater Conservation Area. The harm to heritage assets is considered to be less than substantial and outweighed by the public benefits of the proposal. The Greater London Authority (GLA) and Historic England have not raised objection.

However, the impact of the new building on the amenities currently enjoyed by surrounding residential occupiers, in particular those in Westcliffe Apartments, has brought about significant representations of objections. The new hospital building would result in a significant loss of residents’ amenities and also a loss of on-site hospital car parking. The Sub-Committee is therefore asked to consider the public benefit of the development and the clinical needs and location requirements cited by St Mary’s Hospital and whether these provide sufficient justification to outweigh the acknowledged harm to resident’s amenities and loss of hospital car parking.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



View of site from Praed Street looking west.



View of site in Praed Street (top) and view from South Wharf Road (bottom).

## 5. CONSULTATIONS

### **NATIONAL PLANNING CASEWORK UNIT DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (Notification only, on planning application accompanied by an Environmental Statement)**

Acknowledgement.

#### **GREATER LONDON AUTHORITY**

The application is generally acceptable in strategic planning terms, but there are elements of the scheme that require addressing in order to ensure full compliance with the London Plan.

The provision of a new purpose built hospital building is fully supported and the scale, height and massing is appropriate for this civic building and it would make a positive contribution to the conservation area and in townscape views. The loss of the unlisted Salton House is acceptable in light of the significant public benefits of the scheme.

The carbon dioxide savings do not meet the targets within policy 5.2 of the London Plan. Further information and discussion is required to address the shortfall, clarification of greenfield runoff rates is required and the sustainability measures should be secured by condition. Given the Civic function of the building, consideration should be given at detailed design stage to the finishing, entrances and tapered steps and there are outstanding transport points that require clarification.

#### **NHS CENTRAL LONDON**

Any response to be reported verbally.

#### **WESTMINSTER PRIMARY CARE TRUST**

Any response to be reported verbally.

#### **TRANSPORT FOR LONDON**

Whilst the proposals are not felt to raise any significant transport issues, some clarification on trip generation, cycle parking and taxi and private hire access is needed before the proposals can be fully supported.

#### **LONDON UNDERGROUND**

No objection, subject to conditions to secure future maintenance plan for plant and equipment and ongoing communication with London Underground Engineers as the site is above the London Underground shallow tunnels and highways in this area and over structures.

#### **LONDON FIRE AND CIVIL DEFENCE AUTHORITY**

Any response to be reported verbally.

#### **ENVIRONMENT AGENCY**

No comments to make. The proposal is low risk in respect of the environmental constraints that fall under remit.

**THAMES WATER**

General comments given and conditions and informatives' requested. Request a condition to secure a piling method statement to be submitted before any piling takes place; an informative regarding ground water discharge and water pressure. No objection with regard to sewerage infrastructure capacity; Recommended that the Applicant; incorporate a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions; ensures that flows are attenuated or regulated into receiving public network through on or off site storage (discharge to a public sewer requires Thames Water Developer Services is required); Sections of pipes shared with neighbours or outside of sites which connect to a public sewer are likely to have transferred to Thames Water ownership

**CANAL & RIVER TRUST**

No comments to make.

**COUNCIL FOR BRITISH ARCHAEOLOGY**

Any response to be reported verbally.

**HISTORIC ENGLAND**

No comment. Application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**HISTORIC ENGLAND GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE (GLAAS)**

No objection, subject to a condition to require a two stage process of archaeological investigation.

**HISTORIC ROYAL PALACES**

No objection following receipt of additional visualisation of the proposed development from Kensington Palace looking north east, which demonstrates that the development would not be visible above the tree-line along the northern boundary of Hyde Park.

**NATURAL ENGLAND**

General guidance given. The proposal is unlikely to affect any statutorily protected sites or landscapes; Natural England standing advice on protected species is a material consideration; if adjacent to a local site the planning authority should have sufficient information to understand the impact before determining the application. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Local authorities must consult NE on development within or likely to affect Sites of Special Scientific Impact (SSSI).

**METROPOLITAN POLICE SERVICE (MPS) CRIME PREVENTION AND TP CAPABILITY.**

Strongly recommend that the project follows the guidance of Secured by Design Hospitals and consideration should be given by the planning department to condition the site to achieve Secured By Design accreditation, to ensure that all of the necessary security measures and features are incorporated, including security certified doors.

**WARD COUNCILLORS FOR HYDE PARK, BRYANSTON & DORSET SQUARE,  
CHURCH STREET, LITTLE VENICE, HYDE PARK**

Any response to be reported verbally.

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY**

Support the principle of development of the site for the renewal of the outpatient's facility of the hospital enabling the wider redevelopment of the hospital to increase patient services facilities for our community and the wider population of London. Whilst the proposed building impacts on the setting of the old Truman's public house we consider that proposed use of the site outweighs the harm that this will cause. We note the proposed height of the building in the context of the existing building on the remainder of the hospital estate and assume that there will be some increase in height as part of the redevelopment of the wider estate and as such we do not object to the proposed height of this phase. The final design of the fabric should complement the Truman Public house and adjacent building so that it sits in context with its surroundings. Please take neighbours' views into consideration.

**HYDE PARK ESTATE ASSOCIATION**

Supports the proposed new building and recognise the importance of building new outpatients facility. But have concerns about transport and road access to this facility for ambulances cars, taxis and other road users as outlined by PRACT. However do not view PRACTS submissions as requiring an objection, but ongoing planning consultation and as deemed necessary by WCC, further planning consents to resolve the issues raised.

**ST MARYLEBONE SOCIETY**

Support this initiative to upgrade the facilities at St Marys Hospital. But the matter of rights to light to the flats to the north needs to be resolved.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Comment made. Support principle of all out patients facilities in one building, but have the following reservations; i) No proper master-plan for the whole hospital and how this application would fit into it. ii) Amenity impact on Westcliffe apartments should be shown to be acceptable on standard norms, or the design modified to achieve that effect. iii) Drop off and pick up at the site would not cope if there were plans to include some or A & E facilities at this site. iv) Some ground floor retail units would be preferable on Praed Street. Why can a green roof not be incorporated. Support response from PRACT. May comment further on trees and reduction in ground floor commercial space.

**PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)**

Objection, further information and consideration required with regard to traffic and ambulance access. The capacity of South Wharf Road should be technically accessed to ensure it can cope with the development (& potential for 12 ambulances an hour, 4 via eastern end of South Wharf Road) and the cube development. Consider that more ambulances will use the eastern end of South Wharf Road. A defect of the application is that it does not make a link with the impact of the Cube and that it is unknown where A & E and how ambulances might reach it in the future. There is a strong interconnection between this application and that for the Cube. Request that any consent for this application should include provisions for it to be contingent upon a section 106 agreement, following completion of the work of the Steering Group set up to consider ambulance access in the context of the Cube, demonstrating that the two are consistent as regards



emergency ambulance access to A & E. This will all be relevant to the Cube Steering Group discussions.

Support principle of all out patients facilities in one building, but have the following reservations; i) No proper masterplan for the whole hospital and how this application would fit into it. ii) Drop off and pick up at the site would not cope if there were plans to include some or A & E facilities at this site.

### **PADDINGTON BID**

(The Bid represents over 350 businesses in the vicinity of Paddington Station)

Support. Have previously raised concerns over the need to manage cumulative effects of several major developments all occurring along Praed Street in the same timeframe. In conjunction with HPEA, SEBRA, PWMVS and PRACT propose that a sounding board is convened to consider all known and forthcoming developments and transportation issues likely to impact on Praed Street ( St Mary's Hospital, Cube, 50 Eastbourne Terrace, existing and predicted bus journeys, loading and servicing requirements for businesses and Paddington Station and taxi access and waiting issues). There is a need to consider these holistically.

### **ADULT & COMMUNITY SERVICES**

Any response to be reported verbally.

### **SCHOOLS AND CHILDRENS SERVICES**

No additional housing is proposed and therefore no requirement for additional school places. No further observations.

### **HIGHWAYS PLANNING**

Undesirable- concern at loss of 30 hospital related car parking spaces from the site and potential increased demand and parking pressure on on-street car parking. Loading bay & associated loss of 3 car parking spaces to South Wharf Road unnecessary. Taxi bay to Praed Street unnecessary and would impact on pedestrian highway.

### **CLEANSING**

No objection, subject to conditions. Original concerns have been addressed.

### **ARBORICULTURAL SECTION**

Objection. Loss of trees and lack of adequate replacement tree planting, greening and biodiversity.

### **BUILDING CONTROL**

Any response to be reported verbally.

### **ENVIRONMENTAL HEALTH**

Further information is required relating to noise survey, boilers and generators, air quality, vibration, Noise from drop offs,

### **GO GREEN PROGRAMME MANAGER**

Comment. Welcome working with the applicant to understand their energy master-plan and to explore the wider opportunities around energy in the area. The delay to connect to future upgraded heat network is logical and noted that a new heat network is planned for

the future. In order to address shortfall in carbon reduction, recommend planning obligation to connect to heat network servicing wider re-development within 5 years or a contribution of £162,000 to the carbon offset fund. Conditions recommended to secure 21% reduction in carbon compared to Part L of building Regulations and BREAM excellent post completion certificate.

### **ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 667.

Total No. of replies: 72.

No. of objections: 69.

No. in support: 3.

Objections raise on all or some of the following grounds:

#### Land use/Principle

- Great opportunity to build the next generation of NHS buildings in London, but there are issues with the proposal.
- Why can't the development be at the Hammersmith Hospital where there is a car park and space to build?
- Proposal is at the expense of residents and the character of the area.
- Details of the bridge and building it will eventually link to should be provided at this stage to enable a full assessment of its impact.

#### Design and townscape

- Must do better than this.
- The height of the building is not in keeping with the local character (e.g. significantly higher than the existing building, the restaurant/pub it neighbours and those opposite).
- Height not in keeping with conservation area, creating an uncomfortable relationship with the existing townscape especially the locally listed pub.
- Building is too large and incongruous
- The design of the building is cold and "alien".
- Towering glass edifice
- Another faceless/bland building that looks overly clinical when healthcare should look welcoming, adding to the community.
- Hospitals should make a positive contribution to innovative with nature and design
- A warmer palette of materials and finishes would respond better to its context

#### Transportation

- The building will consolidate significant footfall into a small area. Currently, the proposed services are spread over several buildings, bringing them all together will create congestion in one localised area.
- Transport assessment considers the wider impact of relocating the outpatients department and fails to assess the impact of the new entrance on its immediate neighbours.
- Increased traffic and congestion from the vehicular drop off.
- The drop off can accommodate 7 ambulances/cars which is an indication of the level of activity.
- Existing road not capable of accommodating existing traffic.
- South Wharf Road & Praed Street is already heavily congested.

- Proposal will create a bottleneck and congestion at the end of south Wharf Road with its junction with Praed Street and dangerous conditions for pedestrians & cyclists
- Use of drop off area will obstruct access to Westcliffe Apartments basement car park.
- Increased pressure on use of on-street car parking spaces.
- Detrimental impact on road safety
- Impact on access to underground car parking for Balmoral apartments
- Need to ensure sufficient car parking for visitors and patients.

#### Amenity

- Significant loss of daylight and sunlight windows, balconies and terraces, contrary to local and national policies.
- Resultant daylight levels would be below acceptable standards of the BRE guide.
- Significant increase in sense of enclosure
- Loss of view of sky
- Assessment does not extend to all flats within Westcliffe apartments or take into account the future bridge link which will exacerbate the impact.
- Loss of privacy.
- Noise and congestion

#### Masterplan

- Lack of comprehensive master plan approach
- The indicative master plan relocates all hospital facilities to the eastern side of the campus and the sale of the western side; it should be the other way around.
- Master plan approach fails to respect the character and land uses in the area by locating busy hospital uses next to a large number of residential properties.
- The master plan is contrary to the 2004 draft development brief.
- This application is illogical and premature in the absence of a wider master plan for St Mary's.
- The bridge link and helipad proposed in phase 2 of the master plan to be located next to Westcliffe apartments, have not been assessed at this stage and are of concern to residents.
- No robust justification for the illustrative master plan and relocation of facilities to the edge of the hospital campus adjacent to residential flats.
- Heli pad should be located further away from residential properties.
- Loss of light from proposed bridge.

#### Environmental

- Environmental Impact Assessment is flawed as it does not take account of the impact of the master plan.
- EIA does not assess bridge link or helipad
- Impact on air quality
- Can local utilities cope (water, electricity, telephone lines)
- Impact on other buildings foundations, especially given train station, crossrail and tube line.

#### Trees

- Loss of three Alder Trees from South Wharf Road with no details of replanting
- Loss of mature trees

- A robust green infrastructure strategy is required and trees should be replaced in the vicinity.
- Plans are not environmentally friendly.

#### Other

- Lack of meaningful public engagement, no meetings or small design workshops, only an exhibition shortly before submission. Therefore no room for meaningful discussion or alternative designs.
- Plans are very expensive and not the best use of financial resources.
- Impact on house prices
- Residents comments on have been completed ignored

Support given to proposal on all or some of the following grounds:

#### Support

- Really enjoy the building's history, community value and celebrity status. However, aesthetics must not get in the way of how much of a health and safety risk the building always was, as it prone to outbreaks of vermin and insects, breakdown in heating and lighting, roof leaks and subsidence. If a new building means keeping the staff and patients safe then it must take place.
- Improves health care facilities of St Mary's hospital in the long term
- Improves local area of Paddington
- Will significantly improve the experience of patients and give the local hospital up to date facilities
- Current facilities are cramped, outdated and inhospitable.
- Local residents deserve clean, modern hospital facilities
- The old buildings are difficult to negotiate for those with disabilities
- Should go higher to future proof and given surroundings.
- Patients are suffering from the age, poor conditions and spread of services across the estate
- The estate is long overdue refurbishment
- New building will save money

**PRESS ADVERTISEMENT/ SITE NOTICE:** Yes.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site and Surroundings**

#### **6.1.1 St Marys Hospital Campus**

The St Mary's Hospital Campus in Paddington, comprises around 13 buildings/sites, some of which are Grade II listed or unlisted buildings of merit and the larger part of the site falls within the Bayswater Conservation Area.

#### **6.1.2 The Application Site**

The application site, which is the subject of this planning application, is a triangular shaped plot of land close to the junction of Praed Street and South Wharf Road faces on to both of

these streets and which is located at the eastern end of the campus. It currently comprises of between two and eight storey hospital buildings known as Salton House, Victoria and Albert and Dumbell Buildings which lie within the Bayswater Conservation Area. The building at the western end of the application site – Salton House, which dates from 1936 is identified as an Unlisted Building of Merit within the addendum audit which was carried out when the conservation area was extended in 2010. The other buildings that are currently on the site, the Victoria and Albert Building and the Dumbell Building are relatively low quality modern buildings, which are identified as negative buildings within the addendum audit.

### **6.1.3 The Surrounding Area**

Within the immediate vicinity of the application site the nearest listed building is the grade II Clarence Wing of St Mary's Hospital which lies about 75m to the west along Praed Street. There are also a number of grade II listed terraced houses within the grid of streets to the south of the application site, notably in Star Street, Sale Place, Bouverie Place, Southwick Street and Sussex Gardens. The buildings to either side of the application site, namely the 1930s Medical School to the west of the site; and the 1930s former Grand Junction Arms Public House to the east are also within the conservation area and also identified as Unlisted Buildings of Merit. The Bayswater Conservation Area also extends over a considerable area to the south and west of the application site and is for the most part a nineteenth century townscape which is predominantly residential in character.

To the north of the application site and lying outside the conservation area are the buildings on the north side of South Wharf Road and in the area of Paddington Basin. These are for the most part modern buildings and together with the application site lie within the Paddington Opportunity Area.

The closest residential buildings are located opposite the site on the north side of South Wharf Road, known as Westcliffe and Peninsula Apartments and to the south, properties on Praed Street, which are generally in mixed use with commercial on the lower floors and residential uses above.

The surrounding area is in mixed commercial and residential use and benefits from high levels of public transport accessibility. Paddington National Rail, Heathrow Express, Paddington Underground Stations (Bakerloo, District, Circle and Hammersmith and City Lines), and seven bus services (7, 23, 27, 36, 159, 205 and 436) together with the future Crossrail link and station gives the site Public Transport Accessibility Level (PTAL) rating of 6b which is the highest possible rating. There is also a taxi rank and Mayor's Cycle Hire Scheme nearby.

The London Underground Bakerloo line crosses beneath the site, the Hammersmith and City line lies beneath South Wharf Road and the Circle line runs south of Praed Street.

## **6.2 St. Mary's Hospital and Hospital Masterplan**

### **6.2.1 St. Mary's Hospital**

The Imperial College Healthcare NHS Trust provides acute and specialist healthcare for a population of nearly 2 million people across five hospitals; St Mary's and Western Eye, Charing Cross, Hammersmith, Queen Charlotte's & Chelsea. St Mary's Hospital is the

only public hospital in Westminster treating around half a million patients a year. It is one of four major trauma centres sites, covering the North-West London region. It is also a major centre for emergency surgical care, acute medical and specialist services, outpatients, maternity and paediatrics for the region.

## 6.2. St. Mary's Hospital Masterplan and Strategy

It is proposed that St Mary's Hospital will provide for a local and major hospital (trauma & emergency centre) with a hyper acute stroke unit and a specialist ophthalmology hospital. To facilitate this, it is proposed to create two new hospital buildings within the campus connected by a bridge link across South Wharf Road. These two new buildings together with the existing Queen Elizabeth Queen Mother (QEQM) hospital building and the Lindo building would make up the new "Hospital campus". The new hospital campus is proposed to incorporate a roof top helicopter landing pad and changes to the pedestrian and vehicular access and routes (including for emergency vehicles) throughout the campus.

Apart from a possible future hospital expansion site adjacent to the Lindo building, the remaining buildings/sites within the existing Paddington campus, as well as the Western Eye Hospital Site on Marylebone Road, would be redeveloped for commercial mixed use purpose in order to fund the hospital's redevelopment plans. It is understood that the triangle building would be phase 1 of the overall redevelopment of St Mary's Hospital and that the applications relating to remaining parts of the masterplan would follow, including plans for a helipad. It is reasonable to expect that the remainder of the hospital development is likely to come forward in the foreseeable future. Clearly there will also be a functional relationship between the proposed outpatient facility at the triangle building (phase 1) and the remaining phases of the hospital redevelopment, particularly the proposed physical bridge link across South Wharf Road between the triangle building and other proposed hospital buildings within the Masterplan.

The applicant has indicated that their masterplan is indicative of their wider redevelopment that would be proposed, and that this current application is phase 1 of their masterplan. The applicant has stated that the triangle site proposed for their new outpatients building is the only location within the St Mary's Hospital campus where the proposed first phase (this current application for an outpatients building) of the wider hospital redevelopment can be delivered. It is stated that this is due to the context of the operational and clinical constraints associated with the requirement to redevelop the hospital whilst also maintaining the critical healthcare services that it provides and that the size of the building is required to bring together most of St Mary's hospital adult and children outpatients clinics as well as supporting diagnostics and to perform its expected functions.

The applicant has submitted details of five other strategies that were considered, before their preferred strategy was brought forward. The strategies consider various iterations on the location of the proposed new (condensed) hospital campus, but disregard them for various reasons including a failure to purchase adjoining sites (Post office site, Imperial College site), unsuitable decanting, or inappropriate for clinical distribution of activities.

Furthermore the triangle site was chosen for the first phase of the redevelopment of the campus due to the predominantly non-clinical functions on the site and was broadly the appropriate size to accommodate most of the existing outpatient's facilities from across the hospital campus with limited disruption to patients. Its' proximity and adjacency to the

Acrow site, the next logical phase in the hospital masterplan, and the existing QEQM building was also a factor.

In seeking to understand this justification, it is considered that the strategies that relied on purchasing adjacent sites (Royal Mail Group & Imperial College sites) are of limited relevance given the hospital's own admission that the development requires funding from the sale of part of their campus. The remaining three strategies considered, were disregarded for reasons of decanting and clinical distribution activities, which given the specific hospital reasoning is difficult for officers to fully assess. However, notwithstanding this it is noted that this summer the applicant asked a range of property developers to test the current approach set out in their indicative 'masterplan'. The outcome of this is unknown.

A number of residents have questioned the hospital's justification for their strategy and have suggested alternative sites within the campus, away from residential accommodation are more appropriate and would not cause such a significant loss of amenity to existing residents.

On Officers request the applicant has provided a supplementary note in relation to the rationale for the selection of the site for the proposed new outpatients building and its size and scale.

The note reiterates that the applicant considers the site is the only location within the St Mary's Campus where the first phase of the hospital masterplan can be delivered on the basis of operational and clinical constraints to develop whilst continuing to operate services throughout all phases of the masterplan development. Further that the size and scale of the building is required for the building to perform necessary functions. It states that the Hospital Trust published a clinical strategy in 2014 kick starting a long term programme of clinical transformation to respond to immediate pressures and to meet future health needs. It states that the triangle site was chosen because of the existing predominantly non-clinical, stand-alone uses (easier to relocate) that take place on the site, compared to other parts of the site which house important clinical functions including wards, theatres and major trauma centre and which require adjacency to other hospital functions. The applicant has also stated that the triangle site was broadly the right size for most of the outpatient services and close to the Acrow site and QEQM. For all of these reasons the applicant considers the triangle site to be the only feasible first phase.

As set out above, given the specialist clinical and decant reasons given by the Hospital for their choice of strategy and this application as phase 1 of the masterplan development, it is difficult for officers to fully examine and analyse whether this is satisfactorily justified.

### **6.3 Application Site Land Use and Special Policy Area Designations**

The site falls within the following designations:-

- Paddington Opportunity Area (Strategic Site)
- St Mary's Hospital Opportunity site (Opportunity Site)
- Paddington Special Policy Area (PSPA)
- North West Westminster Economic Development Area (NWEDA)
- Praed Street is a designated District (Major) Shopping Centre.

- The Mayor's Central Activities Zone (CAZ)
- Within Area of Public Open Space Deficiency
- In Proximity to Areas deficient in publicly accessible play space
- Lies adjacent to the Paddington Basin, as part of the Grand Union Canal forms part of the Blue Ribbon Network (Site of Importance for Nature conservation).

#### 6.4 Recent Relevant History

A request for a scoping opinion before submission of a planning application was submitted to identify the information to be provided in an Environmental Impact Assessment, pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended 2015, in connection with the proposed development of a new Outpatients building (Phase 1 of the St Marys Hospital redevelopment) on the site comprising the existing Salton House, Victoria and Albert and Dumbbell buildings, bound by Praed Street and South Wharf Road, and in connection with the proposed development of a reconfigured Winsland Street on the site comprising the existing outpatients buildings, Jefferiss and Winston Churchill Wings and Mary Stanford Wing.(16/09933/EIASCO). Opinion issued on 23 November 2016.

There have been various applications relating to the site and St. Mary's Hospital Campus; however, none are specifically relevant to this application.

## 7. THE PROPOSAL

### 7.1 Summary of Proposal

Planning permission is sought for works of demolition and redevelopment. The development can be broken down into a number of key elements:

- Demolition of the existing buildings within the site known as Salton House, Victoria and Albert and the Dumbbell Buildings.
- Construction of a triangle shaped building (The Triangle) comprising of an 8-storey building with a single basement level and roof top plant level.
- Future bridge link across South Wharf Road to link the proposed new building with a future development on the Acrow site.
- Use of building as St Mary's Hospital Out Patient-department, with ground floor flexible use for retail/restaurant or medical (Use Classes A1/A3/D1)
- Associated works including access, servicing and patient drop-off facilities.

Note that following completion of the development and reconfiguration of services around the campus the existing outpatient buildings (outpatients, Jefferiss and Winston Churchill) will be left vacant to make way for the comprehensive redevelopment of the campus.

### 7.2 Detailed Description of Proposed Development

The proposals would see the demolition of all of the existing buildings on site including Salton House, an unlisted building of merit.



The new hospital outpatients building will comprise an 8-storey “triangle shaped” building, with roof top plant level, above a single basement with a central internal atrium courtyard and street frontages to both Praed Street and South Wharf Road.

The basement of the building is proposed to accommodate ancillary facilities (cycle parking, changing facilities, and plant room). The ground floor would incorporate an off street layby for vehicles to drop off and pick up and the main public entrance to the building would be from both South Wharf Road and Praed Street via a central atrium courtyard, with a reception/waiting area, a separate staff entrance, phlebotomy, pharmacy and café. Floors 1-7 would comprise of outpatients facilities including the following services; adult, women’s and paediatric outpatients, adult therapies, HIV, Sexual health clinic, orthopaedic clinic, diagnostics, procedures and staff hub.

A roof top plant level is also proposed with small brown roofs to the corners.

The proposal also seeks to make changes to the vehicular and pedestrian highway with respect to the removal of car parking bays, the introduction of taxi and loading bays. The removal of a number of street trees is also proposed to facilitate the development.

The building would as part of the hospital’s future masterplan is linked by a four storey bridge across South Wharf Road to a future development on the Acrow site.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The building is proposed to be used predominantly for medical use falling with Class D1 (Non- residential institutions) as an Out-Patient department for St Mary’s Hospital, but with a mix of complimentary uses at ground floor level including a pharmacy and café. In land use terms the principle of such a proposal to improve the NHS health facilities is welcomed under policy SOC 4 of the Unitary Development Plan (UDP) and S34 of Westminster’s City Plan (the City Plan). It is also supported by London Plan policy 3.17 which supports development proposals which supports development proposal which provide high quality health and social care facilities in areas of identified need, particularly in areas easily accessible by public transport.

Policy SOC4 also states that when the City Council considers such development proposals it will balance the need to meet demand for health services and the needs of the health service against the effect of the proposals on the surrounding area and nearby activities. In this case the strategic benefits of the scheme will be a key consideration in the assessment of these proposals.

The introduction of a café and pharmacy at ground/street frontage to Praed Street will activate this part of the frontage shopping centre and will add to its vitality which is welcomed.

The promotion, retention and improvement of St Mary’s hospital health facilities and associated supporting active uses is encouraged and welcomed within the Paddington

Opportunity Area and policy S3 of the City Plan and accords with the designation as part of St Mary's Hospital opportunity site and the draft development brief for St Mary's Hospital and Post office sites ( 2004). The St Mary's Hospital draft Planning Brief from December 2004, which supplanted an original 1991 brief. The brief outlines the potential for new opportunities for the redevelopment of the hospital and for mixed use development.

## 8.2 Townscape and Design

### 8.2.1 Legislation and Policy Context

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and a detailed description has been provided within the applicant's Environmental Statement but it is considered worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance:

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 72 of the same Act indicates 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 NPPF the key considerations with respect to the historic environment are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets.

Policy S3 of the City Plan - Paddington Opportunity Area - The site lies within the Paddington Opportunity Area and the policy promotes the retention and improvement of the St Mary's Hospital facilities to provide healthcare at all levels and provision. Paragraph 3.14 of this policy states:

*"Evidence indicates that there is very limited potential for the location of tall buildings within the Opportunity Area<sup>ii</sup>. The Opportunity Area has scope for the development of medium height large floorplate buildings in keeping with the larger buildings in the surrounding townscape. Permission has been granted for one significantly higher tall building of exceptional quality on Harrow Road between North Wharf Road and Harbet Road to act as a landmark for the Opportunity Area."*  
(ii – The High Building Study 2000)

The Reasoned Justification to the policy states:

*"The redevelopment of sites in the Paddington Opportunity Area has established a general height and scale for new buildings reflecting that of the higher buildings in the surrounding area. The location identified for the tall building set out in the policy allows for the creation of a landmark building but without harm to the character of the surrounding townscape."*

Policies S25 and S28 of our City Plan are strategic policies which recognise the importance of Westminster's historic townscape and the need to conserve it, and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of our UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 3 of the UDP relates to High Buildings and seeks to protect and enhance Westminster's townscape, historic character and skyline.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 7 of the UDP seeks to ensure the highest standards of design in all townscape details, including encouraging the provision of public artwork for suitable schemes of redevelopment.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings and indicates that unlisted buildings of merit will enjoy a general presumption against demolition, but that demolition may be permitted if the proposed development will result in an enhancement of the conservation area's overall character or appearance. This policy also seeks to protect the setting of conservation areas.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

Policy DES 12 of our UDP seeks to protect the integrity and appearance of Parks, Gardens and Squares. This includes protecting existing views out from parks. Finally policy DES 15 seeks to protect Metropolitan and Local Views, and indicates that permission will not be granted for developments which would have an adverse impact upon important views of listed buildings, landmark buildings, important groups of buildings, monuments and statues, parks, squares and gardens, the Grand Union and Regent's Canal and the River Thames.

### **8.2.3 Loss of Existing Buildings**

The demolition of the post-war Victoria and Albert Building and the Dumbbell Building, is considered to be a potentially positive outcome. These parts of the site are identified as making a negative contribution to the conservation area and their redevelopment offers the opportunity for significant enhancement.

One of the most direct impacts of the proposal will be the demolition of Salton House, which is an Unlisted Building of Merit within the Bayswater Conservation Area. It was

designed by Sir Edwin Cooper as part of a 1930s masterplan, which saw notable expansion and investment in the hospital complex and also saw the construction of the adjacent Medical School and Pathology Unit (1933) and the Lindo Wing (1936), which were also both to designs by Cooper. Salton House was designed to be used as nurses' living accommodation and it is evident from the historic research undertaken and from an inspection of the building that it was intended to be a far larger building, occupying the entire current application site, with long facades onto both Praed Street and South Wharf Road. However, only this western range of the building was ever realised and, like the other Cooper buildings on the site, has been designed in a restrained neo-Georgian style, primarily built in brick with stone dressings and timber sash windows. Elements of the east-facing side of the building reveal its unfinished appearance, with sections of exposed toothed brick and non-facing brick, as well as a reduction in stone detailing and overall design refinement. Thus while the building is of historic and architectural interest, and is associated with the work of Sir Edwin Cooper, a notably architect of the period, its merit is somewhat compromised by its unfinished condition.

The loss of Salton House will result in a degree of harm to the Bayswater Conservation Area and to the complementary qualities that Sir Edwin Cooper's buildings provide to the hospital campus, but in the terms of the NPPF, the level of harm is considered to be less than substantial, as the significance of the designated asset (i.e. the Bayswater Conservation Area) will to a large extent be retained. In these circumstances the NPPF at paragraph 134 requires that the harm should be weighed against the public benefits of the proposal. The GLA consider that the public benefits of the scheme outweigh the loss within the conservation area. Similarly policy DES 9 of our UDP indicates that permission may be granted if the design quality of the proposed development results in an enhancement to a conservation area's overall character or appearance.

#### **8.2.4 Proposed Building**

The new hospital building will be a substantial intervention into the local townscape and, particularly in views from the east approaching the site from Edgware Road, will appear as a very prominent landmark for the hospital campus. Given its size and position close to the junction of Praed Street and South Wharf Road, the new building is very much one that will be capable of being viewed in the round, i.e. it doesn't really have a rear facade.

The ground floor of the building will be punctuated by a wide opening running through the building and connecting Praed Street and South Wharf Road. On the latter side of the building will be located a pick-up and drop-off zone undersailing the building and set back from the main carriageway. In addition to this ground floor featuring the main entry points to the building, it is also proposed to have a small café, which would be located on the Praed Street side of the plan; and a pharmacy (for hospital use). The intention of this dramatic entry point and these other ground floor functions is aimed at creating an active and animated ground floor experience.

Rising through the centre of the building and visible when walking through the ground floor entrance space will be an open atrium, which will further add to the dynamic qualities of the design. The ground floor entrance space will feature signage to both the Praed Street and South Wharf Road sides and will be capable of being closed off by sliding gates when required, thus securing the building.

Above ground floor the plan of the building features two alignments of corridors and rooms, which run parallel to the main facades and either side of the central atrium. They have been planned, so that they are capable of providing flexible room sizes. The main core to the building will be located towards the wider western end of the plan and will be the main point of circulation for the public; while a second and smaller core will be located at the eastern apex of the plan, and this is intended to be primarily used by staff. The central atrium will have full height glazing at each floor level and there will be a circulation route around the perimeter of it.

The basement (or lower ground floor) of the new building will primarily be given over to plant, back of house servicing space and cycle parking; while the rooftop 8<sup>th</sup> floor, will be entirely for plant.

The new 10 storey building (basement, ground, 7 upper floors and 8<sup>th</sup> floor plant storey) will rise to a height of 69.29m AOD, which will mean that it is approximately 40m tall. This would make it approximately 15m taller than the existing Salton House and will be approximately 17m taller than the 1930s Imperial College Medical School building, immediately to the west. In comparison with other nearby buildings it would be taller than the Westcliffe Apartments and Peninsula Apartments on the north side of South Wharf Road by approximately 4.5m and would be comparable in height with the Queen Elizabeth and Queen Mother (QEQM) hospital building, which is also on the north side of South Wharf Road and further to the west.

In terms of the façade treatment and architectural approach, the building has been designed to broadly express a base, middle and top and in its façade treatment has sought both to mitigate the building's height and mass, as well as bring a dynamic articulation to the facades to provide both relief and visual interest.

The ground floor base to the building is approximately 4m in height and thus aligns with the ground floor height of neighbouring buildings. On the Praed Street elevation the base will be predominantly glazed, with a stone skirting, although there will be solid panels of pigmented concrete in a red/brown terracotta colour in places. This solid concrete cladding, which will have a textured pattern, will be more evident on the South Wharf Road side of the base and will be used entirely on the western side of the base facing the service road between the new building and Imperial College Medical School.

The upper floors of the new building will be clad in glazed ceramic panels, which are divided into three main horizontal bands, which vary in colour and profile depth. The lowest horizontal band, extending across the first to third floors will feature a ceramic which reveals more of the earthy red clay of the base product and thus will have a slightly warmer pink glow; it will also feature vertical cladding with a deep and closely grouped profile, creating a rippled and rich articulation. The middle horizontal band, between floors four and five, will feature a ceramic which has a more pronounced glaze and will have a lighter finish than the lower band; it will also feature a deep profile to the vertical cladding, but these deeper elements will be less tightly grouped, thus distinguishing and softening the articulation. Finally, the top horizontal band, between floors six and seven, will feature a ceramic which is lighter still in colour and which has a shallower and flatter profile. These upper two floors will also be set back from the floors below, on the Praed Street face. The overall design intention is to develop a façade which has movement, texture and richness, which will appear different from different angles and at different times of the day and which

seeks to lighten as it rises in height. Definition to these horizontal bands will be provided by angled string courses of ceramic and the alignments of these broadly accord with horizontal datums along Praed Street.

The narrow eastern end of the building, which will have a very prominent visual impact in views from the east, will maintain many of the same design principles as the other facades, but will have a concave profile and will feature vertical alignments of fins, which decrease in depth from the lower band to the upper band.

The ceramic cladding material will be carried up to the 8<sup>th</sup> floor where the two cores rise, thus in the key view looking eastward, the eastern prow of the building will maintain the same cladding material to its top, but elsewhere this top storey, which is to house plant will be a metal louvred screen, which will have the louvres aligned vertically.

The roof will feature two areas of brown roof as well as a building maintenance unit (BMU) which will run on a track around the perimeter to allow façade access for maintenance. The proposed BMU is not intended to be housed within a hidden garaged position and will sit above the plant room and thus appear as a utilitarian item of equipment forming part of the building silhouette. Opportunities to set the BMU into the plant room have been pursued with the applicant but they have indicated that there are technical barriers to this. As such it is considered that final details of the BMU are sought by condition and that an agreed 'parked' condition is also imposed and tested by a views study to ensure that the agreed parked position results in the minimum visual impact.

In addition to the signage above the ground floor entrances, it is also proposed to introduce a prominent sign running vertically up the face of the concaved prow. One relatively prominent design detail, which is currently unresolved, is the treatment to the soffit of the entrance courtyard. As this space will feel like part of the public realm, its treatment is considered to be an important component of the design. At present the potential options that have been presented are a ceramic clad soffit with strip lighting, effectively carrying the treatment of the facades onto the underside of the building; and the alternative at present is an illuminated light box. At present a final design for this element of the scheme has not been selected. However, this design element is considered capable of resolution by condition.

### **8.2.5 Impact of the Development on Heritage Assets and Townscape**

The nature and scale of the development will result in the loss of a heritage asset and will introduce a marked change to the townscape. The size and location of the new building will mean that it has a direct impact on the Bayswater Conservation Area; and the nineteenth century townscape to the south, which includes the setting of many grade II listed buildings.

The applicant has produced a 'Townscape, Heritage and Visual Assessment' (THVA), which has included a series of 13 verified views of the proposed development and these demonstrate that the new building will have a visual impact on the immediate area around the site and in views where the grid of streets to the south is on axis with the site, but it is also apparent from this assessment that in longer views, for example from within Hyde Park, and where the grid pattern is not on axis with the site, the building would have a

much reduced visual impact and not visible from many sensitive receptors – such as the Royal Parks.

Aside from the demolition of Salton House, the new building will also have an impact upon the character and appearance of the Bayswater Conservation Area. By virtue of its height, bulk, materials and contemporary design, it will be a noticeable change to the townscape, but the degree of impact is variable, with both positive and negative qualities.

The part of the Bayswater Conservation Area which lies on the north side of Praed Street, forms an extension to the conservation area that was added in 2010 and can be regarded as a character area within the wider conservation area, comprising larger floor plate and larger scale buildings, which have a public or institutional use, primarily associated either with St Mary's Hospital or with Paddington Station. In such circumstances a larger-scale building of the form proposed responds in a more complementary fashion to this character area, rather than the earlier Victorian housing to the south. Also while the proposed new building would be far larger than the existing buildings on the site, views of the development from within the conservation area, would replace views of the larger, modern buildings to the north of the application site, thus the visual impact is not as marked as might first be thought.

Perhaps the greatest appreciation of contrast in scale that is brought about by the proposal is the juxtaposition of the former Grand Junction Arms Public House, immediately to the east of the application site, with the fully expressed 9 storeys of the eastern prow of the new building. This is most clearly shown in View 11 of the THVA. The relationship between these two buildings in this view is both incongruous and anachronistic, yet the design of the new building does respond to its diminutive neighbour in a way which makes for a pleasing and eye-catching piece of townscape. The string course datums of the new building above the ground floor and above the third floor, frame this view of the former pub; and the ceramic facing material complements the terracotta facing of the pub.

Views 2, 3, 4, 5, 10, 11 and 12 as depicted in the THVA, all show the proposed development within the setting of nearby listed buildings. Views 2 and 3 are views in the context of the original nineteenth century terraced housing which typifies the townscape in this area and the Bayswater Conservation Area in particular. In these views, while the new building is a contrast with the historic and listed buildings, this change is not considered to be particularly harmful to the setting. In the case of View 2, the current view sees a variety of taller buildings of differing periods rising above and behind the listed three storey Star Street buildings and in some respects the order and hierarchy of the new building provides a calmer and simpler backdrop. In the case of View 3 the new building would replace Salton House and while the greater scale would have a discordant effect, there is an existing contrast between Salton House and the listed buildings in Bouverie Place and as such while there is a change, the impact on the setting of the listed buildings is not considered to be harmful. In Views 4, 5, 10, 11 and 12 which are taken from various places along Praed Street, the grade II Clarence Wing of St Mary's Hospital is either obliquely visible in the foreground or background of the new development. For the most part, these oblique views of the north side of Praed Street reveal a sequence of large scale buildings of which both the Clarence Wing and the new development would be two such buildings. Their scale and independence of form allows them to be appreciated as large individual buildings, within a densely developed urban street. View 4 is perhaps the view where the

greatest impact is appreciated with the new development appearing behind the roof of the canted eastern bay of the listed hospital building, where at present this element of roofscape is silhouetted against the sky. In mitigation the red and slate grey tones of the canted bay of the listed building will be seen against the light coloured ceramic glazing, thus maintain a distinct silhouette.

Thus in concluding this section, it is considered that the proposed development, including the demolition of Salton House, will have a visual impact on the immediate area and in certain axial views. It will also have an impact upon the setting of a number of listed buildings in the Bayswater Conservation Area and upon the character and appearance of the Bayswater Conservation Area.

For the most part this impact is considered to be neutral and or beneficial, but there are elements of the scheme notably the loss of Salton House; and the increased height and massing from some vantage points, particularly when appreciated in relation to the lower scale residential townscape to the south of Praed Street, where the impact is considered to cause some harm. However, the degree of harm is considered to be in the category of 'less than substantial' and for the most part at the lower end of any spectrum of such harm.

In cases where the degree of harm is considered to be less than substantial, paragraph 134 of the NPPF is of relevance and this indicates that the harm should be weighed against the public benefits of the proposal, including securing its [the designated heritage asset] optimum viable use.

## **8.2.6 Summary of Design and Townscape Impact**

The key aims for the development of the hospital estate, as identified by the applicant, have been to support better care, to improve patient experience and to replace ageing buildings. With the caveat that some of these 'ageing buildings' may be of historic and architectural merit, it is difficult not to accept that the principle of these aims would deliver significant public benefits. The application documentation has set out that this proposed new building would improve the patient experience and quality of service that the hospital can provide; and that the proposed site and scale of development provides the optimal scheme which would deliver these benefits.

If these arguments and evidence are accepted, then it is considered that the proposal would deliver significant public benefits which are capable, while mindful of the statutory duties, of outweighing the less than substantial harm caused to the historic environment. Historic England has given their authorisation for the City Council to determine the application. The Paddington Waterways and Maida Vale Society and St Marylebone Society are also supportive.

## **8.3 Residential Amenity**

### **8.3.1 Amenity Overview**

The proposed development is surrounded to its north and south by residential properties. To the north of South Wharf Road lie Westcliffe and Peninsula Apartments, which are



modern residential blocks of up to 10- storeys with windows and balconies facing the application site. To the south lie Victorian terrace properties of Praed Street which are in commercial use at ground floor level, but with residential uses on the upper floors and with windows facing the application site. A further sensitive adjacent occupier is the Imperial College medical school located directly adjacent to the west of the application site, and which shares a boundary with the application site.

It is therefore a very sensitive site in terms of its potential impact on the amenities currently enjoyed by the occupiers of surrounding residential properties. Consequently a number of amenity objections have been raised by occupiers of residential properties surrounding the site within Westcliffe Apartments and Peninsula Apartments. These raise significant concerns as to the potential impact of the proposed development on the daylight and sunlight they receive, privacy and outlook, sense of enclosure and in terms of noise and disturbance from hospital activities. These concerns are supported by Paddington Waterways and Maida Vale Society, South East Bayswater Residents Association and the St Marylebone Society.

It should be recognised that whilst there are existing buildings on site which lie in close proximity to surrounding properties, these are much lower in height.

The key amenity issues are the potential impact of the proposed redevelopment on the amenities of the occupiers of the Westcliffe Apartments and Peninsula Apartments located to the north of the site and to the south of the site on the upper floors of Praed Street.

### **8.3.2 Daylight and Sunlight**

The applicant has submitted a Daylight and Sunlight Survey by GVA Schatunowski Brooks in respect of the potential impact of the proposed development on the daylight and sunlight received by surrounding residential properties in Westcliffe Apartments and Peninsula Apartments, South Wharf Road and Nos. 57, 59, 61, 63, 65, 67,69,71,73,77, 79, 81, 83, 85 Praed Street. The survey is based on the guidance set out in in the Building Research Establishment (BRE) "Site Layout planning for Daylight and Sunlight – a Guide to Good Practice" (2011) (the BRE Guide).

In assessing the potential impact of a development on daylight to surrounding residential properties, where changes to daylight result in both a Vertical Sky Component (VSC) of less than 27 and a loss of 20%, a loss of daylight would occur which would be noticeable to occupants.

In assessing the potential impact of a development on the sunlight to surrounding residential properties, if a room receives more than a quarter (25%) of annual probable sunlight hours, including at least 5% in winter, then the room should receive enough sunlight. If the sunlight hours are both less than 25% annually or less than 5% in winter and a loss of more than 20% has occurred or the value is reduced by 4 (%) then the occupants of the building will notice a loss of sunlight.

The significance of a failure to meet the BRE guidelines needs to be interpreted further in terms of the location of the site, the resultant amount of daylight and sunlight retained and the nature of the affected rooms. Furthermore, protection is prioritised (in order) as

kitchens, living rooms and bedrooms, based on the likely activities taking place in these rooms. The guidelines may also be applied to non-residential buildings where the occupants have a reasonable expectation of daylight (for example schools, hospitals).

Whilst there are many losses of daylight and sunlight resultant from the proposed development, the assessment below sets out those which are losses, over and above the tolerances set out in the BRE guide. A full set of the results of the applicants daylight and sunlight assessment are included within the background papers.

### **Westcliffe Apartments, South Wharf Road**

Westcliffe Apartments has 45 residential properties located at first to ninth floor levels which face the development site. Many of the apartments that face the site are single aspect, apart from the corner apartments and some duplex apartments at eighth and ninth floor level, most have balconies. At present all of the affected rooms (bedrooms and living/dining rooms) within the 44 flats which face the proposed development, benefit from extremely high levels of daylight mostly with a VSC of mid to high 30's with some within 20-25 VSC. The proposed development would result in a significant reduction in the level of daylight that these rooms receive, with losses of between 36.40% and 91.28% to 98 windows and reduction in values.

#### **Flats 1-6**

At first floor level, all six flats are affected. 9 bedrooms and 6 living/dining rooms would see a loss of daylight of between 56.22-84.5% and a reduction in values from between 20.20-34.77 VSC to 3.13-10.69 VSC.

Flats 1-4 and 6 would also see a loss of annual sunlight to 7 bedrooms and 3 living/dining rooms of between 55.26% and 89.19% with values reduced from between 37-80 (% of annual probable sunlight hours) to 4-22 and a total loss of winter sunlight to all but 1 room (bedroom within flat 6).

#### **Flats 7-12**

At second floor level, all six flats are affected. 9 bedrooms and 4 living/dining rooms would see a loss of daylight of between 53.30%-80.20% and a reduction in values from between 21.87- 36.95 VSC to 4.33-10.84 VSC.

All flats would also see a loss of sunlight (annual and or winter sunlight) to 9 bedrooms and 4 living/dining rooms.

Flats 7,8 and 12 would see a loss of annual sunlight from between 45.24% to 75.90% with values reduced from between 38.00-84.00 (% of annual probable sunlight hours) to 7-24 and a total loss of winter sunlight to all but 1 room (bedroom within flat 12)

Flat 9-11 would see a loss of winter sunlight of between 89.29% and 100% with values reduced from between 25.00-28.00 (probable winter sunlight hours) to 0.00-3.00.

#### **Flats 13-18**

At third floor level, all six flats are affected. 9 bedrooms and 4 living/dining rooms would see a loss of daylight of between 53.17%- 91.28% and a reduction in values from between 24.13-38.38 VSC to 2.40-13.43 VSC.

All flats would also see a loss of sunlight (annual and or winter sunlight) to 9 bedrooms and 4 living/dining rooms.

Flats 13-16 would see a loss of annual sunlight from between 72.22% and 80.30% with reduced values from between 64.00-72.00 (% of annual probable sunlight hours) to 13.00-20.00 and a total loss of winter sunlight to all 8 rooms.

Flats 17-18 (3 bedrooms and a living dining room) would see a loss of winter sunlight of between 85.71-96.43% with values reduced from between 21.00-28.00 (probable winter sunlight hours) to 1.00-4.00.

#### Flats 19-24

At fourth floor level, all six flats are affected. 9 bedrooms and 4 living/dining rooms would see a loss of daylight of between 9.98%-69.54% and a reduction in values from between 24.67-38.85 VSC to 9.60-14.78 VSC.

All flats would also see a loss of sunlight (annual and or winter sunlight) to 8 bedrooms and 4 living/dining rooms.

Within Flat 24, 1 bedroom would see a loss of annual sunlight of 55.56% and a reduction in value from 45.00 to 20.00 (% of annual probable sunlight hours).

Within Flats 19-23, 7 bedrooms and 4 living/dining rooms would see a loss of winter sunlight of between 86.21% and 100% and a reduction in values from between 27.00-29 to 0.00-4.00 (% of winter sunlight hours)

#### Flats 25-30

At fifth floor level, all six flats are affected. 9 bedrooms and 4 living/dining rooms would see a loss of daylight of between 53.24%-76.87% and a reduction in values from between 21.60 -39.15 VSC to 6.99-16.54 VSC.

All flats would also see a loss of sunlight (annual or winter sunlight) to 8 bedrooms and 4 living/dining rooms.

Within flat 30, 1 bedroom would see a loss of annual sunlight of 56.10% and a reduction in value from 41.00 to 18.00 (% of annual probable sunlight hours).

Within flats 25-29, 6 bedrooms and 4 living/dining rooms would see a loss of winter sunlight of between 46.07% and 61.76% and a reduction in values from between 27.00-30.00 to 1.00-4.00 (% of winter sunlight hours).

#### Flats 31-35

At sixth floor level, all five flats are affected. 7 bedrooms and 4 living/dining rooms would see a loss of daylight of between 52.59% -57.47% and a reduction in values from between 37.36 -39.42 VSC to 17.12-18.69 VSC.

Flats 31-34 would also see a loss of winter sunlight to 5 bedrooms and 3 living/dining rooms of between 39.77% and 43.75% and a reduction in values from 30.00 to 2.00-3.00 (% of winter sunlight hours)

#### Flats 36-40

At seventh floor, all five flats are affected. 7 bedrooms and 4 living/dining rooms would see a loss of daylight of between 45.78%-78.31% and a reduction in values from between 21.99-39.54 VSC to 4.77-21.44 VSC.

Flats 36-39 would also see a loss of sunlight (annual and or winter sunlight) winter sunlight to 5 bedrooms and 3 living/dining rooms of 61.54% and 73.53% and a reduction in values from between 34.00-39.00 to 9.00-15.00.

Flat 40 would not see any loss of sunlight over and above the tolerances within the BRE guide.

#### Flats 41-44

At eighth floor, all four flats are affected. 10 bedrooms would see a loss of daylight of between 36.40%-41.83% and a reduction in values from between 34.42-36.59 VSC to 20.40-23.27 VSC.

No flats would see any loss of sunlight over and above the tolerances within the BRE guidelines

### **Peninsula Apartments, South Wharf Road**

#### Flats 1-6

At first floor, three of six flats are affected (Flats 1-3). 4 bedrooms and two living/dining rooms would see a loss of daylight of between 20.08% and 48.78% and a reduction in values from between 33.13-33.72 VSC to 17.27-26.51 VSC.

Flats 4-6 would not see any material reduction in daylight and sunlight over and above the 20% tolerance within the BRE guide.

#### Flats 7-12

At second floor, two of six flats are affected (flats 7 & 8). 3 bedrooms and 1 living/dining room would see a loss of daylight of between 29.62% and 45.96% and a reduction in values from between 36.97-37.04 VSC to 20.00-26.02 VSC.

Flats 9-12 would not see any material reduction in daylight and sunlight over and above the 20% tolerance within the BRE guide.

#### Flats 13-18

At third floor, three of six flats are affected (flats 13-15). 3 bedrooms and 2 living/dining rooms would see a loss of daylight of between 26.71% and 54.45% and a reduction in values from between 30.55-35.08 VSC to 13.98-24.20 VSC.

Flats 16-18 would not see any material reduction in daylight and sunlight over and above the 20% tolerance within the BRE guide.

#### Flats 19-24

At fourth floor, two of six flats are affected (flats 19-20). 3 bedrooms would see a loss of daylight of between 32.25% and 43.70% and a reduction in values from between 36.61-37.76 VSC to 20.61-24.96 VSC.

Flats 21-24 would not see any material reduction in daylight and sunlight over and above the 20% tolerance within the BRE guide.

#### Flats 25-30

At fifth floor, three of six flats are affected (flats 25-27). 3 bedrooms and 2 living/dining rooms would see a loss of daylight of between 21.86% and 46.29% and a reduction in values from between 32.20-36.16 VSC to 17.32-26.75 VSC.

Flats 28-30 would not see any material reduction in daylight and sunlight over and above the 20% tolerance within the BRE guide.

#### Flats 31-36

At sixth floor, one of six flats is affected (flat 31). 1 bedroom would see a loss of daylight of 34.84% and a reduction in value from 39.24 VSC to 25.57 VSC.

#### Flats 37-42

At seventh floor, three of six flats (flats 37-39) are affected. 3 bedrooms and 2 living/dining rooms would see a loss of daylight of between 21.86% and 46.47% and a reduction in values from between 23.51-23.63 VSC to 12.65-18.37 VSC.

Flat 37 would also see a 41.67% loss of annual sunlight to two bedrooms and a reduction in values from 36% to 21% annual probable sunlight hours.

Flats 40-42 would not see any material reduction in daylight and sunlight over and above the 20% tolerance within the BRE guide.

#### Flats 43-47

At eighth floor, none of the flats would see any material reduction in daylight and sunlight over and above the 20% tolerance within the BRE guide.

Apart from flat 37 no other properties would see a loss of sunlight above the tolerance of the BRE guide.

### **Praed Street**

#### No.57 Praed Street

This property is located on the corner of Junction Place and is dual aspect.

At first floor, two of three windows serving this dual aspect room would see a loss of daylight of 41.92% and 38.88% and a reduction in values from 22.35 to 12.98 VSC and 22.12 to 13.52 VSC.

At second floor, two of three windows serving this dual aspect room would see a loss of daylight of 40.65 % and 37.71% and a reduction in value from 24.75 to 14.69 VSC and 24.45 to 15.23 VSC.

At third floor, one of three windows serving this dual aspect room would see a loss of daylight of 38.55% and a reduction in value from 26.12 to 16.05 VSC.

No.59 Praed Street

At first floor 2 windows to 1 room would see a loss of daylight of 49.29% and 45.84% and a reduction in values of 23.33 to 11.83 VSC and 22.93 to 12.42 VSC.

At second floor 2 windows to 1 room would see a loss of daylight of 48.21% and 44.78% and a reduction in values of 25.66 to 13.29 VSC and 25.28 to 13.96 VSC.

At third floor 1 window to 1 room would see a loss of daylight of 44.94% and a reduction in value of 26.57 to 14.63 VSC.

No.61 Praed Street

At first floor 2 windows to 1 room would see a loss of daylight of 58.52% and 53.95% and a reduction in values of 24.40 to 10.12 VSC and 23.93 to 11.02 VSC.

At second floor 2 windows to 1 room would see a loss of daylight of 57.25% and 52.77% and a reduction in values of 26.55 to 11.35 VSC and 26.17 to 12.36 VSC.

At third floor 1 window to 1 room would see a loss of daylight of 53.06% and a reduction in value of 27.27 to 12.80 VSC.

No.63 Praed Street

At first floor 2 windows to 1 room would see a loss of daylight of 66.84% and 63.81% and a reduction in values of 25.12 to 8.33 VSC and 24.87 to 9.00 VSC.

At second floor 2 windows to 1 room would see a loss of daylight of 65.64% and 62.56% and a reduction in values of 27.27 to 9.37 VSC and 27.00 to 10.11 VSC.

At third floor 1 window to 1 room would see a loss of daylight of 60.14% and a reduction in value of 29.05 to 11.58 VSC.

No.65 Praed Street

At first floor 2 windows to 1 room would see a loss of daylight of 71.28% and 69.66% and a reduction in values of 25.73 to 7.39 VSC and 25.48 to 7.73 VSC.

At second floor 2 windows to 1 room would see a loss of daylight of 70.14% and 68.52% and a reduction in values of 27.93 to 8.34 VSC and 27.67 to 8.71 VSC.

At third floor 1 window to 1 room would see a loss of daylight of 67.24% and a reduction in value of 28.54 to 9.35 VSC.

No.67 Praed Street

At first floor 2 windows to 1 room would see a loss of daylight of 73.91% and 72.90% and a reduction in values of 26.18 to 6.83 VSC and 25.98 to 7.04 VSC.

At second floor 2 windows to 1 room would see a loss of daylight of 72.67% and 71.74% and a reduction in values of 28.43 to 7.77 VSC and 28.20 to 7.97 VSC.

At third floor 1 window to 1 room would see a loss of daylight of 70.37% and a reduction in value of 29.09 to 8.62 VSC.

No.69 Praed Street

At first floor 2 windows to 1 room would see a loss of daylight of 74.74% 75.32% and a reduction in values of 26.46 to 6.53 VSC and 26.33 to 6.65 VSC.

At second floor 2 windows to 1 room would see a loss of daylight of 73.98 % and 73.45% and a reduction in values of 28.75 to 7.48 VSC and 28.59 to 7.59 VSC.

At third floor 1 window to 1 room would see a loss of daylight of 71.66% and a reduction in values of 29.36 to 8.36 VSC.

No.71 Praed Street

At first floor, 2 windows to 1 room would see a loss of daylight of 75.95% and 85.81% and a reduction in values of 26.57 to 6.39 VSC and 26.50 to 6.41 VSC.

At second floor, 2 windows to 1 room would see a loss of daylight of 74.59% and 74.46% and a reduction in values of 28.92 to 7.35 VSC and 28.82 to 7.36 VSC.

At third floor, a single window to 1 room would see a loss of daylight of 72.45% and a reduction in value of 29.58 to 8.15 VSC.

No.73 Praed Street

At first floor, 2 windows to 1 room would see a loss of daylight of 75.77% and 75.89% and a reduction in values of 26.42 to 6.37 VSC and 26.58 to 6.44 VSC.

At second floor, 2 windows to 1 room would see a loss of daylight of 74.31% and 74.28% and a reduction in values of 28.92 to 7.43 VSC and 29.01 to 7.46 VSC.

At third floor, a single window to 1 room would see a loss of daylight of 72.53% and a reduction in value from 29.60 to 8.13 VSC.

NB/ No. 75 Praed Street does not existNo.77 Praed Street

At first floor, 5 windows to 1 room would see a loss of daylight of between 74.06% and 76.89% and a reduction in values from between 23.94- 25.05 VSC to 5.79-6.21 VSC

No.79 Praed Street

At first floor 3 windows to one room would see a loss of daylight of 70.41%, 71.83% and 72.82% and a reduction in values from between 22.51-23.47 VSC to 6.38-6.66 VSC.

At second floor, 3 windows to one room would see a loss of daylight of 70.66%, 72.22% and 73.18% and a reduction in values from between 24.5-253.58 VSC to 6.86-7.20 VSC.

At third floor, a single window to a room would see a loss of daylight of 66.98% and a reduction in value from 27.95 to 9.23 VSC.

No.81

This property is located on the corner of Bouverie Place and is dual aspect.

At first floor, two of four windows serving this dual aspect room would see a loss of daylight of 66.36% and 68.49% and a reduction in value from 21.61 to 7.27 VSC and 21.99 to 6.93 VSC.

At second floor, two of four windows serving this dual aspect room would see a loss of daylight of 66.47% and 68.76% and a reduction in value from 23.53 to 7.89 VSC and 24.01 to 7.50 VSC.

At third floor, a single window to a room would see a loss of daylight of 62.35% and a reduction in value from 26.51 to 9.98 VSC.

#### No.83

This property is located on the corner of Bouverie Place and is dual aspect.

At second floor, two of four windows serving this dual aspect room would see a loss of daylight of 28.31 % and 31.19% and a reduction in value from 22.15 to 15.18 VSC and 22.09 to 15.20 VSC.

At third floor, one of two windows serving this dual aspect room would see a loss of daylight of 27.71% and a reduction in value from 26.60 to 19.23 VSC.

#### No.85

At second floor level two windows to one room would see a loss of daylight of 25.33 & 26.66% and a reduction in values from 22.50 to 16.80 VSC and from 22.58 to 16.56 VSC.

#### **Medical School (Imperial College, South Wharf Road)**

Imperial College lies to the west of the site and is medical school with rooms used for laboratory, office and theatre purposes over floors lower ground to 6<sup>th</sup> floors.

At lower ground 5 laboratories would see a loss of daylight of between 22.91% to 37.16% and a reduction in values from between 7.69- 13.59 VSC to 5.65-8.54 VSC.

At ground floor 1 laboratory would see a loss of daylight of 30.92% and a reduction in value from 8.96 to 6.19 VSC.

At first floor 6 laboratories each with 4 or 5 windows would see a loss of daylight of between 35.05% and 78.60% and a reduction in values from between 2.91-7.57 VSC to 0.63- 3.65 VSC.

At second floor, a theatre, a pathogen (disease, virus/bacterium) and 5 laboratories each with 3-8 windows would see a loss of daylight of between 20.40% and 79.27% and a reduction in values from between 0.82-31.30 VSC to 0.17-16.70 VSC.

At third floor, 2 tissue/culture rooms with 2 to 5 windows would see a loss of daylight of between 37.98% and 48.56% and a reduction in values from between 20.14-22.46 to 10.6-13.93 VSC

At fourth floor ,3 laboratories with 3-5 windows would see a loss of daylight between 43.17 %-78.84% and a reduction in values from between 1.96-29.19 VSC to 0.77-16.59 VSC.



At fifth floor, 3 laboratories with 1-4 windows would see a loss of daylight of between 43.05% and 81.19% and a reduction in values from between 4.39-19.37 VSC to 2.33-8.41 VSC.

At sixth floor, 3 laboratories with 1-3 windows would see a loss of daylight between 45.68% and 56.07% and a reduction in values from between 15.57-29.95 VSC to 6.84-16.04 VSC.

At all floors a number of offices would also see a loss of daylight and reduction in values above the tolerances set out in the BRE guidelines.

The medical school would not see any loss of sunlight over and above the tolerances within the BRE guide.

### **Summary of Daylight and Sunlight Impact**

A number of existing surrounding residential properties would see a significant reduction in daylight and sunlight following the construction of the proposed development compared to that which they currently receive. It is accepted that the existing buildings on the application site are lower than surrounding buildings and that due to this many surrounding properties have particularly high levels of daylight and sunlight for such an urban location. However notwithstanding this, there are a number of conclusions that can be made from the applicant's survey.

- A significant number of existing residential properties are materially affected.
- The amount of daylight lost is high.
- The amount of sunlight lost is high.
- Both annual and winter sun is lost.
- The amount of daylight and sunlight lost is significant and would be noticeable to occupants of neighbouring properties.
- The amount of daylight that affected flats would continue to receive is low.
- The amount of sunlight that affected flats would continue to receive is low.

It is clear that the loss of daylight and sunlight in both values and in the number of residential properties affected is significant and contrary to UDP policy ENV13 and S29 of the City Plan.

### **8.3.3 Sense of Enclosure and Privacy**

#### **Westcliffe and Peninsula Apartments, South Wharf Road**

Westcliffe Apartments and the western most part of Peninsula apartments are located directly opposite to the north of the existing 2-3 storey buildings on the application site at a distance of 15 m.

The proposed building comprises of 8 storeys of 44.6m in height with plant on top. It would cover the entire footprint of the site and would be sheer in elevation from 1<sup>st</sup> to 7<sup>th</sup> floors with the rooftop plant set back and at ground floor cut out for vehicular access.

Given this relationship occupiers of flats which face the site (45 flats) would see a significant increase in sense of enclosure to bedrooms, living rooms and terraces, compared to what they currently experience.

Given the footprint, height, design and orientation of the existing buildings on site and the height of Westcliffe and Peninsula apartments, occupiers of the apartments currently benefit from high levels of privacy.

The façade to the proposed building to South Wharf Road incorporates profiled ceramic cladding, ceramic fins, curtain wall system, spandrel panels/obscured glass materials and metal ventilation louvres to the roof plant. The elevation of the building is predominantly solid or obscure glazed, but punctured with small glazed areas. As such it is not considered that the proposed building would result in any significant direct overlooking for residents of Westcliffe and Peninsular Apartments.

#### Praed Street

Nos.59-79 Praed Street are located directly south of the site on the opposite the existing 2-3 storey buildings on the application site and Nos.81-83 Praed Street opposite the existing 8-storey Salton House. Whilst no.81-83 Praed Street will not see a noticeable difference in sense of enclosure given, that they already face the 8-storey Salton House, the remaining properties nos.59-79 will notice a significant increase in sense of enclosure compared to what they currently experience.

The proposed building comprises of 8 storeys of 44.6m in height with plant on top opposite the 4-storey Praed Street properties (Nos.59-79). Given this relationship, occupiers of flats on the upper floors (1-3<sup>rd</sup>) of these properties would see a significant increase in sense of enclosure, compared to what they currently experience.

Given the footprint, height, design and orientation of the existing buildings on site and the height of Nos.59-79 Praed Street, occupiers of the upper floors currently benefit from high levels of privacy. The proposed building would cover the entire footprint of the site and would be sheer in elevation from ground to 5<sup>th</sup> floors with a set back at 6<sup>th</sup> and 7<sup>th</sup> floors and a further slight set back of the rooftop plant.

The façade of the building to Praed Street incorporates the same details and materials as that to South Wharf Road and as such it is not considered to result in any significant overlooking issues.

#### **8.3.4 Noise and Disturbance**

It is proposed to concentrate most of St Mary's Hospital outpatients' services into this proposed new 8-storey triangle building at the eastern most part of the hospital campus in close proximity to Westcliffe and Peninsula apartments. This includes the creation of a new vehicular access road (below the first floor overhang of the building) accessed from South Wharf Road, for patient transfer drop offs and collections and an on-street delivery bay. The public entrance is split between Praed Street and South Wharf Road, with a facilities management entrance also from South Wharf Road (the staff entrance is from Praed Street).

Due to the concentration of facilities and associated number of expected patients, patient transfers, deliveries and waste collection in proximity of Westcliffe and Peninsula Apartments, the operation of the building has the potential to increase noise and disturbance to residents, when compared to the existing activities on this site.

The applicants transport assessment indicates that the new building would generate around 2,000 people a day, compared to 1,000 generated by the existing buildings on the site due to the condensing of services into this single building. The proposed new drop off slip road is expected to accommodate 300 vehicular movements a day. Further activity is likely to arise from the congregation of users of the building at the entrances areas.

This concentration of activity and vehicular and pedestrian movement in such close proximity to Westcliffe Apartments will inevitably result in additional noise and disturbance to the occupiers of Westcliffe Apartments compared to the current situation which has services and activities spread across the St Mary's Hospital campus. This would be detrimental to the amenities currently enjoyed by nearby residents and contrary to policy ENV13 of our UDP and S29 of our City Plan.

### **8.3.5 Future Masterplan**

This proposal indicates a potential future high level bridge link at 2<sup>nd</sup> to 5<sup>th</sup> floor levels from this proposed new building across South Wharf Road to the Acrow site on the northern side of South Wharf Road which under the applicant's masterplan is also proposed to accommodate a new hospital building of around 8-storeys including a roof top heli-pad.

A number of local residents have raised concern regarding the applicant's masterplan and its proposed intensification of hospital activities to this part of the campus. This includes hospital buildings, facilities, activities and future proposed heli-pad to the eastern part of its campus adjacent to and opposite Westcliffe Apartments and the potential for significant and cumulative detrimental impact on residential amenity from loss of daylight and sunlight, increased sense of enclosure, loss of privacy and noise and disturbance.

The South East Bayswater Residents Association and PRACT also raise concern as to the lack of a details holistic masterplan for the St Mary's hospital campus

Residents consider the master plan approach to be inappropriate and ill-conceived given its failure to respect the character of land uses and sensitive nature of residents' amenities, by locating all hospital development to the eastern end of the campus, rather than other less sensitive parts of the campus adjacent to commercial and transport uses.

The objector consider that almost all other locations within the hospital campus are better suited to hospital buildings and activities and the applicants' justification for their indicative masterplan and strategy should not be given weight.

### **8.3.6 Summary of Amenity Impact and Consideration of the Strategic Public Benefits**

Given the existing low scale undeveloped parts of the site, it is accepted that any physical development here would impact upon daylight and sunlight levels received by surrounding residential flats in Westcliffe and Peninsula apartments and Praed Street properties.

However it is clear that the physical impact of the proposed building would significantly impact upon residential amenity. It is also the case that the function and operation of the building, due to its intensive public use and proximity to residential properties would also give rise to increased noise and disturbance. Whilst it is acknowledged that these existing residential properties are located in a busy area close to existing hospital facilities, this proposal would exacerbate the potential for increased noise and disturbance from activities. For these reasons the proposal would be contrary to policy ENV13 of the UDP and S29 of the City Plan, which seeks to protect residential amenity from the effects of development. Notwithstanding this policy SOC4 states that in considering such development the City Council will balance the needs of health service against the effects of the proposal on the surrounding area. Given the existing low scale undeveloped parts of the site, it is accepted that any physical development here would impact upon daylight and sunlight levels received by surrounding residential flats in Westcliffe and Peninsula apartments and Praed Street properties.

Given the acknowledged significant harm to resident's amenity, committee are asked to consider the special case presented by the hospital and their particular physical needs. And taking these into account, whether the strategic benefits of the proposal, to create a hospital outpatients building and to facilitate and enable the hospital masterplan process to begin, outweighs the significant harm to residents amenities and amounts to exceptional circumstances in which to depart from our amenity policies in this instance.

In such cases the justification of the clinical need for the location of the development and the size and height of the building proposed and the consequential strategic benefits of the scheme need to be taken into consideration.

## **8.4 Transportation/ Parking**

### **8.4.1 Transportation Overview**

The application site benefits from an excellent level of Public Transport Accessibility Level (PTAL) (6B). Within the vicinity of the site are Paddington Railway Station, and the forthcoming Crossrail Elizabeth Line (due to open 2018), London Underground District and Circle and Bakerloo Lines and a number of local bus services. A designated taxi rank is located within Paddington Station. South Wharf Road contains a number of on street car parking bays (resident permit holders, disabled, pay by phone) as well as loading bays.

Concern has been raised on transportation grounds by South East Bayswater Residents Association, Hyde Park Estate Association and PRACT. PRACT question whether South Wharf Road has the capacity to deal with this development alongside the Paddington Cube development and the implications for traffic and ambulance access. PRACT also questions how this development can be assessed without it providing details of the Cube and without knowing exactly where A& E services will be in the future. Request that any permission be contingent upon a section 106 agreement following completion of the work of the steering group (the steering group is an obligation of the Cube development) demonstrating that the two are consistent with regard to emergency ambulance access to A & E.

### **8.4.2 Car Parking/ Loading Bays**

Within the site there is car parking for 30 vehicles, which the applicant indicates are allocated for staff permit holders (28) and reserved for police (2). These are to be removed and not re-provided under this development proposal, which has raised concern from the highways planning manager. The concern is that this may result in pressure on the City Council to provide for the St Mary's Hospital's parking needs on-street, where parking pressures are already high. Whilst the applicant has indicated that the loss of on-site parking for staff has been subject to internal consultation with medical staff, it remains contrary to policy TRANS22 of the UDP which requires such operational parking spaces including that required for disabled access, medical and nursing staff (with emergency commitment), short term visitor and drop off spaces and emergency vehicle access should normally be provided off-street and under cover.

However the applicant has clearly stated that this on-site car parking is not required for the future operation of the hospital and parking provision will be considered in the future stages of the masterplan. Given this confirmation, this has been accepted, however this is on the basis that the City Council is unlikely to agree to any further use of the public highway by the Hospital should the loss of this parking create a need in the future.

In addition 3 on-street car parking bays (pay by phone) on the north side of South Wharf Road are proposed to be removed and not re-provided. This is proposed in order to facilitate satisfactory pedestrian and vehicular highway width. The Highways Planning manager in liaison with the City Council's parking services team has questioned the need to remove these 3 on street car parking bays on the basis that the proposed on-street loading bay on the south side of South Wharf Road is unnecessary and that the hospital should use a combination of their proposed off street layby and other existing loading bays. As such it is considered that these should be removed from the scheme and that this could be achieved by way of an amending condition.

A taxi bay is proposed to the public highway on Praed Street which is also considered to be unnecessary and would also impede pedestrian highway. This is also proposed to be removed from the scheme by way of condition. In both cases the works are proposed to public highway where the City Council is land owner and highway authority.

#### **8.4.3 Cycle Parking**

The site does not currently benefit from any provision for cycle parking, however a total of 304 secure and weatherproof (two tier) cycle parking spaces are proposed for staff and visitors. A total of 268 spaces for staff are proposed within the basement level with associated changing facilities and lockers and 36 hooped cycle stands along the courtyard entrance for the general public at ground/street level. This provision exceeds the London Plan standards.

#### **8.4.4 Pedestrians**

A 2m footway width is retained alongside the development on South Wharf Road which is welcomed. However a taxi bay to Praed Street would reduce the available pedestrian highway and is considered unnecessary. However it is considered that this should be removed from the scheme and that this could be achieved by way of an amending condition.

#### **8.4.5 Traffic and Ambulance ('Blue Light') Services**

As a stand-alone application (as opposed to the masterplan proposals) this proposed development would create additional hospital floor space and likely additional traffic. However given the level, it is accepted that this would be unlikely to cause traffic problems. However the applicant was asked to provide further details with respect to the potential impact on St Mary's Hospital ambulance (blue light) services and on receipt of further technical information the City Council's highways manager is satisfied that the development would not adversely affect ambulance (blue light) services.

#### **8.4.6 Waste Management Strategy**

The provision of clinical and residual waste and recyclables and operational waste management strategy were revised during the course of the application and the City Council's Cleansing Manager is now satisfied with the provision and details. An operational waste management plan indicated that waste is proposed to be collected daily by a private contractor. A dedicated waste storage area is proposed within the basement to be collected from a delivery bay on South Wharf Road.

#### **8.4.7 Summary of Transport Issues**

Subject to the conditions recommended above, apart from the loss of hospital car parking the highways planning manager is generally satisfied that the development does not raise significant highways issues as are Transport for London.

#### **8.5 Economic Considerations**

The applicant has indicated that the funding and delivery of this development relies upon the disposal of parts of the existing St Mary's Hospital Campus.

#### **8.6 Access**

The application is supported by an access statement which indicates that the building has been designed to be inclusive. A variety of measures and features are proposed which are expected within such a civic health building. These include level access throughout each floor, step free and lift access, creating access for all.

#### **8.7 Other UDP/ Westminster Policy Considerations**

##### **8.7.1 Trees/ Greening and biodiversity**

There are no trees within the site, but there are a number of street trees (three Alders and a London Plane tree) in close proximity to the development site, which are owned and managed by the City Council and which are of high amenity value, good health and long useful life expectancy.

The proposal would result in the loss of the three Italian Alder street trees on South Wharf Road which are located directly outside of the application site. A further London Plane Street Tree would also need to be removed if the potential future bridge link were to come forward, this tree is worthy of a Tree Preservation Order. In addition container planting on Praed Street would also be lost. Whilst regrettable, it is accepted that the removal of these

trees is necessary to facilitate the development. However the replacement tree planting proposal is for a single tree (Ginko or lime) to the north side of North Wharf Road and potentially two further trees within the vicinity, although no details have been provided. Unfortunately the proposed location of the replacement tree would conflict with the proposed location of the potential future bridge link and in the absence of details of the proposed location of planting of two further trees, this would appear to be aspirational replacement planting rather than a commitment to plant sufficient replacement trees in practical and suitable locations (considering services and street furniture).

Overall It is disappointing that replacement tree planting has not been adequately addressed within the current proposal or part of the applicants' future masterplan, particularly in light of the growing body of evidence of the public health benefits of trees (for example by mitigating air pollution, reducing stress, and improving mental health and patient recovery times).

In terms of greening and biodiversity, the development proposals again lack any significant contribution. A limited brown roof is proposed to the east and west corner of the roof of the building, albeit with no justification given as to why a green roof and other landscape and biodiversity features cannot be accommodated.

Given the above, it is considered appropriate and necessary to secure a financial contribution towards the replacement of three street trees (£15,000) and also to require through condition further landscaping and biodiversity features.

### **8.7.2 Energy and Sustainability**

The applicant has submitted an energy strategy in support of the application which indicates 21% saving in emissions compared to 2013 building regulations. This falls short of the London Plan target of 35% and in order to mitigate against this the City Council's Energy Strategy Officer, supported by the Mayor has requested a financial contribution of £162,000 to be paid to the City Council's carbon offset fund as well as the infrastructure for the proposed future connection to a heat network including safeguarding of a route through the development. Alternatively an obligation to secure connection to a heat network serving the wider masterplan site which the applicant has indicated is planned for within the future masterplan proposals.

The applicant's submission indicates that BREAAAM excellent is likely to be achieved and this would be secured by condition.

It is acknowledged that the use generates high power consumption and lighting demands, which makes energy consumption challenging. The applicant has suggested that the existing on-site heat network is not efficient which is why it is proposed to be replaced within the future masterplan and why local boilers are proposed as a short term measure for communal heating and cooling with associated plant at basement and roof level. The applicant has also suggested that on site renewables such as photovoltaics are not proposed due to low savings and visual impact.

A basement storage tank is proposed (140 cubic metres) to attenuate run off and two areas of brown roof are proposed.

Whilst the City Council's Energy Strategy officer is satisfied with the proposal subject to the obligations and conditions set out above, the Mayor has requested that the applicant provide further information and justification to support the 21% savings and in relation to other sustainability issues.

The Environment Agency has advised that the proposal is low risk in respect of the environmental constraints that fall under their remit. Thames Water has made general comments and recommended conditions and informatives.

Overall the energy and sustainability of the proposal is considered acceptable subject to conditions and obligations set out.

### **8.7.3 Environmental matters**

The City Council instructed Land Use Consultants to assess the submitted EIA which covers various environmental issues. The applicant has provided further satisfactory justification with regard to their assessment and rationale which represents the worst case scenario. Following the submission of additional information LUC advise that the proposal would not have any significant adverse environmental impact including on noise, vibration, air quality, microclimatic conditions. The City Council's environmental health team had also originally requested further information with respect to a number of environmental matters including noise, vibration, air quality, but no further comment has been received from them following the submission of additional evidence.

As such given the conclusions of specialist consultants LUC it is considered that the proposal is acceptable in environmental terms. Any further response to Environmental Health will be reported verbally. Conditions suggested by the City Council's Environmental Health Team are recommended.

### **8.7.4 Public Art**

The application submission indicates a commitment to incorporating public art into the new building. While no specific proposal has been developed at this stage, four areas of the new building have been identified as potential opportunities for art, namely the atrium (including the external space on the ground floor), the receptions areas, the waiting rooms and the corridors. As a hospital building does have public access all of these locations have merit, although the atrium and ground floor space clearly offer the best opportunities for artwork which can be viewed by all, whether using the hospital building or not. The final details of public art are capable of resolution by condition.

The proposed landscaping focuses on the sections of highway in front of the new building and on the new entrance space which runs through the ground floor. The latter is not public highway and in this area the proposal is to introduce high quality granite paving, as well as cycle parking and timber seating. The works to the highway will involve a refresh of the current surfaces and be subject to the Council's Westminster Way public realm strategy with details subject to legal agreement.

### **8.7.5 Archaeology**



The Greater London Archaeological Advisory Service has requested the imposition of a condition to require a two stage process of archaeological investigation to ensure that any potential remains dating to post medieval development are understood and evaluated to clarify the nature and extent of surviving remains.

#### **8.7.6 London Underground Infrastructure**

Do the proximity of London underground tunnels both partly beneath the site and in close proximity to the site, London Underground Limited has requested a pre-commencement condition to require protect their infrastructure.

#### **8.8 London Plan**

The application has been referred to the Mayor of London under category 1B and 1C, due to the height of the proposed building and the quantum of floor space. The Mayor has provided his stage 1 letter which states that the application is generally acceptable in strategic planning terms (see summary in consultation and full letter in background papers). Once the City Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal, take it over for his own determination, or allow the Council to determine it itself.

#### **8.9 National Policy/Guidance Considerations**

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

#### **8.10 Planning Obligations**

The draft 'Heads' of agreement are proposed to cover the following issues:

- Payment for the cost of highways works necessary to facilitate the development, including new footway, footway crossovers, revised parking bays.
- £162,000 (index linked and payable on commencement) towards carbon offset fund.
- £15,000 (index linked and payable on commencement) towards replacement of 3 street trees.
- Monitoring costs.

Due to the nature of use, the City Councils Community Infrastructure Levy is not applicable. The applicant has however indicated that they would like consideration to be given to expenditure of the CIL towards the cost of their development. The request has been passed to the City Council's CIL team, but it is not relevant to the determination of this application.

#### **8.11 Environmental Impact Assessment**

The development proposed under this current application falls outside of the definition of a Schedule 2 pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015, development where an Environmental Impact Assessment is required to be submitted with the planning application (An EIA application)

as the development is likely to have significant effect on the environment by virtue of factors such as its size, nature or location.

The current application as a stand alone application due to its size (0.4 hectares) and scale does not require an EIA. Given that it is a phase 1 of the St Mary's hospital masterplan, consideration was given as to whether the current application should consider the wider impact of the masterplan and an application that should be accompanied by an EIA. The City Council, having taken both specialist and legal advice, considers that there is no requirement for this current proposal to consider the impact of the future masterplan.

The bridge link is proposed because the applicant has future ambitions for the redevelopment of the entire St Mary's Hospital campus as set out in illustrative form in their master-plan, with the exact parameters of the master-plan unknown and no substantive material currently available. Prior to the master-plan proposals coming forward (assuming they do), the triangle site development would be constructed without the bridge link, and if and then they were to come forward, the link bridge would be constructed at that stage.

The environmental assessment submitted with this planning application does not therefore need to assess the wider impact of the master-plan to which it will have a physical and functional relationship in the future, but only the impact of the development of this particular site (the triangle site). The wider master-plan will be subject to EIA in its own right and therefore any such effects and or cumulative effects (of this application for the triangle site and the future wider master-plan development), if they are likely to arise, would be assessed at the time that the master-plan development comes forward as part of the EIA for that development.

Objections have been received by a number of parties on grounds that this application for the triangle site should not be considered as a stand-alone application, but rather a single application for the entire master-plan development should be submitted so that the cumulative impact can be fully considered. Whilst these objections are understood, for the reasons set out above including the specialist and legal advice received, it is not considered that these objections can be supported in this particular case.

Notwithstanding the above this planning application is accompanied by an Environmental Statement. The City Council instructed Land Use Consultants (LUC) to advise them in the matter of the highly technical and specialist evidence in relation to Environmental Statement. Their initial review of the Environmental Statement identified a number of areas of the Environmental Statement which required the submission of further and additional clarifying information, which the applicant subsequently provided. LUC has confirmed that the ES is regulatory compliant and provides a satisfactory review of the impacts of the proposal. They do not identify any significant adverse environmental impacts as a result of the proposed development

## **8.12 Other Issues**

### **8.12.1 Construction Impact**

The City Council's Code of Construction Practice sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of

major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. A condition is recommended to require the applicant to join up to this code. This along with the City Council's standard noisy works condition will minimise the impact of construction work on the environment of neighbouring occupiers.

### **8.12.2 Crime and Security**

Whilst the proposed development has been designed taking into account crime and security, it is considered both appropriate and necessary to require evidence by a condition that the development will achieve accreditation of Secure by Design Hospitals, as recommended by the City Council's Crime Prevention Design Officer.

### **8.12.3 Statement of Community Involvement**

The applicant undertook pre-application consultation with various external bodies and resident associations and residents. A three day exhibition took place during 8-10 September 2017. A number of residents have suggested that no meaningful public engagement has taken place.

## **9. BACKGROUND PAPERS**

1. Application form and daylight and sunlight assessment results.
2. National Planning Casework Unit Department for Communities and Local Government dated 24.01.2017.
3. Greater London Authority dated 21.03.2017.
4. Transport for London dated 13.02.2017.
5. London Underground Infrastructure Protection dated 10.02.2017 and 16.05.2017.
6. Historic England 04.05.2017.
7. Historic England Archaeology dated 13.02.2017.
8. Historic Royal Palaces dated 09.02.2017.
9. Environment Agency dated 13.02.2017.
10. Canal & River Trust dated 13.01.2017 and 03.05.2017.
11. Natural England dated 31.01.2017.
12. Thames Water dated 06.02.2017 and 27.02.2017.
13. Metropolitan Police Service MPS Crime Prevention & TP Capability dated 31.01.2017. and 24.05.2017.
14. Highways Planning Manager dated 13.06.2017.
15. Projects Officer Waste dated 08.02.2017 and 05.05.2017.
16. Asset Strategy Children's Services dated 27.01.2017 and 26.04.2017.
17. Arboricultural Officer dated 29.03.2017 and 12.07.2017.
18. Environmental Health dated 24.05.2017.
19. Energy Strategy Officer date 12.06.2017.
20. St Marylebone Society dated 17.02.2017 and 08.05.2017.
21. Paddington Waterways & Maida Vale Society dated 01.02.2017 and 15.05.2017..
22. South East Bayswater Residents Association dated 14.03.2017 and undated supplementary comments.
23. Paddington Residents Active Concern on Transport dated 14.03.2017 and undated supplementary comments.

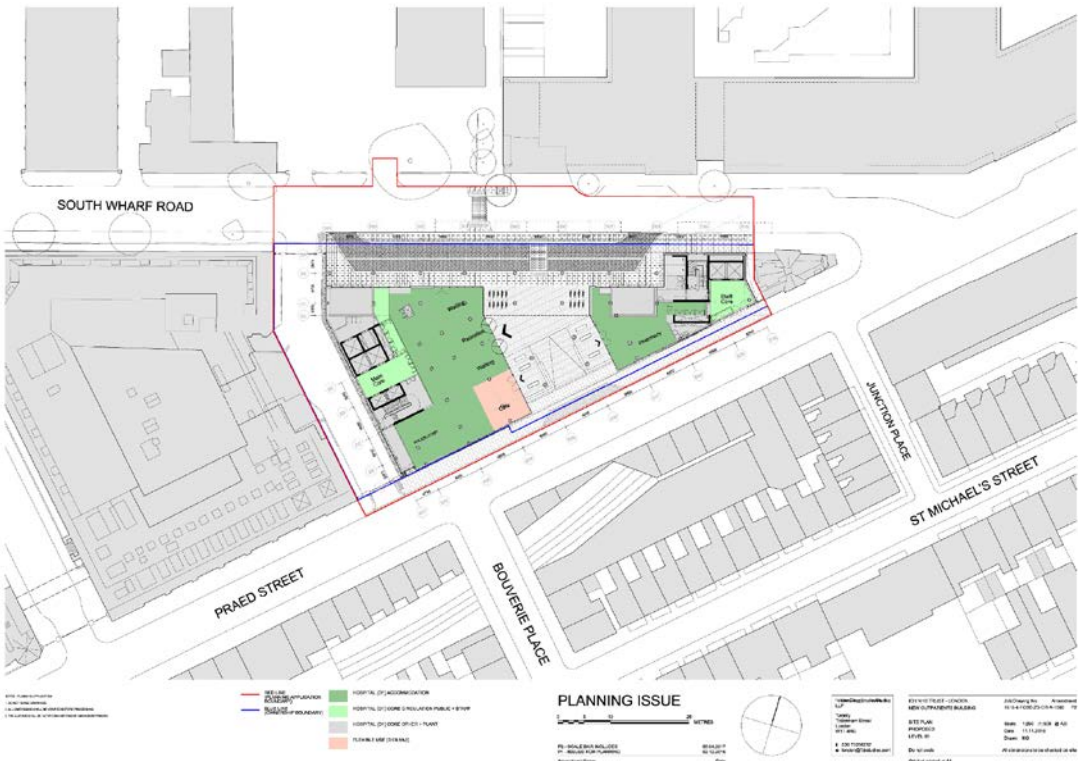
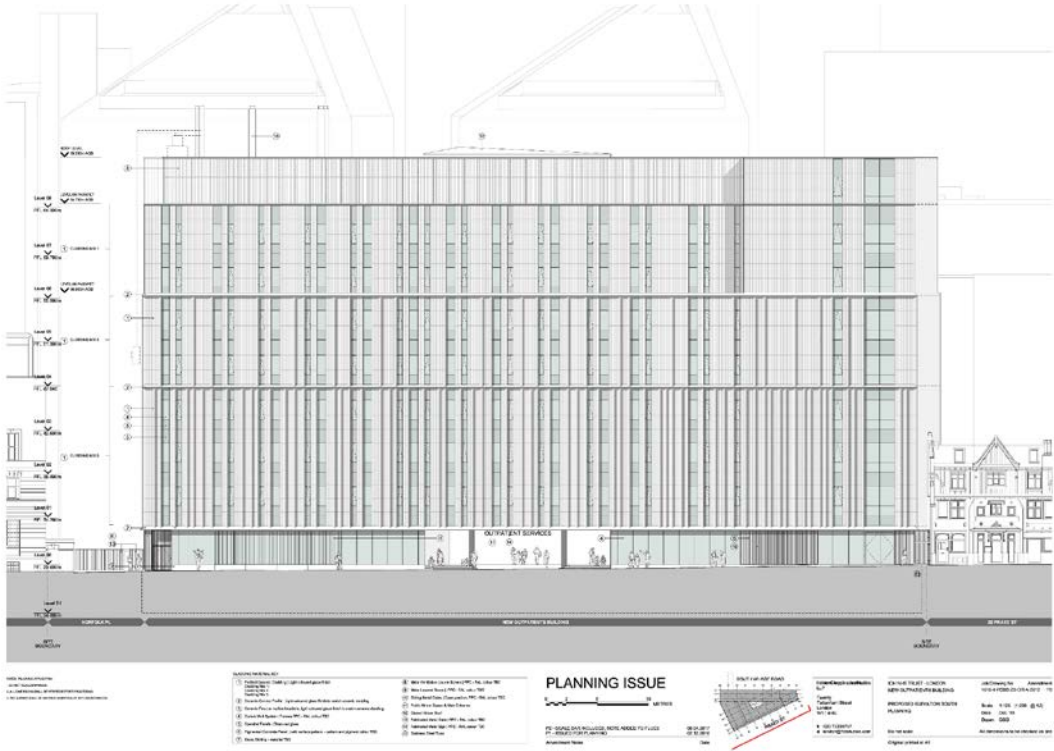
24. Hyde Park Estate Association dated 14.07.2017.
25. PaddingtonNow Business Improvement District, 25 Nutford Place, dated 01.03. 2017.
26. ECA Architecture & Planning on behalf of 22 residents of Westcliffe Apartments, South Wharf Road dated 10.03.2017 and 14.06.2017.
27. Flat 5 (8<sup>th</sup> floor) Westcliffe Apartments, South Wharf Road ( x5 responses) dated 09.03.2017 and 13.04.2017.
28. Flat 104 (1<sup>st</sup> floor) Westcliffe Apartments, South Wharf Road dated 12.04.2017.
29. Flat A202 Westcliffe Apartments, South Wharf Road (x2 responses) dated 17.03.2017.
30. Flat 212 Westcliffe Apartments, South Wharf Road dated 19.04.2017.
31. Flat 404 Westcliffe Apartments, South Wharf Road dated 18.04.2017.
- 32.
33. Flat 503 Westcliffe Apartments, South Wharf Road (x2 responses) dated 22.03.2017 and 24.03.2017.
34. Flat 505 Westcliffe Apartments, South Wharf Road (x2 responses) dated 12.03.2017.
35. Flat A506 Westcliffe Apartments, South Wharf Road dated 16.03.2017.
36. Flat 512 Westcliffe Apartments, South Wharf Road dated 20.06.2017.
37. Flat 516 Westcliffe Apartments, South Wharf Road dated 14.04.2017.
38. Flat 603 Westcliffe Apartments, South Wharf Road dated 19.04.2017.
39. Flat 611 Westcliffe Apartments, South Wharf Road (x2 responses) dated 11.03.2017 and 13.03.2017.
40. Flat 612 Westcliffe Apartments, South Wharf Road undated
41. Flat 614 Westcliffe Apartments, South Wharf Road dated 13.03.2017., 25.04.2017., 27.04.2017.
42. Flat 704 (7<sup>th</sup> floor) Westcliffe Apartments, South Wharf Road dated 19.03.2017.
43. Flat 705 Westcliffe Apartments, South Wharf Road (x3 responses) dated 13.03.2017 and 16.03.2017.
44. Flat 706 Westcliffe Apartments, South Wharf Road dated 13.03.2017.
45. Flat 710 Westcliffe Apartments, South Wharf Road dated (x2 responses) 13.03.2017.
46. Flat 802 Westcliffe Apartments, South Wharf Road dated (x2 responses) 13.04.2017.
47. Flat 806 Westcliffe Apartments, South Wharf Road dated 17.05.2017.
48. 178-180 Edgware Road 24.04.2017.
49. Graves Farm Catmere End Saffron Walden dated 12.04.2017.
50. No.1 South Wharf Road dated 12.04.2017.
51. Flat 214 Peninsula Apartments, 4 Praed Street dated 13.04.2017.
52. Flat 411, No.4 Praed Street dated 18.04.2017.
53. Flat 708 Peninsula Apartments, 4 Praed Street (x2 responses) dated 31.03.2017 and 03.04.2017.
54. Flat 407 Balmoral Apartments, 2 Praed Street dated 13.05.2017.
55. Flat 512 Balmoral Apartments , 2 Praed Street dated 22.04.2017.
56. Flat 1013 Balmoral Apartment, 2 Praed Street dated 18.04.2017.
57. Flat 1204 Balmoral Apartment, No.2 Praed Street dated 18.04.2017.
58. Flat 1201, 3 Merchant Square dated 06.02.2017.
59. No.402 Praed Street dated 13.04.2017.
60. No.400 Clive Court, 75 Maida Vale dated 10.04.2017.
61. No.5M Portman Mansions, Chiltern Street dated 25.04.2017.
62. No.32 Maida Vale dated 01.05.2017.
63. No.67 Rodney Court, Maida Vale dated 16.05.2017.
64. No.2 Craven Hill Mews dated 08.04.2017.
65. No.130 Ilbert Street dated 06.04.2017.

66. No.3 Junction Place dated 19.02.2017.
67. Flat 5, 3 Norfolk Square dated 28.02.2017.
68. No.53 Edna House, Norfolk Square dated 06.04.2017.
69. No.43a St Georges Square dated 28.02.2017.
70. No.252 Bromley Road, Shortlands dated 08.04.2017.
71. No.18 Moundsfield Way, Cippenham, Slough dated 11.04.2017.
72. No.59 St Anthony's Avenue, Woodford Green dated 01.03.2017.
73. Renal Medicine -Hammersmith Hospital, Du cane Road, dated 25 January 2017.
74. No.62 Hanley Road dated 20.04.2017.
75. No.92 Bridle Road, Pinner, Middlesex dated 20.04.2017.
76. No.23 Skipton Drive, Hayes dated 05.06.2017.
77. No.8 Hartswood Road dated 21.05.2017.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)





Proposed south elevation facing Praed Street (bottom) and proposed ground floor plan (bottom).





**DRAFT DECISION LETTER**

- Address:** Development Site At St Mary's Hospital, Praed Street, London,
- Proposal:** Demolition of existing buildings and the erection of a basement plus eight storey hospital building with associated link bridge (Use Class D1), with flexible Class D1/A1/A3 floorspace at ground floor level, and associated works including access, servicing and patient drop-off facilities.
- Plan Nos:** 1616-4\_Triangle P\_Drawing Issue 170406; 1616-4-FCBS-ZD-DR-A-0001-P2; 1616-4-FCBS-ZD-DR-A-1000-P2; 1616-4-FCBS-ZD-DR-A-1001-P2; 1616-4-FCBS-ZD-DR-A-1002-P2; 1616-4-FCBS-ZD-DR-A-1010-P2; 1616-4-FCBS-ZD-DR-A-1011-P2; 1616-4-FCBS-ZD-DR-A-1012-P2; 1616-4-FCBS-ZD-DR-A-1030-P2; 1616-4-FCBS-ZD-DR-A-1031-P2; 1616-4-FCBS-ZD-DR-A-1032-P2; 1616-4-FCBS-ZD-DR-A-1033; 1616-4-FCBS-ZD-DR-A-1034-P2; 1616-4-FCBS-ZD-DR-A-1035-P2; 1616-4-FCBS-ZD-DR-A-1036-P2; 1616-4-FCBS-ZD-DR-A-1037-P2; 1616-4-FCBS-ZD-DR-A-1038-P2; 1616-4-FCBS-ZD-DR-A-1039-P2; 1616-4-FCBS-ZD-DR-A-1040-P2; 1616-4-FCBS-ZD-DR-A-1041-P2; 1616-4-FCBS-ZD-DR-A-1060-P2; 1616-4-FCBS-ZD-DR-A-1061-P2; 1616-4-FCBS-ZD-DR-A-1062-P2; 1616-4-FCBS-ZD-DR-A-1063-P2; 1616-4-FCBS-ZD-DR-A-1064-P2; 1616-4-FCBS-ZD-DR-A-1065-P2; 1616-4-FCBS-ZD-DR-A-1066-P2; 1616-4-FCBS-ZD-DR-A-1067-P2; 1616-4-FCBS-ZD-DR-A-1068-P2; 1616-4-FCBS-ZD-DR-A-1069-P2; 1616-4-FCBS-ZD-DR-A-1070-P2; 1616-4-FCBS-ZD-DR-A-1071-P2; 1616-4-FCBS-ZD-DR-A-1072-P1; 1616-4-FCBS-ZD-DR-A-1080-P2; 1616-4-FCBS-ZD-DR-A-1081-P2; 1616-4-FCBS-ZD-DR-A-1082-P2; 1616-4-FCBS-ZD-DR-A-1083-P2; 1616-4-FCBS-ZD-DR-A-1084-P2; 1616-4-FCBS-ZD-DR-A-1085-P2; 1616-4-FCBS-ZD-DR-A-1086-P2; 1616-4-FCBS-ZD-DR-A-1087-P2; 1616-4-FCBS-ZD-DR-A-1088-P2; 1616-4-FCBS-ZD-DR-A-1089-P2; 1616-4-FCBS-ZD-DR-A-1700-P2; 1616-4-FCBS-ZD-DR-A-1701-P2; 1616-4-FCBS-ZD-DR-A-1781-P2; 1616-4-FCBS-ZD-DR-A-1870-P2; 1616-4-FCBS-ZD-DR-A-1871-P2; 1616-4-FCBS-ZD-DR-A-1872-P2; 1616-4-FCBS-ZD-DR-A-1873-P2; 1616-4-FCBS-ZD-DR-A-1900-P2; 1616-4-FCBS-ZD-DR-A-2700-P2; 1616-4-FCBS-ZD-DR-A-2701-P2; 1616-4-FCBS-ZD-DR-A-2702-P2; 1616-4-FCBS-ZD-DR-A-2703-P2; 1616-4-FCBS-ZD-DR-A-2780-P2; 1616-4-FCBS-ZD-DR-A-2781-P2; 1616-4-FCBS-ZD-DR-A-2810-P2; 1616-4-FCBS-ZD-DR-A-2811-P2; 1616-4-FCBS-ZD-DR-A-2812-P2; 1616-4-FCBS-ZD-DR-A-2813-P2; 1616-4-FCBS-ZD-DR-A-2880-P2; 1616-4-FCBS-ZD-DR-A-3100-P2; 1616-4-FCBS-ZD-DR-A-3164-P2. Covering letter; Design and Access Statement; Planning Statement; Arboricultural Statement; Environmental Statement; Geotechnical and Geo environmental desk study report; Initial ground movement assessment; Operational waste management strategy; outline construction management plan (information only); Preliminary Ecological Appraisal; Sustainability statement; Transport Assessment; Travel plan; Flood risk assessment; Statement of community engagement; Structural method statement (for information); Energy statement; Daylight and sunlight survey. Additional cover letter and documents relating to LUC review; waste; Emergency ambulances; plant design;

cleaning and maintenance; flues; masterplan; secure by design; loss of parking; trees (April 2017).

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must not cook raw or fresh food on the premises of the ground floor cafe (Class A3). (C05DA)

Reason:

The plans do not include any kitchen extractor equipment for the ground floor cafe (Class A3). For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 5 Customers shall not be permitted within the Class A3 cafe premises before 07.00 or after 21.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1616-4-FCBS-ZD-DR-A1071 Amendment P2. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 7 **Part Pre Commencement Condition.**

a. Prior to commencement you must apply to us for approval of details of a security scheme for the building;

b. Prior to occupation you must apply to us for approval of evidence of accreditation of Secure by Design Hospitals.

You must not start work until we have approved what you have sent us under a. above and you must not occupy the building until we have approved what you have sent us under b. You must then carry out the work according to the approved details before anyone moves into the building. (C16AB)

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Bayswater Conservation Area as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 8 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. You must complete the development in accordance with the details and materials (including glazing) that we have approved as shown on drawing 1616-4FCBS-ZR-DR-A2814 P2 and 2815P2.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 11 All servicing must take place between 07.00 and 20.00 hours on Monday to Saturday and 09.00- and 19.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 12 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character and appearance of the Conservation Area and the special architectural

and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 13 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to impact on local underground sewerage utility infrastructure.

- 14 **Pre-Commencement Condition:** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground Limited) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by us which:

- provide details on all structures;
- provide future maintenance plan for plant and equipment;
- ongoing communication with London Underground Engineers;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction;
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in this condition shall be completed, in their entirety, before any part of the building is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and 'Transport' Supplementary Planning Guidance 2012.

- 15 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage

assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 16 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 17 **Pre Commencement Condition.** You must apply to us for approval of details of how you will reduce the development's effect on the biodiversity of the environment. You must not start any work until we have approved what you have sent us. You must carry out this work according to the approved details before you start to use the building. (C43AA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 18 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 19 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Brown roofs

You must not remove any of these features. (C44AA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 20 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 21 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

## Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 22 You must apply to us for approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

## Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 23 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;



(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 25 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 26 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 23 of this permission. This report must include a baseline noise survey accounting for the weekend period. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 27 You must apply to us for approval of details of the mechanical ventilation system and the siting of the associated exhausts and inlets. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 28 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the street trees which you are keeping. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 29 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the brown roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 30 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme
- a. Omission of on-street taxi bay from Praed Street.
  - b. Removal of on-street loading bay from South Wharf Road.

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

Reason:

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

- 31 You must only use the building we have approved for hospital outpatient and associated uses. You must not use it for any other purposes, including as an Hospital Accident and Emergency use, or any other use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). This is apart from the areas at ground floor level annotated as 'cafe' and 'pharmacy' which may be flexibly used for A1/A3/D1 (outpatient use). (C05BB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 32 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 33 You must apply to us for approval of detailed drawings and sections at 1:5 and 1:20 of the following parts of the development:

(a) Typical Bay

- (b) Final dimensions and finish to flues
- (c) Building Maintenance Unit final design and parked position.

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 34 The building maintenance unit shall be positioned in its parked position (to be agreed under Condition 33) at all times when not in use.

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 35 **Pre-Commencement Condition.** No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:

- (a) Delivery and Service Plan
- (b) Construction Logistics Plan

These documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on Bayswater Road (part of the Strategic Road Network) You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

In order to appropriately manage any potential adverse effects on the local road network and as requested by Transport for London.

- 36 Before you begin to use the hospital outpatients buildings, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the building;
- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the building;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new

building is occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 37 Before construction of the four storey bridge link from the approved building across South Wharf Road to the 'Acrow' site is commenced, you must apply to us for approval of details confirming the building to which the bridge link will be attached (the submission should include a copy of the planning permission decision letter for the building to which the bridge link would attach) . You must start work on the bridge link until we approve what you send us. You must then carry out the bridge link in accordance with the details we approve.

Reason:

In the interest of proper planning and 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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- 1 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred

to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 2 Archaeological fieldwork would comprise the following:

### **Evaluation**

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

The evaluation would form the first stage of investigation and should aim to inform the scope of the second stage in order to fully mitigate any archaeological impact. This would wither comprise excavation prior to development of a watching brief during development. Further information on archaeology and planning in Greater London including Archaeological Priority Areas is available on the Historic England website.

- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 Condition 20 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Phone: 020 7641 3153  
(I73AB)

- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of

information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](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 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. 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/falls/index.htm](http://www.hse.gov.uk/falls/index.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)
- 9 Conditions 23,24,25,26 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)

- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 11 You are reminded that the City Council's Code of Construction Practice requires compliance with the Non-Road Mobile Machinery Regulations and as such should ensure that all non road mobile machinery used during the demolition and or construction phase meet the appropriate emission standards. Further information can be found at the following link:-<http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)
- 12 You may need to make an application for chimney height approval under the Clean Air Act 1993. Please contact [environmetnalsciences2@westminster](mailto:environmetnalsciences2@westminster) for further information.
- 13 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 14 You will need to speak to our Tree Section about proposals to remove trees in the public footways surrounding the site. You will have to pay for the removal of the trees including all administration, and supervision costs. We will not remove street trees until such time as you have satisfied all pre-commencement conditions and you are in a position to commence the development.

When you apply to us to discharge Condition 28, you will need to make specific reference to construction access and logistics in order to demonstrate practical tree protection for the retained trees.

- 15 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
  - i. Payment for the cost of highways works necessary to facilitate the development, including new footway, footway crossovers, revised parking bays.
  - ii. £162,000 (index linked) towards carbon offset fund.
  - iii. £15,000 (index linked) towards replacement of 3 street trees.

Item No.
<b>1</b>

iv. Monitoring costs.

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 26 September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Church Street	
<b>Subject of Report</b>	<b>382-386 Edgware Road, London, W2 1EB</b>		
<b>Proposal</b>	Construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace; basement excavation and external facade alterations in association with the provision of four retail units at ground floor level and 7 residential units and additional office (Class B1) floorspace on the upper levels.		
<b>Agent</b>	Forward Planning and Development		
<b>On behalf of</b>	Edgware Road LLP		
<b>Registered Number</b>	17/04311/FULL	<b>Date amended/ completed</b>	6 June 2017
<b>Date Application Received</b>	17 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	None		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

The application site contains an unlisted building that is not located within a conservation area, but forms part of the Core Frontage of the Church Street/ Edgware Road District Centre. It is located within the North Westminster Economic Development Area (NWEDA), the Edgware Road Housing Zone and is within the area covered by the City Council's Futures Plan/ draft Church Street Master Plan.

The applicant proposes construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace. The extensions would accommodate seven residential units and additional office floorspace. Basement excavation and external facade alterations are proposed in association with the provision of four retail units at ground floor level.

The key considerations are:

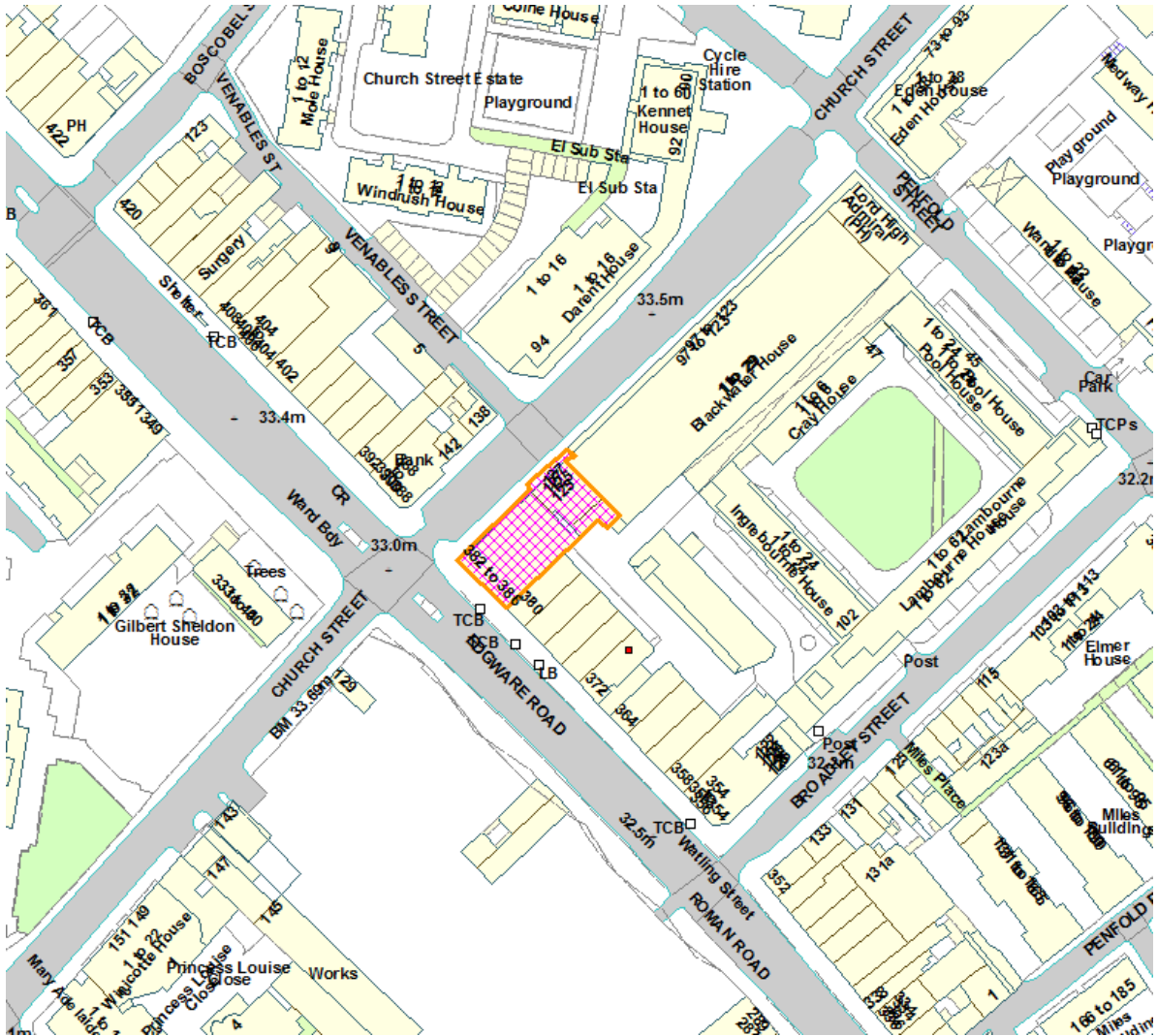
- The acceptability of providing 7 residential units and additional office accommodation in this

location.

- The impact of the proposed development on the appearance of this part of the City.
- The impact on the amenity of neighbouring residents.
- The impact on the operation of the public highway.

The proposals are considered to accord with City Council's policies within Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). Accordingly, it is recommended that permission is granted subject to the conditions set out in the draft decision letter appended to this report.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



Application site as seen from Edgware Road.



Application site as seen from Church Street.

## 5. CONSULTATIONS

### COUNCILLOR GRAHAME

On behalf of residents strongly supports this application. It's a prominent building on the corner of Edgware Road and Church Street so will have a significant impact on improving the appearance of the entrance to Church Street. The proposal to have the corner section for offices and the adjacent block as residential, each with a different design, will add some interest. Hopes the rear of the buildings is of good design so that it improves the very scruffy area enclosed by Ingrebourne and Lambourne House and the back of the shops on Edgware Road and the entrance to Q Parks.

### ST MARYLEBONE SOCIETY

Like the design and appearance of the building, but feel that the shared entrance for office and residential is inadequate, and that bike and refuse storage in the basement is problematic. This is an opportunity for a decent size basement which would also benefit the shopkeepers on the ground floor and would mean the possibility of better common areas for the tenants of the upper floors.

### BUILDING CONTROL

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH OFFICER

Agrees with the noise monitoring so far with regard to establishing the ambient levels on Edgware Road and Church Street and to provide noise insulation targets. However, does not feel that the monitoring positions accurately reflect the ambient/background noise levels for the rear of the site to establish a suitable design criteria for the proposed plant and machinery. The proposed plant location is adjacent to a bedroom on the fourth floor. With the increase in height of the proposed building from two to four floors it would afford a greater level of screening from traffic noise on Edgware Road and to a lesser extent on Church Street. Potentially, there may be a lower background level at the rear for the proposed new residential properties.

### HIGHWAYS PLANNING MANAGER

Object to lack of parking on-site, but have recommended condition requiring lifetime car club membership for flats. Recommend conditions to secure appropriate cycle parking and waste storage on-site.

### HISTORIC ENGLAND ARCHAEOLOGY

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding. The archaeological interest should be conserved by condition, should permission be granted.

### TRANSPORT FOR LONDON

The development entails construction activity directly adjacent to the Transport for London Road Network (TLRN) (i.e. Edgware Road). Request a condition/informative requiring that the developer obtain technical 'approval in principle' from TfL. This is to ensure that the public highway is not compromised by the development.

The Edgware Road frontage has a pedestrian crossing and double red line waiting and loading restrictions (i.e. no stopping at any time). As such, construction access to the site would be expected to take place from Church Street. The footway and carriageway on the TLRN must not be blocked during the construction. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic. All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. No skips or construction materials should be kept on the footway or carriageway on the TLRN at any time.

The bike stores appear to be very small, particularly the office store. The lifts also don't look big enough to take a bike. As such it seems the cycle parking does not accord with London Cycle Design Standards.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23.

Total No. of replies: 2.

No. of objections: 1.

No. in support: 1.

In summary, the objector raises the following issue:

- The proposal affects the foundations of the ground floor retail units and the amenities thereto.

In summary, the supporter raises the following issue:

- The quality of the design and enhancements to the façade will significantly improve this strategic location which is directly opposite their redevelopment at West End Gate;
- Proposal would act as a high quality marker and gateway for the Church Street district; and
- Additional commercial floorspace and improvements to the retail frontages will contribute positively to regeneration of Edgware Road and Church Street.

ADVERTISEMENT/ SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site contains an unlisted building of ground and first floors with a part basement located on the corner of Edgware Road and Church Street. The ground floor is currently occupied by four Class A retail units, with storage within the basement. The first floor is occupied by offices (Class B1), with access from Church Street. The building is not located within a conservation area.

The premises form part of the designated Core Frontage of the Church Street/ Edgware Road District Centre and is located within the North Westminster Economic Development Area (NWEDA).



Although not part of the development plan, the application site is located within the area covered by the City Council's Futures Plan. The Futures Plan was a plan for the next 15 to 20 years and aims to improve existing homes and build new homes; provide new and better parks and children's play areas; improve shops, jobs and business opportunities; and to ensure that all those who live and work in the Church Street and Paddington Green area have access to good quality schools, healthcare and other services. The draft Church Street masterplan, currently out for consultation builds on the themes in the Futures Plan. Consultation is open until Sunday 29 October 2017.

The application site is also located within the Edgware Road Housing Zone. Designated as such by the Mayor of London, the Mayor and the City Council will be working together to invest more than £150 million in the area to increase the number of new homes by over 1,113 within the next decade.

## 6.2 Recent Relevant History

### 12/00938/FULL

Erection of two storey roof extension in connection with continued use of ground floor for retail (Class A1) use and nine residential units on upper floors (Class C3) (4 x 1-bed, 2 x 2-bed, 3 x 3-bed) with roof terraces. Installation of plant within screening and alterations to shopfronts on Church Street and Edgware Road elevations.

Application granted on 20 August 2013. This permission was never implemented and has now lapsed.

## 7. THE PROPOSAL

The applicant proposes extending and altering the existing building to create a part four and part five storey building. The rear part of the building, fronting Church Street, would retain the ground floor Class A retail units and seven residential units would be provided on the upper floors. The existing basement would be extended under the rear part of the site. The front part of the building, located on the corner of Church Street and Edgware Road, would contain three ground floor retail units and office floorspace on the upper floors. Both the residential and office uses would be accessed from a shared entrance on Church Street.

Extensive alterations to the ground floor shopfronts and existing facades are also proposed. No on-site car parking is proposed, although cycle parking for the office and residential units is proposed within the extended basement.

The proposed development would contain the following floor areas:

Use	Existing GIA (m <sup>2</sup> )	Proposed GIA (m <sup>2</sup> )	Net Change
Retail	484	431	-53
Office	381	836	+455
Residential	0	796	+796
<b>TOTAL</b>	<b>865</b>	<b>2063</b>	<b>1198</b>

The residential units would comprise of the following mix:

Number of Bedrooms	Number of Units
One	4
Two	2
Three	1
<b>TOTAL</b>	<b>7</b>

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of Class A Retail Floorspace**

The proposed development would result in the loss of 53 m<sup>2</sup> of retail floorspace to provide circulation space for the flats and offices. Policy S21 of the City Plan protects retail floorspace throughout the City although does also cross-reference policy S12 which specifies that the City Council will be more flexible about uses within the Church Street/ Edgware Road District Centre. Policy SS6 of the UDP restricts loss of retail uses and units within District Centres.

In this instance, the proposal does not result in the loss of Class A retail units. The floorspace lost is also split between two units and is relatively modest in comparison to the size of the units themselves. The length of retail frontage would be largely retained. One of the affected units also in use as a Class A2 financial and professional services use, and therefore its floorspace is not protected by the development plan. The floorspace lost is also confined to storage and service space at the rear of the units only. Given the above and the flexibility permitted by policy S12, the loss of this relatively modest and secondary area of Class A retail floorspace is therefore acceptable in this instance.

#### **8.1.2 Provision of Office Floorspace**

The retention and uplift in office floorspace proposed is supported by policy S20 of the City Plan. It would also contribute to economic activity within NWEDA and is supported by policy S12 of the City Plan. Accordingly, the provision of additional office floorspace is acceptable in principle.

The application site is not located within the Core Central Activities Zone (CAZ) or an Opportunity Area and is not in the CAZ Frontage or a Named Street. Accordingly, the uplift in office floorspace is not subject to Policy S1 of the City Plan (Mixed Use in the Central Activities Zone).

#### **8.1.3 Provision of Residential**

Policies H3 of the UDP and Policy S14 of the City Plan seek to encourage the provision of more residential floorspace, including the creation of new residential units. Accordingly, the provision of residential accommodation is supported in principle.

The residential floorspace proposed does not exceed 1000m<sup>2</sup> and less than 10 residential units are proposed. Accordingly, the proposed development does not generate a requirement to make an affordable housing contribution pursuant to Policy S16 of the City Plan.

Policy H5 of the UDP requires approximately 33% of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP. In this instance, only 1 unit or 14% of the proposed units would be family sized. However, as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. For example, a lower number of family sized units may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located at the junction of Edgware Road and Church Street. Accordingly, this shortfall would be consistent with policy H5 of the UDP in this instance.

The size of the proposed flats are set out in the table below:

Flat	Size (m <sup>2</sup> / type of unit)	Minimum Requirement (m <sup>2</sup> )
1 (First Floor)	63 / 1b2p	50
2 (First Floor)	64 / 1b2p	50
3 (Second Floor)	83 / 2b4p	70
4 (Second Floor)	64 / 1b2p	50
5 (Third Floor)	76 / 2b4p	70
6 (Third Floor)	60 / 1b2p	50
7 (Fourth Floor)	129 / 3b6p	95

The proposed residential units would meet the Nationally Described Space Standard (March 2015) as reiterated in Policy 3.5 of the London Plan (March 2016) and the Mayor of London's Housing Supplementary Guidance (SPG). All flats would have access to a balcony. Six of the units would also be dual aspect ensuring satisfactory natural lighting levels. As such, the proposed residential units would provide an acceptable standard of accommodation.

## 8.2 Townscape and Design

The existing building dates from the earlier 20th century. It is considered to be of poor architectural quality in its own right and, at two stories high and with pronounced horizontal emphasis to its elevations, it sits poorly in its townscape context of principally four storey vertically proportioned terraced properties.

The new development is divided into three distinct sections; namely a section to the corner of Edgware Road and Church Street (hereafter referred to as the 'Edgware Road Block'), a section facing onto Church Street principally containing the proposed residential units (the 'Church Street Block'), and a glazed link building between these two main elements (the 'Link Block').

These three separate blocks differ in height and massing in response to their differing townscape contexts. This approach also helps to reduce the overall massing of this large development, allowing the three elements to read more as distinct vertical buildings in their own right, rather than a more imposing form of development unified across the whole site.

The Edgware Road Block covers ground to third floor levels, and rises to the peak of the gables found on the skyline of the terrace of Victorian properties adjacent. A slightly higher building to the street corner is a relatively common feature of Victorian townscape. The height and sheer form of this proposed block will slightly diminish the skyline impression of the gables to the adjacent terrace, and a building even higher than is currently proposed would be a significant concern to officers in terms of an unacceptable impact on the setting of the adjoining terrace. However, what is proposed in the application is a more appropriate townscape response than the existing two storey building on site and is considered acceptable when seen in context with the neighbouring Victorian properties.

As with the existing building, the development extends at ground floor level to the front boundary of the site, giving an appropriate definitive edge and frontage to the pavement. This includes the Edgware Road Block, which incorporates a shopfront which projects forward to match the projection of the other Edgware Road shopfronts to the terrace, with the upper floors set further back matching the more recessed building line of the upper floors to the remainder of the terrace. This emphasises the continuity of building lines in the townscape, and is considered acceptable in design terms.

The Church Street Block rises half a storey above the Edgware Road Block, and just over a full storey above the adjoining Blackwater House. However, this transition in scale between these building is considered acceptable in itself in this context and this block does not appear unduly large in the townscape.

The Link Block sits a floor level between both the two adjoining main blocks of the development and it will sit comfortably in this context, providing relief and modelling to the skyline of the overall development. In addition, its upper floors are slightly indented from the building line to church Street giving a further sense of modelling to the overall composition of the development.

The approach of creating the development with three distinct sections allows each element to be more carefully designed to respond to their immediate architectural context and more opportunity for varied visual interest, as discussed below.

### Edgware Road Block

The Edgware Road elevation is divided into two main elements, each three windows wide and separated by a wider section of brickwork detailing to the centre. This subtly divides the Edgware Road elevation into two more distinctly vertically emphasised elements which responds well to the vertically proportioned Victorian terraced properties adjacent. The proposed red brick facing of the building will also assist in ensuring it harmonises well with the adjoining terraced properties. In addition, the window openings subtly reduce in height as they rise from first to third floor levels, adding a further feature of interest and arranging the composition with a clear impression of it terminating above third floor level. The applicants have submitted a detailed drawing for this block, which shows that the elevations will incorporate a high level of detailed interest including corbelled brick banding defining floor levels, and with the vertical piers incorporating a darker blue fluted terracotta detail to their centre. The overall effect will be one of a richly detailed building and of a high quality finish. Further details of features not yet fully worked up, such as

windows and doors, and shopfront detailing, can be secured by the recommended conditions.

Though the ground floor shopfront rises to approximately the height of the shopfronts along the remainder of the terrace, the floor levels to the upper floors do not follow through with window levels on the adjoining terrace of properties as the office use requires a greater floor to ceiling height than exists to the Victorian terraced properties designed for residential use to their upper floors. In the context of the generally varied Edgware Road this is considered acceptable.

The applicants state that the parapet surrounding main roof level to the Edgware Road Block will comprise a decorative terracotta band with the name 'Church Street Market' incorporated, and that the intention is to collaborate with an artist in the further development of this feature. There are as yet no clear details of the specific form and detailing that this artwork would take. However, there is sufficient details included of the intentions to allow a consideration of the proposal, and to secure further details by condition. The incorporation of decorative terracotta detailing in the form of a parapet capping the elevations is welcomed in architectural terms and the further emphasis it will give to the presence of the adjoining Church Street.

Overall it is considered that this prominent corner block is of a high quality design in itself and will integrate successfully both with its surrounding context, and with the red brick faced West End Green development anticipated to the west side of this section of Edgware Road.

#### Church Street Block

The front elevation of the building is arranged with three framed glazed openings to ground floor level, with the upper floors having a main central bay with glazing slightly recessed and balcony projecting forward and with this central bay flanked to each side by paired windows. The vertical and central emphasis this gives the composition is well considered, and it the degree of modelling and variation to window openings will help add interest to the elevation. The composition will be appropriately capped by the inset panels to the detailed brickwork parapet. The grey brickwork finish is considered appropriate in itself, and will distinguish it from the Edgware Road Block. The applicants have also submitted a detailing drawing of this block showing brickwork detailing of interest, including the paired window panels slightly inset from the main outer elevation, and other detailing of interest, all of which will assist in creating a quality new building.

The rear elevation has a simpler arrangement of window openings of more consistent size and arrangement to the elevation than the more varied front, and generally has a simpler architectural form with interest principally added through the incorporation of the relatively large balcony structures. A simpler architectural approach to rear elevations as compared to the grander street frontage is the same basic approach found to the Victorian buildings to the Edgware Road frontage which back onto this rear courtyard area, and the design still incorporates an acceptable rhythm of windows with the balcony structures not unduly compromising its character. There are no clear details shown in the submission of any brickwork detailing proposed for the rear elevation, however officers considered that some further interest could be added to the relatively plain rear elevation shown, and this would be secured by condition with an informative added to advise on what is desired.

The photovoltaic panels proposed to roof level are low profile and should not be visible from street level and should not unduly clutter the impression of the building from surrounding upper floor levels.

Overall, this block is a well-considered design that sits comfortably in the Church Street context.

### Link Block

Since the initial submission of the application proposals the architects have refined the design of its Church Street elevation, which now incorporates a greater sub-division of glazing rather than the much larger un-subdivided panes original proposed. The link block remains relatively plain, and with a quite striking glazed form. However, given that it is both lower in height and also recessed back from the two flanking blocks it will sit comfortably in context of the development as a whole and will provide a distinctive element defining clearly the main entrance and circulation core to the residential building.

Overall, the new development proposed is considered to represent a significant improvement in townscape and architectural quality as compared to the existing building on site. The proposed development is considered in line with Policies DES 1 and DES 4 in the UDP and Policies S25 and S28 in the City Plan.

## **8.3 Residential Amenity**

### **8.3.1 Loss of Light**

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. The supporting text to policy ENV 13 specifies that regard should be had to the BRE publication "Site Layout Planning for Daylight and Sunlight: A guide to good practice" (2011) ("the BRE Guide"). The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Delva Patman Redler Chartered Surveyors ("the Light Study") as part of the application to demonstrate compliance with the BRE Guide. The Light Study considers the following adjacent or nearby residential properties that are eligible for testing in the BRE Guide:

- 388 Edgware Road;
- 138-142 Church Street;
- Derent House;
- Blackwater House;
- Ingrebourne House;
- 378-380 Edgware Road; and

- 388 Edgware Road.

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss.

### Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide very good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by affected windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The Light Study concludes that, of the 55 windows eligible for testing, nine would have VSC losses exceeding 20%. Of the 55 rooms tested, eight would also experience NSL losses exceeding 20%. The worst affected property in terms of VSC would be the first floor flat at 388 Edgware Road, which would have a VSC of 20 and a percentage loss of 26%. The NSL losses are of greater magnitude at up to 50%, with the worst affected properties being the first and second floor flats at 388 Edgware Road.

Where losses do exceed the BRE Guide, they are only marginally over what the BRE Guide deems noticeable and are not necessarily harmful. The losses are limited to windows at 138-142 Church Street and 388 Edgware Road only. The BRE Guide itself also states that it is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. The proposed development would also result in a building that has a bulk and mass more consistent with the prevailing built environment in this area and that would remove the anomalous squat appearance of the existing building. In this context, the level of light loss is considered acceptable and does not warrant refusal of the development.

### Sunlight

The BRE Guide states that only windows with an orientation within 90 degrees of south are eligible for testing. It also states that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it

has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Light Study concludes that all of the 39 windows eligible for sunlight testing would meet the BRE Guide. Accordingly, the proposed development would not result in unacceptable loss of sunlight to neighbouring residential properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.2 Sense of Enclosure**

The proposed development would be separated from the residential flat opposite on Church Street and at 388 Edgware Road by the width of Church Street (approx. 17m). This separation distance ensures that the proposal would not result in a significantly increased sense of enclosure for the occupants of those properties.

The proposed development would also be located to the side of 378 and 380 Edgware Road and Blackwater House and would therefore not result in a significantly increased sense of enclosure for the occupants of those properties. All other residential properties would be located too far from the application site to be affected by sense of enclosure and therefore the proposed development would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.3 Privacy**

As noted above, the proposed development is separated from flats at Church Street and 388 Edgware Road by the width of Church Street. It is also located to the side of the immediately neighbouring properties at 380 Edgware Road and Blackwater House, which do not have windows facing the application site. It would also have a similar level of outlook to the existing building and Blackwater House. Accordingly, it is anticipated that the proposed development would not result in a significant loss of privacy for the occupants of surrounding properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.4 Noise**

It is proposed to install building services plant within the development. Environmental Health agree with the applicants noise monitoring and noise insulation target so far as they establish ambient levels on Edgware Road and Church Street. However, Environmental Health consider that they are insufficient for establishing suitable design criteria for the proposed plant and machinery and its effect on the proposed flats within the building. However, this matter could be dealt with via conditions requiring appropriate insulation levels and limiting plant noise. Subject to these conditions, the proposal would be consistent with Policies ENV6 and ENV7 of the UDP and Policy S32 of the City Plan.

## **8.4 Transportation/Parking**

### **8.4.1 Car Parking**

The proposed development has been reviewed by the Highways Planning Manager. The proposed reduction in Class A retail floorspace would not generate additional parking



demand, whilst the increase in office floorspace does not generate a requirement for on-site parking in terms of Policy TRANS 22 in the UDP. Accordingly, the absence of on-site parking for the proposed commercial uses is policy compliant.

No off-street parking is provided for the residential units, whilst policy TRANS23 of the UDP requires the provision of up to eight spaces. The Highways Planning Manager has objected to this, noting that on-street parking demand in the area exceeds 80%. However, the application site has a high level of public transport accessibility. The applicant has also offered lifetime (25 year) car club membership for the proposed flats, which would provide a degree of mitigation for the absence of on-site parking. This could be secured by condition. Subject to this condition, the absence of on-site parking for the proposed residential units is acceptable in this instance.

#### **8.4.2 Cycle Parking**

Policy 6.9 of the London Plan (March 2016) requires the provision of one cycle parking space per 90mm<sup>2</sup> of office floorspace. This equates to six spaces which have been provided within a basement cycle parking area. As such, the proposal is consistent with Policy 6.9 of the London Plan.

Policy 6.9 of the London Plan also requires the provision of ten cycle spaces for the residential part of the development, although only five are shown in the basement parking area. A condition is recommended to secure adequate cycle parking provision for the proposed flats. Subject to this condition, the proposal would be consistent with policy 6.9 of the London Plan.

#### **8.4.3 Servicing**

Policy TRANS20 of the UDP requires the provision of off-street servicing. No off-street servicing is provided for the development. However, the site is located within a Controlled Parking Zone, which means that locations with single and double yellow (where restrictions allow) lines permit loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the proposal in a similar fashion to the existing use on site and given the size of the extension it is not expected that there will be a significant increase in servicing traffic associated with the site. Accordingly, the absence of on-site servicing is acceptable in this instance.

#### **8.4.4 Waste Provision**

The proposed development includes a dedicated waste store for the office use within the basement area. However, no dedicated waste store is shown for the residential flats. A condition is therefore recommended to secure adequate waste storage for the flats. Subject to this condition, the proposed development would accord with policy ENV 12 of the UDP.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

The proposed flats and office accommodation would be accessible by lift from street level. Overall the scheme is considered to comply with policy DES1 of the UDP and policy S28 in the City Plan in terms of accessibility.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Basement Development**

The objector notes that the proposal affects the foundations of the retail units. The applicant has submitted a Structural Methodology Statement which demonstrates that the basement extension proposed can be safely built whilst taking into account the specific ground conditions of the application site. The applicant has also provided a signed pro-forma indicating that they will adhere to the City Council's Code of Construction Practice (CoCP). A condition is attached requiring compliance with the CoCP. Subject to this condition, the proposal complies with part A. 2 of policy CM 28.1 of the City Plan.

The basement extension itself would be single storey and confined to the area beneath the proposed extension. Accordingly, the proposed basement meets the size, location and depth limitations within policy CM28.1 of the City Plan.

### **8.7.2 Sustainability**

Although not a major development, the proposed development as a whole achieves carbon savings of 37.2% over Part L of the Building Regulations 2013. Solar photovoltaic panels are also proposed to maximise on-site renewable energy production. The applicants Sustainability Statement also demonstrates a holistic approach to sustainable design and construction. There will be a 40% reduction in typical internal water consumption rates and at least 80% of construction waste will be diverted from landfill. Accordingly, and although not a major development, the proposed development is consistent with the aspirations of Policy 5.2 of the London Plan and Policies S28 and S40 of the City Plan.

## **8.8 London Plan**

This application does not raise any strategic issues.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

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

Subject to any exemptions or relief that may be applicable, the estimated Westminster CIL payment would be £279,400.

### 8.11 Environmental Impact Assessment

The proposed development is not large enough to require an Environmental Impact Assessment.

### 8.12 Other Issues

TfL have raised several queries with the construction of the development and its impact in Edgware Road, particularly from obstruction caused by storage and access. TfL have also requested a condition/ informative requiring TfL's 'approval in principle' for the proposed works. A condition is therefore recommended requiring the submission and approval of a Construction Logistic Plan, to be agreed with TfL, before development commences.

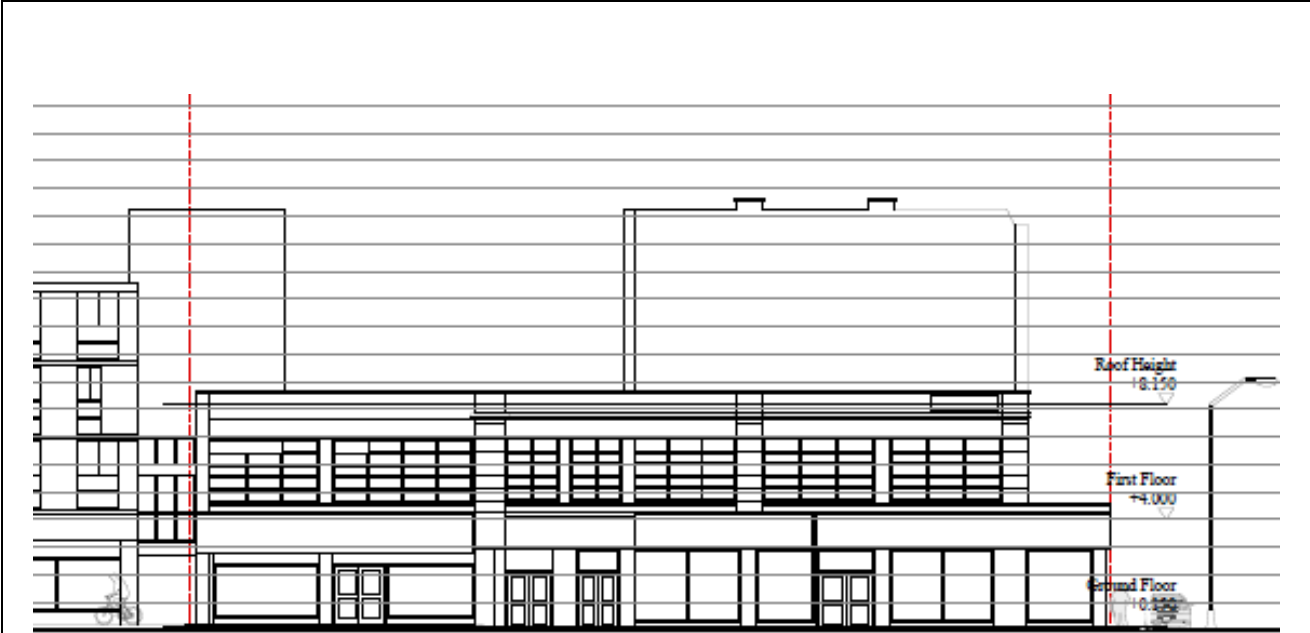
## 9 BACKGROUND PAPERS

1. Application form.
2. Response from Councillor Grahame dated 18 August 2017.
3. Response from Transport for London dated 30 June 2017.
4. Response from Historic England Archaeology dated 30 June 2017.
5. Response from Environmental Health Officer dated 8 June 2017.
6. Response from Highways Planning Manager dated 16 June 2017.
7. Response from The St Marylebone Society dated 14 June 2017.
8. Letter from occupier of 384 Edgware Road dated 5 July 2017.
9. Letter from occupier of Berkeley House, 380 Queenstown Road dated 9 August 2017.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

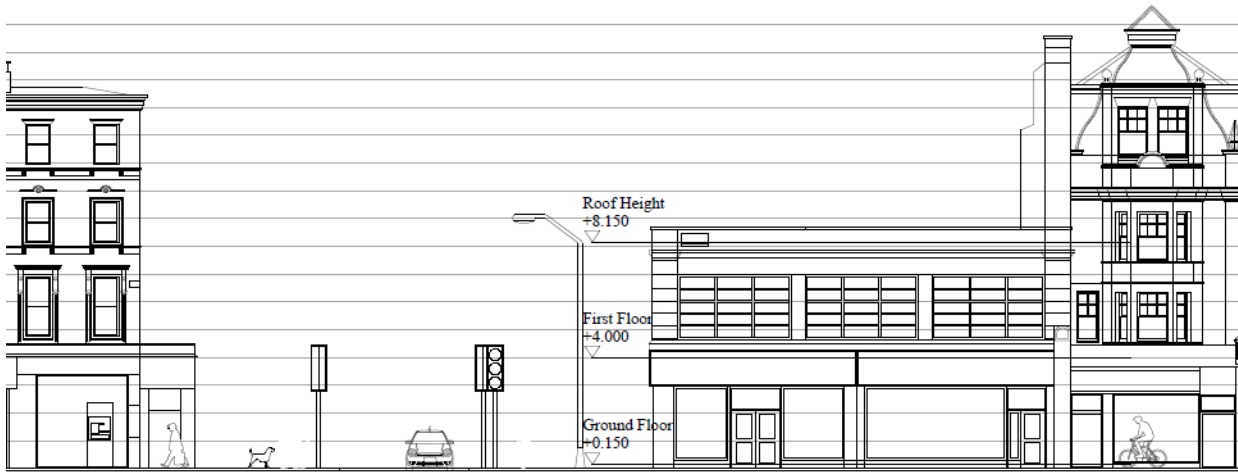
10 KEY DRAWINGS



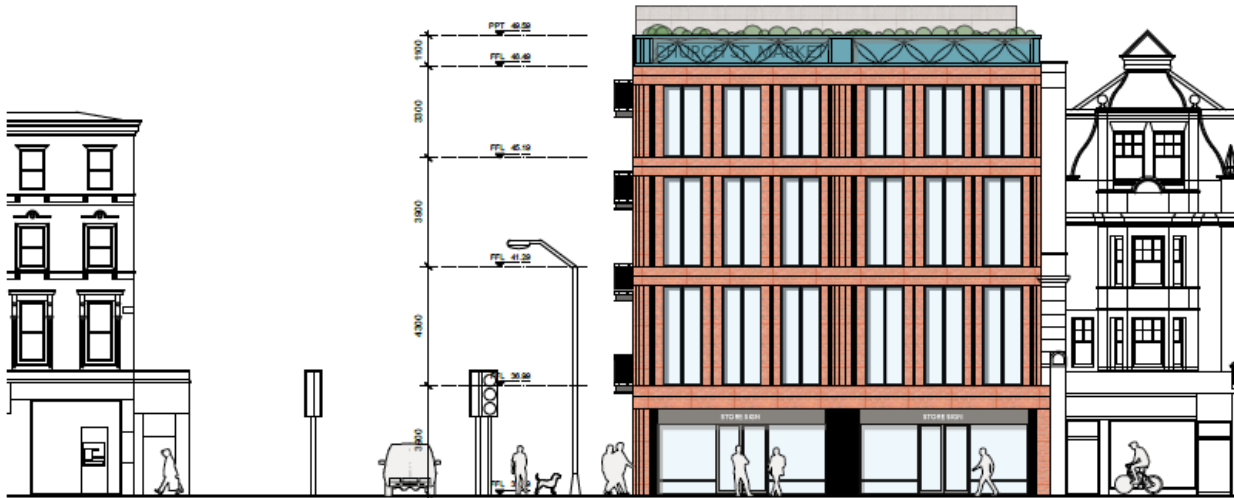
Existing Church Street Elevation.



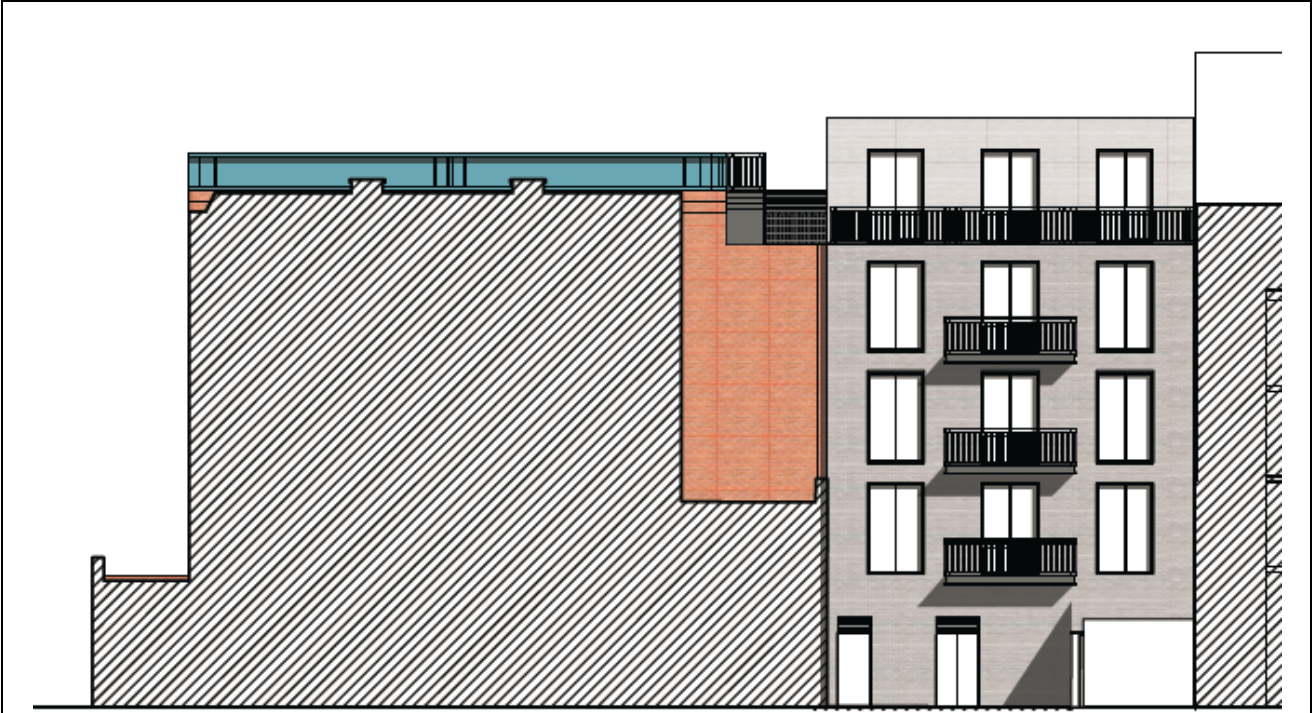
Proposed Church Street Elevation.



Existing Edgware Road Elevation.



Proposed Edgware Road Elevation.



-----

**Proposed Rear Elevation.**



**Visualisation of Proposed Development from junction of Edgware Road and Church Street.**

**DRAFT DECISION LETTER**

- Address:** 382-386 Edgware Road, London, W2 1EB,
- Proposal:** Construction of a part two, part three storey extension to the existing building incorporating green roofs and a terrace; basement excavation and external facade alterations in association with the provision of four retail units at ground floor level, 7 residential units and additional office (Class B1) floorspace.
- Plan Nos:** 00-111, 01-110, 01-111, 01-210, 01-211, 02-709 Rev B, 02-710 Rev C, 02-711 Rev D, 02-712 Rev D, 02-713 Rev E, 02-714 Rev E, 02-715 Rev E, 03-100 Rev C, 03-101 Rev C, 03-110, 05-200. Design and Access Statement dated 16/06/2017 (as amended by drawings hereby listed), Planning Statement dated 16 May 2017, Transport Statement dated May 2017, Sustainability Statement dated 15/05/017 (Issue 1), Environmental Noise Survey and Plant Assessment dated 17/05/2017 (Rev.6), Energy Assessment dated 15/05/2017 (Issue 1), Daylight and Sunlight Study dated March 2017, Statement of Community Involvement, Structural Methodology Statement dated 13.04.2017 (for information only).

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

**Reason:**

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

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

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

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

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

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)



- 3 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies how the demolition and construction works will be carried out to avoid disruption occurring on the adjacent Transport for London Road Network (TLRN) along Edgware Road. You must not commence the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

To ensure that the construction logistics for the development avoid hazard and obstruction to the public highway. This is as set out in TRANS 2 of our Unitary Development Plan that we adopted in January 2007.

- 4 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 5 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings

we have approved, or are subsequently approved under condition 12 of this permission. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies or external terrace areas. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must put up any plant screens for the plant and machinery shown on the approved drawings to main roof level of the lower height link building which fronts onto Church Street, and according to the details approved under the conditions of this permission, before you use that machinery. You must then retain and maintain it in the form shown for as long as the machinery remains in use.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must apply to us for approval of an elevation/section/manufacturers specification (as appropriate) of the plant screen to the roof of the lower level link building which faces onto Church Street, and also confirmation of finished colour. 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 drawings/specifications. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under Class C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 You must apply to us for approval of the following sample panels of brickwork/terracotta:-

- sample panel of the area to first floor level to the eastern end of the Church Street elevation of the red brick section of the building which faces onto both Church Street and Edgware Road, and which includes the textured brickwork and the terracotta detailing in the area between the the most easterly window to this floor level on this elevation and the glazed link block beyond;
- sample panel of the area between first and second floor levels of the grey brick faced building facing onto Church Street, in the location incorporating the pair of narrower windows to the western side of the front elevation.

These samples shall be a minimum of 1m x 1m and shall show the colour, texture, face bond and pointing of the brickwork, and its integration with terracotta detailing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 You must apply to us for approval of detailed plan/section/elevation drawings/manufacturers specifications (as appropriate) of the following parts of the development:-

- (A) External doors and windows (including reveal depth and detail, and including confirmation of opening arrangement, and including materials and colour finish);
- (B) Shopfronts, including indicative locations for display of all external signage, and including any parapet features/detailing to the single storey element of the shopfront;
- (C) Panels to floor level of glazed link block/circulation core facing onto Church Street;
- (D) Details of ventilation and other services termination at façade or roof level; and
- (E) Details of any centralised satellite dish and tv system(s) to serve the development.

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 drawings/details.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 13 You must apply to us for approval of a scheme of public art comprising a decorative terracotta band around main roof level of the red brick faced building facing onto both Edgware Road and Church Street. You must not start work on the public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must carry out the scheme of public art that we approve according to the approved details within six months of occupation of the building directly below the art work. You must then maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 14 The external brick facing to the buildings shall be formed of complete bricks and not brick slips, brick panels or other similar cladding systems.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 15 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 16 You must apply to us for approval of an elevation drawing of the rear elevation of the grey brick building which fronts onto Church Street, with the drawing annotated to show brickwork detailing (cross-referenced to the brickwork detailing shown on drawing 03-110). 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 this drawing. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 17 You must not carry out the amendments to the existing building incorporating the removal of sections of external elevation(s) unless it is part of the complete development of the site included

in this permission. You must carry out the amendments and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 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.

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

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

Reason:

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

- 20 You must not use any part of the development until we have approved appropriate arrangements to secure the following.

-lifetime (25 year) car club membership for the flats.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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

Reason:

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

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

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to Condition 9, you are advised to consider whether a more boldly detailed capping to the projecting element of the shopfront could be incorporated into the design, either in the form of a more heavily moulded top to the brick banding currently shown to the top of the shopfront, or alternatively some form of decorative terracotta panels or decorative metalwork projecting from this element of the building.
- 3 With reference to Condition 16, it is considered that brickwork detailing should be incorporated to add interest to the rear elevation. As a minimum this should include a 'rusticated' brickwork detailing to ground floor level, with other details considered on their merits and welcomed in principle
- 4 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).
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also

have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 6 Under Condition 20 we are likely to accept a legal agreement under section 106 of the Town and Country Planning Act to secure lifetime car club membership for the flats. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.



# Agenda Item 3

Item No.
----------

3
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 26 September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>Western Marble Arch Synagogue, 1 Wallenberg Place, London, W1H 7TN,</b>		
<b>Proposal</b>	Use of part fourth floor, new fifth floor extension and adjacent fifth floor plant room to provide hotel accommodation with associated terrace areas (Class C1) in connection with the hotel at 2 Wallenburg Place; installation of new access ladder, platform and access doors to the existing flue at rear second floor level and internal alterations at third and fourth floor levels. (Site includes 2 Wallenburg Place)		
<b>Agent</b>	Jon Dingle Ltd		
<b>On behalf of</b>	Western Charitable Foundation and Montcalm Marble Arch Hotel		
<b>Registered Numbers</b>	17/04338/FULL + 17/04339/LBC	<b>Date amended/ completed</b>	20 June 2017
<b>Date Application Received</b>	17 May 2017		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

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

## 2. SUMMARY

These applications relate to the Western Marble Arch Synagogue at 1 Wallenburg Place, (formerly Great Cumberland Place). The adjacent property, 2 Wallenburg Place is in hotel use (the Montcalm Marble Arch Hotel). The buildings are linked at basement level, with the hotel utilising part of the synagogue building as a banqueting and conference facility. Both properties are grade II listed and located within the Portman Estate Conservation Area.

Permission and listed building consent are sought for internal and external alterations including the erection of a fifth floor roof extension to the synagogue and for the use of this new accommodation, an

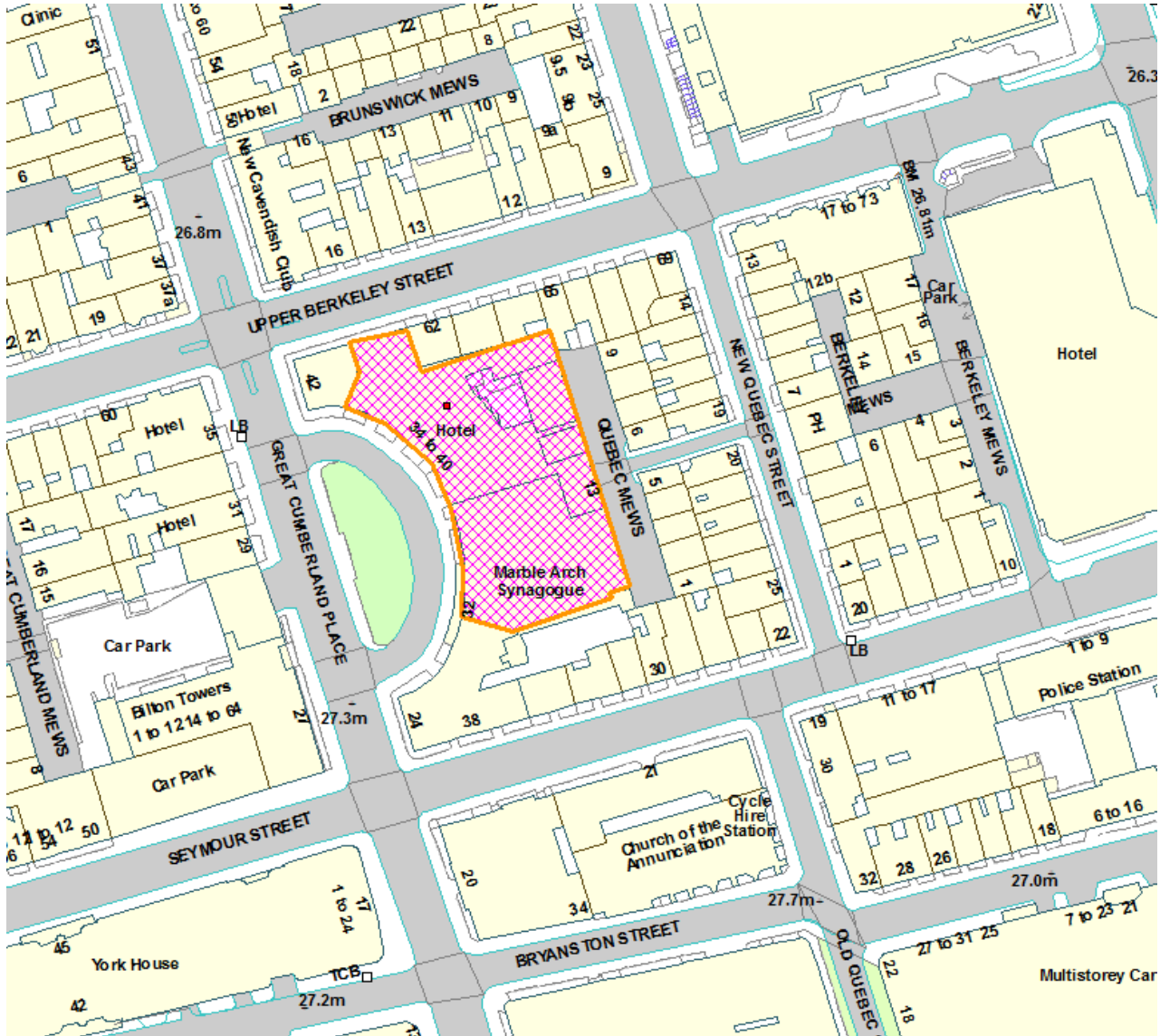
adjacent (redundant) plant enclosure and part of the fourth floor, comprising the upper level of the Rabbi's apartment and an adjacent, vacant, flat (both ancillary to the synagogue use) as an additional hotel suite, with front and rear terraces, in association with the neighbouring hotel.

The key issue for consideration is:

- the acceptability of the loss of the synagogue accommodation, which is considered a social and community use.

Given the particular circumstances of this case, the loss of the social and community floorspace and extension of the existing hotel are considered acceptable in land use terms. The proposals are also considered acceptable on design, amenity and highways grounds and the applications are therefore recommend for approval.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS





## 5. CONSULTATIONS

HISTORIC ENGLAND  
Do not wish to comment.

MARYLEBONE ASSOCIATION  
No objection.

HIGHWAYS  
No objection.

CLEANSING  
Objection – further information required with regard waste storage facilities for the hotel.

DESIGNING OUT CRIME  
Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54  
Total No. of replies: 0  
No. of objections: 0  
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

1 Wallenburg Place is occupied by the Western Marble Arch Synagogue. No. 2 Wallenburg Place, the adjoining building to the north, is occupied by the Montcalm Marble Arch Hotel. Both of the buildings are Grade II listed buildings located in the Portman Estate Conservation Area, outside of the Core Central Activities Area. Wallenburg Place was formerly known as Great Cumberland Place.

The synagogue building comprises basement, ground and first to fourth floors, with a plant room and lift overruns at main roof (fifth floor) level. The ground and first floors are occupied by the main synagogue and associated meeting rooms and halls. The second to fourth floors provide ancillary office and residential accommodation including the Rabbi's apartment (on part third and fourth floors), and a further staff flat at fourth floor level. The basement of the synagogue building provides shared banqueting and conference facilities with the hotel, which comprises basement, ground and five upper floors.

### 6.2 Recent Relevant History

23 September 2008; Permission granted for external alterations to east and south elevations including new plant and associated enclosure at roof level and generator to rear ground floor level.

28 June 2011; Certificate of Lawful Use (Existing) granted for the use of the basement and basement mezzanine for the purposes of a function room (sui generis), hired to companies, societies and members of the public for the purposes of social and corporate celebrations, meetings and events with or without the provision of food and drink for consumption on the premises and with or without music or other entertainment between the hours of 07.00 - 01.30 daily with licensable activities finishing at 01.00.'

28 July 2011; Permission granted for the use of the basement and basement mezzanine of No.32 Great Cumberland Place (now 1 Wallenburg Place) as a banqueting and function facility by the existing hotel at 34 - 40 Great Cumberland Place (now 2 Wallenburg Place); installation of new air conditioning units within acoustic louvres at roof level, secondary glazing at basement level and associated internal alterations.

## 7. THE PROPOSAL

Permission is sought (jointly by the synagogue and the hotel operator) for alterations to 1 Wallenburg Place including the erection of a fifth floor roof extension and for the use of this extension, an adjacent redundant plant room, the upper level of the Rabbi's apartment and the adjacent fourth floor flat) as a single hotel suite, with front and rear roof terraces, as part of the neighbouring hotel. The hotel suite would only be accessible from the neighbouring building, via a new fourth floor opening in the party wall between the two buildings.

At rear second floor level it is proposed to install an access ladder, platform and new access doors to serve an existing external riser. Internal alterations are also proposed at third and fourth floor levels, including the reconfiguration of the existing accommodation and the removal of the internal stair between the two floors.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### **Loss of social / community use:**

The proposal would result in the change of use of part of the existing synagogue - the upper (fourth floor) level of the Rabbi's apartment and the whole of an adjacent fourth floor flat – measuring 153m<sup>2</sup>. These flats can only be accessed through the synagogue itself. This accommodation is considered to be ancillary to the main function of the property as a place of worship.

UDP Policy SOC1 aims to 'protect and improve the range of community facilities in Westminster'. Places of worship are included within the definition of such uses. The policy (part D) seeks to protect existing social and community facilities and will only permit their loss where an adequate replacement facility is being provided. The supporting text to the policy (para. 6.15) states that the loss of a community facility may be permitted if it is no longer needed, either by the current occupier or other community organisations in the area. In assessing applications for a change of use, the City Council will normally ask relevant organisations whether they have any interest in using the facility in question. If the facility is surplus to requirements, any new development on the site should include an alternative community facility which is needed in the area.

Policy S34 of the City Plan has similar aims and states that 'all social and community floorspace will be protected except where existing provision is being re-configured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.' The policy further states that the overall level of social / community floorspace needs to be maintained and that an assessment will be made of the demands from alternative providers for the space. Where the council does consider the loss is justified, the replacement priority use will be as residential floorspace.

The applicants have made the following points in support of the application:

- the staff flat at fourth floor level has been unused for two years and the Rabbi's apartment on third and fourth floors, at 223m<sup>2</sup> (GIA) is unnecessarily large. The retained accommodation at third floor level (129m<sup>2</sup>) will satisfy the Rabbi's living requirements. The space is under-utilised and does not contribute towards the main synagogue use. The synagogue already has a large amount of ancillary space on the lower floors of the building (offices, meeting rooms and conference facilities).
- The synagogue has a high level of security and access is strictly controlled. As the only access to the space is currently through the synagogue, it would not be feasible for the fourth floor to be utilised for an alternative social/community use or an independent residential use (Class C3) as both of these alternatives would have major security implications.

It is accepted that the existing accommodation is surplus to the synagogue's requirements. The retained portion of the Rabbi's flat would still provide a good standard of accommodation. It is also acknowledged that the fourth floor cannot be independently accessed and that the proposed hotel use, with direct access from the neighbouring site, alleviates the access/security concerns which would be generated by another use, and would also provide the synagogue with a useful source of income to support its activities. In these circumstances, given the ancillary nature of the existing accommodation, it is considered that there are exceptional circumstances which justify the loss of the existing community floorspace and its replacement with a non-residential use.

#### **Extension to the hotel accommodation:**

Policy TACE2 of the UDP states that extensions to existing hotels on sites outside of the CAZ will be permitted where they are appropriate to the surroundings and linked to the upgrading of the hotel; facilities utilised by non-residents are not being introduced; the proposal does not result in an intensification of use of existing facilities by non-residents and there are no adverse impacts upon residential amenity. City Plan policy S23 encourages proposals which improve the quality and range of hotels, acknowledging that hotels make a 'significant contribution to London's visitor accommodation and in supporting Westminster's role in global business'.

The proposal would provide 241m<sup>2</sup> of new hotel floorspace, in the form of a single hotel suite. This relatively modest extension to this large hotel is considered appropriate in terms of its scale. No new facilities would be provided for non-residents and it is not



considered that the proposed use would have an adverse impact upon neighbours' amenities or vehicular or pedestrian movements in the vicinity of the site. The extension of the hotel is therefore considered acceptable in land use terms and accords with policies TACE2 and S23.

Policy S1 of City Plan considers mixed uses in the Central Activities Zone, and requires that office extensions provide an equivalent residential increase, in certain circumstances. However, this policy is not applicable to increases in non-office floorspace.

## 8.2 Townscape and Design

1 and 2 Wallenberg Place are mid-terrace, grade II listed properties which form part of a group of buildings on the east side of the street, originally dating from the 18th century. No. 1 Wallenberg Place is identified in the Portman Estate Conservation Area Audit as being unsuitable for a roof extension. Planning permission and listed building consent are sought for a roof level extension to 1 Wallenberg Place, between the existing redundant tank/ lift motor room and the neighbouring party wall, and for internal alterations including a new opening in the party wall to link the property laterally to the adjacent hotel..

The buildings suffered severe bomb damage following World War II and were subsequently restored. The roofscape to this terrace has been rebuilt inconsistently; the northern buildings retain a traditionally detailed mansard, whilst the group to the south has been extended upwards with a sheer attic storey, with plant accommodation and a modern colonnade above. It is evident that the buildings have been heavily altered and the fabric to the rear of these buildings, and at roof level, appears to be entirely modern.

The existing arrangement at roof level to 1 Wallenberg Place - a sheer attic storey with a tank/ lift motor room and colonnade above - is incongruous and fails to relate to the otherwise well detailed facades of the building, and crescent as a whole. The proposed roof extension is set back from the front elevation, projecting no further forward than the existing tank room. Given the existing modern roofscape, it is considered that the proposed roof level infill will cause no additional harm to the character and appearance of the conservation area, nor to the special interest of the listed building. Consequently, this aspect of the scheme is considered acceptable in design terms.

The proposed installation of an external access platform at second floor level is considered acceptable in design terms. The lift motor room is to be retained as existing. The applicant has confirmed that the rest of the plant currently at roof level is redundant and no longer required.

The removal and replacement of the roof level railings is considered uncontentious. The imposition of a condition to secure design details of the replacement is recommended.

The interior of this part of the building is not of interest, having been substantially redeveloped as a result of bomb damage and following a façade retention scheme in the 1970s. The proposed internal alterations at third and fourth floor levels are therefore not considered contentious in listed building terms and are recommended for approval.

Overall, the proposals are considered compliant with policies DES 5, DES 6, DES 9 and DES 10 of the UDP and are recommended for conditional approval.

### 8.3 Residential Amenity

Given the relationship of the proposed roof extension to neighbouring buildings, it is not considered that the roof extension would have any impact upon the amenity of neighbouring uses with regard to any increased sense of enclosure or impact upon the levels of daylight and sunlight received.

Given their relationship to adjoining sites, the use of the proposed front and rear fifth floor terraces would not result in a significant increase in overlooking to neighbouring properties. As they would serve a single hotel suite, their use is also considered unlikely to give rise to significant noise disturbance. Consequently, it is considered unnecessary to impose conditions to control the use of the terraces...

### 8.4 Transportation/Parking

The provision of one extra hotel suite would have a negligible impact upon pedestrian and vehicular movements associated with the hotel.

### 8.5 Economic Considerations

Any economic benefits associated with the proposal are welcomed.

### 8.6 Access

There will be level access to the new hotel suite at fourth floor level via the fourth floor of the neighbouring hotel, which is served by a lift.

### 8.7 Other UDP/Westminster Policy Considerations

#### Refuse /Recycling

The applicant has confirmed that the additional hotel suite will be serviced as part of the existing hotel operation, with no proposed changes to the existing storage arrangements for waste and recycling materials.

The Cleansing Manager has objected to the application requesting detailed drawings of the proposed waste and recycling stores, including details of cooking oil storage. However, any additional servicing requirements generated by the proposal could be accommodated under existing arrangements operations and it is not considered that additional information requested can reasonably be required.

### 8.8 London Plan

Policy 4.5 of the London Plan considers the provision of 'London's visitor infrastructure' and states that the mayor and boroughs will, 'support London's visitor economy and stimulate its growth, taking into account the needs of businesses as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London'. Part B of the policy also states that boroughs should 'seek to achieve 40,000 net additional hotel bedrooms by 2036, of which 10 per cent should be wheelchair accessible.'

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application. Due to the increase in floorspace there would be no requirement for a CIL payment.

### **8.11 Environmental Impact Assessment**

There are no environmental impact issues associated with this proposed development.

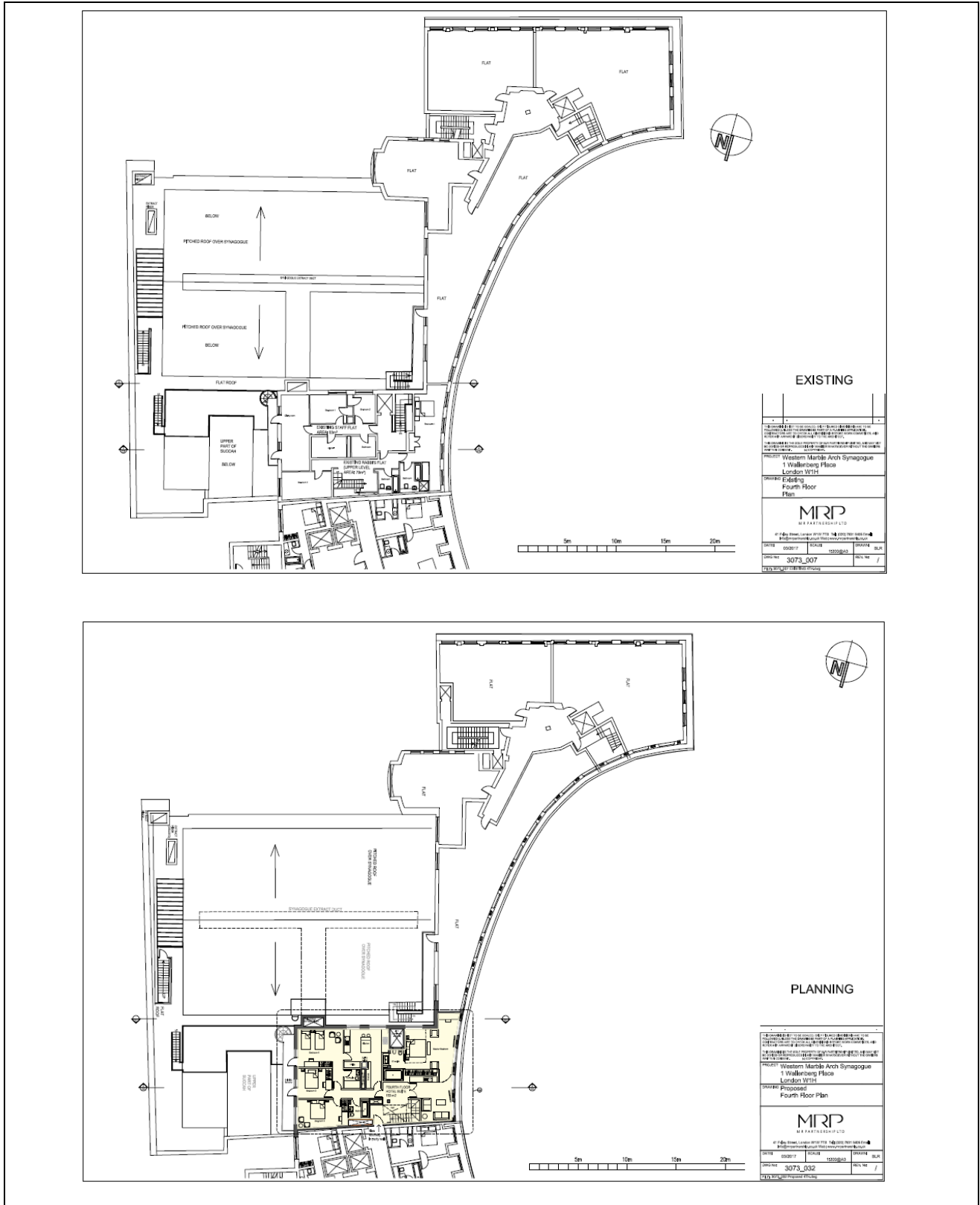
## **9. BACKGROUND PAPERS**

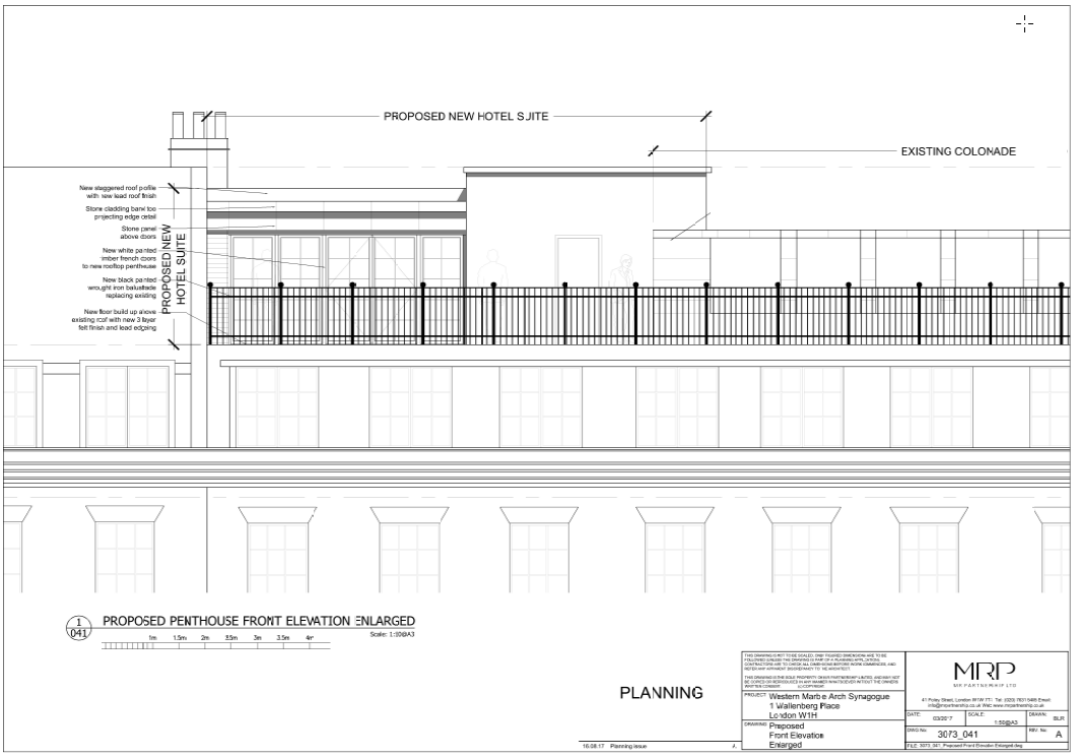
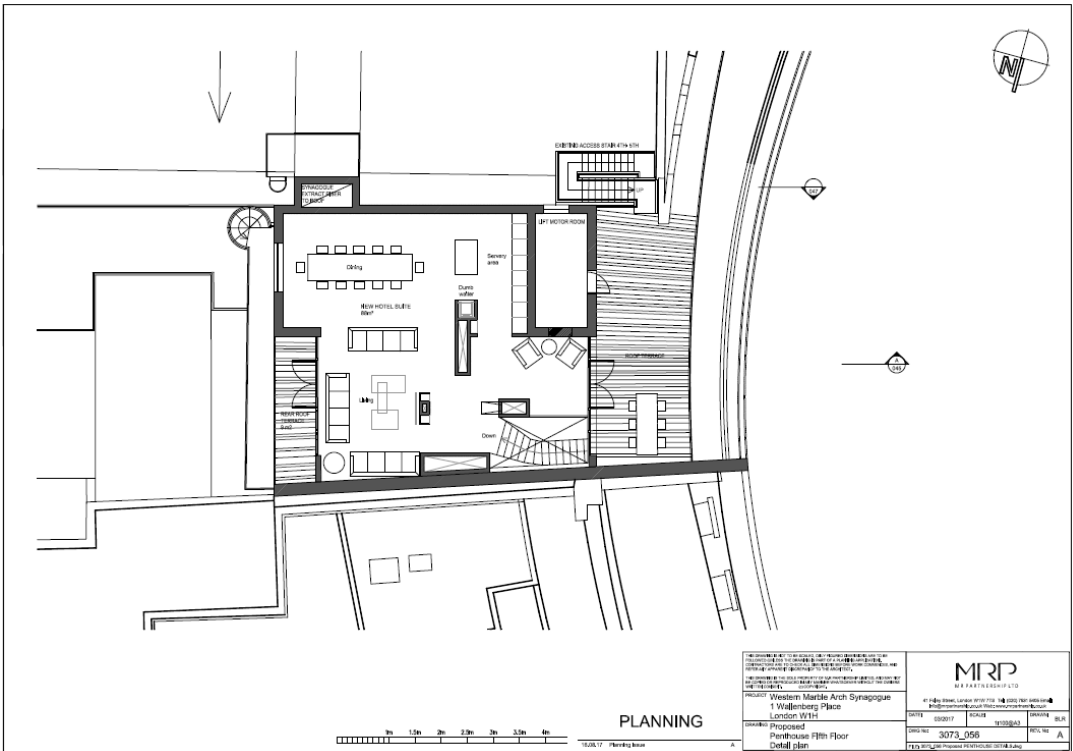
1. Application form
2. Response from the Marylebone Association, dated 25 July 2017
3. Response from Historic England, dated 3 July 2017
4. Response from Cleansing Manager dated 11 July 2017
5. Response from Highways Planning Manager, dated 2 August 2017

(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: SARA SPURRIER BY EMAIL AT [SSPURRIER@WESTMINSTER.GOV.UK](mailto:SSPURRIER@WESTMINSTER.GOV.UK)

10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** Western Marble Arch Synagogue, 1 Wallenberg Place, City Of Westminster, London, W1H 7TN,

**Proposal:** Use of part fourth floor, new fifth floor extension and adjacent fifth floor plant room to provide hotel accommodation with associated terrace areas (Class C1) in connection with the hotel at 2 Wallenberg Place; installation of new access ladder, platform and access doors to the existing flue at rear second floor level. (Site includes 2 Wallenberg Place)

**Reference:** 17/04338/FULL

**Plan Nos:** Drawings: (3073) 025, 030 RevA, 031, 032, 033RevA, 034 RevA, 040 RevA, 041 RevA, 042 RevA, 043 RevA, 045, 047 RevA, 052, 055, 056 RevA.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**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: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras

10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

**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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , - New external windows and doors (1:5 and 1:20), - External railings (1:20), , 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 drawings. (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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 The roof of the extension shall be clad in traditional rolled lead.

**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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**Informative(s):**

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

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:** Western Marble Arch Synagogue, 1 Wallenberg Place, City Of Westminster, London, W1H 7TN,

**Proposal:** Erection of a single storey extension at fifth floor level with terraces; internal alterations at third and fourth floor levels and installation of a new access ladder, platform and access doors to the existing flue at rear second floor level. (Site includes 2 Wallenberg Place)

**Reference:** 17/04339/LBC

**Plan Nos:** Drawings: (3073) 025, 030 RevA, 031, 032, 033RevA, 034 RevA, 040 RevA, 041 RevA, 042 RevA, 043 RevA, 045, 047 RevA, 052, 055, 056 RevA.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development: - New external windows and doors (1:5 and 1:20), - New external railings (1:20). 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 drawings. (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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)



- 4 The roof of the extension shall be clad in traditional rolled lead.

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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 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 SPG/HB1-3 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**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 March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: any extra work which is necessary after further assessments of the building's condition; stripping out or structural investigations; and, any work needed to meet the building regulations or other forms of statutory control. Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

Item No.
<b>3</b>

# Agenda Item 4

Item No.
----------

4
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 26 September 2017	<b>Classification</b> For General Release	
<b>Addendum report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>53 Great Titchfield Street, London, W1W 7PT</b>		
<b>Proposal</b>	Use of ground floor and basement as a restaurant (Class A3), alterations including the installation of full height extract duct and plant at rear basement level, installation of kitchen supply inlet, toilet extract and general extract to ground and first floor rear facade and installation of a cigarette bin to the shopfront on Great Titchfield Street.		
<b>Agent</b>	Caulmert Ltd		
<b>On behalf of</b>	Mr Peter Meadows		
<b>Registered Number</b>	17/02844/FULL	<b>Date amended/ completed</b>	31 March 2017
<b>Date Application Received</b>	31 March 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone		

## 1. RECOMMENDATION

Grant conditional permission
------------------------------

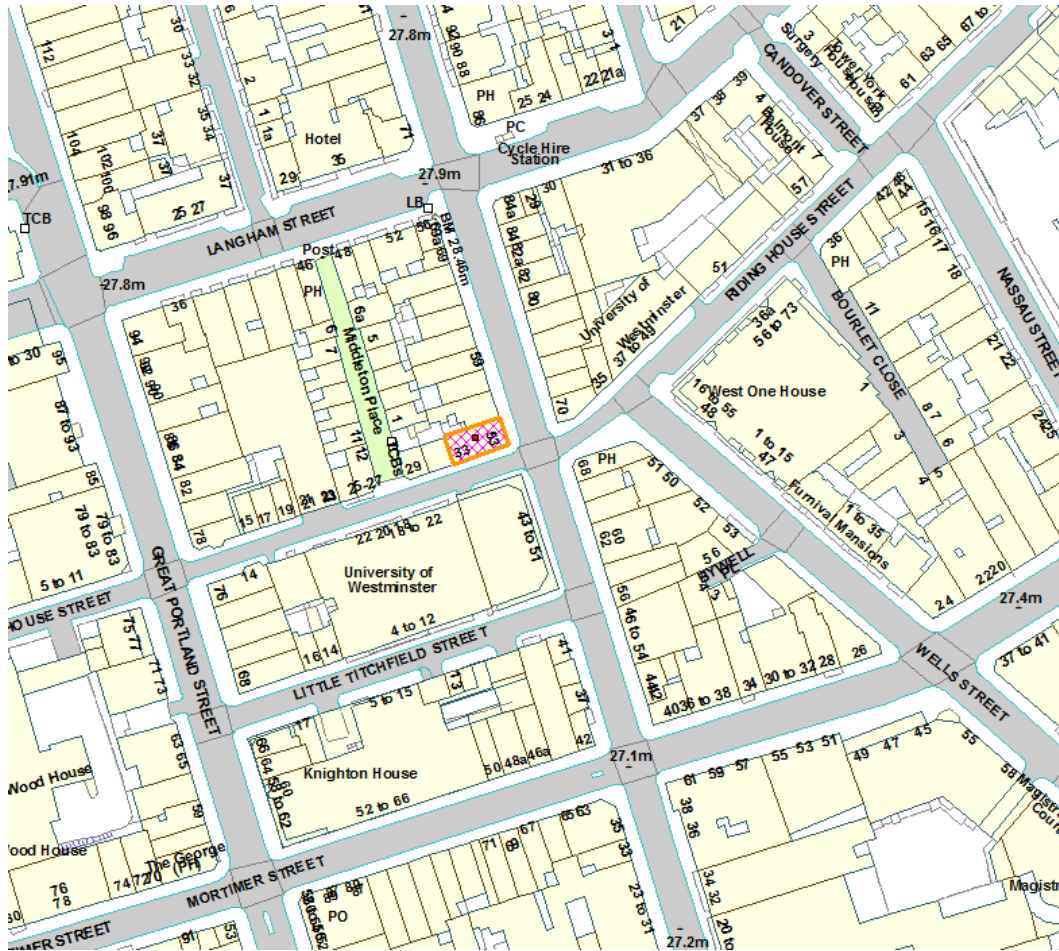
## 2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 20 June 2017. Consideration of the scheme was deferred for clarification as to whether to any additional air conditioning would be required to ventilate the restaurant basement and for confirmation of the expected noise levels generated both by the operation of any additional plant required and from customers using the rear courtyard area.

The application has since been amended to include the installation of two additional air conditioning units within the building at rear basement level. These units, which would serve the basement and ground floor accommodation, would be ventilated via a new louvre. An updated acoustic report assesses the impact of this plant operation and also details additional measures to ameliorate potential noise disturbance, including the introduction of an internal entrance lobby and the installation of secondary glazing to restaurant windows. In addition, it is proposed to attach a cigarette bin to the shopfront on Great Titchfield Street. The amendments have been the subject of additional consultations.

A revised Operational Management Plan (OMP) confirms that restaurant customers will not be permitted to access to the rear courtyard and includes further information regarding the management of customers/smokers and undertakings regarding the management of the pavement area outside the premises to prevent littering. The revised details are considered acceptable and, subject to conditions, the application is recommended for approval.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS

Street view of 53 Great Titchfield Street



Rear courtyard where extract duct is proposed to be located



## 5. CONSULTATIONS

### ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING THE PUBLICATION OF THE ORIGINAL COMMITTEE REPORT (VERBALLY REPORTED)

4 objections:

- Noise.
- Odour.
- Visual impact of extract vent.
- Cumulative impact of entertainment uses
- Acoustic report fails to identify other residential windows

### ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING AMENDMENTS AND RECONSULTATION

#### ENVIRONMENTAL HEALTH

No objection subject to conditions.

#### ADJOINING OWNERS/OCCUPIERS

No. Consulted: 58 Total No. of replies: 1

Re-iteration of previous objections relating to the impact of an additional restaurant, particularly plant noise and smell nuisance.

## 6. BACKGROUND INFORMATION

### 6.1 Considerations

This application was reported to the Planning Applications Sub-Committee on 20 June 2017, recommended for approval. The Committee resolved to defer consideration of the proposal, requiring confirmation/clarification as to:

- whether air conditioning would be required for the basement area and, if not, how natural ventilation would be achieved for customers and kitchen staff.
- the expected noise levels generated by any plant equipment and customers using the rear courtyard area

#### *Plant requirements and noise assessment*

The application has been amended to include the installation of two air conditioning units within the building at rear basement level. These units, which would serve the basement and ground floor accommodation, would be ventilated via a new external louvre. The applicants have provided an updated acoustic report which assesses the operation of these units. The report also includes a more detailed assessment of potential noise break-out from the restaurant and proposes the installation of an entrance lobby and the provision of secondary glazing to restaurant windows. An updated Operational

Management Plan has been provided which confirms that restaurant customers will not be permitted to access to the rear courtyard.

The Council's Environmental Health Officer has reviewed the revised application and has confirmed that the plant operation would comply with Council standards. Subject to conditions relating to plant noise and vibration and new conditions requiring the creation of an entrance lobby and the installation of secondary glazing inside the existing fixed shopfront, the proposals are considered acceptable on noise grounds and accord with UDP policies ENV6 and ENV7 and City Plan policy S24, S29 and S32.

The basement level windows on the Great Titchfield and Riding House Street frontages are beneath pavement level and derive borrowed light via the pavement lights. Consequently, these windows do not require additional acoustic treatment.

#### *Premises management*

The application has been amended to include the provision of a slim-line cigarette bin, attached to the shopfront on Great Titchfield Street. The revised OMP provides further information concerning the management of customers/smokers and includes undertakings concerning the cleansing of the pavement outside the premises to prevent littering.

The OMP undertakes that staff will regularly supervise and monitor customer activity within and outside the premises. The pavement will be maintained clear of cigarette and cigar ends at all times and staff will be contractually discouraged from smoking in the locality. It is considered that the updated OMP includes adequate measures to ameliorate potential nuisance from customers in terms of noise, disturbance and litter generation. Compliance with the terms of the OMP would be secured by condition.

Subject to conditions, it is not considered that the revised proposals would have a material impact on residents' amenities or local environmental quality and the application is accords with policy TACE 8 of the UDP and S24, S29 and S32 of the City Plan.

#### *Design/Townscape*

The installation of a cigarette bin to the Great Titchfield shopfront is considered acceptable in terms of its detailed design. As the building, is not listed, the installation of secondary glazing behind the shopfront does not require approval.

#### *Other issues*

Whilst some restaurant customers may stand outside the premises to smoke, there is presently nothing to prevent people standing/smoking on this part of the public highway. The proposed cigarette bin will enable customers to dispose of cigarettes in an appropriate manner, reducing the potential for littering. In these circumstances, proposals to provide a cigarette bin are considered acceptable and the Highways Planning Manager has conformed, verbally, that he has no objection to this aspect of the scheme.



Four objections were received following the publication of the original committee report. These objections, on the grounds of loss of amenity due to increased noise disturbance, smell nuisance and the cumulative impact of new entertainment uses in the immediate area, were all addressed as part of the officers' presentation. An additional objection was made on the grounds that the acoustic report did not consider the location of all residential windows neighbouring the site. However, the acoustic report assessed the noise impact upon the nearest noise sensitive window, in accordance with Council requirements, which was considered acceptable, the impact on other neighbouring windows would also satisfy the standard condition.

Following the amendments to the scheme a further objection has been received from a neighbouring resident. This re-iterates previous objections relating to the impact of another restaurant in the area, particularly in respect of disturbance from plant noise and smell nuisance, which were addressed in the original report. As the Council's Environmental Health Officer has reviewed the revised application and has raised no objection to the proposal subject to conditions, it is not considered that these objections could justify a recommendation for refusal.

## **7. BACKGROUND PAPERS**

1. Planning Applications Sub-Committee Report and minutes dated 20 June 2017
2. Response from Environmental Health, dated 09 September 2017
3. Operational Management Plan dated August 2017
4. Letter from occupier of 29A Riding House Street, dated 12 September 2017

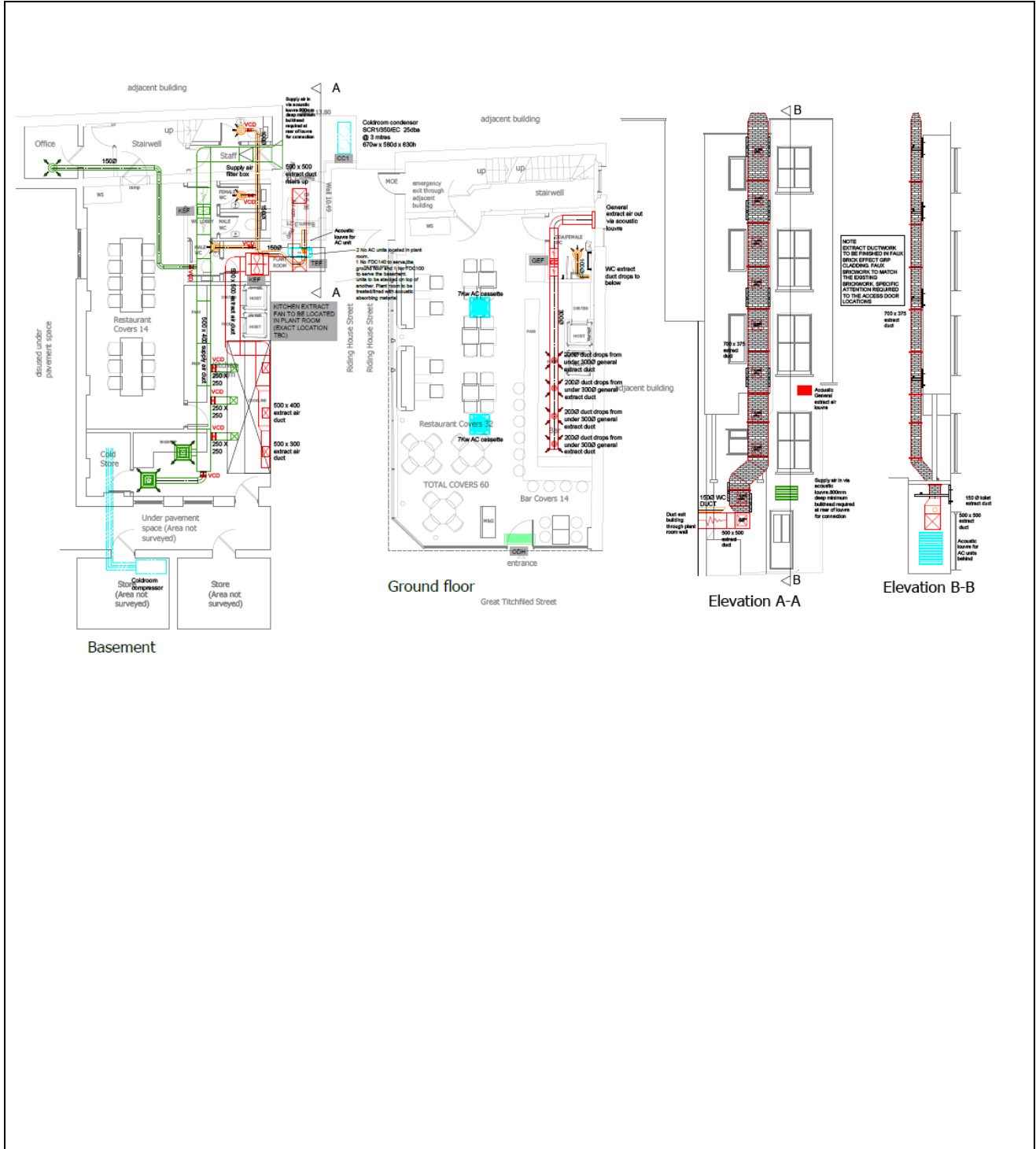
### **ADDITIONAL REPRESENTATIONS RECEIVED AFTER THE PUBLICATION OF THE PREVIOUS COMMITTEE REPORT**

1. Letter from occupier of Flat 1, 55 Great Titchfield St, dated 14 June 2017
2. Letter from occupier of 29 Riding House Street, dated 15 June 2017
3. Letter from occupier of 10 Middleton Place, dated 15 June 2017
4. Letter from occupier of 55 Great Titchfield St, dated 16 June 2017

(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: SARA SPURRIER BY EMAIL AT [SSPURRIER@WESTMINSTER.GOV.UK](mailto:SSPURRIER@WESTMINSTER.GOV.UK).**

### 8. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 53 Great Titchfield Street, London, W1W 7PT,

**Proposal:** Use of the und floor and basement as a restaurant (Class A3), alterations including the installation of full height extract duct and associated plant at rear basement level, installation of kitchen supply inlet, toilet extract and general extract to ground and first floor rear facade and installation of a cigarette bin to the shopfront on Great Titchfield Street.

**Reference:** 17/02844/FULL

**Plan Nos:** Drawings HGT/FWP/001 G, 09-02.2 C (excluding image 3 – Courtyard Reference Plan), 09-02.1 D, Operational Management Plan dated August 2017

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and,
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.(C11AA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not sell any hot-food take-away on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use. (C05CB)

## Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 The provision of a bar and bar seating must not take up more than 20% of the floor area of the restaurant premises. You must use the bar to serve restaurant customers only, before, during or after their meals.

## Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 68 customers into the property at any one time (including any customers waiting at a bar).

## Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music on your property that will be audible externally or in the adjacent properties.

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 7 Customers shall not be permitted within the restaurant premises before 08:30 or after 23:30 Monday to Friday and before 09:00 or after 23:30 on Saturday and Sunday.

## Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32

of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of a Servicing Management Plan to show how you will ensure deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the approved Servicing Management Plan at all times that the restaurant is in use

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;

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

Reason:

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

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

Reason:

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

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not commence the use hereby approved start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the premises. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 12 You must apply to us for approval of details of secure cycle storage for the basement and ground floor restaurant unit. You must not commence the use hereby approved start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 13 You must screen the ductwork in a GRP screen so that it matches the colour and appearance of the existing brickwork. You must then keep it in that condition for as long as the duct remains in place. (C26HA)

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must apply to us for approval of photographs of the GRP cladding you will use to screen the duct. 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 using the approved materials. (C26BC)

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 15 With the exception of the coldroom condenser unit shown on HGT/FWP/001 Rev G, the plant/machinery hereby permitted shall not be operated except between 0700 and 0030 Monday - Friday; 0800 and 0030 on Saturday and Sunday.



Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 16 No customers or staff shall be permitted access to the rear basement courtyard at any time. This is with the exception of access for maintenance.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 17 The extract duct hereby approved shall be installed in full prior to the commencement of the restaurant (Class A3) use hereby approved and shall be retained in situ for the life of the development.

Reason:

To ensure that cooking odours are adequately dispersed, as required by S29 and S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 18 You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

- 1) Creation of an internal entrance lobby to the restaurant entrance on Great Titchfield Street,
- 2) Installation of secondary glazing to the shopfront windows

You must not occupy the premises for restaurant purposes until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to the commencement of the use and must permanently retain the entrance lobby and secondary glazing. (C26UB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of

Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 19 You must carry out the measures in your management plan dated August 2017 at all times that the restaurant is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8; and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 1 Condition 9 controls 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)

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.

# Agenda Item 5

Item No.
----------

5
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 26 September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	55 Long Acre, London, WC2E 9JL		
<b>Proposal</b>	Use of an area of the public highway on the Hanover Place frontage for the placing of four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use		
<b>Agent</b>	Mr Adam Beamish		
<b>On behalf of</b>	Mr H Attali		
<b>Registered Number</b>	17/03147/TCH	<b>Date amended/ completed</b>	28 July 2017
<b>Date Application Received</b>	10 April 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Covent Garden		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

The application property, on basement, ground and four upper floors, is located on the corner of Long Acre and Hanover Place. The lower floors are in use as an ice cream parlour (Class A1). The upper floors were previously in commercial use although there is extant permission for their conversion to provide two residential units. Records do not conform whether this permission has been implemented. Permission is sought for the use of an area of the public highway on the Hanover Place frontage, measuring 7m x 1, for the placing of four tables and eight chairs in an area measuring in connection with the existing ground floor use. The key issues in this case are:

- \* The impact of the proposals upon the amenity of neighbouring residents.
- \* The impact of the proposals on pedestrian movement.

Following revisions, to reduce the size of the seating area and the number of tables and chairs, the proposals are considered acceptable in design, amenity and highways terms and comply with relevant policies in the Unitary Development Plan and City Plan. The application is therefore recommended for approval.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### ORIGINAL SUBMISSION

#### COVENT GARDEN COMMUNITY ASSOCIATION:

Objection: excessive amount of street furniture proposed, noise and disturbance to residents on the upper floors.

#### COVENT GARDEN AREA TRUST:

Objection: the site is narrow and a maximum of three tables and six chairs should be provided

#### CLEANSING:

Unable to assess the proposals as no measurements provided for proposed layout.

#### HIGHWAYS PLANNING:

Objection: insufficient highway clearance, position of tables and chairs would cause a pedestrian obstruction.

#### ADJOINING OWNER/OCCUPIERS:

No. consulted: 18.

No. of responses: 0.

#### SITE NOTICE AND PRESS NOTICE:

Yes.

### REVISED SUBMISSION

#### COVENT GARDEN COMMUNITY ASSOCIATION:

Objection: excessive amount of street furniture proposed, three tables and six chairs, is the maximum that can safely be accommodated

noise and disturbance to residents in Hanover Place and Odhams Walk.

existing nuisance caused by poor management of extensive customers queues outside the premises and littering of the public highway;

After purchasing goods customers congregate in the area where the proposed seating would be located.

tables and chairs would impede pedestrian access and prevent a wheelchair from passing.

#### COVENT GARDEN AREA TRUST:

Any response to be reported verbally

#### CLEANSING:

No objection.

**HIGHWAYS PLANNING:**

No objection.

**ADJOINING OWNER/OCCUPIERS:**

No. consulted: 25.

No. of responses: 1. (Odhams Walk Residents Association representing 102 flats)

- company has already demonstrated it is not a good neighbour.
- an opening shopfront has been installed without permission
- noise disturbance from customers with up to 40 customers queuing outside the premises at busy times and congregating outside to consume their purchases.
- customers should not be permitted to sit outside

**SITE NOTICE AND PRESS NOTICE:**

Yes.

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application property is a five storey building with basement located on the corner of Long Acre and Hanover Place. The proposals relate to the basement and ground floor commercial unit, which is currently operating as 'Amorino', an ice cream parlour. There are no planning restrictions controlling the hours of opening but the premises' advertising shows that it opens between 11.00 until midnight and until 01.00 hours on Thursday and Friday.

The upper floors were previously in commercial use. Permission was granted in 2015 for their conversion to provide a 1 x 1 bed flat and 1 x 2 bed maisonette. Records do not confirm whether this permission has been implemented.

The building is not listed but is within the Covent Garden Conservation Area

**6.2 Recent Relevant History**

2 December 2011 and 2 December 2007; Permission granted for use of an area of public highway for the placing of three tables and six chairs and two planter sets in an area measuring 1m x 8.1m on the Hanover Place frontage in connection with the existing coffee shop. (11/09507/TCH and 07/03633/TCH)

21 March 2014, 19 March 2013 and 5 March 2012; Permission granted for use of an area of the public highway measuring 1.5m x 7.6m for the placing of three tables, six chairs and six barriers on the Hanover Place frontage in connection with the coffee shop at 55-56 Long Acre. (14/00355/TCH, 13/00894/TCH and 12/00235/TCH)

17 March 2015: Permission granted for a change of use of the first floor restaurant (Class A3) and second to fourth floors offices (Class B1) to provide 1 x 1 bed and 1 x 2 bed maisonette (Class C3). (14/11357/FULL)

21 July 2017: Permission refused for the installation of an openable shopfront incorporating bi-folding doors, shopfront awnings and heaters (17/03705/FULL) - design

12 June 2017: Consent refused for the installation of new signage - quantity of signs and method of illumination of the signs.

The shopfront and signs have been installed and are the subject of enforcement investigations.

New applications have been submitted in relation to the shopfront, showing the openable elements to be locked shut (17/06770/FULL) and revised signage (17/06771/ADV). These applications are under consideration.

## **7. THE PROPOSAL**

Permission is sought for the use of an area of the public highway on the Hanover Place frontage for the placing four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use.

The application originally proposed the placing of six tables, 12 chairs and three barriers in an area measuring 1.6m x 4.5m but was amended to reduce the number of tables and chairs, reduce the depth of the seating area and to omit proposed barriers, due to officers' concerns about highway obstruction

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposed seating would be used in connection with the existing retail unit, which is trading as an ice cream parlour (Amorino).

### **8.2 Townscape and Design**

The proposed tables and chairs are considered acceptable in design terms.

### **8.3 Residential Amenity**

The nearest noise sensitive properties to the proposed tables and chairs are the residential properties on the upper floors of 11-14 Hanover Place and on the opposite site of Long Acre, in Odhams Walk. There is also extant permission for a residential use on the upper floors of the application premises. It is unclear whether this permission has been implemented.

Objections have been received from the Covent Garden Community Association and from the Odhams Walk Residents Association, which represents the occupants of 102 flats.



Objectors are concerned about the management of the application premises, which is popular and reportedly attracts large numbers of customers – objectors refer to queues of 40 customers and customers standing outside to consume their ice creams, in the area where proposed tables and chairs would be located. Objectors state that the number of customers visiting the premises results in disturbance to neighbouring residents and that this has continued despite complaints to the Council's Noise Team. Records show that a noise complaint was received in August 2016 but there have been no reported complaints since this time.

The site is located within a busy part of Covent Garden, albeit that the tables and chairs would be sited in a quieter pedestrian alleyway. There is a long history of permission s for the placing of three tables and six chairs in this part of Hanover Place and the current proposal is not significantly different, proposing four tables and eight chairs.

In amenity terms, objections relate principally to large number of customers of customers visiting the premises, and its general management, rather than to the principal of external seating. It appears that customers would queue outside of the premises even if no external seating was provided, as they do currently. Although it is acknowledged that the provision of external seating outside the premises could serve to displace these queues, it is considered that, on balance, it would be difficult to resist the provision of external seating on amenity grounds. However, conditions are recommended to limit the placing of tables and chairs outside the premises to between 11am to 11pm. It is also recommended that permission be granted for a minimum period of one year to enable the situation to be monitored.

An informative is also recommended reminding the applicant to ensure that customers are respectful of neighbours and that seating area is maintained in a clean and tidy manner.

Subject to conditions, on balance, it is not considered that the application could justifiably be recommended for refusal on amenity grounds.

#### **8.4 Highways Assessment**

Policy S41 of the City Plan states that 'all developments will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas of high pedestrian volumes or peaks. It further states that walking is the most efficient means of movement for short journeys...[and]...should therefore be prioritised above all others. Policy TRANS 3 of the Unitary Development Plan (2007) reinforces the aims of Policy S41 of the City Plan in that it aims to improve conditions for pedestrians and make walking safer, quicker, more direct and more attractive form of travel.

The pavement area between the application premises and the building on the opposite side of Hanover Place is 3.52m. The original proposal would have left an area of unobstructed highways of 1.92m, based on officers' site measurements), marginally below the minimum distance of 2m which is required to ensure unhindered pedestrian movement. The tables and chairs, when in use, would have encroached further upon the highway and was considered unacceptable. Following officers' advice, the application

was revised to show the provision of four tables and eight chairs in an area occupying a depth of 1m x 7m.

An objection has been received to the revised scheme on the grounds that more tables and chairs would be provided in association with the current use than were approved in conjunction with the previous use. However, the furniture is smaller than that previously used, which enables one additional table, and two additional chairs to be provided... The tables and chairs are to be sited against the building line and would only permit a maximum of two customers to be seated at each table.

The Highways Planning Manager has raised no objection to the amended scheme as a minimum 2m clear space would be maintained. The retail shop opposite the proposed seating area incorporates a blank wall on the Hanover Place frontage, meaning that pedestrian movement along this part of the frontage would not be hindered further by customer looking into shop windows.

In view of the above, and subject to conditions, the revised proposals are considered acceptable in highways terms. It is considered that given the size of the tables proposed and reduction in the number now proposed is considered acceptable for a temporary period of one year to allow monitoring of the site.

#### **8.5 Economic Considerations**

The proposals are to facilitate the existing retail use.

#### **8.6 Access**

There is no change to the existing access arrangements.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 National Policy/Guidance Considerations**

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

### **9. BACKGROUND PAPERS**

1. Application form.
2. Email from the Covent Garden Area Trust received 28 June 2017.
3. Emails from the Covent Garden Community Association dated 12 June 2017 and 14 August 2017.
4. Memoranda from Cleansing dated 05 June 2017 and 10 August 2017.
5. Memoranda from the Highways Planning Manager dated 11 July 2017 and 6 September 2017.
6. Email from Odhams Walk Residents' Association, 3 Odhams Walk received 2 August 2017.

(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: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)

10. KEY DRAWINGS

**Proposed Layout**

**Proposed External Furniture**

**Proposed Front Elev**

**Proposed Side Elev**

**Client - AMORINO**  
**Project Location**  
 55 LONG ACRE  
 LONDON  
 WC2E 9JL

**Drawing Title**  
**Proposed External Table and Chairs**

**Scale**  
 A3 (Sheet) L80  
 A2 (Sheet) 1:500

**Scale Area**

**Drawing No.**  
 WD5007CH

**Project No.**

**Do not scale from this drawing. All dimensions to be verified on site by the contractor. This drawing is the property of the Client, and its reproduction is prohibited without the express consent of the owner.**

**Date**  
 May 11

**Client Signoff**

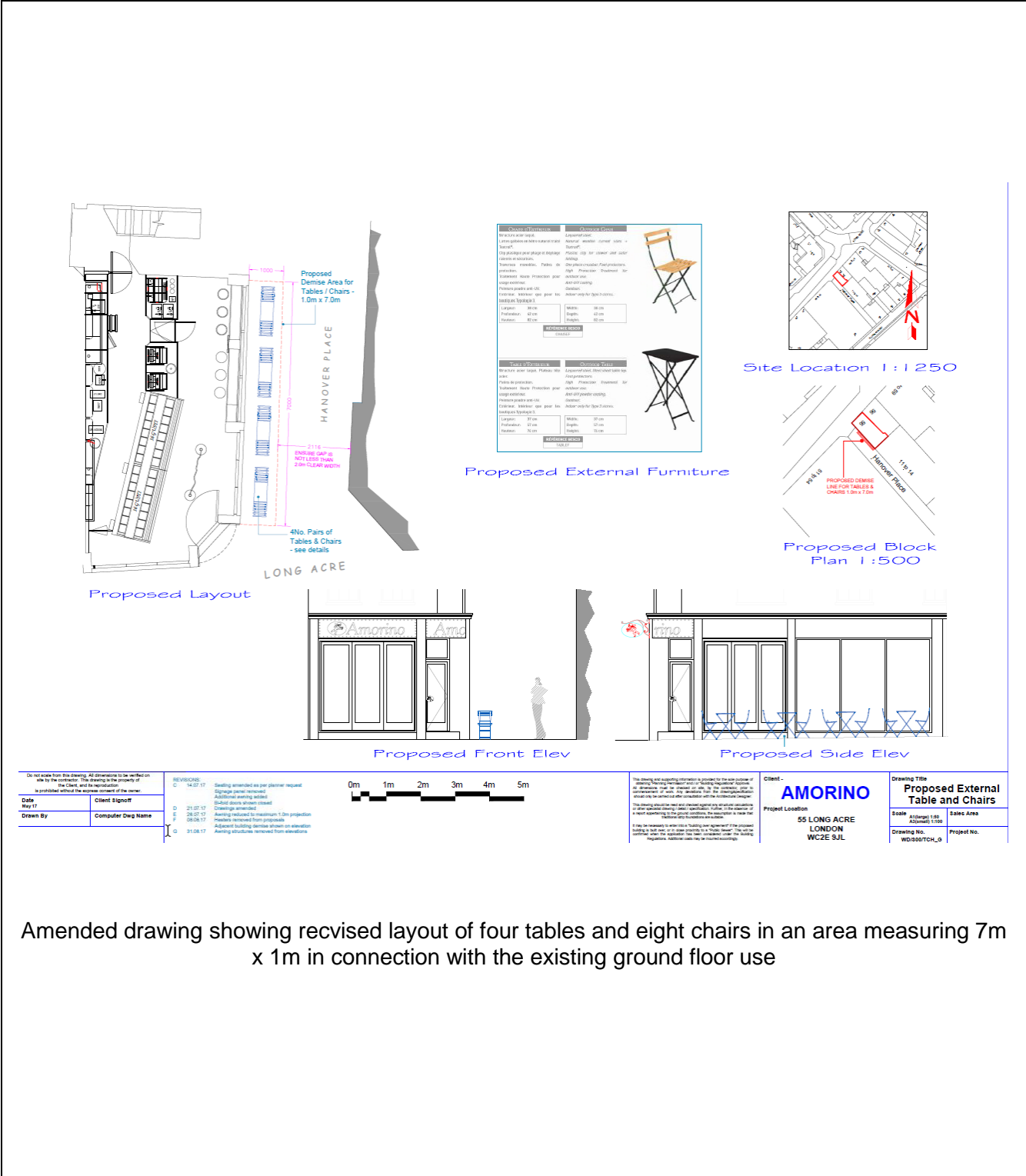
**Drawn By**  
 Computer Dwg Name

**The client's and supplier's information is provided for the sole purpose of identifying the manufacturer and/or supplier. The manufacturer's information may be printed on the drawing, but it is not intended to be used as a reference for the manufacturer's information. The manufacturer's information is not intended to be used as a reference for the manufacturer's information. The manufacturer's information is not intended to be used as a reference for the manufacturer's information.**

**This drawing should be read and checked against the structural calculations or other detailed drawings, such as sections, before the construction of a work is started. In the event of a conflict between the drawings, the contractor shall refer to the drawings and specifications for clarification.**

**It may be necessary to enter into a 'Building User Agreement' if the proposed building is used as a 'Public Access' or 'Public Space'. This will be confirmed when the application has been considered under the Building Regulations. Additional rules may be imposed on the building.**

Drawing submitted prior to amendment showing six tables, 12 chairs and three barriers in an area measuring 1.6m x 4.5m in connection with the existing ground floor use



Amended drawing showing revised layout of four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use

**DRAFT DECISION LETTER**

**Address:** 55 Long Acre, London, WC2E 9JL

**Proposal:** Use of an area of the public highway for placing four tables and eight chairs in an area measuring 7m x 1m in connection with the existing ground floor use on the Hanover Place elevation.

**Reference:** 17/03147/TCH

**Plan Nos:** Site location plan, WD/300/TCH\_G, 17 5, Specification for table and chairs

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**Recommended Conditions and Reasons**

- 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 You must not put the tables and chairs in any other position than that shown on drawing WD/300/TCH\_G. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 11.00 and 23.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of ground floor unit, 55 Long Acre, WC2E 9JL. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in

January 2007. (R25AC)

- 5 This use of the pavement may continue until 30 September 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing WD/300/TCH\_G. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

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

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 4 It has been reported that patrons visiting the premises cause noise and disturbance to local residents when queuing outside the premises and standing outside to consume their purchases, also dropping litter. It is your responsibility to ensure that patrons visiting your premises are respectful of the amenity of neighbouring residents in Hanover Place and Odhams Walk and that the area outside the premises is regularly monitored and cleaned. Should any complaints be received in the future which, are directly attributed to the use of the tables and chairs hereby approved, then the City Council may not approve any future applications for the placing of tables and chairs outside the premises.

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.



# Agenda Item 6

Item No.

6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 26 September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	97 Westbourne Park Villas, London, W2 5ED,		
<b>Proposal</b>	Use of part basement and ground floors as 1 x 2 bedroom maisonette (Class C3) and external alterations including creation of front lightwell with associated railings, staircase and new windows to front elevation and installation of raised terrace with associated railings and doors to rear elevation.		
<b>Agent</b>	Ms Donna Clarke		
<b>On behalf of</b>	Mr Roland Cowan		
<b>Registered Number</b>	17/05606/FULL	<b>Date amended/ completed</b>	30 June 2017
<b>Date Application Received</b>	23 June 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises the ground and basement floors of a mid-terrace property on the north side of Westbourne Park Villas. The property is unlisted, but is located within the Westbourne Conservation Area.

Planning permission is sought for the use of part of the basement floor and the ground floor as a two bedroom maisonette (Class C3) and external alterations, including creation of a front lightwell with associated railings, staircase and new windows and installation of a raised terrace with associated railings and doors to rear elevation.

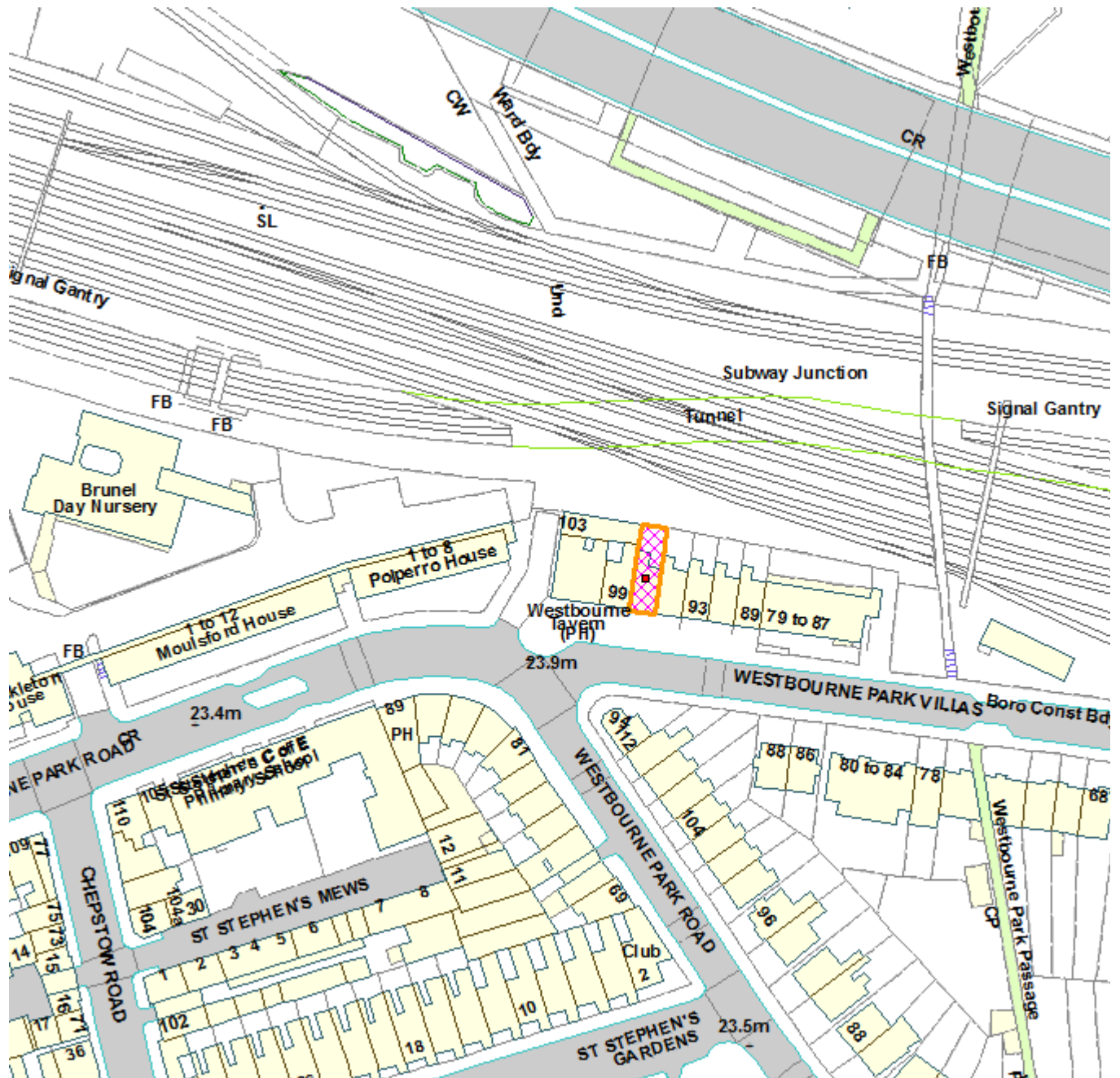
Letters of concern have been received from the local amenity societies, primarily on the grounds of the loss of the existing retail unit.

The key issues in the consideration of this application are:

- The impact of the proposals in land use terms;
- The impact of the proposals upon the amenity of neighbouring properties;
- The impact of the elevation changes upon the Westbourne Conservation Area.

The proposals are considered to accord with City Council policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design, amenity and highways terms. The application is therefore recommended for approval.

### 3. LOCATION PLAN



4. PHOTOGRAPHS

Front elevation.



In context with neighbouring properties in the same terrace.



## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Regret loss of retail unit as was very popular coffee shop/ restaurant use before lease was not renewed. Do not like front door of proposed unit. Do not consider design to be good enough for residential building in Westbourne Conservation Area. It is ok as entrance to shop unit but not residential entrance. Assume ventilation grille below shop window is being removed. Condition needed that railings at front are painted and maintained in black. What is the proposed use of the front forecourt. A condition must be imposed to prevent the use of the forecourt for parking by others. Forecourt could be made into an attractive garden. Cannot gain access to rear but assume proposal causes no nuisance to adjoining neighbours. Trust internal lighting meets all necessary standards and same applies for size of rooms and fire escape provisions. Cannot see facilities for storage of waste and recycling.

### NOTTING HILL EAST NEIGHBOURHOOD FORUM/ WESTBOURNE NEIGHBOURHOOD ASSOCIATION:

Consider the application invalid as it omits to show land in the same ownership and has no Design and Access Statement. We regret the loss of yet another shop unit, but realise the commercial sense of making the change. We have concerns that the unit has no outside space, yet impinges on the privacy of others at the back.

### HIGHWAYS PLANNING MANAGER:

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS:

No. consulted: 11; No. responses: 0

ADVERTISEMENT/ SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises the ground and basement floors of a mid-terrace property on the north side of Westbourne Park Villas. The property is unlisted, but is located within the Westbourne Conservation Area.

The lawful use of the unit is as a Class A3 restaurant; however, it has been vacant for more than three years. The property is close to, but not within the Westbourne Park Road Local Centre. It is located within the North West Westminster Special Policy Area (NWWSPA) as defined by the adopted Unitary Development Plan and the North Westminster Economic Development Area (NWEDA) as defined by the adopted City Plan.

The application property already comprises residential units on the upper floors. The ground and basement floors at No.99 and the rearmost rooms of No.97 at ground floor are in Class B1 office use and have been granted prior approval for conversion to residential accommodation. The applicant advises that this prior approval is in the process of being implemented, save for the room to the rear part of 97 Westbourne Park Villas at ground floor level. The basement at No.95 has also been granted prior approval for conversion from Class B1 office use to residential use and the ground floor, whilst it would appear to be vacant at present, it has a lawful use as a Class A1 retail unit.

## **6.2 Recent Relevant History**

### **6.2.1 97 Westbourne Park Villas**

#### **14/09195/FULL**

On 24 November 2014 planning permission was refused for the use of basement and ground floors as 1 x 2 bedroom maisonette (Class C3) and external alterations including creation of front lightwell with associated railings, staircase and new windows to front elevation and installation of raised terrace with associated railings and doors to rear elevation.

#### *Reason:*

The proposal would result in the loss of a non-A1 retail unit which would restrict valuable services for local users, would be detrimental to the viability, character and function of the parade and the other retail units in the nearby vicinity, including those in the Westbourne Park Road Local Centre, and in the absence of full and proper marketing to support the change of use would be contrary to the objectives of policies SS8 and SS9 of the adopted Unitary Development Plan (January 2007).

#### **10/04389/FULL**

On 14 October 2010, permission was granted for the retention of the use of the ground, basement and forecourt as a café/restaurant (Class A3).

### **6.2.2 99 Westbourne Park Villas**

#### **15/08704/P3JPA**

On 10 November 2015 prior approval was granted for the use of existing offices (Class B1(a)) at lower ground and ground floor level at Nos.97 and 99 for residential (Class C3) purposes as two dwellings. Application for prior approval under Part 3 Schedule 2 Class 0 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

#### **16/01497/FULL**

On 20 November 2016 permission was granted for alterations to windows and doors including the installation of Juliette balconies and creation of deck to the rear ground floor level. Increase in height of rear single storey extension.

### **6.2.3 Background History**

A report relating to the approval of the Class A3 use provides the following detailed discussion of the previous history of the site.

Planning permission was granted on 28 November 1983 for the use as a patisserie and cafe. Given that cafes fell outside the Town and Country Planning (Use Classes) Order (1972) and a patisserie/ cafe would probably have been a mixed use, its lawful use would have been likely to have been outside any Classes and therefore been a Sui Generis use. The occupation of the ground floor as a hairdresser (as photographed on 18 April 1991) would therefore have been unlawful. According to the officer's report for the application to change the unit's use to an office (RN: 00/01198/FULL) the unit was vacant between 1997 and 2000. It is therefore possible that the unit was used under Class A1 for an uninterrupted period of more than ten years between 1983 and 1997. However, there is no evidence that this was the case and, given that planning permission was granted in 1983 for its use as a patisserie and cafe, it appears unlikely that this occurred.

Planning permission was granted on 11 May 2000 for the use of the ground floor and basement as an extension to the existing architects office at No. 99 Westbourne Park Villas and on 10 October 2000 (RN: 00/05065/FULL) for a rear extension at basement and ground floors for use as an extension to this office accommodation. It is understood through discussions with Mrs. Cowan from the architect's office at No. 99 Westbourne Park Villas who were due to occupy this floorspace that, although the rear extension has been occupied as an office (see RN: 00/05065/FULL), the occupation of the ground and basement floors as an office (RN: 00/01198) never took place. These floors were vacant whilst upgrading works took place between 2000 and 2002. It was then let out to 'The Store' that functions as a shop cafe between 2002 - 2006. The unit was then vacant for approximately a year and then re-occupied from 2007 onwards by Gusto, the most recent occupier.

## **7. THE PROPOSAL**

Permission again is sought for the use of part of the basement and the ground floor as a two bedroom maisonette (Class C3) and external alterations, including creation of a front lightwell with associated railings, staircase and new windows and installation of a raised terrace with associated railings and doors to rear elevation.

The proposals and the supporting information have been submitted to seek to overcome the previously refused application detailed in Section 6.2.1 above.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of Retail Unit**

Objections from the local amenity societies have been raised on the grounds of the loss of the existing retail unit; however, they both make clear that they understand the reasoning for the submission in terms of the long term vacancy of the unit and the



isolated location of the unit following the loss of neighbouring shop units over recent years.

The application site is located in the middle of a short parade of commercial units that stretches between Nos.89 - 101 Westbourne Park Villas. At ground floor level Nos.89 - 93 have been converted into residential units, No. 95 has a Class A1 retail shop use (albeit it is vacant), No.99 is in use as an architect's office (Class B1), and No.101 is a public house (Class A4). This short parade is not located within a designated shopping frontage. Nearby on Westbourne Park Road, however, is the Core Frontage of the Westbourne Park Road Local Centre. To the west of the application site are disparate short parades and other units that form the Non-Core Frontage of the Westbourne Park Road Local Centre.

Policy SS8 of the adopted Unitary Development Plan states that the loss of non-A1 retail uses, to residential, Class B1 or other uses which do not serve visiting members of the public, will only be permitted in isolated shop-type units. Policy SS9 of the UDP states that A) Permission will normally be granted for the change of use to residential or other appropriate use of a long term vacant shop type units, which is 1) on the periphery of a district or local centre; 2) on the periphery of a small parade or 3) an isolated shop-type unit. Part B of SS9 states that permission for the change of the use to residential, of a long term vacant isolated shop formerly in A1 use will only be granted in exceptional circumstances.

The first issue in assessing this proposal therefore relates to whether or not the unit constitutes an isolated unit. Given its siting adjacent to a Class A1 unit and one property away from the public house (Class A4), it is not considered to be an isolated unit. Furthermore, this parade in which this unit sits does not function as a stand-alone parade. Rather, its function is linked and subordinate to the Westbourne Park Road Local Centre, which is dispersed across a wider area than most.

Given the sites location directly opposite the Core Frontage properties of the Westbourne Park Road Local Centre, the applicant argues that it could be considered that the application site is on the periphery of the Local Centre. Therefore in support of the proposals, the applicant has submitted a marketing report demonstrating that the site has been vacant on a long-term basis despite active marketing.

Paragraph 7.103 of the UDP states that 'the periphery' means the end unit in a consecutive row or group'. As the property is opposite the local centre the unit is not considered to be on the periphery.

The assessment of the application therefore relies solely on the long-term vacancy of the unit.

The marketing report is produced by Orme Retail, who are an active retail agent in the Westbourne area. It sets out the extensive efforts which have been made to find an occupier for the unit over the period September 2014 up until June 2017 (over 32 months). Marketing has included national and local advertising, agent boards in the window of the premises, email campaigns etc. Despite all these efforts no willing retail occupier has been found.

The marketing report also examines the current property market in the area and vacancy levels. It concludes that No.97 is an unattractive prospect for potential occupiers due primarily to its location divorced from other retail units, with poor footfall levels, as well as its size and layout, with limited ground floor space. The lack of proper full height ventilation extraction also makes the unit unattractive to potential Class A3 restaurant occupiers.

The report concludes that it is unlikely that further marketing will generate new interest in the unit and that current economic uncertainty means that the market is unlikely to improve in the foreseeable future.

Given the extensive efforts to market the unit, as required by Policy SS9, and as this is now an isolated unit within what is otherwise a dead retail frontage, except for the public house, it is considered that the loss of the retail unit, whilst regrettable, has now been justified and is acceptable in land use terms.

### **8.1.2 Proposed Residential Use**

The principle of the creation of a residential unit is supported by Policies S14 of the City Plan and the H3 of the UDP.

Policy 3.5 of the London Plan, Policy S29 of the City Plan and Policy ENV13 of the UDP seek to ensure a satisfactory standard of accommodation for future occupiers.

Policy 3.5 requires that two bedroom units over two floors have a minimum gross internal area of 83m<sup>2</sup>. The proposed unit would have an internal floor area of approximately 96m<sup>2</sup> and as such is compliant with this policy. The light reaching the bedrooms at basement level would be limited; however, given that the ground floor is dual aspect and that this arrangement is common across the City, it is considered that planning permission could not be reasonably withheld on this basis.

Environmental Health comment that the means of escape may not be sufficient; however, as this will be dealt with at a later stage by Building Regulations, most likely by amendments to the internal layout of the residential unit, which would not require further planning permission, permission could not reasonably be withheld on this basis of these concerns.

The proposed residential unit is therefore considered to be acceptable in land use terms.

### **8.2 Townscape and Design**

It is considered that the proposed alterations to the front and rear elevations would maintain the appearance of the existing building and would preserve the character and appearance of the Westbourne Conservation Area. The alterations proposed are consistent with the detailed design of the existing building and therefore design concerns raised by the South East Bayswater Residents Association cannot be supported. The proposed alterations would be in accordance with policies S25 and S28 in the City Plan and policies DES1, DES5 and DES9 in the Unitary Development Plan.

### **8.3 Residential Amenity**

Policy S29 of the City Plan and ENV13 of the UDP relate to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight or sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

An objection has been received from the local amenity society on the grounds that the proposals may impinge on the privacy of properties to the rear.

A narrow raised ground floor balcony is proposed to the rear of the new residential unit, accessed from the sliding doors of the kitchen. Raised terraces have the potential to affect the privacy of neighbouring occupiers; however, in this instance it would overlook gardens which currently serve the office at No.99. Furthermore, it would be adjacent to an existing raised terrace at No.95 and as such would not materially increase the degree of overlooking into any of the neighbouring properties' gardens.

The proposed alterations to the front lightwell would have no impact on the amenities of neighbouring occupiers.

The proposal is accordingly considered acceptable with regard to Policy S29 in the City Plan and Policy ENV13 in the Unitary Development Plan.

#### **8.4 Transportation/ Parking**

The proposed residential unit would provide both off-street car parking on the front forecourt and secure cycle parking storage internally within the unit. These are to be secured by condition and as such the proposal would comply with Policies TRANS10 and TRANS23 of the adopted UDP.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The residential unit would not have level access from the street or the off-street car parking space on the forecourt. Whilst this is regrettable, given that the proposals are for the conversion of the existing building, rather than for the redevelopment, and as the proposal would create a single private dwelling, it is not considered that permission could reasonably be withheld on this ground..

#### **8.7 Other UDP/ Westminster Policy Considerations**

Waste and recycling storage facilities are shown within the kitchen area at ground floor level. For this sized unit the facilities are proposed to be acceptable and will require the future occupier to place waste and recycling on the highway on collection day, as per the existing arrangement for other residential properties in this area.

## **8.8 London Plan**

This application does not raise any strategic issues.

## **8.9 National Policy/ Guidance Considerations**

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

## **8.10 Planning Obligations**

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

The total estimated CIL is £26,049.30 of which £6,069.96 corresponds to Mayoral CIL and £19,979.34 corresponds to Westminster CIL.

## **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

## **8.12 Other Issues**

Notting Hill East Neighbourhood Forum originally commented that the application submission did not show land in the same ownership and that the application was not submitted with a Design and Access Statement. A revised site location plan was submitted to address the amenity societies concerns and all the elements of a Design and Access Statement have been submitted as part of the initially submitted Planning Statement.

Environmental Health have commented that the basement windows may be easily accessed by intruders using the staircase. This application has not required consultation with the 'Designing Out Crime Advisor'; however, it is not considered that permission cannot be withheld on this basis as the provision of windows within a front lightwell is typical of many lightwells across the City.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Notting Hill East Neighbourhood Forum, dated 14 July 2017.
3. Letter from South East Bayswater Residents Association 23 July 2017.
4. Response from the Highways Planning Manager dated 21 July 2017.
5. Response from Environmental Health dated 24 August 2017.

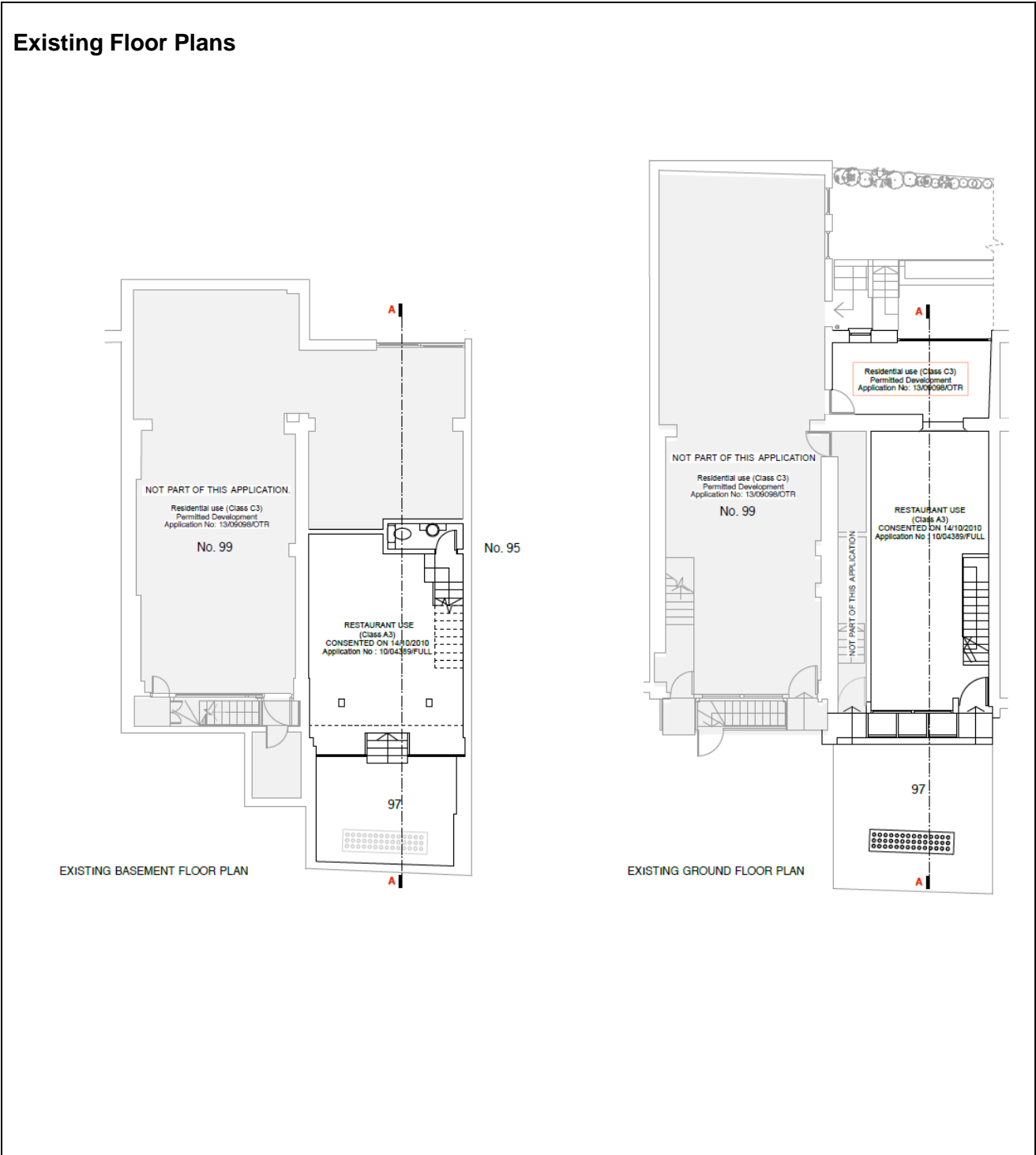
(Please note: All the application drawings and other relevant documents and Background

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

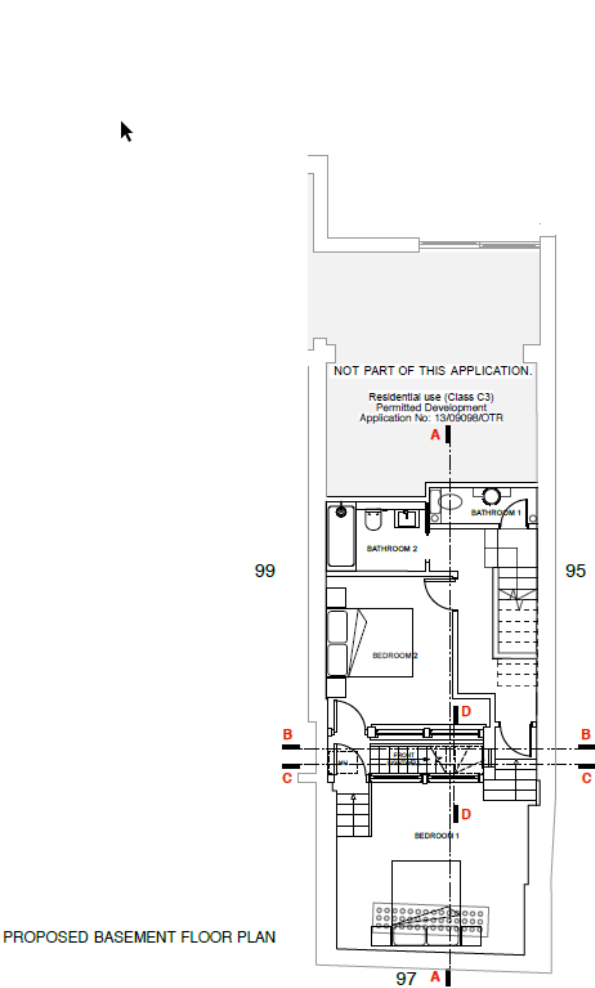
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a>
---

10. KEY DRAWINGS

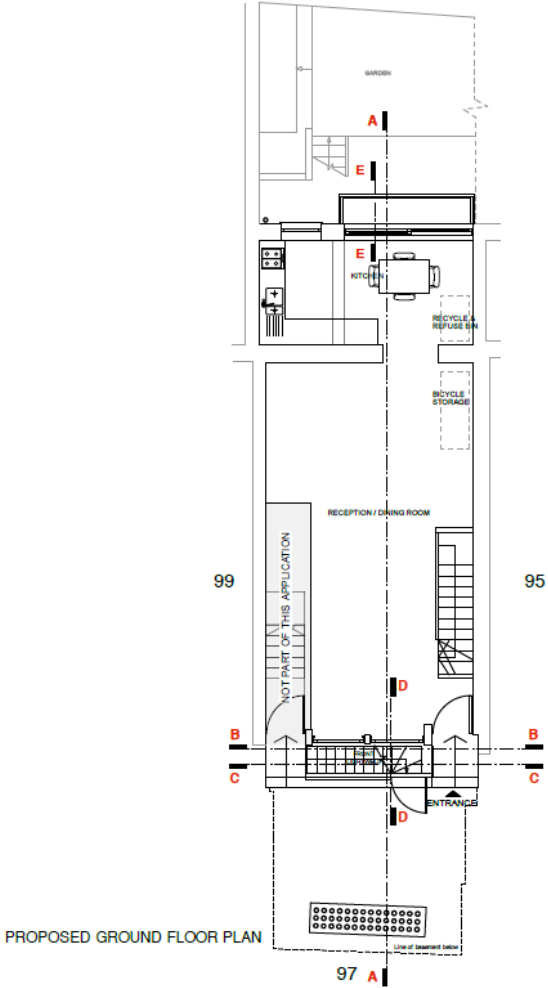
Existing Floor Plans



**Proposed Floor Plans**

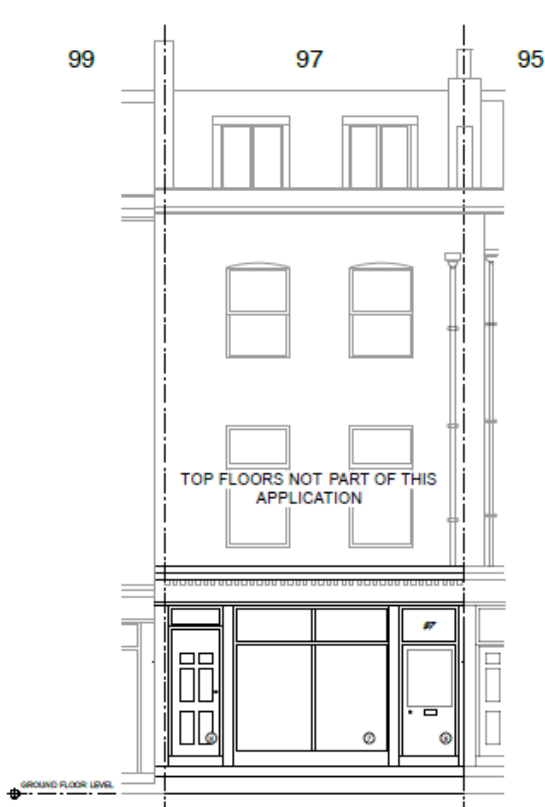


PROPOSED BASEMENT FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

**Existing Elevations**



EXISTING FRONT ELEVATION



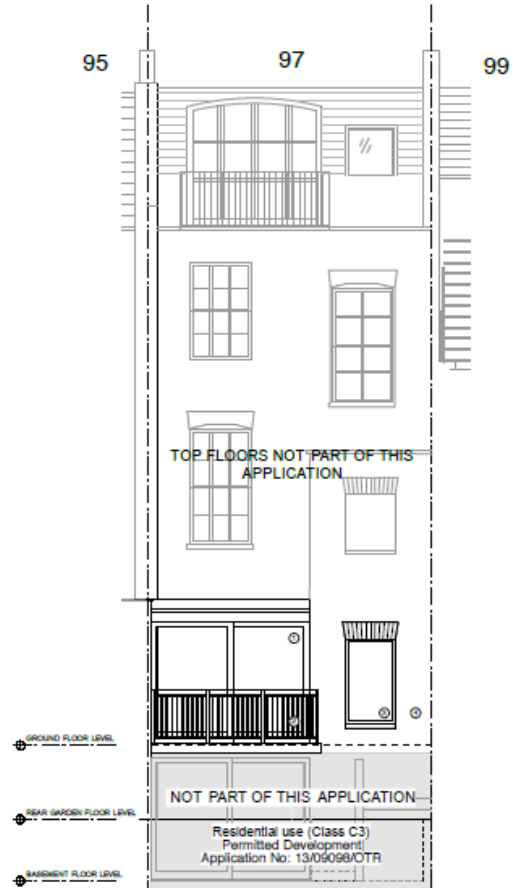
EXISTING REAR ELEVATION



**Proposed Elevations**

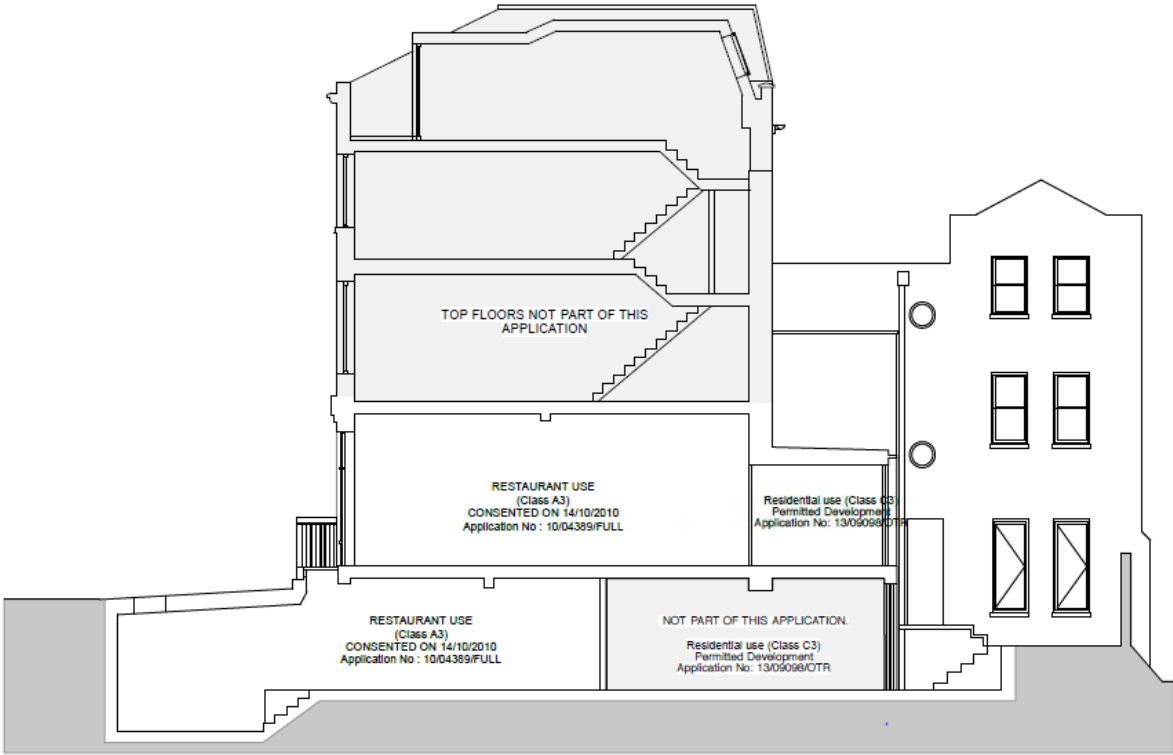


PROPOSED FRONT ELEVATION



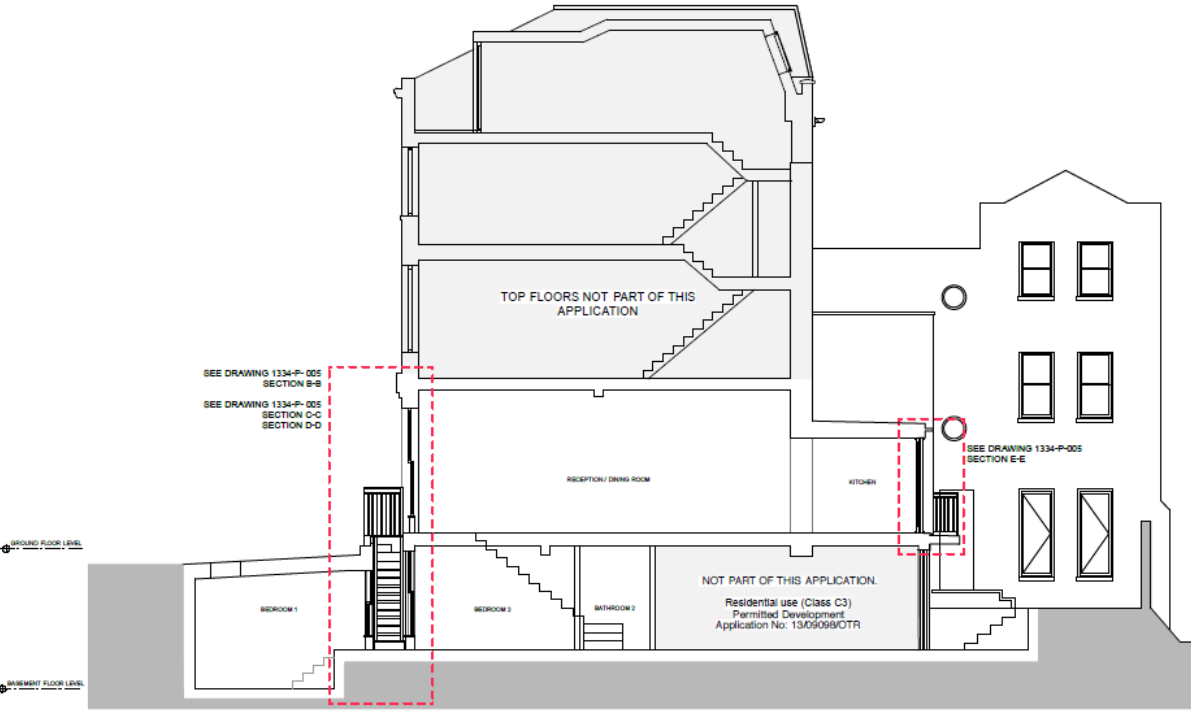
PROPOSED REAR ELEVATION

Existing Sections



EXISTING SECTION A-A

**Proposed Sections**



PROPOSED SECTION A-A

**DRAFT DECISION LETTER**

**Address:** 97 Westbourne Park Villas, London, W2 5ED,

**Proposal:** Use of part basement and ground floors as 1x2 bedroom maisonette (Class C3) and external alterations including creation of front lightwell with associated railings, staircase and new windows to front elevation and installation of raised terrace with associated railings and doors to rear elevation.

**Plan Nos:** 1334- Location Plan; 1334-EX: 001; 002; 003; 1334-P:001; 002; 003; 004; 005; Planning Statement including Appendices 1-5.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The railings to the front and rear elevations must be painted black and be retained in that colour thereafter.

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must provide the waste store shown on drawing 1334-P-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 6 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 7 The car parking on the front forecourt must be permanently retained for use by occupiers of the flat hereby approved for the parking of their vehicles and shall not be used by any other persons or for any other purpose.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 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).

- 6 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. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 7 The Council considers that the amount of daylight into and the view that is likely from the bedroom windows in the flat would not be enough for the use of these rooms as main living areas. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the flat as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the flat in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the flat is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.
- 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:  
<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.**

This page is intentionally left blank



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank