

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	74 - 76 Prince's Square, London, W2 4NY,		
Proposal	Use of the building to a 35 room elderly care facility specialising in dementia (Use Class C2), creation of balcony on the rear elevation at first floor level, alterations to the fenestration to match the new internal floor levels, the installation of ramp from the ground floor to the garden. Alterations to roof including insertion of kitchen extract. Installation of a new refuse store, plant enclosure, and bicycle store in the rear garden, new hard and soft landscaping to the garden and all other associated works. Insertion of louvres on front elevation at basement level to serve plant equipment.		
Agent	CBRE Planning & Development Team		
On behalf of	FREP3 (Princes's Square) Limited		
Registered Number	19/00868/FULL	Date amended/ completed	5 February 2019
Date Application Received	5 February 2019		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The building is an unlisted six storey building located within the Bayswater Conservation Area and currently divided into 38 serviced apartments. The proposal is to convert the application site into a 35 room elderly care facility specialising in dementia (Use Class C2) with associated external works including the installation of plant equipment.

The key issue in this case is the impact of the proposal on the amenity of occupiers of the neighbouring and adjoining residential properties.

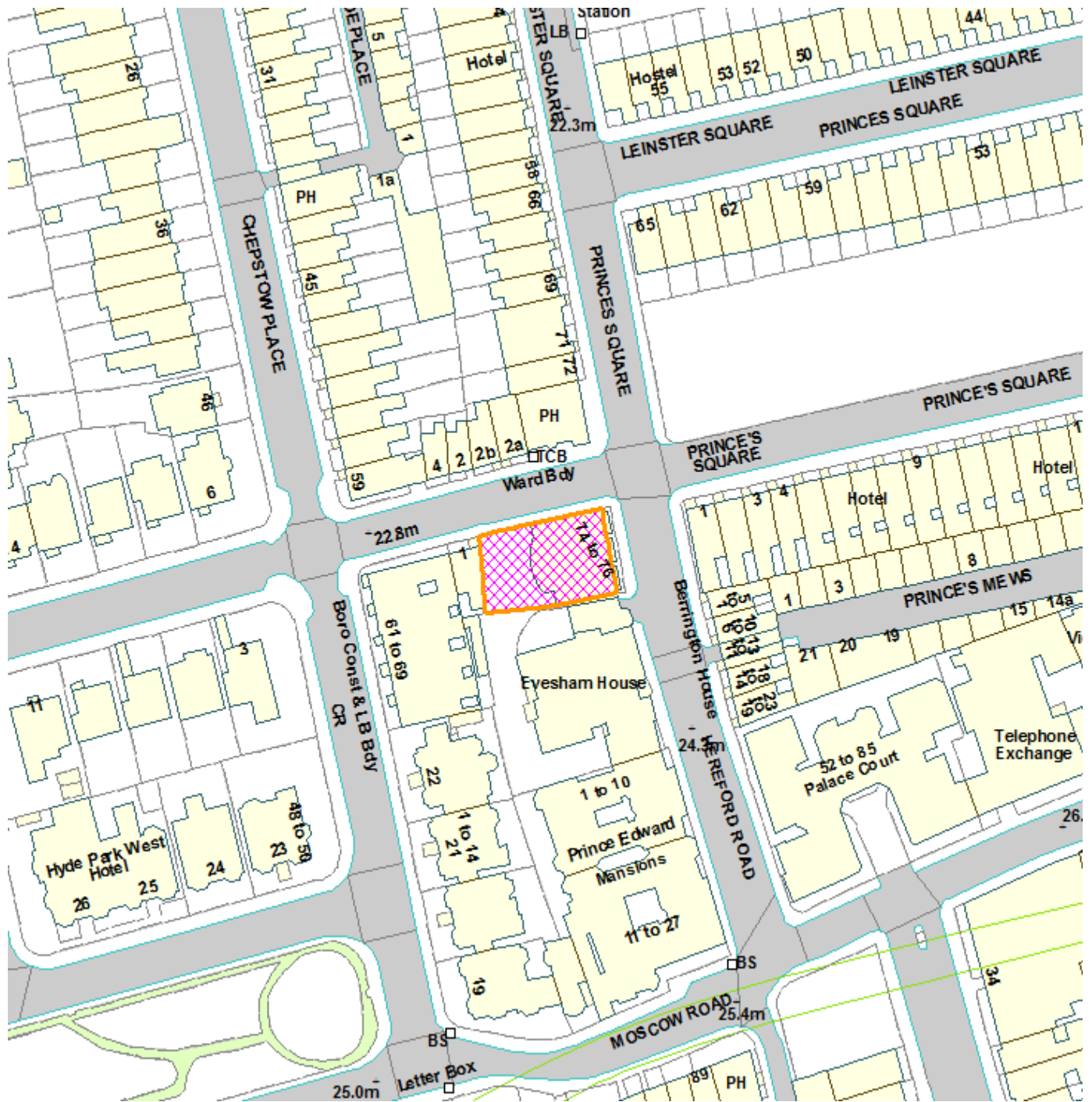
The proposal is considered to accord with the relevant land use, design and amenity policies in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). The application is therefore recommended for approval, subject to the

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conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



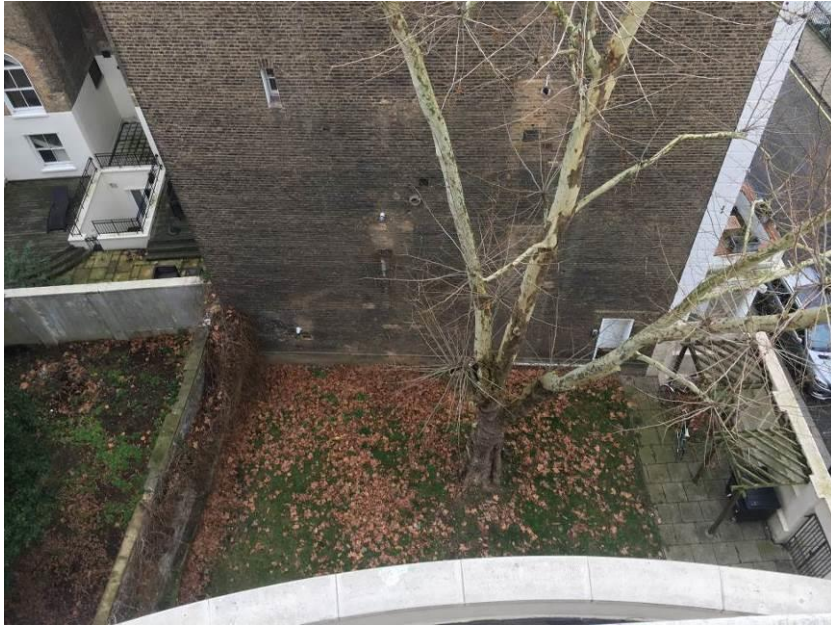
4. PHOTOGRAPHS



Front and Side Elevations



Rear Elevation



Rear Garden



View of the site from the rear window of a flat at Chepstow Place

5. CONSULTATIONS

5.1 Consultation on Originally Submitted Scheme (February 2019)

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

The residents' concerns are principally about the fear of noise and disturbance from a more intensified use of the premises. The applicant's noise report leaves open questions about the type of ventilation ducts where they will be sited and noise levels from a large kitchen and bins and cycle store located in the rear garden and how noise associated with the proposed use will be controlled. There is concern about potential increased noise and disturbance from patients suffering from dementia. The applicant should clarify how these issues will be addressed.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER:

It is considered that crime prevention and community safety are material considerations for the proposal. Conditions are recommended that require the applicant to achieve a 'Secured by Design' accreditation.

NHS CENTRAL LONDON:

Any response to be reported verbally.

ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No Servicing Management Plan has been provided. It is unclear how servicing would be managed in such a way as to minimise the impact on other highway users and be undertaken in a safe manner.

The applicant is proposing significant changes to the on-street layout in Dawson Place to accommodate a dedicated ambulance bay, but no evidence of need has been submitted. In addition, the applicant has also not justified the type of traffic order proposed, as opposed to other more common restrictions such as Double Yellow Line.

Provided that the residents of the proposal would not own their own vehicles, it is considered that the proposal would not increase the parking stress levels in the surrounding area.

WASTE PROJECTS OFFICER:

Objection to the proposal as details of the bin capacities for storage of general waste, food waste, clinical waste and recyclable materials were not provided.

ENVIRONMENTAL HEALTH OFFICER:

The design is reasonable and practicable to enable suitable internal noise levels to be achieved so that future residents have an appropriate standard of accommodation.

ARBORICULTURAL OFFICER:

It should be possible to undertake the proposed works without harm to the trees provided suitable precautions are taken. Pre-comment conditions are recommended to secure a tree protection method statement as well as details of the construction of the ramp and terrace as well as the other garden structures.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 458

Total No. of replies: 26

No. of objections: 22

No. in support: 3

No. neutral: 1

The objections concern the following issues:

- The proposed dementia care home would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of noise and disturbance. There is potential for loud outbursts of noise by the patients. As the facility is open for 24 hours a day there would be the potential for noise generation throughout the night. The noise from ambulance pick up and drop offs, noise generated by delivery and servicing, the noise that would escape from open windows on the application site, the noise from people using the balconies, the noise from people using the bicycle and the refuse storage facilities, and the noise that would be generated by residents using the garden are all of concern.
- Noise from the proposed plant equipment would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise pollution.
- The decked terrace to the rear with an access ramp to the garden would mean more noise in comparison to the existing use, especially in the warmer months, as residents would make use of the terrace and garden.
- The accuracy, scope, and methodology of the Noise Impact Assessment has been questioned.
- The exhaust fumes from the proposed large kitchen would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity from odour 24 hours a day.
- The proposed bin store shall contain both domestic and medical waste. This could create odour and encourage vermin.
- The proposal is inconsistent with the residential nature of the surrounding buildings. A rural setting or a much larger site would be more appropriate for a dementia care home than this relatively small site located within an urban, heavily populated area.
- The existing care home at Chelsea Court Place that is cited by the applicant in the supporting documentation as an example facility. It is however a facility for a maximum of 15 residents and is on a busy high street so therefore it is not a valid comparison.
- Dementia sufferers experience behaviour changes, which includes losing inhibitions. These behaviour changes would be distressing both for the dementia sufferers and local residents.

- The creation of two new balconies on the rear elevation at ground and first floors will result in a further loss of privacy for residents of neighbouring and adjoining properties as a result of overlooking.
- The change from an apartment hotel, with occasional occupancy, to a full-time care home means that there will be residents overlooking neighbouring and adjoining properties 24 hours a day, 365 days a year.
- The new refuse store, plant enclosure, and bicycle store will all reduce garden/open space which is detrimental to the environment, wild life (birds) and air quality.
- The increased volume of deliveries and collections to and from the application site would impact on the safety of pedestrians, particularly as the pavement is very narrow due to the street trees.
- The neighbour consultation letters arrived late and some letters did not arrive at all. They arrived during the school holidays when many residents were away so therefore they did not have the opportunity to submit comments before the consultation deadline.

The comments in support concern the following issues:

- Dementia is a growing problem in Westminster as the population becomes older, and care homes like the one proposed are much needed amenities. Local GPs consider the proposal to be an asset for the community rather than a threat to the peace of the neighbourhood.
- The Chelsea Court Place dementia care facility that is operated by the applicant is run with the utmost professionalism. The existing home has a very calm and dignified ambience.
- The proposed premises will be run well and ethically. It would cause no detriment to the amenity of the neighbourhood. The applicant provides a high ratio of carers to patients and often one to one care, so it is very unusual for patients to be tormented or upset and scream out loud or cause other disturbances. The staff are all specially trained to handle patients' concerns and give them time and understanding to avoid causing any agitation.

The neutral comment concerns the following issue:

- The application documents make no mention of the proposed two mansard windows in the top floor of the property, which would overlook properties to the south. If approved, it should be enforced that these windows are obscure glazed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.2 Consultation on Revised Scheme (May 2019)

Amendments included:

- Relocation of proposed plant equipment. Insertion of louvres on front elevation at basement level. Insertion of kitchen extract duct at roof level.
- Amended Noise Impact Assessment
- Amended Transport Statement
- Operational Management Plan submitted
- Details of the proposed bike and bin stores provided
- Removal of proposed third floor balcony at rear

- Removal of proposed Juliette balconies at first floor level at rear
- Proposed Fifth floor level rear extension removed

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER:

Any response to be reported verbally.

NHS CENTRAL LONDON:

Any response to be reported verbally.

ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objections with regards to cycle parking, car parking or trip generation.

A Servicing Management Plan (SMP) that demonstrates how the servicing for the proposed development would minimise the impact on the surrounding highway network is required and can be secured through a pre-commencement condition.

WASTE PROJECTS OFFICER:

No objection

ENVIRONMENTAL HEALTH OFFICER:

No objection. Conditions are recommended concerning restricting levels of noise and vibration from the proposed plant equipment. Conditions are also recommended to ensure that the design and structure of the development shall be of such a standard as to prevent noise transference from the proposed care home to neighbouring properties and also to prevent external noise transference into the care home.

ARBORICULTURAL OFFICER:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 458

Total No. of replies: 8

No. of objections: 7

No. in support: 1

The objections concern the following issues:

- The amenity impact on neighbours from noise and disturbance from the proposed use, particularly the impact of the proposed plant equipment and the bike store.
- The accuracy, scope, and methodology of the Noise Impact Assessment has been questioned.
- The proposal would result in the loss of accommodation for working people and families.

The comments in support concern the following issues:

- The need for care facilities for the elderly.
- The noise impact of the proposal has been exaggerated.

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is an unlisted six storey building located within the Bayswater Conservation Area and currently divided into 38 serviced apartments.

The application site is adjoined by residential flats. The properties in the wider area are primarily either in residential or hotel use.

6.2 Recent Relevant History

16/01573/FULL

Conversion of 26 serviced apartments within part of the building to form 17 residential units. Installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard and installation of balustrade to front dormer windows and existing terrace at rear fourth floor.

Application Permitted 24 May 2016

7. THE PROPOSAL

Planning permission is sought for the use of the building as a 35 room elderly residential care home specialising in dementia (Use Class C2), alterations to the fenestration to match the new internal floor levels, the installation of a new ramp from the ground floor to the garden. Installation of a new refuse store, plant enclosure and bicycle store in the rear garden, new hard and soft landscaping to the garden and other associated works is also proposed. Alterations to the roof including insertion of a kitchen extract and the insertion of louvres on the front elevation at basement level to serve plant equipment is also proposed.

Table 1 – Existing and Proposed Floor Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Serviced apartments	1931	0	- 1931
Care home for elderly people with Dementia (Use Class C2)	0	1823	+1823

Total	1931	1823	-108
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8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is to convert the application site from serviced apartments to an elderly residential care home specialising in care for dementia. 24 hour care will be provided to all residents with a staffing ratio of 2 residents to 1 member of staff. The rooms are provided on a monthly/weekly fee basis and not sold to residents as individual units. The proposed units do not have self-contained facilities for cooking and the care home has shared facilities such as lounges, dining rooms, and a treatment room. For these reasons, the proposed care home is considered to be in class C2 use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

The London Plan 2016 (MALP) Policy 3.17 (Health and Social Care Facilities) supports the provision of high-quality health and social care appropriate for a growing and changing population, particularly in areas of under provision or where there are particular needs.

The relevant City Council policies for this proposal are the H 3, H 4, and SOC 4 of the UDP (2007) S14, S15 and S16 of the City Plan (November 2016).

Policy S15 states that specialist housing floorspace will be protected. Serviced apartments are not a form of specialist needs housing that are afforded protection by the City Council's policies. Permission was granted for the conversion of the application site into 17 residential units on 24 May 2016 under application RN: 16/01573/FULL. For these reasons, the loss of the serviced apartments is considered to be acceptable in principle.

Policy S15 states that provision of specialist housing will be allowed where this would contribute towards meeting local housing needs. The Dementia Joint Strategic Needs Assessment (2015) was prepared by Westminster City Council (WCC), Royal Borough of Kensington and Chelsea (RBKC) and the London Borough of Hammersmith & Fulham (LBHF). The Assessment (2015) outlined that WCC has an anticipated the percentage increase in the number of people at risk from dementia as being 45% from 2015-2030. This is primarily due to the aging population. It recommends that treatment and care service provision will need to expand proportionately.

Published rates of care home bed provision have identified an average rate in England of 114 beds per 1,000 population aged 75 and over. The provision of care home beds within WCC is just 36 beds per 1,000 population aged 75 and over. This is the lowest figure in England emphasising the relative lack of facilities within Westminster. It is considered that there is a need for dementia care facilities within Westminster and the proposal contributes towards meeting this need.

The supporting text of policy SOC 4 of the UDP states that when it considers development proposals, the City Council will balance the need to meet demand for health services against the effect of the proposals on the surrounding area and nearby

activities. Objections have been received stating that due to its close proximity to neighbouring residential properties, the application site is an inappropriate location for a care home for the elderly and instead the care home should be located in a less densely populated area. However, the City Council considers that the proposal enables residents to remain living within the City of Westminster. The amenity impact of the proposal shall be addressed later in the report.

For the reasons stated above the proposed change of use from serviced apartments to a care home for the elderly is considered acceptable in principle.

8.2 Townscape and Design

Paragraph 184 of the NPPF (2018) states heritage assets "should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

In the exercise of planning functions, the City Council must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas as set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The relevant policies for consideration the proposal are DES 1, DES 5, DES 6, and DES 9 in the adopted Unitary Development Plan 2007, and S25 and S28 set out in the adopted City Plan 2016.

The building on the application site was erected in the 1990s. While it has no great architectural significance, it does appear in harmony with the existing historic buildings in this section of the Bayswater Conservation Area.

Louvres are proposed to be inserted beneath three of the basement level windows on the front elevation to serve the plant equipment. The existing windows directly above, including the window sills, are to be left unaltered. Louvres on the front elevation at basement level are not a characteristic of buildings in the Bayswater Conservation Area. It should be noted however, that the proposed louvres are not easily visible from public views within the conservation area. They can only be seen when standing directly next to boundary railings and looking into the front lightwell. Positioning the louvres in this location has a public benefit because it prevents the installation of excessive amounts of plant equipment in the rear garden, where it could cause the occupiers of neighbouring residential properties to suffer a material loss of amenity as a result of noise and disturbance. In addition, the plant equipment is needed to offer residents of the proposed use an appropriate level of care. Due to their size and position, the proposed louvres, are considered to cause less than sustainable harm to the character and appearance of the conservation area. The harm caused is considered to be outweighed by the public benefit of helping to facilitate the use of the building in a way that meets an important local need without negatively impacting the amenity of neighbouring and adjoining occupiers.

The new lift overrun to roof level has a low profile and rises to a similar height as the existing upstand at roof level. The proposed kitchen extract is small in size and

sensitively located. For these reasons, the proposed alterations to the roof are not considered to appear incongruous on the application site.

The alterations to the windows and doors are in line with the character of the building and subject to conditions concerning their detailed design they are considered acceptable.

To the rear garden, the proposed refuse store and the proposed bike store are set behind the boundary wall and would not be visible from street level as the garden gate is being replaced with a solid timber gate. They are similar in scope to the stores approved under application RN: 16/01573/FULL. Both stores are to be timber clad, which is considered to be appropriate to the architectural significance of the Bayswater Conservation Area. The proposed air handling units are located within the rear lightwell so therefore they will not be readily visible from public or private views within the conservation area. Details of the design of the plant enclosure design shall be secured through condition.

The proposed rear terrace and hardstanding in the garden would not visually over dominate the rear of the property and a significant amount of the garden lawn would remain so therefore these works are considered acceptable in design terms.

There is an existing terrace with a high parapet at the rear at first floor level. A glass balustrade will be added to to the parapet to increase resident's safety. Due to its height and the fact that it is transparent, the proposed balustrade is not considered to add visual clutter to the application site.

The Metropolitan Police has recommend that the proposed use achieves a 'Secured by Design' accreditation, which is discussed later in the report. The external works to the site required to achieve this are CCTV, lighting, and non-climbable entrance gate for the rear garden. To ensure that these works are not harmful to the character of the conservation area, details of their design shall be secured through condition

For the reason stated above the proposal is considered acceptable and in line with City Council policy and guidance. The recommendation is considered in line with the statutory duties set out in s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2018).

8.3 Residential Amenity

Polices ENV5, ENV6, ENV7, ENV 10, ENV 13 and SOC 4 of the UDP and S29, S31, S32 of the City Plan seek to protect residential amenity and environmental quality.

Policy S29 states that the City Council will resist proposals that result in an unacceptable material loss of residential amenity.

The applicant has submitted an Operational Management Plan (OMP) that sets out how the care home will be run with particular regard to neighbour amenity. Compliance with the OMP shall be enforced through condition.

The application documents contain references to the existing care home run by the applicant at Chelsea Court Place. Objectors state that as the care home at Chelsea Court Place is smaller in size and in a busier location, it is not a valid comparison in terms of the amenity impact. It should be noted however, that the City Council has assessed the current proposal on its own merits

Noise and Disturbance

Policy ENV 6 requires that where a development adjoins other buildings the applicant should demonstrate that the development will be designed and operated to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. The supporting text of this policy lists the noise sensitive properties that are to be protected. These include all residential properties and hotels.

Objections have been received stating that the behaviour of the dementia suffers occupying the site would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance. It should be noted however, that a high standard of care is to be provided on the application site, with a ratio of one member of staff for every two patients. Staff take responsibility for ensuring residents experience comfort 24 hours a day and do not become distressed and exhibit the types of behaviour that would disturb the occupiers of neighbouring properties. In addition, it shall be enforced through condition that the design and structure of the development shall be of such a standard that it will protect residents within adjoining buildings from noise and vibration from the care home use.

Concern was also expressed that the installation of the ramp would increase the amount of noise and disturbance generated from the garden. It is not considered however, that the creation of the ramp would increase the amount of space in the garden to such an extent that it would materially increase the number of people who could use it. Concern was also expressed about the noise and disturbance from the balconies on the application site. The scheme has been amended so that the proposed third floor level rear balcony and the proposed first floor level rear Juliette balconies have been removed from the scheme. A small first floor level terrace is proposed and the existing fifth floor level balcony is retained. When using the outdoor amenity spaces, residents will be accompanied at all times by carers, so therefore there would be no material noise impact on neighbour amenity.

Objections have been received stating that the use of the proposed bike store early in the morning and late at night would cause the occupiers of nearby residential properties to suffer a material loss of amenity from noise and disturbance.

However, within the Operational Management Plan there are measures to prevent this. The measures are as follows:

- Access to the bike store will be restricted outside the hours of 7am and 7pm.
- The bike store will be monitored and kept tidy by the management team on a daily basis to ensure that any bikes can be easily accessed to avoid any undue noise and disturbance.

- A sign will be attached to the door of the bike store which reminds people to be quiet when accessing the bike store.

These measures are considered to be reasonable and practical and would address the amenity issue.

Policy ENV7 requires that the applicant demonstrates that any proposed plant and machinery will be designed and operated so that any noise emitted will achieve the necessary standards in relation to the existing external noise level at the nearest noise sensitive properties.

There is proposed plant equipment located in the rear garden, plant located internally at basement level that vents through louvres on the front elevation, and a kitchen extract at roof level. The applicant submitted a Noise Impact Assessment by RBA Acoustics Reference: 9109.RP01.EBF.4 rev. 4 dated 13 May 2019. The accuracy, scope, and methodology of the Noise Impact Assessment have been queried by objectors. The Environmental Health Officer has appraised the Assessment, paying regard to the queries from objectors, and has found no issues with it. The Environmental Health Officer considers that the proposal complies with the criteria set out in ENV 7. Conditions to control noise and vibration levels have been recommended. For these reasons it is considered that the proposed plant machinery would not cause the occupiers of neighbouring and adjoining noise sensitive properties to suffer a material loss of amenity from noise and disturbance.

Objections have been received on the grounds that noise and disturbance from ambulances coming and going from the application site would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity. A high level of care would be provided on application site and the number of residents is not so great that the frequency of ambulance visits would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity.

For the reasons stated above, it is considered that the occupiers of neighbouring and adjoining properties would be protected from noise and disturbance 24 hours a day.

Odour

Policy ENV 5 promotes measures to reduce the emission of odours from developments. Policy S31 requires that developments will minimise emissions of air pollution from both static and traffic generated sources.

The proposed kitchen extract system is located at roof level. The Environmental Health Officer considers that due to its design, height, and position, the proposed kitchen extract system would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of odour.

Objections have been received concerning odour and the risk of vermin from the proposed bin store because it contains both domestic and clinical waste. The proposal has been amended so that the clinical waste is now stored internally at basement level. The domestic waste is stored in the rear garden, but it is considered to be suitably secured and collections are frequent enough, that it would not cause the occupiers of

neighbouring and adjoining properties to suffer a material loss of amenity as a result of odour and nor would vermin be attracted to it.

Privacy

Due to their size, height and position, the level of overlooking from the proposed rear elevation windows is no worse than what is existing. The proposed first floor terrace would overlook the front elevation windows of the properties on Dawson Place and any overlooking of the rear elevation windows at Chepstow Place would be at a significant distance and indirect, so therefore it does not cause neighbours to suffer a material loss of privacy.

An objection has been received stating that the existing use is only occasionally occupied, but the proposed use will be fully occupied so therefore there will be a material increase in the amount of overlooking of neighbouring properties. It is considered however, that there is no reason why the existing use could not be fully occupied and the number of people occupying the proposed use would not increase to such an extent that neighbours would experience a material loss of privacy.

Sunlight and Daylight and Sense of Enclosure

Due to their size, height, and position, the proposed structures in the rear garden are not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight or a sense of enclosure, and nor would they have an overbearing impact on these properties.

8.4 Transportation/Parking

Cycle Parking

The draft London Plan requires 1 space per 5 FTE staff (long stay) plus 1 space per 20 (short stay) bedrooms for care homes/Secure accommodation. For the 35 C2 units within the site, this would equate to a total of 12 cycle parking (9 long stay and 3 short stay) spaces. A total of 12 cycle parking spaces are proposed within the site so the requirement has been met.

Trip Generation

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway.

Travel Plan

Given the sites proposed uses and location, a travel plan is not required.

Car Parking

TRANS 21 of the UDP is relevant. The proposal is considered to be in C2 use rather than C3 use so therefore policy TRANS23 of the UDP is not relevant. Given the nature of the proposed use the occupants would not own cars so therefore the proposal would not materially increase on street car parking stress in the surrounding area.

Servicing

The relevant policies are S41, S42, of the City Plan and TRANS3 and TRANS20 of the UDP.

Policies S42 and TRANS20 require new developments to be provide for on-site servicing. The Transport Assessment indicates that all will occur on-street, on the opposite side of the carriageway to the site. This means goods (including food and laundry) will need to be transported across the carriageway to the site.

The applicant has provided an Operational Management Plan which contains some servicing information. While the information that is provided is helpful it does not demonstrate that that servicing (including the transfer of deliveries) would be managed in such a way as to minimise the impact on other highway users and be undertaken in a safe manner. An objection has been received from a neighbour concerning the highways safety impact of the servicing. For these reasons, it is necessary for the applicant to submit for assessment and approval a Servicing Management Plan (SMP) that demonstrates how the servicing for the proposed development would minimise the impact on the surrounding highway network, so as not to have a significantly detrimental impact on other highway users. The applicant has agreed for an SMP to be secured as a pre-commencement condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

There are no concerns related to access of the site.

8.7 Other UDP/Westminster Policy Considerations

Refuse/Recycling

The relevant policies are in S44 of the City Plan and ENV 12 of the UDP.

There is no objection to the proposed storage arrangements for waste and recyclable materials in the rear garden or the clinical/medical waste storage in the basement. The storage arrangements are in line with the requirements of the City Council. In order to ensure the continued provision of waste and recycling storage for the facility, it shall be enforced through condition that the stores are maintained in the positions shown on the approved plans throughout the lifetime of the development.

Trees

As the site is in a conservation area the relevant policies are S25, S28 and S38 of the City Plan and DES 1 (A), ENV 16 and ENV 17 the UDP.

There is a mature London plane (T3) growing within the rear garden that is covered by Tree Preservation Order No. 283 (1980). The Arboricultural Officer expressed concern that the proposal would create a significant increase in hard surfacing within the tree's Root Protection Area (RPA) and there is potential for damaging activity both from individual and cumulative elements. Details of the foundations of the proposed structures (bike store, bin store, condenser enclosure, terrace and ramp) and details on how the existing and proposed hard surfacing will link together and the type of hard surfacing (to allow water infiltration) must be submitted for approval before works commence. In addition, details of a method statement explaining the measures that will take to protect the trees on and close to the site shall be secured through a pre-commitment condition. The applicant has agreed to these pre-commencement conditions.

An objection has been received stating that the proposal would reduce the garden/open space on the application site which is detrimental to the environment, wild life and air quality. It is considered however, that as the proposal retains both the mature London plane and a significant proportion of the lawn, the proposal would not have a material negative ecological impact on the application site or the wider area.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the provision of a tree protection method statement, the construction details of the structures in the rear garden, and a Servicing Management Plan. The applicant has agreed to the imposition of these conditions.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a proposal of this scale.

8.13 Other Issues

Crime and security

Policy S29 of the City Plan concerns minimising opportunities for crime.

The Metropolitan Police have commented that the proposed use should gain a 'Secured by Design' accreditation before first being occupied. A meeting was held with the Metropolitan Police and the applicant, and it was established that a 'Secured by Design' accreditation can be achieved for the use. The external works required to the site to achieve this are CCTV, lighting, and non-climbable entrance gate to the rear garden. The applicant has agreed to condition requiring that prior to the first occupation of the use a 'Secured by Design' accreditation shall be obtained.

Neighbour objections have been received on the grounds that people with dementia can have behaviour changes, which includes losing their inhibitions. Controlling the how people enter and exit the application site is covered by 'Secured by Design' so this minimises the risk of a resident leaving the facility unattended. Accordingly this objection to the development is not considered sustainable.

Consultation Process

Responses to neighbour consultation process have been received stating that the consultation letters arrived late, with some not arriving at all, and the first consultation process taking place partly in the school holidays. It should be noted however, that two rounds of neighbour consultation have taken place and for both rounds extra-time was allowed for neighbours to respond. In addition, for the first neighbour consultation process, two site notices were erected, and an advert was placed in the local newspaper.

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

Item No.

4

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk
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9. KEY DRAWINGS



Existing Front Elevation



Proposed Front Elevation



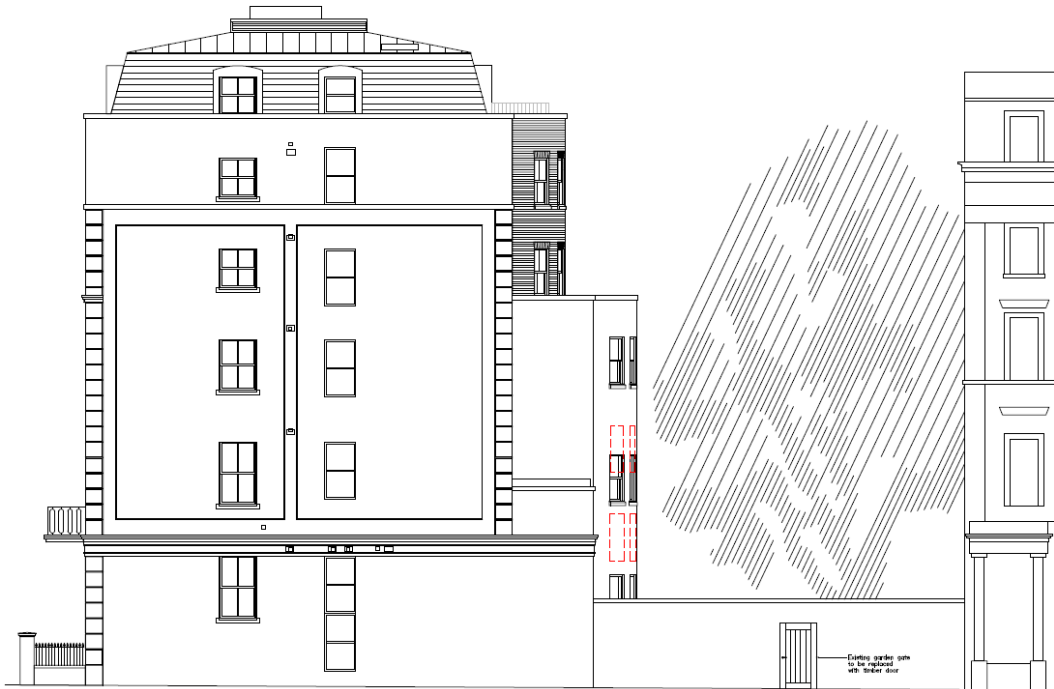
Existing Rear Elevation



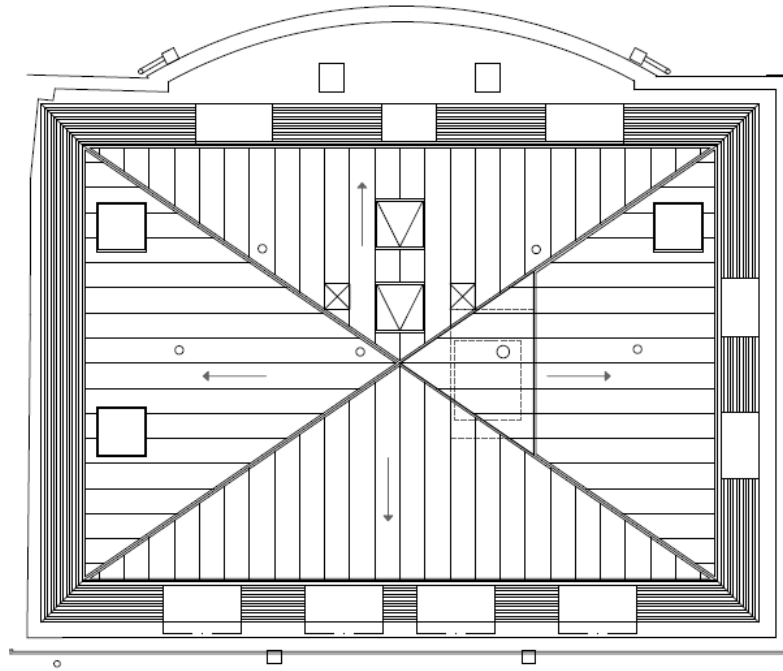
Proposed Rear Elevation



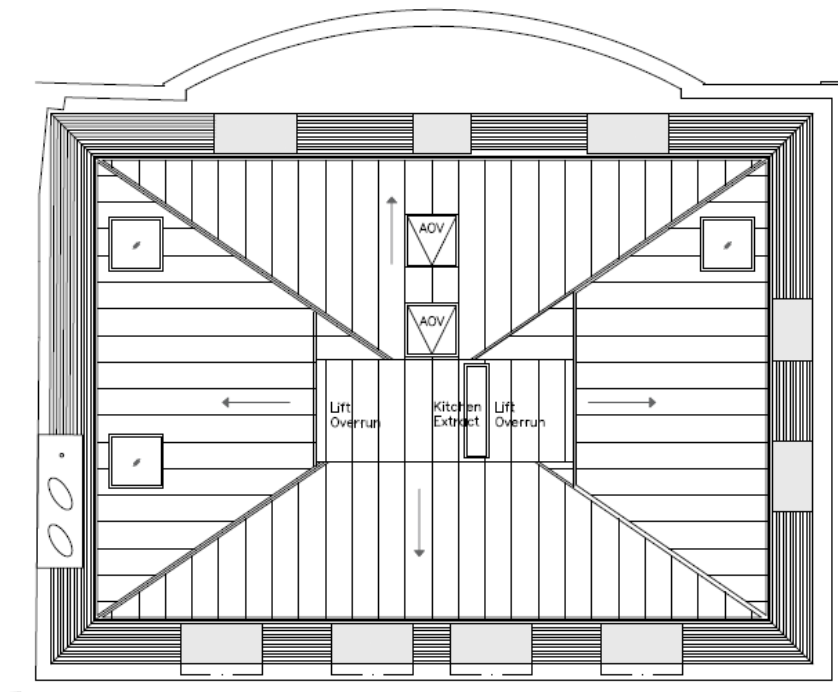
Existing Side Elevation



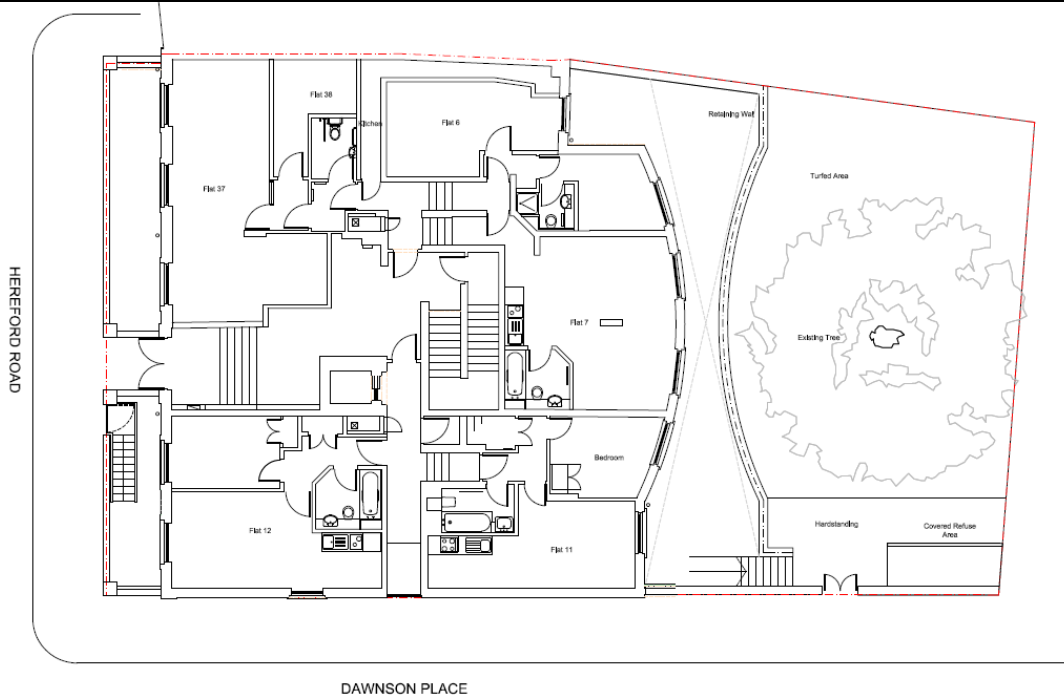
Proposed Side Elevation



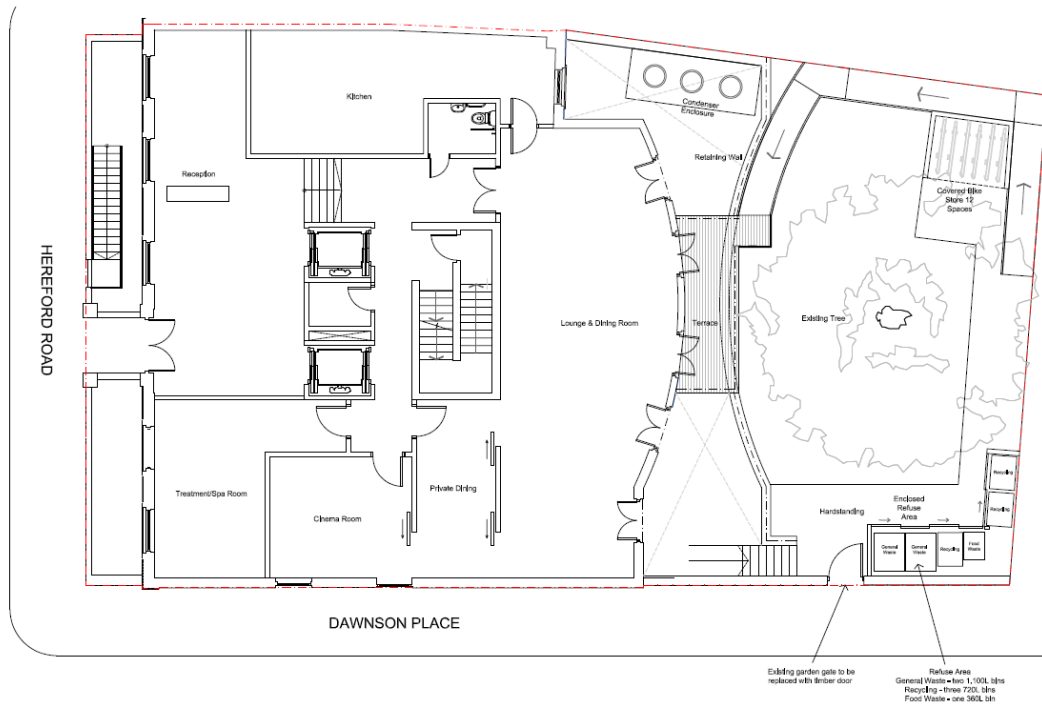
Existing Roof Plan



Proposed Roof Plan



Existing Site Plan



Proposed Site Plan

DRAFT DECISION LETTER

- Address:** 74 - 76 Prince's Square, London, W2 4NY,
- Proposal:** Use of the building to a 35 room elderly care facility specialising in dementia (Use Class C2), creation of balcony on the rear elevation at first floor level, alterations to the fenestration to match the new internal floor levels, the installation of ramp from the ground floor to the garden. Alterations to roof including insertion of kitchen extract. Installation of a new refuse store, plant enclosure, and bicycle store in the rear garden, new hard and soft landscaping to the garden and all other associated works. Insertion of louvres on front elevation at basement level to serve plant equipment.
- Reference:** 19/00868/FULL
- Plan Nos:** (01)-S-001 rev. PL, (01)-S-003 rev. PL, (01)-P-0B0 rev. PL, (01)-P-0G0 rev. PL, (01)-P-0G1 rev. PL, (01)-P-001 rev. PL, (01)-P-002 rev. PL, (01)-P-003 rev. PL, (01)-P-004 rev. PL (01)-P-005 rev. PL, (01)-P-006 rev. PL, (01)-E-001 rev. PL, (01)-E-0002 rev. PL, (01)-E-003 rev. PL, (01)-X-001 rev. PL, (03)-S-001 rev. PL02, (03)-P-001 rev. PL01, (03)-P-0B0 rev. PL05, (03)-P-0G0 rev. PL02, (03)-P-002 rev. PL01, (03)-P-003 rev. PL01, (03)-P-004 rev. PL01, (03)-P-005 rev. PL01, (03)-E-001 rev. PL05, (03)-E-002 rev. PL04, (03)-E-003 rev. PL04, (03)-P-006 rev. PL02, (03)-P-0G0_Bike Store rev. PL, (31)-E-001 rev. PL02, Operational Management Plan - Version 2 Updated June 2019, Design & Access Statement 74-76 Prince's Square by Darling Associates dated January 2019, Planning Statement 74-76 Princes Square dated January 2019, 74-76 Princes Square pre-application consultation report dated January 2019, Arboricultural Report by APArboriculture ref: APA/AP/2019/027 dated: 04.03.2019, Transport Statement Proposed Elderly Care Facility Specialising in Dementia at 74-76 Princes Square dated: March 2019, Noise Impact Assessment reference: 9109.RP01.EBF.4 prepared: 13.05.2019 revision number: 4
- Case Officer:** William Philps **Direct Tel. No.** 020 7641 3993

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 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)

- 4 The new external metalwork shall be formed in black coloured/painted metal and maintained 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 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)

- 5 The new external windows and doors shall be formed in glazing and white painted timber framing.

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)

- 6 You must apply to us for approval of detailed drawings of the new front lightwell staircase. You

must not start any work on these parts of the development until we have approved what you have sent us.

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)

- 7 You must apply to us for approval of detailed plan, elevation and section drawings of the condenser enclosure in the rear garden, including annotations of the facing materials and their finishes. The section and elevation drawings must show the features in relation to the northern and southern garden walls to the site. You must not start any 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 these drawings. (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)

- 8 You must put up the condenser enclosure to the details secured by condition 7 of this approval before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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)

- 9 The elderly care facility use hereby approved must operate in accordance with the details set out in the Operational Management Plan 74-76 Princes Square for the lifetime of the development unless otherwise agreed in writing by the City Council.

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)

- 10 (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. (R46AB)

- 11 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. (R48AA)
- 12 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.
- Reason:
As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)
- 13 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. (R49BA)
- 14 Prior to commencement of development a Servicing Management Plan (SMP) is required to be approved and then followed/maintained for the life of development, unless a revised strategy is approved in writing by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing vehicle sizes. The SMP must thereafter be maintained and followed by the occupants for the life of the development.
- 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)
- 15 Prior to the first occupation of the use hereby approved, you must provide cycle storage in line with the details depicted on drawing numbers (03)-S-001 rev. PL02 and (03)-P-0G0_Bike Store

rev. PL. The cycle storage must be maintained and retained throughout the lifetime of the development. 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 2016 (R22FA)

- 16 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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 in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 17 **Pre Commencement Condition.** You must provide details of the construction of the ramp (and terrace) from the ground floor to the garden, refuse store, plant enclosure and bicycle store and footpath in the rear garden, including section drawings of foundations. The foundations of these structures should either be 'no-dig- construction or should be informed by trial excavations in order to avoid tree roots. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C31CC)

Reason:

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 18 Prior to the first occupation of the use hereby approved you must apply for the approval of details of the following features that support the attainment of a 'Secured by Design' accreditation:

- a. The location and detailed design of the external CCTV.
- b. The location, detailed design and Lux levels of the external lighting.
- c. The detailed design of the gate that provides access from the highway at Dawson Place to the rear garden.

You must then carry out the work according to these details. These features must be maintained and retained throughout the lifetime of the development unless approved in writing by the Local Planning Authority. Prior to the first occupation of the use a 'Secured by Design' accreditation shall be obtained and thereafter all features related to this accreditation are to be permanently retained.

Reason:

To minimise the opportunities for crime, 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, and to ensure that the proposed works do not harm the amenity of the occupiers of neighbouring and adjoining properties. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and ENV 10, 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.

- 19 The provision for the storage of waste and recyclable materials, as shown on drawing numbers (03)-S-001 rev. PL02, (03)-P-0B0 rev. PL05, and (03)-P-0G0_Bin Store rev. PL is to be maintained, retained, and made permanently available throughout the lifetime of the development and used for no other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

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, neighbourhood plan (where relevant), 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 Condition 16 requires you to submit a method statement for works to a tree(s). It is worth considering providing two tree protection plans to cover different phases of the development (e.g. works to the building and works to the rear garden).
- 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 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.

Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 6 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)

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.