

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 6 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Carlton Court, 120 Maida Vale, London, W9 1QA,		
Proposal	Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.		
Agent	Mr Amin Taha		
On behalf of	Honosa Ltd		
Registered Number	16/05230/FULL	Date amended/ completed	22 June 2016
Date Application Received	3 June 2016		
Historic Building Grade	Unlisted (but adjacent to grade II listed buildings to the south)		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Refuse permission - design, amenity, overheating/ventilation and trees.

2. SUMMARY

Carlton Court is a mid twentieth century building, which is currently in use as serviced apartments (Use Class C1). The building comprises of two parts, a five storey building which fronts onto Maida Vale and a thinner three storey building which extends back into the application site. To the rear of the site there are existing garage structures, some of which have been converted to ancillary storage and office space for the hotel. There are currently two access routes down either side of the building. The rear area is currently all hard standing and used for parking.

The building and outbuildings are unlisted however the buildings to the south are Grade II Listed. The site is located outside of the Central Activities Zone (CAZ) and is not on a CAZ frontage or within a special policy area.

There have been two recent planning applications for redevelopments of different scale and form at the site, both of which were withdrawn following officer comments that they were not acceptable.

Permission is again sought for the demolition of the existing building and outbuildings and erection of a replacement part five, part three storey building to be used as serviced apartments with ancillary restaurant, bar and lounge at ground floor level. A basement is also to be excavated, both under the main building and out under the rear garden to provide a pool and spa facilities. The rear garden is to be re-landscaped and will feature a single storey extension, which provides light and access down to the basement facilities.

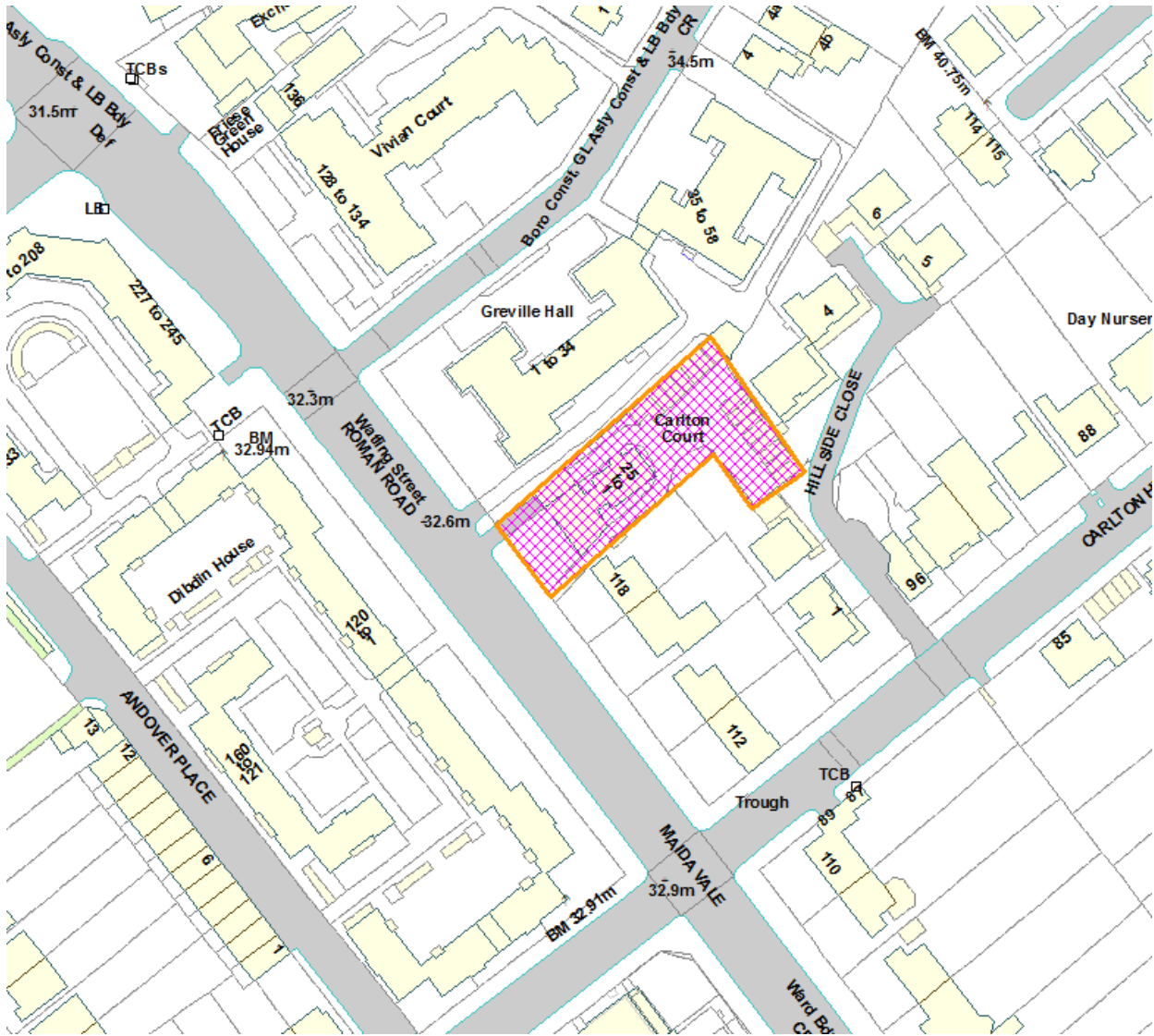
The key issues with this application are:

- * The impact of the redevelopment on the character and appearance of the conservation area and adjacent listed buildings.
- * The land use implications of a hotel redevelopment in this location.
- * The environmental impact of the redevelopment including the impact on amenity of nearby residents.
- * The impact of the redevelopment on trees.

Objections have been received on the grounds of loss of amenity, loss of parking and in relation to disturbance and potential harm to adjacent residences as a result of the excavation and construction works.

The submitted drawings and supporting documents include numerous errors, inconsistencies and insufficient information, which has resulted in an inability for the development proposals to be suitably assessed by officers. The application is therefore considered to be contrary with policies in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and is recommended for refusal on the grounds of insufficient information, which renders the application unacceptable in terms of design, amenity, ventilation/cooling and tree grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation above; rear yard below





rear elevation above



view from rear of northern side of buildings adjacent to Greville Hall

5. CONSULTATIONS

WARD COUNCILLORS:

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN:

Any response to be reported verbally.

TRANSPORT FOR LONDON (TfL):

No objection.

HISTORIC ENGLAND:

No comment, application should be determined in line with national and local policy guidance.

ENVIRONMENT AGENCY:

Confirmation that they did not need to have been consulted.

THAMES WATER:

Recommendations in relation to waste and water conditions and informatives.

ST JOHNS WOOD SOCIETY:

No objection to demolition of the existing building. Comment that the design of the replacement building is not of sufficiently high quality for the St John's Wood Conservation Area; that there is no distinguishable entrance visible from the street; poor choice of facing materials. They also query how windows would be cleaned, where the lift overrun would be located and that no plant equipment is shown.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:

No objection, but comment that neighbour's and St John's Wood Society's views should be taken into consideration.

ENVIRONMENTAL HEALTH:

No objection subject to standard noise conditions in relation to the proposed plant. It is noted that the background noise levels are above WHO Guideline levels to the front of the building and below WHO Guidelines to the rear of the building. Therefore the relevant condition will depend on what plant is to be installed and where.

BUILDING CONTROL:

The submitted structural information is acceptable. Comment that the layout of the building does not appear to comply with Building Regulations.

ARBORICULTURAL OFFICER:

Objection on the grounds of incorrect and insufficient information.

GO GREEN OFFICER:

Confirm that the proposed percentage reduction on carbon emissions is acceptable.

HIGHWAYS PLANNING MANAGER:

No objection.

CLEANSING MANAGER:

Raise no objection subject to servicing taking place off street.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 77

No. of replies: 6 letters of objection from 4 residents raising some or all of the following points:

Amenity:

- Increased noise and disturbance as a result of the rear area being used as a terrace, particularly given previous erection of a marquee and use as a Shisha bar.
- The rear flat roof at third floor level could be used as a terrace which would cause noise issues.
- Concerns that the proposed skylight within the garden may block out sunlight or result in loss of privacy to adjacent flats.
- Impact of development on 'rights to light' on residents within Greville Hall.

Highways:

- Query as to what parking is provided following the removal of the existing parking facilities.

Other matters:

- Concerns in relation to building works and their impact on adjacent residential building, their occupants and their services.
- Concerns that basement of adjacent Greville Hall will become more water logged than existing.
- The demolition of the garages will disturb existing waste facilities for adjacent residents.
- Concerns in relation to subsidence and rising damp.
- Noise, dirt and disturbance from building works.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

Carlton Court is located on the eastern side of Maida Vale in the St John's Wood Conservation Area. It is currently occupied by a mid 20th century hotel building which is set over ground and four upper levels at the front and three storeys high at the rear. There is also a plant room at fifth floor roof level. To the rear of the site there are existing garage structures, some of which have been converted to ancillary storage and office space for the hotel. There are currently two access routes to the rear down either side of the building. The rear area is currently all hard standing and used for parking. The site is located outside of the Central Activities Zone (CAZ) and is not on a CAZ frontage or within a special policy area.

The buildings themselves are unlisted however the buildings to the south are Grade II Listed. To the north of the property on Maida Vale is a residential block of flats called Greville Hall, which face onto both Maida Vale and Greville Place, which runs between the application site and Greville Hall. To the east on Maida Vale are large two and three-storey residential dwellings, within a private development called Hillside Close.

6.2 Recent Relevant History

Two applications have recently been submitted, one in 2014 and one in 2015, which both included the demolition of the existing building and redevelopment, to provide a mixture of serviced apartments and new residential dwellings. Both applications were withdrawn following comments from officers that they were unacceptable in terms of design, amenity, affordable housing, substandard accommodation, tree works and on sustainability grounds.

A certificate application was granted on 13 August 2009, which established the lawful use of the building as a hotel (Class C1). It is considered that this remains to be the lawful use.

Records indicate that enforcement action was taken in 2012 in relation to a marquee which was erected to the rear of the site, used for shisha smoking. The marquis and associated activities stopped prior to the issuing of a formal enforcement notice.

7. THE PROPOSAL

Planning permission is sought in relation to the demolition of the existing five storey hotel (Class C1) and single storey ancillary garage buildings to the rear, and to rebuild a part five storey part three storey building with a newly excavated basement to be used as an aparthotel (Class C1) consisting of 12 suites and 8 rooms. The new basement includes spa and pool facilities and the ground floor includes a hotel restaurant, bar and lobby. The rear garden is to be landscaped to provide gardens to the hotel. A single storey structure is also proposed, which provides light and access down to the basement.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals are for the re-provision of an aparthotel on the site. Similar to the existing use, the rooms are to be in the form of serviced apartments / studios, whereby each room has its own cooking facilities. The development will result in a net increase of 655sqm floorspace (from 1139sqm to 1794sqm).

Policies TACE 1 of the UDP and S23 of The City Plan seek to protect existing hotels where they do not have significant adverse effects on residential amenity. As there are no reported issues in relation to the existing hotel (since the ceasing of the shisha smoking in 2012), the retention of a hotel is considered to be in accordance with these policies.

Policy TACE 2 of the UDP relates to new hotels and extensions to existing hotels and states that outside the CAZ, CAZ Frontages and special policy areas, planning permission for new hotels would not be granted. The policy does allow for extensions to existing hotels, where they are appropriate in design terms, where facilities to non-residents are not lost, where the extension would not result in intensification of use of facilities by non-residents, where there would be no adverse effects on residential amenity and no loss of permanent residential accommodation.

Pool and Spa:

The proposals include the provision of a basement pool and spa facilities. In order to comply with UDP policy TACE 2 (C), should the proposals have been considered acceptable in other terms a condition would have been recommended to ensure that these facilities are not available to non-residents of the hotel to confirm that that the use is not intensified.

New restaurant and bar:

The proposals result in the creation of a new restaurant/bar and lobby area at ground floor level. There is an existing restaurant area in the current hotel, which is not restricted by conditions as it formed part of the certificate of lawful existing use. The existing restaurant is small, with around 24 covers and a small kitchen located towards the rear of the building. It appears to largely just provide breakfast to hotel guests and tea and coffee making facilities. The proposals result in the provision of a much larger ground floor restaurant, lounge and bar area with around 64 covers in the restaurant (which matches the number of covers required should the hotel be at full capacity), 5 in the bar and a further 18 in the lounge.

It is unknown if the restaurant would not be operated as a stand-alone facility, however the elevations do not show any signage so it is assumed that it would be ancillary to the primary hotel use (Class C1), despite this the impact of the restaurant needs to be assessed against the City Council's entertainment policies.

In this instance, the proposal involves the provision of a restaurant measuring approximately 123sqm, which increases to 338sqm if you include the lounge / entrance area and therefore policy TACE 9 of the UDP applies. The existing restaurant is of approximately 65sqm. Similarly to policy TACE 2, Policy TACE 9 states that permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that there is no adverse effect on residential amenity or local environmental quality, and no adverse effect on the character or function of the area. In reaching decisions, the City Council will have particular regard to factors including the number of people on the premises, the opening hours, servicing and arrangements to safeguard amenity (such as means of extraction/ventilation etc). Policy S24 in The City Plan is similarly worded.

Therefore, in order to satisfy these policies, the proposals need to demonstrate that they would not have a negative impact on the character of the area or have a negative impact on the amenities of neighbours.

There are currently no conditions which would limit the use of the rear area of hard standing for ancillary hotel uses, however the current layout of the hotel does not lend itself to such activity, with the rear used for parking, with access out to the rear via a side exit. The new restaurant is located towards the rear of the building, adjacent to the re-landscaped garden. Neither the plans nor the elevations confirm if the rear facing fenestration is to be windows or doors, however it is likely that access would be provided out onto the rear. The proposed redevelopment will inevitably result in the gardens being used more intensively than existing, which would have an impact on the amenities of surrounding residents in terms of noise from general activity.

Given the location of hotel bedrooms on the upper levels, it would be in the interests of the hotel to ensure that the restaurant and rear garden are properly managed. Should the proposals have been considered acceptable in other terms, a condition would have been recommended to ensure that the restaurant and bar were only used by hotel guests in order to protect both the character of the area and the amenity of neighbours. Allowing an unrestricted use would likely give rise to an

increase in activity from non-residents coming and going from the site and in providing a more intensively used restaurant, to the detriment of the area. Conditions would also have been recommended to ensure that the rear garden was not accessed after 10pm and for the submission of an operational management plan to show how guests would be managed in order to protect the amenity of surrounding residents.

In summary, despite the location of the site, which is not characterised by hotels or restaurants, given that the proposal involves the relocation of an existing restaurant from within the same site, and subject to the aforementioned conditions, it is not considered that the proposed ancillary ground floor facilities would have a significant adverse effect on the character or function of the area.

The ventilation and plant requirements for the hotel and its facilities are discussed in section 8.7 of this report.

8.2 Townscape and Design

The building itself is not listed, though the 19th century villa buildings located to the immediate south of the application site are Grade 2 listed. The existing main building is noted in the St John's Wood Conservation Area Audit as having a neutral contribution to the conservation area. Whilst of limited design quality in itself, it does at least incorporate yellow stock brickwork as the principal facing material, with use of stucco to highlight particular features - most notably the base to the composition at ground floor level, and in this regard, the general use of materials sits reasonably comfortably with the character of the surrounding area where brick and stucco are the dominant facing materials and commonly have ground floors picked out in white painted stucco with exposed brickwork above. The windows are arranged in horizontal openings, however have a distinct vertical rhythm of white coloured framing to the glazing. Overall, the block is not of high design quality, however it sits not uncomfortably in the context of Maida Vale. Its demolition would be considered acceptable in principle subject to a suitable replacement building. The single storey blocks to the rear of the site have no design interest, and their demolition is uncontentious.

The St John's Wood Society note that though they have no objection to the demolition of the existing building, they consider that the design of the replacement building is not sufficiently high for the conservation area, and they make particular reference to their concerns about the lack of a distinguishable entrance visible from the street, and the choice of facing materials. Officers share some of these concerns, and do not consider that the proposed new building is of sufficient quality and appropriate character to sit appropriately in this Maida Vale context. It is also notable that the drawings which have been submitted to accompany this application are inconsistent in terms of how they represent the development proposed, and the following comments are to be taken within this context.

In terms of the height and bulk of the proposed new building, the lack of full clarity on this issue is not considered appropriate for a significant new development to this prominent site.

Notwithstanding the inconsistencies between submitted drawings, a suggestion of the applicant's general intentions in terms of the bulk of the building is included in a site plan hatched to show areas of additional and reduced footprint. This sketch and other drawings shows the proposed width of Maida Vale frontage narrowing slightly to the north side as compared to the existing building, and as such the building would retain a significantly narrower frontage than the mansion block to the north side and one roughly comparable to the width of the numbers of paired villa buildings to the south in Maida Vale. The height of the proposed building appears roughly

comparable to the main roof level to the existing block, though with a relatively modest increase in massing to the rear extension of the building as compared to the existing. The main roof level of the proposed building is slightly lower than existing, though the pitched roof mansard of the existing top floor is replaced by a sheer storey giving a small degree of additional bulk to the impression of the building. Though an accurate set of drawings would have been required to allow for a full assessment, the impression given as the application submission stands is that the height and bulk of the new building could have the potential to be considered acceptable in principle.

The development of only the frontage block to the site, and creation of a particularly large garden to the rear could be argued to represent a sub-optimum development of the site, however this is not considered as a reason for refusal in itself.

The principal issue of concern with regards to the new building proposed is in relation to its architectural approach and quality, and in this respect the scheme is considered unacceptable. Though the submitted plan drawings show a quite different arrangement of building in terms of scale and positioning of the windows, the elevations and visual perspective submitted appear to largely tally with each other, and these show a highly striking new development.

The basic design approach of the building is for each elevation to comprise a continuous grid of particularly large windows set into and slightly recessed behind a relatively slender framework of yellow stock brickwork. Overall, the building is not considered appropriate in terms of its design to make a positive contribution to the character of the townscape of Maida Vale. Notwithstanding that the building is proposed for a hotel use, it nonetheless stands out unacceptably in context with the more low key residential uses predominating in the surrounding area, and in officers consideration appears with a scale of window opening and with a styling/visual impression giving it a more industrial aesthetic and more overtly commercial character, rather than one more successfully integrated to the Maida Vale townscape where the strongly defined pattern to the street is for buildings to have a more restrained architectural character with a greater visual solidity to their elevations.

The front and rear elevations have a variation to the window grid not found to the side elevations, with the two bays flanking the pair of central windows to each floor level being notably narrower than the surrounding windows. The impression is somewhat lost to the rear as this design detail is not carried through onto the rear extension, though on the front it is readily appreciable and is emphasised further by the projecting oriel windows being found only on the outer pair of bays. Though this rhythm of bays introduced into the composition of the front elevation adds some interest, the remainder of the elevations largely have an impression of an undifferentiated grid of windows which in its repetitive nature and large scale of window openings is not considered appropriate. There is also little distinction given to the treatment of any of the floor levels with regards to a differentiation in design or use of differing brickwork textures or bonding patterns (for instance) to give the composition a defined base or strong definition of floor levels, and also no clear sense of a strongly defined termination of the roofline to the façade (with this parapet line further cluttered by the prominent railings shown to the edge of each façade on the elevation drawings). This largely unelaborated brickwork facing together with the scale and repetitive nature of the window openings gives an overall impression of a rather monolithic block with an overly imposing architectural unity, especially given that the approach is taken onto the side elevations (and therefore around the entire development) where the standard pattern in the area is for buildings to have a more restrained approach to side elevations differentiating the appearance of the building as it responds to the varying site conditions to each elevation (also in

order to protect residential amenity, considered elsewhere in this report). At night time when lit from within, this very significantly glazed development could have an overwhelmingly dominant visual impact.

The design approach of the grid of largely undifferentiated windows mitigates against the main entrance to this relatively large new development being a distinctive point in the composition, which negates the possibility for some detailed design interest to be introduced or for the main entrance to be a focal point for the front elevation as would be a standard approach for new buildings. This has been raised as a particular point of concern by the St John's Wood Society. The design of the oriel window features are shown in some detail in the submission, and they appear of attractive detailed character in themselves and appear relatively well integrated into the design of the building. They do not in themselves however overcome the concerns set out more generally with regards to the design approach of the building.

The scale of the windows is particularly striking, and is considered out of character with the surrounding townscape context, and particularly when seen in context with the run of listed buildings to the south, including the paired villa building at nos. 116-118 to the immediate south side of this site. The windows are very considerably larger than the much smaller sash window proportions of this pair of listed buildings to the south side, and the proximity and striking nature of the new building proposed would unacceptably impact upon the setting of those listed buildings.

It is noted however that though the drawings do not show such features, the new building is likely to incorporate a new lift overrun and new plant structure to the main roof level (as noted elsewhere within this report) and some drawings do show railings around the parapets and a very large 'V' shaped projecting roof structure, and whilst these may not be anticipated to be of the bulk of the existing plant room/lift structure they could nonetheless represent unattractive structures likely to clutter the roofline of the building.

The large scale of the windows proposed has implications for the potential for overheating within the building, an issue considered elsewhere in this report. It is also of note that the submitted acoustic report states that plant will be located within two basement plant rooms and with 'louvre intakes/outlets at various levels above ground floor level', and with plant also proposed to roof level. No drawings show such equipment however, and the lack of information on such equipment allowing for a full consideration of what could be unattractive and cluttering features to the building is not considered appropriate.

The submitted demolition drawing shows the existing front boundary wall as being removed, and a comparison of the existing and proposed plan drawings show a new boundary frontage which differs in a number of respects from the existing. The drawings however differ from the visual montage submitted which essentially shows no boundary treatment other than two very low level planters. There is therefore no clarity on the design or height of this new boundary wall, which is not considered appropriate given its openness to view from a wide stretch of Maida Vale. This is of particular concern given that some of the information submitted could be interpreted to show a very open arrangement to the frontage, with consequent inappropriate loss of definition between the pavement and building frontage. With regards to the frontage wall, from the information on the plan drawings the front boundary wall appears only to have vehicular entrances and does not appear to have any form of continuous pavement/pedestrian route from the public footway to the front door to allow for the ease of pedestrian entrance onto the site which is not an appropriate arrangement, however had the application as a whole being considered acceptable then this issue could have been resolved by further negotiation/conditions.

The St John's Wood Society raise queries about how the windows would be cleaned, where the lift overrun would be located and that no plant equipment is shown, and these issues are considered pertinent, as no such equipment is shown and though the detailed design of the oriel window features around the elevations has some detailed design interest in itself, nonetheless the method of cleaning such projecting glazed structures is not made clear in the submission.

It is recognised that the existing building on site dates from the mid 20th century and is only recognised as being of neutral interest within the St John's Wood Conservation Area Audit, however notwithstanding its limited architectural qualities, its use of render and brickwork and its scale and proportioning of window openings give it a restrained character which does not sit uncomfortably within the Maida Vale townscape. Given all the above comments, the architectural approach taken for the proposed new building is not considered appropriate for this prominent Maida Vale site within the St John's Wood Conservation Area, and it is considered overly visually striking in itself, of inappropriate styling to successfully integrate with the surrounding townscape character and of detriment to the setting of the adjoining listed buildings to the south side. In addition, the accuracy and consistency of the plans is also a concern of significance with regards to a consideration of the scheme. As such, the proposals are considered contrary to policies DES 1, 7, 9 and 10 in our Unitary Development Plan, and policies S25 and S28 in our City Plan.

8.3 Residential Amenity

Light and Sense of Enclosure:

Policy ENV13 of the UDP and Policy S29 of the City Plan seek to protect the amenities of neighbouring occupiers. Concerns have been raised by neighbours in respect of the impact of the proposed development on their light, outlook and privacy.

The proposed main street facing part of the building would appear to be shorter than the existing building as it does not include a plant/lift over run at fifth floor level, it has also been pulled in from the boundary with Greville Hall by approximately 0.5m. The new building retains the same stepped nature as the existing building with the main street facing part of the building being wider and taller than the three storey building which extends out to the rear. However, the main front section is deeper than the existing building, with a depth of 14.6m compared to the existing building which is 9.1m deep. The three storey rear extension is also slightly wider than existing, measuring 12.3m wide rather than 9.4m as existing.

The north elevation drawing submitted with the application incorrectly indicates the existing building line, as it shows that the proposed bulk is similar to existing, however the plans show that the building is to be built out further as outlined above, the submitted information is therefore conflicting. On the basis that the plans are correct, given that they show the internal arrangement of the rooms, the additional bulk, namely at third floor level, will have an impact on the amenity of neighbouring residents, particularly Greville Hall to the north which has windows looking onto the site. Two objections have been received from residents within this block.

The extended flank wall would be clearly visible from the windows in the side of Greville Hall and the windows of the one-bedroom flats that occupy the south west corner which are approximately 8m away. The BRE report carried out by GL Hearn and submitted as part of the application acknowledges that there are 5 windows which would be negatively affected however it also notes that it is likely that the rooms served by these windows are also served by windows in the east facing elevation of Greville Hall. Despite an officer request for a complete daylight sunlight report, the report is incomplete as it includes no figures to specify exactly what these losses are, and no

details to confirm what massing of proposed building has been tested. Despite this, an officer site visit undertaken as part of one of the previous applications confirmed that whilst the living rooms of these one bedroom flats are served by windows on the south, west and north facing elevations, the sole bedrooms are served by a single window in the south elevation facing the application site.

Given the lack of exact figures it is not clear how badly the 5 windows which do not pass the BRE VSC test fail in order to make a detailed assessment. In addition, without accurate plans and elevations it is also hard to assess the impact in terms of sense of enclosure. It is considered that insufficient information has been provided to make this assessment. The proposals are therefore considered to be contrary to policies ENV13 and S29.

Objections have also been received on the grounds of rights to light as a result of a proposed structure within the rear garden, which provides access down into the basement. In relation to the garden structure, given its location set away from the boundaries, its height limited to a single storey and given the existing garage structures which are to be removed (retaining the existing boundary walls behind), it is not considered that this structure will have a material impact on adjacent residents. In relation to rights of light objection from a resident within Greville Hall, this is a separate legal procedure, which would be a private matter between the applicant and the affected neighbours.

Overlooking:

Objections have been received on the grounds of noise and general disturbance, but mainly on the grounds that the third floor flat roof would be used as a terrace. Comments in relation to the use of the rear garden by hotel guests are addressed within the Land Use section of this report (Section 8.1).

The plans submitted with the application indicate that the rear flat roof is not to be used as a terrace and is to feature a green roof. No railings have been shown around this roof. In order to ensure that this roof, or indeed the roof of the main building is not used as a terrace, a condition would have been recommended to limit access for emergency use only should the proposals have been considered acceptable in other terms.

There are currently no windows in the northern or southern sides of the main street facing building. Section 3.3 of the design and access statement states that 'the north and south elevations omit all windows with the exception of one at high level, and deeply recessed. The removal of windows allows acceptable levels of privacy from and into Greville Hall, Hillside Close and the 2 storey villa'. All of the application drawings indicate that windows are proposed in the north and south elevations. There is also a discrepancy between the size of the windows; with the plans showing small windows to serve each of the rooms, but the elevations show very large windows. Furthermore the submitted overheating analysis details that the windows will be opaque glazed, with the top part left clear in order to protect amenity but to provide additional light into the rooms, this detail is not reflected on the elevations.

The most affected property in terms of overlooking is Greville Hall to the north, particularly given that the main north facing elevation of the building currently has no window openings. While the provisions of some small windows, with opaque glazing may be acceptable, the proposals for large windows as shown on the elevation drawings are considered to be unneighbourly. Even if these windows are to be completely opaque, residents would still maintain the perception of feeling overlooked as a result of the new windows and associated light spill. On the assumption that the elevations correctly show the amount of fenestration, the proposals are considered to

have a negative impact on residents within Greville Hall, contrary to policies ENV13 and S29 and are therefore recommended for refusal.

8.4 Transportation/Parking

Currently parking is provided on the existing hard standing to the rear of the site. The garages which surround the end of the site, are no longer used for the parking of vehicles. Policy TRANS 22 of the UDP states that car parking facilities would not normally be permitted for hotels. The plans provided with the application do not indicate the provision of any car parking on site, with the rear hard standing re-landscaped and the garages removed to provide a hotel garden area. However, the Transport Statement submitted with the application states in Section 1 that there will be 10 spaces provided, in Section 7 that there will be 9 spaces and in Section 9 that there will be a maximum of 12 spaces provided. On the presumption that the submitted plans are correct, should the proposals have been considered acceptable in other terms, a condition would have been attached to ensure that no car parking is provided on site in accordance with Policy TRANS22.

Similarly, in relation to cycle parking, the Transport Statement indicates that 20 cycle parking spaces will be provided. The submitted ground floor plan shows 10 spaces provided at the rear of the garden. The Highways Planning Manager has confirmed that 10 spaces is policy compliant. Should the proposals have been considered acceptable in other respects, a condition would have been attached to secure this cycle parking provision.

8.5 Economic Considerations

Economic considerations are not required for a development of this scale.

8.6 Access

The site benefits from a forecourt, which allows for off street vehicle access. There is also currently access down either side of the building, providing access to the parking to the rear of the site. Only one of these access points would be retained to the southern side of the site, which is due to this section of land being under separate ownership. A private forecourt to the front is being retained.

It is unclear from the submitted drawings how pedestrians would access the site, with the plans only showing the vehicular access to the front forecourt (retained as existing). Should the proposals have been considered acceptable in other terms, a condition would have been attached to show how pedestrians and disabled access would have been provided.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied to applications received after the date of publication of the Code of Construction Practice document (26 July 2016). As this application was received prior to this date the Code of Construction Practice does not relate to this application.

The implications of the revisions to the City Plan for the development subject of this report are outlined in section 8.12 of this report.

Plant equipment and ventilation:

The submitted drawings have no reference to any plant or ventilation equipment. The applicant has provided a late submission stating that it would be possible to naturally ventilate the development. However, both the submitted acoustic report and the Overheating Analysis Reports refer to plant equipment being required to cool the building. Environmental Health has not raised objection to the proposals, however have stated that the submitted acoustic report confirms that background noise is above WHO guidelines to the front and below WHO guidelines to the rear. Therefore depending on the location of any plant equipment, a different condition would apply.

No details have also been provided in relation to ventilation equipment for the proposed restaurant, however a large kitchen is shown at basement level, which would therefore require ventilation. As the proposals do not indicate any plant or plant enclosure, it would not be reasonable to condition the submission of details, as this would likely result in a material alteration to the proposed scheme, such as a new plant room, which would have both noise and design implications, and potentially implications in terms of light and sense of enclosure, dependant on its proposed location. As the hotel would unlikely be able to operate with no plant in place (as confirmed by the overheating report which states that mechanical ventilation is required), the proposals are recommended for refusal on the grounds of insufficient information to demonstrate that such works would not have a negative impact in terms of design and amenity (including noise, smells, loss of light or increased sense of enclosure).

Refuse /Recycling:

The Cleansing Manager has received revised proposals in relation to the provision of waste storage. While no objection has been received in relation to these amendments, he does note that the servicing of the waste remains unclear. As the proposals are for the total redevelopment of the site, it would be expected that all servicing requirements would be off street. Should the proposals have been acceptable on other grounds, a condition would have been recommended to ensure that all servicing was undertaken off street.

Trees:

The Arboricultural Officer has raised objection to the proposed works as the submitted tree report appears to relate to the withdrawn 2015 application, given all of the appendixes relate to that case and not the current proposals. It is therefore not clear if the works outlined within the bulk of the report relate to the current proposals or the previous application. The application is therefore recommended for refusal on the grounds of insufficient information to demonstrate that the proposals would not cause harm to trees.

If the Arboricultural report is correct an objection is still raised as it states that pruning to allow access for the piling rig and high sided vehicles would be required to trees along the south boundary, including the London plane T9, and also T10 and T15-T19, which are located in the front and rear gardens of 188 Maida Vale. Branches of these trees overhang the property boundary by up to 4m, at varying heights. If the branches of these trees need to be pruned back to the property boundary it would be detrimental to the appearance and long term condition of the trees and would not be acceptable. Details of the extent of pruning have not been provided and are required.

T9 has already been heavily pruned on the Carlton Court side and further pruning should be minimised. The report makes reference to previous reduction points, but some of these previous reduction points are the result of unauthorised pruning works far in excess of what would have been agreed by the City Council, and therefore these reduction points should not be assumed to be acceptable.

The report does refer to pruning of smaller diameter branches only but does not give enough detail of the extent of pruning required. Should the proposals have been considered acceptable a detailed pruning specification for all of the trees on site would be required, in addition to details of the access requirements for vehicles and machinery.

The proposed tree protection is the existing hard surfacing and boundary wall, but depending on the extent of pruning proposed it may be appropriate and necessary to install additional tree protective fencing along a different line in order to ensure that tree branches are not damaged accidentally. It would also need to be demonstrated that the existing tarmac has the weight bearing capacity to support machinery of this weight without causing soil compaction. The Arboricultural Officer considered that additional ground protection would be required, but no construction management details appear to have been submitted, it is difficult to know what the construction impacts on the trees would be. Should the proposals have been considered acceptable, details of tree protected would have been secured by condition.

Given the level of landscaping proposed, with the hard standing to the rear of the site being replaced by gardens, a condition would have been imposed for the submission of a landscaping scheme to ensure that this is appropriate to the site.

Biodiversity:

The proposals include the provision of green roofs above the main building and the rear three storey building which are welcomed. Should the proposals have been considered acceptable, a condition would have been recommended to demonstrate the type of green roof proposed and how these would function with the proposed PV panels, which would affect the type of plants that could be planted under and adjacent to the PV panels.

Sustainability:

The scheme is required to achieve a 40% carbon reduction above Part L of the 2010 Building Regulations to meet policy 5.2 of the London Plan. The proposal would deliver a 37% carbon reduction when measured against Part L of the 2013 Building Regulations. The Go Green Officer has confirmed that a 35% reduction against the 2013 regulations is the comparable to a 40% reduction against the 2010 regulations. The 37% reduction is therefore considered to comply with the requirements of policy 5.2 of the London Plan. Should the proposals have been considered acceptable, a condition would have been applied to ensure that this was provided.

The submitted Energy Assessment states that no renewable energy sources are proposed, with only a Combined Heat and Power unit along with heat recovery. The submitted drawings however are annotated to show that solar panels are proposed on the roof. The number and location of panels has not been provided. Should the proposals have been considered acceptable in other terms a condition would have been attached to show the location of the panels, which would also need to be located so that they are acceptable in design terms.

8.8 London Plan

This application raises no 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. As the proposals result in the creation of more than 100sqm of additional floorspace, an informative would have been included to advise the applicant of the requirement of a CIL payment.

8.11 Environmental Impact Assessment (EIA)

The application is of insufficient scale to trigger the requirement of an EIA.

8.12 Other Issues

Basement:

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises

that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Building Control has assessed the report and considers that the proposed construction methodology appears satisfactory. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. The City Council has adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), produced to provide further advice on how current policy can be implemented in relation to basement development. In July the City Council adopted a consolidated version of The City Plan, which includes a new basement policy CM28.1.

During the course of the application, the proposals were amended slightly to provide additional soil depth above the rear basement. The revised proposals are considered in accordance with the adopted policy.

Construction impact:

In terms of the impact of construction on the amenity of neighbours and the operation of the local highway network, should the proposals have been considered acceptable in other terms a condition would have been recommended for the submission of a condition would have been recommended to secure a fully detailed construction management plan prior to the commencement of works. A further condition would be recommended to control the hours of construction works, particularly noisy works of excavation.

Other Matters

An objection has been received on the grounds that the proposed demolition of the garages to the rear of the site would impact on a waste store located on the other side at a neighbouring property. The applicant has confirmed that the wall to the rear of the garages would be retained, and therefore would have no impact on the waste store.

9. BACKGROUND PAPERS

1. Application form
2. Response from Transport For London, dated 22 July 2016
3. Response from Historic England, dated 12 July 2016
4. Response from the Environment Agency, dated 7 July 2016
5. Response from Thames Water, dated 13 July 2016
6. Two responses from the St John's Wood Society, dated 26 July 2016
7. Response from the Paddington Waterways & Maida Vale Society, dated 10 August 2016
8. Response from Environmental Health, dated 11 July 2016
9. Response from Building Control, dated 4 August 2016
10. Response from the Arboricultural Manager, dated 15 August 2016
11. Response from the Go Green Programme Manager, dated 13 July 2016
12. Response from the Cleansing Manager, dated 11 August 2016
13. Response from the Highways Planning Manager, dated 23 August 2016
14. Two letters from the occupier of Flat 21, Greville Hall, Greville Place, dated 11 & 15 July 2016
15. Letter from the occupier of 2 Hillside Close, London, dated 16 July 2016
16. Letter on behalf of the Hillside Close Management Limited, dated 16 August 2016
17. Letter from the occupier of 3 Hillside Close, London, dated 21 July 2016
18. Letter from the occupier of 33 Greville Hall, Greville Place, dated 1 August 2016

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

10. KEY DRAWINGS

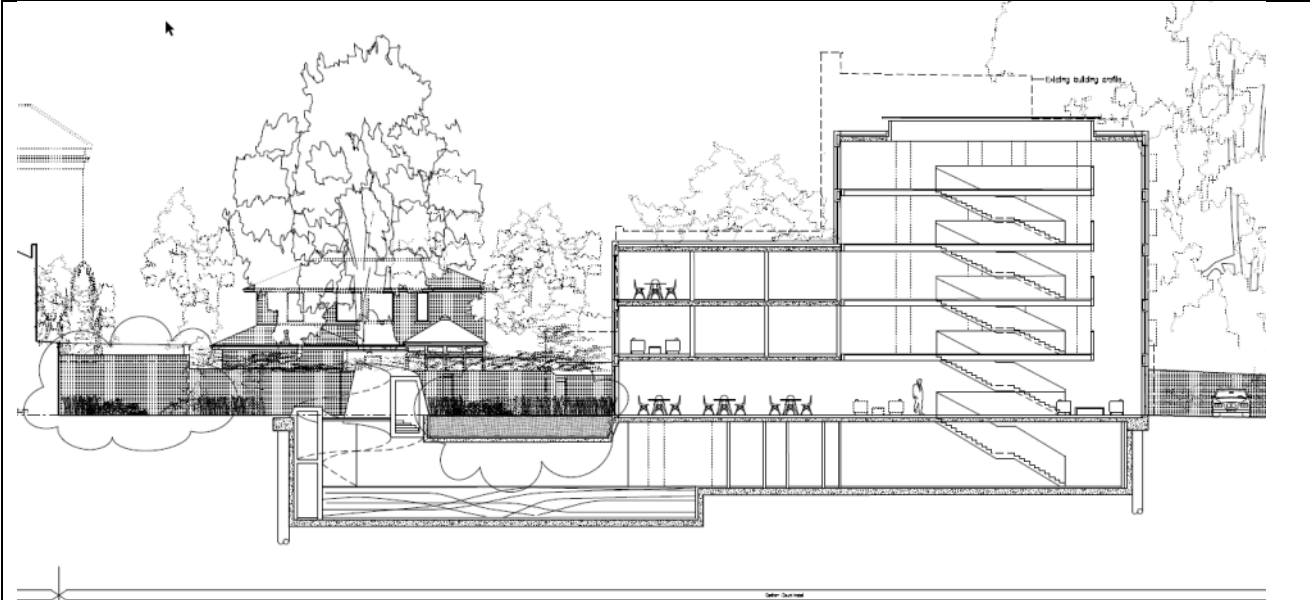




EXISTING MAIDA VALE ELEVATION



PROPOSED MAIDA VALE ELEVATION



PROPOSED LONG SECTION



VISUALISATION OF MAIDA VALE ELEVATION

DRAFT DECISION LETTER

Address: Carlton Court, 120 Maida Vale, London, W9 1QA

Proposal: Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.

Plan Nos: Overheating Analysis by eight associates dated 31/05/2016; Energy Assessment by eight associates dated 31/05/2016; Daylight and Sunlight Report by GL Hearn dated 1 April 2016; Design and Access Statement by Amin Taha Architects Ltd dated May 2016; Arboricultural Impact Assessment by Oisin Kelly, Arboricultural Consultant dated 15 October 2015; Plant Noise Assessment by Multidisciplinary Consulting dated 24 September 2014; Transport Statement by Honosa Ltd dated April 2016; 208-00 A; 208-000 A; 208-051 A; 208-052 A; 208-053 A; 208-054 A; 208-055 A; 208-056 A; 208-100 A; 208-101 A; 208-102 A; 208-103 A; 208-104 A; 208-151 A; 208-202 B; 208-203 D; 208-204 A; 208-205 A; 208-206 A; 208-207 A; 208-208 A; 208-250 A; 208-251 A; 208-252 A; 208-252 B; 208-253 A; 208-254 A; 208-255 A; 208-300 A; 208-301 A; 208-900. For information only: Structural Engineering Report for Planning dated June 2015.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

Reason:

- 1 Insufficient, inaccurate and conflicting information has been submitted and as a result you have not demonstrated that the detailed design of the development would not harm the appearance of this site or the setting of the adjoining pair of listed buildings to the immediate south. As such the proposal would fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 2 Insufficient, inaccurate and conflicting information has been submitted and as a result you have not demonstrated that the proposed building, by reason of its height and depth would not result in a material loss of light or a material increased sense of enclosure to the detriment of the amenities of the occupiers of Greville Hall; or that it would not result in a loss of privacy to the detriment of the amenities of the occupiers of Greville Hall due to the size and number of windows to the north facing flank wall. The proposal is therefore contrary to policy S29 of Westminster's City Plan (July 2016) and policy ENV13 of the Unitary Development Plan adopted in January 2007.

Reason:

- 3 Your plans do not include suitable arrangements for ventilation/cooling and getting rid of cooking smells as outlined in your supporting documents. This means that any plant equipment, ducting or acoustic enclosures associated with the ventilation/cooling of the building and the ventilation of your restaurant could result in a loss of amenity or nuisance to the people in surrounding

residential properties and could fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S24, S25, S28, S29 and S32 of Westminster's City Plan (July 2016) and ENV 5, ENV 6, ENV 13, DES 1, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 4 Insufficient detail has been submitted to demonstrate that the proposal would not result in damage to or loss of trees on and adjacent to the site. In the absence of this information the proposal would be harmful to the trees and the character and appearance of this part of the St John's Wood Conservation Area contrary to policies S25, S28 and S38 of Westminster's City Plan (July 2016) and policies ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of the Unitary Development Plan 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. The necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- a) From the information on the plan drawings, the front boundary wall appears only to have vehicular entrances and does not appear to have any form of continuous pavement to allow for the ease of pedestrian entrance onto the site, nor in the same regard for wheelchair access without those wheelchairs utilising the internal driveway. Notwithstanding this, had the application as a whole been considered acceptable such issues could have been addressed through securing revised drawings showing a more appropriate access arrangement, and this issue is not considered as a reason for refusal.
- b) Confirmation if the proposed basement pool and spa facilities and the ground floor restaurant, bar and lobby are to be used by non-residents of the hotel. Details of how these facilities will be managed to ensure that they do not cause a negative impact on the character of the area or the amenity of adjacent residents.
- c) The drawings amended so that they correlate. For example the plans do not correlate with the elevations in terms of the fenestration locations or sizes or the size and location of the building (particularly when comparing the East elevation to the plans).
- d) Details of ventilation for the proposed restaurant kitchen.
- e) Details of plant / cooling equipment as required within the Overheating Report.
- f) Updated supporting documents to relate to the currently proposed works.
- g) Updated daylight and sunlight report to include all parts and calculations.

Item No.
1

h) Details of how the building and its facilities will be serviced off-street.