

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 October 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	34 Circus Road, London, NW8 9SG,		
Proposal	Demolition of the existing buildings on site and erection of a part 3 and part 4 storey building incorporating a partial basement to form an independent medical diagnostic and outpatient centre associated with the Wellington Hospital. The building provides for up to 48 new consultant rooms, 13 treatment rooms and associated diagnostic facilities (Class D1) and a cafe. Refuse storage is proposed at ground level, and an enclosed rooftop plant room is set back from the fourth floor.		
Agent	Rolfe Judd Planning		
On behalf of	HCA International Ltd		
Registered Number	15/09219/FULL	Date amended/ completed	2 August 2016
Date Application Received	2 October 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

1. Grant conditional permission, subject to a section 106 agreement to secure:

- a) Compliance with the Council's Code of Construction Practice and a contribution of £32,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- b) A carbon offset payment of £40,875 (index linked and payable on commencement of development); and
- c) Payment of cost of monitoring the agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this meeting:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the

grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises a relatively large plot currently occupied by a three-storey detached villa which provides office space in association with the Wellington Hospital. The building is not listed however; it is located within the St John's Wood Conservation Area.

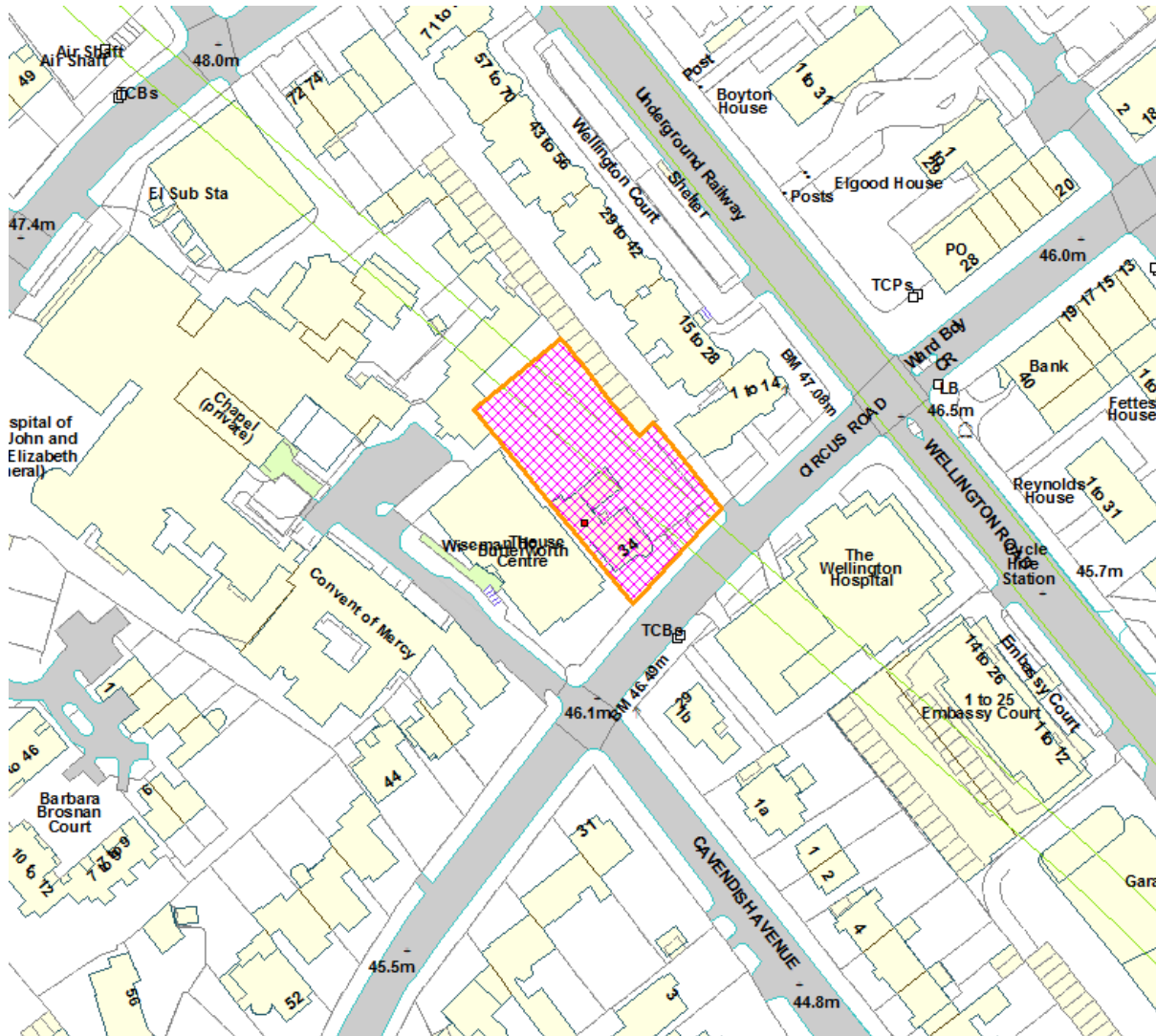
Planning permission is sought in respect of the demolition of the existing building and the erection of a part 3 and part 4 storey building incorporating a partial basement to form an independent medical diagnostic and outpatient centre associated with the Wellington Hospital. The building provides for up to 48 new consultant rooms, 13 treatment rooms and associated diagnostic facilities (Class D1) and a cafe. Refuse storage is proposed at ground level, and an enclosed rooftop plant room is set back from the fourth floor.

The key issues in this case are:

- The loss of the existing building
- The scale and design of the replacement building
- The impact on the amenities of neighbouring occupiers
- The loss of trees and the inadequate opportunity for replacement planting and landscaping
- The sustainability of the replacement building.
- The potential of the scheme to exacerbate parking and traffic problems in the area

Objections have been received on the above grounds. Notwithstanding these objections, the proposal is considered to be acceptable in accordance with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing Building as seen from Circus Road

5. CONSULTATIONS

FIRST CONSULTATION THAT EXPIRED ON 20 NOVEMBER 2015

TRANSPORT FOR LONDON:

The nearest part of the Transport for London Road network, the A41 (Wellington Road), is unlikely to be affected by the proposal. It would be desirable to avoid closure of the bus stop outside the site and if this is not possible then the closure period should be minimised. Any damage to the bus stop equipment, or need to temporarily remove, will need to be at the expense of the applicant. TfL Buses Infrastructure should be consulted at an early stage if any temporary changes to the stop are likely to be required.

The 'car free' nature of the development is supported however cycle parking is below the London Plan standards. It is likely that the majority of staff and patients will use public transport, but as there is very limited information on trip generation in the Transport Assessment, it is difficult to assess the potential impact on public transport capacity, particularly bus services.

LONDON UNDERGROUND:

No comments. Advised to contact Network Rail who have assets close to the site.

NETWORK RAIL:

There has been direct correspondence between the applicant and Network Rail regarding additional detailed information.

HISTORIC ENGLAND:

Objections were raised in respect of the 2006 scheme on the grounds of the loss of a building that contributes positively to the character and appearance of the area. Whilst the proposed scheme appears improved in terms of massing and design, from that seen in 2006, the proposed replacement development would fail to equal or surpass the contribution to the special character of the conservation area which is made by the existing building. Any harm or loss of a designated heritage asset requires clear and convincing justification.

THAMES WATER:

An inability of the existing wastewater infrastructure to accommodate the needs of this application has been identified. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed;

'Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Reason – The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.'

NHS CENTRAL LONDON:

Strongly opposed to this scheme because of the impact it will have on patients and services in the Butterworth Centre. The residents of the Butterworth Centre are all elderly

people with a variety of mental health conditions relating to dementia and their rooms and communal areas face the proposed building. The rooms affected are incorrectly described in the application as 'breakfast rooms of secondary importance' which is untrue and demonstrates that the applicant has not undertaken sufficient research on the use of the building. These rooms are in fact main living areas for highly vulnerable patients who are very sensitive to environmental changes given that for the majority (if not all) their link to the outside world is framed by the view from their windows. Windows which are 5m away from the residents and a public stairway which looks directly into the Butterworth Centre would rob residents of this essential connection to the outside environment and provide an unacceptable reduction in their right to dignity and privacy by being overlooked so extensively.

Representations have been made separately on behalf of the Central London Clinical Commissioning Group, the West London Clinical Commissioning Group, the residents of the Butterworth Centre, the Brompton Trust (freeholder) and the Board of Directors of the Hospital of St John and St Elizabeth. Objections are raised on the following grounds;

Overdevelopment of the site:

- Increase of 38% over the previous scheme meaning it is a significantly different scheme and should be considered afresh on its own merits;
- No space left for car parking or any significant planting or landscaping;
- Only 2 metres from site boundary and within 5 metres of the Butterworth Centre and Loretto Cottage.

Overlooking:

- References to 'secondary eating areas within the Butterworth Centre' are based on the original plans for the Butterworth Centre that was submitted and approved in 2001. These 'breakfast rooms' are now used as day rooms and quiet rooms, which are the main living space for a particularly vulnerable group of patients who in many cases are 'housebound' and rely on the views from the lounges and day rooms as their link to the outside world;
- New windows would be just 5 metres away and would look directly into Butterworth Centre day rooms and would have a detrimental impact on privacy of residents;
- Of particular concern is the staircase which would be used by the public and is opposite three habitable rooms;
- The new public waiting rooms would directly overlook the Loretto Cottage offices which would make working conditions unacceptable;

Daylight and Sunlight

- The applicant's surveyor has not assessed a large number of the windows in the east elevation of the Butterworth Centre and described these windows as non-habitable which is an assumption based on out of date information;
- The proposed development will almost completely remove all daylight/sunlight to these habitable windows and rooms;
- The reductions are not only in breach of BRE Guidelines but in some cases the reductions are four times what is deemed acceptable by the BRE;
- Special consideration should be made to safeguard the light of such vulnerable residents;
- Reference is made to clinical research in relation to the effect of light on dementia patients;

- The BRE Guidelines highlight the importance of natural light for elderly occupants;
- The BRE report should also have assessed the impact on the Loretto Cottage offices and the Pathology Offices;
- The BRE report should have assessed the impact on the staff amenity space outside of Loretto Cottage;

Noise

- The noise report does not take into account all of the potential noise receptors, including the elderly persons day rooms in the Butterworth Centre which has very sensitive receptors;

Odour

- The ground floor café is located relatively close to the habitable rooms in the Butterworth Centre. It should therefore be relocated or include an appropriate ventilation and extraction scheme;

Landscaping

- Insufficient land available after development to allow for an effective planting/landscaping scheme which creates a harsh urban environment and is particularly unfortunate for a site in a conservation area;

Conservation Area

- Loss of a typical villa that makes a positive contribution to the character of the St John's Wood Conservation Area.

The Medical Director for the Hospital of St John and St Elizabeth made a separate representation and raised objection on the following grounds;

- It is very important for these vulnerable, often anxious and easily confused people to be able to look out onto natural space where they can appreciate the circadian rhythm of dawn and dusk, sunshine and clouds, which helps to anchor them more closely to reality;
- The Butterworth Centre is their permanent home and a place of tranquillity for them;
- The development would deprive residents of a particularly important amenity, access to a view with space, trees and sky.

DESIGNING OUT CRIME:

No comments received to date.

HIGHWAYS PLANNING MANAGER:

The scheme is acceptable in terms of car parking, trip generation and waste. However, it is unacceptable in terms of servicing and cycle parking provision.

CLEANSING MANAGER:

No objections to the storage provision for general waste, clinical waste and recyclable materials.

ENVIRONMENTAL HEALTH:

No objections on environmental noise or nuisance grounds. As details of extract flues relating to the kitchen have not been provided, a condition should be attached to require further details.

In accordance with the GLA SPG on Sustainable Design and Construction, proposed CHP needs to meet the benchmark standards as set out within the SPG, therefore the developer needs to supply the information in order for the Council to agree the benchmarks have been met. This information has not been provided with the application and should be required by way of condition.

As the proposal comprises a demolition and construction phase and there are receptors in close proximity, it is recommended that a construction environmental management plan is sought in the Section 106 agreement. The yearly estimate costs for Environmental Inspectorate for the above development will be £32,000. Similarly, the hours of building works should be controlled by way of condition.

The terrace proposed at third floor level and the green roof could be a source of noise issues affecting nearby sensitive receptors if used at night. The hours of use of this terrace should be limited by condition.

As use class D1 comprises a variety of premises types which could have a different and more intensive noise impact to what might be expected from a medical centre e.g. a place of worship, training centre, school or a day nursery, I recommend the use class is restricted to that of a medical centre.

ARBORICULTURAL OFFICER:

Objections raised in respect of the loss of the beech tree on the frontage, the damage that would be caused to the two Lime trees on the frontage and the inadequate provision for replacement planting and landscaping.

BUILDING CONTROL:

Although no methodology has been submitted to show that these alterations will have no detrimental effect on neighbouring properties, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns (even though Westminster has not been chosen for the Building Regulations process as yet).

CRIME PREVENTION DESIGN ADVICE:

No comments received to date.

MAJOR REDEVELOPMENT AND INFRASTRUCTURE:

No comments received to date.

WARD COUNCILLORS:

Any comments to be reported verbally.

ST JOHN'S WOOD SOCIETY:

No objections to the demolition of the existing building and pleased to see that the volume has been reduced from the previous consented scheme. However, concerns are raised in

respect of the solid to void proportions of the four square windows on the first and second floors on the front façade and ask that the design of these is reconsidered.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 149

Total No. of replies: 10

No. of objections: 10

No. in support: 0

In summary, objections were made on the following grounds;

Scale and Design:

- Scheme is nearly 40% bigger than original plans and can't understand how such an expanded scheme can be justified;
- Loss of two beautiful historic buildings.

Amenity

- The dining room, where residents of Butterworth Centre spend a lot of time will be deprived of light and the view of a large tree;
- The windows in the dining room provide the only source of natural light as many are unable to go outside;
- Increased risk of vitamin D deficiency;
- Residents of Butterworth Centre (vulnerable patients who cannot speak for themselves) will be overlooked; affecting their privacy and dignity;
- Residents of Butterworth Centre must maintain privacy and security;
- Loss of light to music rooms where residents have music therapy;
- The building will seriously encroach on the Butterworth Centre, resulting in compromised care for NHS patients.

Trees:

- The nature and trees of St John's Wood should be preserved;

Construction Works:

- The dust, noise and disruption of the building works will be distressing for neighbouring residents, especially those vulnerable residents living in the Butterworth Centre;
- Impact on the highway

PRESS ADVERTISEMENT / SITE NOTICE: Yes

SECOND CONSULTATION THAT EXPIRED ON 26 FEBRUARY 2016

Further to discussion with the applicant, the extent of the basement at the front of the site was reduced to protect the trees and a small part of the building adjacent to the second set of habitable room windows in the flank wall of Wiseman House was inset from the boundary. To compensate for the loss of the floorspace, the width of the building towards Wellington Court and along the frontage increased.

TRANSPORT FOR LONDON:

No further comments received.

LONDON UNDERGROUND:

No further comments received.

NETWORK RAIL:

No further comments received.

HISTORIC ENGLAND:

Remain of the view that the loss of this building would be harmful to the special character and appearance of the conservation area. The Authority must be clear that the necessity for the harm has been demonstrated and that the public benefits arising from the scheme outweigh the harm caused.

THAMES WATER:

No further comments received.

NHS CENTRAL LONDON:

A further letter has been received on behalf of the Central London Clinical Commissioning Group, the West London Clinical Commissioning Group, the residents of the Butterworth Centre, the Brampton Trust (freeholder) and the Board of Directors of the Hospital of St John and St Elizabeth. Additional objections were raised on the following grounds;

Overdevelopment of the Site

- Footprint remains similar to previous proposal.

Overlooking

- Only one off-set lightwell has been included and that only extends from the first to third floors;
- The Design and Access Statement makes no attempt to explain what exactly is achieved by this lightwell amendment;
- There are two sets of day rooms served by two different sets of windows on the north east elevation of the Butterworth Centre. They are at ground, first and second floor level;
- There should be a second lightwell to reflect the second set of windows and each lightwell should extend down to ground floor level.

Daylight and Sunlight

- The submitted daylight and sunlight assessment methodology is unacceptable as it is not based on 'existing versus proposed analyses'
- A copy of their own right of light surveyor has been provided;
- The applicant should undertake a full overshadowing assessment of the Lorreto Centre office and associated open space;

Construction Management Plan

- Difficult to see how basement can be constructed without severe disturbance to vulnerable residents of Butterworth Centre;
- Scaffolding and sheeting would completely block out light to habitable rooms;
- 'Potential Impacts During Construction' does not refer to special consideration for the residents of the Butterworth Centre;

- The CMP has not been the subject of consultation with the hospital and should not be approved at this stage.

Conclusion

- Amendments do not satisfactorily address previous objections

The Medical Director for the St John and St Elizabeth Hospital reiterated earlier objections.

DESIGNING OUT CRIME:

No comments were received.

HIGHWAYS PLANNING MANAGER:

Earlier comments were reiterated.

CLEANSING MANAGER:

Object. Total waste storage capacity has been reduced from 16sqm to 12sqm. This would be inadequate. Clinical waste must be stored separate from other waste streams because of their hazardous nature. Clinical waste must be secured or stored within a building provided with an impermeable surface with sealed drainage system; or within sealed containers located on an impermeable surface with sealed drainage system.

ENVIRONMENTAL HEALTH:

No further comments were received.

ARBORICULTURAL OFFICER:

Previous objections are reiterated.

BUILDING CONTROL:

Earlier comments were reiterated.

CRIME PREVENTION DESIGN ADVICE:

No comments received to date.

MAJOR REDEVELOPMENT AND INFRASTRUCTURE:

No comments received to date.

WARD COUNCILLORS:

Any comments to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Acknowledge that the applicant has amended previously submitted plans by inseting part of the new building away from the boundary with the Butterworth Centre but this amendment does not do enough to improve aspect and light for residents and staff.

The submitted plans do not clearly indicate the immensely negative impact that the proposed three and four storey building will have on the natural light coming into the day rooms used by the 45 NHS dementia patients in the adjacent Butterworth Centre. We understand that the Butterworth Centre is one of only two NHS dementia care centres in Westminster and that the wellbeing of the elderly patients depends significantly on natural

daylight entering the day rooms especially as these patients rarely, if ever, leave the building.

Measures normally used to establish loss of light are not therefore relevant in this extraordinary situation.

Also concerned about the impact of the proposed plant situated towards the rear of the building and adjacent to the Butterworth Centre as noise is also likely to have a negative impact on the amenity of residents.

We have asked Cllrs Lindsey Hall and Peter Freeman to assist in ensuring that the extremely valuable work that the Butterworth Centre provides for local residents can continue unimpeded by the Wellington Hospitals unneighbourly proposals for 34 Circus Road.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 149
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

THIRD CONSULTATION THAT EXPIRED ON 2 SEPTEMBER 2016

Following meeting with the St Johns Wood Society and staff and residents of the Butterworth Centre, the applicant revised the development further to address their concerns. In summary the applicant revised the proposal as follows:

- Massing cut back from ground to third floor on the south eastern side of the building, adjacent to the Butterworth Centre.
- Addition of a new landscaped garden at ground level to improve outlook for the Butterworth Centre.
- Rooftop plant relocated to the southern part of the building.
- Massing partly redistributed to front of the building to mitigate loss of consultant rooms
- Associated internal changes to the layout, including relocation of the stair core

TRANSPORT FOR LONDON:

Reiterated earlier comments regarding impact on bus stop, cycle parking and car free nature of development.

LONDON UNDERGROUND:

No further comments received.

NETWORK RAIL:

There has been direct correspondence between the applicant and Network Rail regarding additional detailed information. Advise they have no objection, subject to conditions.

HISTORIC ENGLAND:

No response received.

NHS CENTRAL LONDON:

No further response received.

DESIGNING OUT CRIME:

No comments received to date.

HIGHWAYS PLANNING MANAGER:

No further response received.

CLEANSING MANAGER:

No further response received.

ENVIRONMENTAL HEALTH:

No further response received.

ARBORICULTURAL OFFICER:

Object. Additional space has been provided for planting at the rear, which is welcomed, although there will still be a net loss in tree numbers and canopy cover. It does not appear that sufficient soil depth has been provided for the proposed planting. It is not clear where the green roof is proposed; additional detail is required.

The scheme remains unaltered with regard to the arrangement at the front so previous comments are largely repeated. Objections remain to this arrangement on the basis of likely loss of or damage to the trees proposed to be retained and inadequate landscaping.

BUILDING CONTROL:

The structural method statement is acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls with internal RC retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are acceptable.

CRIME PREVENTION DESIGN ADVICE:

No comments received to date.

MAJOR REDEVELOPMENT AND INFRASTRUCTURE:

No comments received to date.

WARD COUNCILLORS:

Any comments to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Appreciate the improved design and the consideration shown to the residents of the adjoining Butterworth centre.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 149

Total No. of replies: 6

No. of objections: 6

No. in support: 0

In summary, objections were made on the following grounds;

Design:

- Existing villa makes a positive contribution to area and its loss would harm the character of the St Johns Wood Conservation Area.
- The proposal takes no account of existing Victorian and Art Deco homes in the area.

Amenity

- Loss of light to Wellington Court.
- Loss of privacy to Wellington Court.
- Loss of views.
- Noise and congestion in an already congested area would harm amenity.

Highways:

- Proposal would exacerbate a shortage of parking in area.

Trees:

- Loss of trees would harm views of the site from Wellington Court.
- New garden can only be seen from Butterworth Centre, whilst residents of Wellington Court would be left looking at brick wall.

Construction Works:

- This new building would create a lot of noise and congestion during construction in an already congested area.
- Proposal would create dust during construction.
- Impact on the highway

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located within the St Johns Wood Conservation Area but does not contain a listed building. It comprises a rectangular plot of land approximately 0.15 hectares in area that includes a three storey mid-nineteenth century detached villa situated on the north side of Circus Road near its junction with Wellington Road. This building is used for administrative support for Wellington Hospital (located opposite to the south) with the remainder of the site used as parking for the hospital.

To the east of the site is Wellington Court, a residential apartment block and to the west is The Butterworth Centre, a residential care home. To the north of the site are more offices and to the south of the site is Wellington Hospital North which forms part of the wider hospital campus in the locality. A Network Rail tunnel leading to Marylebone Station passes beneath the site.

6.2 Recent Relevant History

06/01169/FULL

Demolition of three storey building and erection of a part three and part four storey building incorporating a partial basement to form an independent medical diagnostic and outpatient day care centre.

Application Permitted 12 June 2006

This permission has not been implemented and has now lapsed.

7. THE PROPOSAL

Planning permission is sought in respect of the demolition of the existing building and the erection of a part 3 and part 4 storey building incorporating a partial basement to form an independent medical diagnostic and outpatient centre associated with the Wellington Hospital. The building provides for up to 48 new consultant rooms, 13 treatment rooms and associated diagnostic facilities (Use Class D1). Refuse storage is proposed at ground level, and an enclosed rooftop plant room is set back from the fourth floor.

The scheme would provide a significantly greater floor area than the 2006 scheme, including a much larger basement.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Existing Use

The existing building contains offices used by the Wellington Hospital for administrative support (Use Class B1). The development plan does not protect office floorspace within this part of the City. Accordingly, no objection is raised to the loss of this office floorspace.

Proposed Use.

The proposed development would provide approximately 4093 square metres (GIA) of floorspace to be used for medical diagnostic and outpatient services (Use Class D1). The provision of medical facilities is supported by policies 3.16 and 3.17 of the London Plan (FALP - March 2015), policy S34 of Westminster's City Plan (adopted July 2016) ("the City Plan") and policies SOC 1 and SOC 4 of the Unitary Development Plan (adopted 2007) ("the UDP"). Accordingly, the proposed use would be acceptable in principle.

8.2 Townscape and Design

The existing building dates from the mid-nineteenth century and was originally built as a detached residential villa, although it is no longer in residential use. The original building was a three storey (ground, first and second floors) double pile house, with a hipped slate roof. There is a later two storey rear wing with a flat roof, which has been added at a later date. The front façade is stucco-faced, with short stucco returns, with the rest of the building in facing brickwork. A single storey portacabin structure is also located to the rear. The surrounding grounds to the building are largely used as a car park.

The heritage report that accompanies this application correctly identifies the building as a 'second generation' building within the area of Circus Road, Grove End Road and Wellington Road. It was not part of the first phase of development in the area which occurred in the first quarter of the nineteenth century. During the second half of the nineteenth century it formed one of many detached villas which faced onto Circus Road and were set within generous garden plots.

The character of the area began to change around the turn of the twentieth century with the building of the Hospital of St John and St Elizabeth, and the Covent of Mercy. Also the construction of the Great Central Railway involved the demolition of the villa immediately to the east of no.34, with the land formerly associated with this property seemingly amalgamated with no.34.

Further redevelopment in Circus Road took place during the twentieth century, which resulted in a number of the nineteenth century villas being demolished and replaced with larger blocks of flats and modern houses. The applicant's heritage statement suggests that the area around Circus Road has largely lost its nineteenth century character and appearance and that no.34 "survives as a physically isolated and individual, mid-nineteenth century property on the north side of Circus Road, dwarfed by the adjacent Wellington Court to its immediate north-east and by the Wellington Hospital to the south-east". This assessment, in part, chimes with the Council's St John's Wood Conservation Area Audit which states that "the central and southern parts of the conservation area have a more fragmented character and more modern interventions in the townscape have disrupted the original layout in places."

However, the isolation of no.34 is slightly overstated as there still survive several detached villas within Circus Road and many of these are from the mid-nineteenth century and are grade II listed buildings, namely nos. 29, 31, 33, 35, 37, 40 and 42 Circus Road. No.34 Circus Road is identified as an unlisted building of merit within the conservation area and this attribution is considered to be correct given that the building reflects in terms of age, style, materials and form, the attributes of many of the other buildings which positively contribute to the conservation area; and because it also serves to illustrate the historic development of the conservation area.

The proposal seeks to demolish the existing buildings on the site and to redevelop with a new hospital building.

Replacement Building

The replacement building would occupy a far greater extent of the site plot and would comprise a basement storey, ground plus three upper storeys, with a roof plant enclosure above this. The third floor will be set back on the south and east sides, and the plant room will

be set back further still. The main facades will be faced in reconstituted stone with a relatively regular grid of punched openings. The front façade will be stepped (with eastern part recessed) and will feature a double-height glazed wall section, which will define the main entrance. The recessed rooftop plant will be screened by anodised aluminium perforated panelling.

The roof will also contain areas of green roof and photovoltaic panels. The front boundary of the site will retain some of the existing trees and will be re-landscaped.

In terms of height and massing, the proposed new building fits well within the townscape. While taller than the existing building and in part taller than the 2006 permitted scheme, the new building nevertheless complements the scale of the Butterworth Centre to the west and Wellington Court to the east and acts as a transition building between the height of these two buildings. Furthermore by occupying a wider footprint, the new building also reinforces the street massing, which has been weakened by the loss the villa to the east of no.34.

With respect to the building line, the proposed new building occupies approximately the same line as the existing building and also aligns with the Butterworth Centre. The eastern part of the building line steps in, towards the line of Wellington Court, which effectively breaks down the massing and again seeks to achieve a transition between the neighbouring buildings.

The architectural treatment introduces a contemporary design, but one which uses materials and modelling which sit comfortably within the immediate townscape context.

Given the above, the proposed development would be consistent with policies S25 and S28 of the City Plan, policies DES 1, DES 4 and DES 9 of the UDP.

Design and Heritage Impact Assessment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *“... with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, is principally the St John's Wood Conservation Area and to a lesser extent the nearby listed buildings.

Policies S25 and S28 of our City Plan; and policies DES 1, DES 4, DES 9 and DES 10 of our UDP are the main development plan design/heritage policies which are relevant to this application.

With this legislative and policy context in mind, the proposal is considered acceptable in design and heritage impact terms. While some harm to the conservation area is caused by the loss of the existing building, the degree of harm is considered to be less than substantial and at the lower end of this category if a spectrum is accepted.

It is accepted that the existing building is an unlisted building of merit and as such it contributes positively to the character and appearance of the conservation area. However, it has become somewhat divorced from its historic setting and has suffered from some unfavourable changes both to the building itself and its immediate setting.

The immediate context of the application site is one of a rather disjointed and fragmented townscape. No.34 sits between the larger scale buildings of the Butterworth Centre and Wellington Court, the former being an undistinguished early twenty-first century building and the latter, an unlisted building of merit, dating from the first half of the twentieth century. In addition there is a gap to the east of no.34 where its former nineteenth century neighbouring villa formerly stood, prior to the construction of the railway line.

The replacement building is considered to be a well-considered design which provides a greater sense of cohesion to this part of the townscape. It would not harm the character and appearance of the conservation area, or the setting of nearby listed buildings. With this in mind, allied to the attendant benefits that the new building brings in terms of its function and use, the public benefits of the development would outweigh the harm caused by the loss of the existing building.

8.3 Residential Amenity

8.3.1 Loss of Daylight

Loss of day and sunlight are concerns raised by neighbouring residents and on behalf of permanent residents at the Butterworth Centre, which provides permanent accommodation for vulnerable elderly persons.

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (second edition 2011) ("the BRE Guide"). The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances.

The applicant has submitted a Daylight and Sunlight Report by GVA ("the Light Study") and data and an assessment has been provided in respect of daylight and sunlight and their impact upon three neighbouring block of flats. The Light Study considers loss of daylight and sunlight to the following residential properties:

- Wellington Court;
- 29 Circus Road; and
- The Butterworth Centre.

All other residential properties are located too far from the application site to result in unacceptable loss of light when considered against the BRE Guide.

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

The use of the affected rooms has a major bearing on the weight accorded to the effect on

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

The Light Studies conclusions on daylight are summarised in the table below:

Daylight Loss Summary

SITE	No. of Eligible Windows With VSC Less than 27% AND with Losses Exceeding 20%	VSC Losses (%)	No. of Eligible Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
Wellington Court	17 out of 84	21.01 – 47.26	2 out of 35	33.09 – 48.17
Butterworth Centre	8 out of 12	23.55 – 49.76	4 out of 6	39.16 – 54.97
29 Circus Road	0 out of 3	NA	0 out of 3	NA
TOTAL	25 out of 99 (25%)		6 out of 44 (14%)	

The BRE Guide itself stresses that its guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In an urban location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies.

The proposed development does result in some significant transgressions of BRE daylight guidance as it relates to Wellington Court and the Butterworth Centre. At Wellington Court, these transgressions affect 10 bedrooms facing the development and located at ground, first and second floor levels. At the Butterworth Centre, the affected rooms are all communal dining areas for the care homes residents.

However, Wellington Court and the Butterworth Centre currently experience unusually high levels of daylight by virtue of the lack of buildings on the rear part of the site. This is an anomalous feature in the locality, with all surrounding properties, including those affected, containing two to eight storey buildings. The height, bulk and location of any development on this largely vacant site that is consistent with this prevailing character will always result in exaggerated loss of light likely to conflict with the BRE guide.

The affected windows at Wellington Court and the Butterworth Centre are also in close proximity to the site boundary and are orientated directly toward the application site. In this position they are un-neighbourly and would form an unreasonable constraint on any development of the site if measured by compliance with BRE guidance only. Accordingly, it would be unreasonable to refuse permission on the basis of light loss to these windows given their location and orientation.

These light losses must be weighed against the benefits of the development. The proposed development provides additional healthcare facilities for the City's residents. It would also provide a form of development consistent with the prevailing bulk, location,

height and massing of existing development in this area, unlike the existing building. Given these benefits of the development, the relatively small number of windows and rooms affected, the unneighbourly position of the affected windows and the flexibility set out within the BRE Guide, refusal of the development on this basis would not be sustainable.

Objections have been received to potential loss of light to the Pathology and Loretto Cottages offices to the north-west of the site. Whilst these offices would see some light loss as a result of the development, their light levels are not protected by development plan policy. Accordingly, refusal of permission on this basis would not be sustainable.

8.3.2 Loss of Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. Only windows facing within 90 degrees of due south need to be assessed.

Sunlight Loss Summary

SITE	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines
Wellington Court	12 out of 66
Butterworth Centre	No eligible windows
29 Circus Road	No eligible windows.

The proposal would result in loss of sunlight exceeding BRE guidelines for several rooms at ground, first and second floor level at Wellington Court. However, the affected rooms are all bedrooms which the BRE guide notes are less-important areas for sunlight. Given this and the flexibility stated within the BRE guide itself, refusal of permission on this basis would not be sustainable.

8.3.3 Sense of Enclosure

The front part of the development is located to the side of a part of Wellington Court that has no side windows. Whilst the rear part of the development would be visible from flats located within the south western elevation of Wellington Court, both would be separated by approximately 14 metres. The proposed development would also extend up to fifth floor level on Wellington Court. Ground floor flats within Wellington Court, which could potentially be the worst affected would be screened by existing garages on the Wellington Court site. Given the above, the proposed development would not result in unacceptable levels of sense of enclosure for the residents of Wellington Court.

Like Wellington Court, the front part of the development occupies a similar position to the existing building and a substantial tree and would not result in unacceptable sense of enclosure for the occupants of the Butterworth Centre. With regards to the rear part of

the development, this would be located approximately 11 metres from the communal dining rooms used by patients at the Butterworth Centre. Following discussion between the applicant and the Butterworth Centre, a garden area is proposed between this part of the development and the Butterworth Centre. Planting within this garden will soften the appearance of this part of the building and also improve outlook from the Butterworth Centre in comparison to the car parking area existing at present. The combination of this separation distance and this garden area would ensure that the proposal does not result in unacceptable sense of enclosure for the occupants of the Butterworth Centre.

All other residential properties are located too far from the application site to experience unacceptable sense of enclosure as a result of the development.

Given the above, the proposed development would not result in a significant sense of enclosure for the occupants of residential properties surrounding the site. Accordingly, the proposal would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.4 Privacy

The windows proposed in the flank elevations (north western and north eastern) would largely serve consultation and exam rooms. By their nature these rooms require a high degree of privacy and it is not anticipated that they would give rise to unacceptable levels of outlook over the Butterworth Centre and Wellington Court. To minimise potential outlook from these windows and should permission be granted, a condition is recommended that require that these windows are obscure glazed.

A roof terrace is provided at the front of the site. This terrace is not located immediately adjacent to residential properties and is located adjacent to the frontage of the site where expectations of privacy are lower. To provide further safeguards to the occupiers of the Butterworth centre, a condition is also recommended that prevents use of this terrace during anti-social hours. Accordingly, it is not anticipated that this terrace would unacceptable harm the amenity of nearby residents.

Subject to the recommended condition, the proposed development would not result in unacceptable loss of privacy for the occupants of nearby residential properties and would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.3.6 Plant Noise

The proposed development would include rooftop plant. The Environmental Health Officer has reviewed the proposed development and the acoustic report submitted by the applicant. The Environmental Health Officer advises that the proposed plant would comply with the City Council's noise limits and has recommended conditions to secure this. Accordingly, and subject to conditions, the proposed development would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.4 **Transportation/Parking**

8.4.1 Car Parking

Several objectors have raised concerns with the impact of the development on on-street parking.

The Highways Planning Officer has reviewed the proposal and raised no objection to the absence of parking proposed. This site is within a Control Parking Zone which means anyone who does drive to the site would not be able to park on-street without a permit and the impact of the change of use on parking levels is likely to be minimal. As the existing parking on-site is associated with the existing hospital offices, its loss would be consistent with policy TRANS21 of the UDP.

8.4.2 Trip Generation

The proposed healthcare use is likely to generate more trips spread out through the day than the existing office use of the site. Given the public transport facilities in the area and the absence of on and off-street parking in the area, trip generation is unlikely to have a significantly adverse impact on the public highway.

8.4.3 Servicing

Off-street servicing is provided for the proposed development within the service road accessed off Circus Road. Limited information regarding servicing of the proposed site has been submitted but the level is expected to be a maximum of 6 trips a day. The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle which the servicing area would not be able to accommodate. It is also not clear from the submitted information what the likely size of other service vehicles (laundry, medic supplies, etc.) attracted to the site will be and what the largest vehicle is that the proposed service area could accommodate.

A condition is recommended to secure a Servicing Management Plan to ensure that the servicing requirements of the site can be accommodated without harm to the free flow of traffic on Circus Road or pedestrian safety. Subject to this condition, the development would be consistent with policy TRANS 20 of the UDP.

8.4.4 Cycle Parking

Policy 6.9 of the London Plan (FALP – March 2015) requires the provision of 17 long stay and 28 short stay cycle spaces to be provided. However, only 20 spaces are shown on the submitted drawings. Sufficient space does exist on-site to secure the additional 37 spaces and, should permission be granted, a condition is recommended to secure these additional spaces. Subject to this condition, the proposed development would be consistent with policy 6.9 of the London Plan.

TFL have queried whether additional cycle parking may be required for the small café area on the ground floor, at the front of the development. However, this café is clearly intended to be ancillary to the hospital, serving patients and visitors. Accordingly, no additional cycle parking is required for this café.

8.4.5 Waste

Waste stores are indicated on the submitted drawings, although the Cleansing Manager notes that insufficient space is provided. However, sufficient space exists on-site to provide this additional waste storage. Should permission be granted, a condition is recommended, to ensure that the level of waste storage is sufficient for the proposed use and is in accordance with the requirements of the Westminster Recycling and Waste Storage Requirements, policies S41 and S44 of the City Plan and policies ENV12 and TRANS3 of the UDP.

8.4.6 Other TFL comments

TFL note that there is potential for the bus stop at the front of the site to be used as a drop-off area for taxis and private vehicles. However, this would be a Highways Enforcement matter and not something that can be controlled through grant of planning permission. Prevention of obstructions to the bus stop during construction can also be addressed via a construction management plan and a condition to this effect is recommended.

TFL have also raised concern with patients arriving by car to the facility and the absence of on-site drop-off/pick up zones. To address this, they have requested a condition requiring submission of a Hospital Management Plan. The applicant has agreed to this and a condition to this effect is recommended.

8.5 **Economic Considerations**

The applicant has indicated that the proposal would create 85 new jobs within the building and contribute to the future economic viability of the Wellington Hospital.

8.6 **Access**

As a hospital facility, the proposed building has been designed to be DDA compliant. This includes level access throughout, lift access to all floors and extra wide doorways.

8.7 **Other UDP/Westminster Policy Considerations**

8.7.1 Trees and Biodiversity

The proposal would result in the loss of 13 trees from the site. Two lime trees and a beech tree on the frontage of the site.

The Arboricultural Manager objects to the loss of five trees (two sycamores, a birch, a bay tree and an ash tree) although notes that the 2006 permission allowed their removal previously. The Arboricultural Manager also notes that ash tree is also in poor health. On this basis, the Arboricultural Manager recommends a replacement planting condition should permission be granted.

The Arboricultural Manager also notes that the lime and beech trees to be retained are at serious risk of damage from the proposal. This is due to their Root Protection Areas being potentially larger than depicted and the close proximity of the proposed basement and entrance canopy to these trees. The logistics plans in the construction methodology also does not show how they will be protected during demolition and construction.

With regards to the soft landscaping proposed, the Arboricultural Manager welcomes the inclusion of the garden to the rear but is concerned that insufficient soil depth would be provided above the basement. The Arboricultural Manager also notes that the landscaping proposals submitted do not allow sufficient soft landscaping area for adequate replacement planting and that little detail of the green roof proposed has been provided.

Whilst the Arboricultural Managers concerns are noted, they are not considered sufficient to justify refusal of this development when weighed against the benefits this scheme provides in terms of improving healthcare facilities within the City. These concerns can also be addressed by the recommended conditions.

8.7.2 Sustainability

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

The proposed development incorporates a Combined Heat and Power (CHP) unit and photovoltaic panels on part of the roof. These measures achieve a carbon saving of 25% over 2013 Building Regulations, which is 10% short of the 35% saving sought by policy 5.2 of the London Plan. This shortfall equates to 545 tonnes of carbon which results in a carbon offset payment of £40,875. The applicant has agreed to pay this and this should be secured via a section 106 agreement. Subject to completion of this agreement, the proposed development would meet policy 5.2 of the London Plan.

8.7.3 Sustainable Urban Drainage Systems (SUDS)

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development includes a green roof although little detail of this has been provided. Accordingly, a condition is attached requiring the applicant to provide details of this green roof. The provision of such a roof would provide further run-off attenuation, consistent with policy 5.13 of the London Plan.

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

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- a) Compliance with the Council's Code of Construction Practice and a contribution of £32,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- b) A carbon offset payment of £40,875 (index linked and payable on commencement of development); and
- c) Payment of cost of monitoring the agreement.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations 2010 (as amended).

The proposed development is not liable for a Westminster or Mayoral CIL payment.

8.11 Environmental Impact Assessment

Not applicable to this scale of development.

8.12 Other Issues

8.12.1 Basement

The proposed development includes a single storey basement level to accommodate plant. The application is accompanied by a structural method statement and construction drawings to demonstrate how the basement will be constructed whilst maintaining the integrity of the tunnel below. 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 submission of this information is a requirement of the adopted basement SPD and basement policy CM28.1 (A).

Building Control Officers have reviewed the submitted details and raise no objection. It should be emphasised that the purpose of commissioning such an analysis at this stage is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. Should permission be granted, this Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Accordingly, the report has provided sufficient consideration at this stage and 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

8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require the City Council's approval of a Construction Management Plan to minimise harm to the amenity of local residents and traffic flow. The applicant has also agreed to enter into a s106 agreement to secure compliance with the Council's Code of Construction Practice and toward monitoring of the construction impact of the development by the City Council's Environmental Inspectorate and Environmental Sciences.

9. **BACKGROUND PAPERS**

1. Application form
2. Response from London Underground Infrastructure, dated 27 October 2015
3. Response from Historic England (Listed Builds/Con Areas), dated 9 November 2015 and 17 February 2016
4. Response from Transport for London, dated 10 November 2015 and 17 August 2016
5. Response from Thames Water, dated 11 November 2015 and 29 January 2016
6. Response from Network Rail, dated 3 December 2015 and 7 September 2016
7. Response from NHS Central London Clinical Commissioning Group, dated 16 December 2015
8. Response on behalf of NHS and Butterworth Centre, dated 9 November 2015, 26 November 2015 and 17 February 2016
9. Response from Medical Director of the Hospital of St John and St Elizabeth, dated 26 November 2015 and 24 February 2016
10. Response from Highways Planning - Development Planning, dated 27 October 2015 and 17 February 2016
11. Response from Building Control - Development Planning, dated 30 October 2015 and 19 August 2016
12. Response from Cleansing - Development Planning, dated 2 November 2015 and 16 August 2016
13. Response from Arboricultural Officer – Development Planning, dated 18 November 2015, 29 February 2016 and 31 August 2016
14. Response from Environmental Health, dated 4 November 2015 and 12 November 2015
15. Response from St John's Wood Society, dated 2 November 2015, 26 February 2016 and 22 August 2016.
16. Letter from occupier of Butterworth Centre, 36 Circus Road, dated 3 November 2015
17. Letter from occupier of 240 Grove End Gardens, London, dated 4 November 2015
18. Letter from occupier of Rushmere, The Lee, dated 4 November 2015
19. Letter from occupier of 72 Claverdon Street, London, dated 5 November 2015

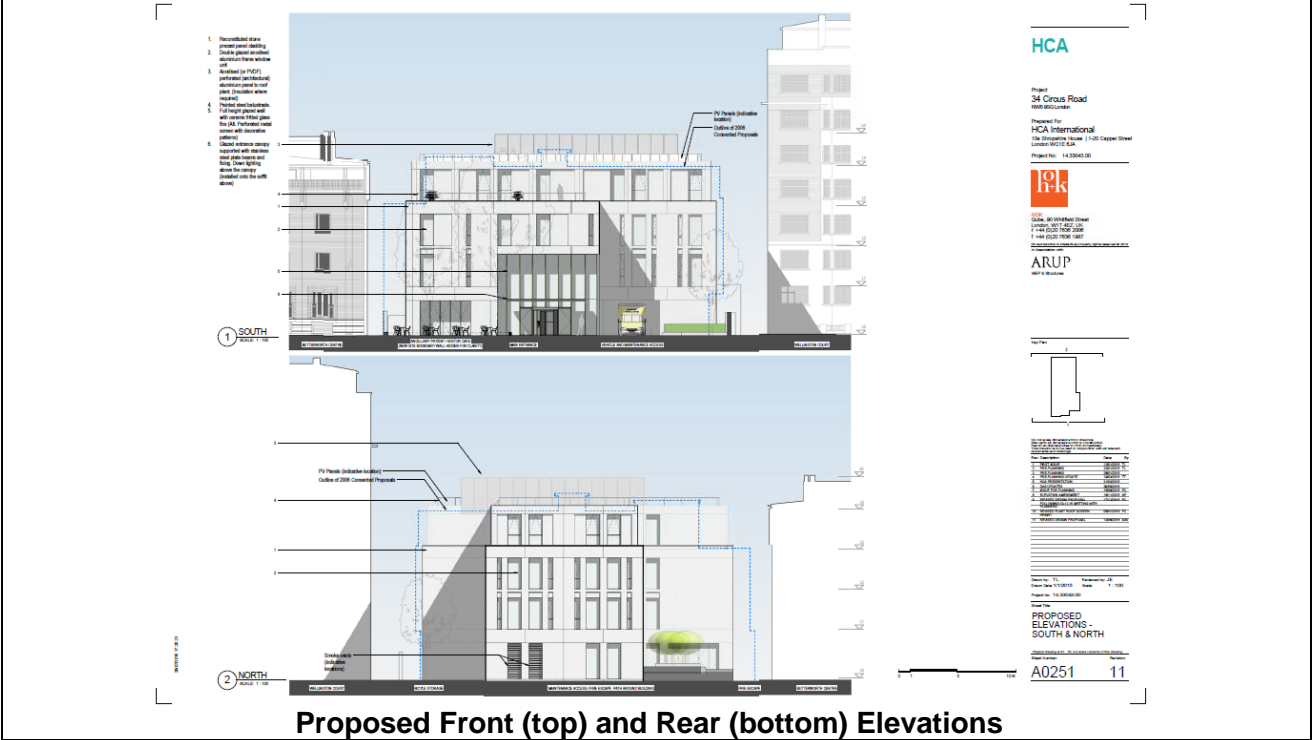
20. Letter from occupier of Church View, Vicarage Road, Tunbridge Wells, dated 5 November 2015
21. Letter from occupier of 25 Moorgate (The Brampton Trust) London, dated 10 and 11 November 2015
22. Letter from occupier of 51 Wellington Court, London, dated 20 November 2015
23. Letter from occupier of 60 Grove End Road, London, dated 25 November 2015
24. Letter from occupier of 5 Westminster Court, Aberdeen Place, dated 11 November 2015
25. Letter from occupier of 6 Weymouth Court, W1W 6DA, dated 11 November 2015
26. Letter from occupier of 71 Wellington Court, Wellington Road, dated 14 August 2016
27. Letter from occupier of 17 Wellington Court, Wellington Road, dated 10 August 2016
28. Letter from occupier of 63 Wellington Court, Wellington Road, dated 10 August 2016
29. Letter from occupier of 2 Wellington Court, dated 19 August 2016
30. Letter from occupier of 83 Wellington Court, Wellington Road, dated 22 August 2016

Selected relevant drawings

(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 NATHAN BARRETT ON
020 7641 5943 OR BY EMAIL AT nbarrett@westminster.gov.uk

10. KEY DRAWINGS





Proposed Side Elevations



Proposed Courtyard adjacent to The Butterworth Centre



Visualisation from Circus Road

DRAFT DECISION LETTER

Address: 34 Circus Road, London, NW8 9SG,

Proposal: Demolition of the existing buildings on site and erection of a part 3 and part 4 storey building incorporating a partial basement to form an independent medical diagnostic and outpatient centre associated with the Wellington Hospital. The building provides for up to 48 new consultant rooms, 13 treatment rooms and associated diagnostic facilities (Class D) and a cafe. Refuse storage is proposed at ground level, and an enclosed rooftop plant room is set back from the fourth floor.

Reference: 15/09219/FULL

Plan Nos: Drawing no's A0010 Rev 3, A0025 Rev 9, A0100 Rev 2, A0200 Rev 8, A0201 Rev 10, A0201 Rev 11, A0203 Rev 8, A0204 Rev 7, A0205 Rev 8, A0207 Rev 1, A0250 Rev 11, A0251 Rev 11, A0261 Rev 5, Design and Access Statement by HOK Architects (Rev 05 dated July 2015) Energy Strategy by Ove Arup and Partners (Issue 3 dated 29/07/2016)

FOR INFORMATION ONLY: Construction Management Plan by Arup; Arboricultural Impact Assessment by Rootcause (dated 18/12/2015); Basement Design Approach by Arup (Ref: ARUP-REP-S-001, dated 04/04/2015)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 4203

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

- 3 You must apply to us for approval of details including samples of the facing materials you will use, including glazing. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BB)

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 St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 **Pre-commencement Condition** Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the Thames Water. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact

upon the community.

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

Reason:

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

- 8 The terrace shown on drawing no. A0205 (Revision 7) shall not be used between 2100 and 0900. You can however use the terrace to escape in an emergency.

Reason:

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

- 9 You must use the premises only as a medical diagnostic and outpatient centre. You must not use the premise for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it). (C10BA)

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in S29 and S34 of Westminster's City Plan (July 2016) and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

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

Reason:

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

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

- provide details on all structures;

- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on existing transport infrastructure, in accordance with policy 6.2 of The London Plan (FALP - March 2015).

- 12 The glass that you put in the windows in the east and west elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 13 (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 (July 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.

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

Reason:

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

- 15 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

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

Reason:

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

- 17 All servicing must take place between 0700 and 1900. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

- 18 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.

- 19 **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 what you have

sent us. You must then carry out the work according to the approved details.

Reason:

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

- 20 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 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. (R30CD)

- 21 You must apply to us for approval of detailed drawings, sections and specifications of the following parts of the development:

- the green roof.

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

You must then carry out the work according to these detailed drawings, sections and specifications. (C26DB)

Reason:

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

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant (including CHP and kitchen extract equipment) will comply with the Council's noise criteria as set out in Condition 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 23 The building hereby approved shall not be used until a Servicing and Management Plan (SMP) has been submitted to and approved in writing by the City Council. The SMP shall demonstrate how all servicing shall be carried out from the approved service yard with the exception of the waste collection. You must then carry out the development in accordance with the approved details.

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 (July 2016) and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 24 The building hereby approved shall not be used until a Hospital Management Plan (HMP) has been submitted to and approved in writing by the City Council. The HMP shall demonstrate how patient and visitor movements will be managed to prevent drop-off and/or pick-up direct from the building. You must then carry out the development in accordance with the approved details.

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 (July 2016) and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 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 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. (150AA)

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

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

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

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 7 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- Compliance with the Council's Code of Construction Practice and a contribution of £32,000 per annum during the period of construction to allow for monitoring during construction and payment of the cost of monitoring the agreement; and
 - A carbon offset payment of £40,875.

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.

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