

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

## 1. RECOMMENDATION

For Committee's consideration

1. Does the Sub-Committee consider that the clinical needs cited by St Mary's Hospital, particularly their confirmation that a fit for purpose outpatients building needs to be of this size and scale and that this is the only site where they claim they can deliver the building within their campus, provide sufficient justification and public benefit to outweigh:
  - a. The significant loss of residents' amenity, resultant from loss of daylight and sunlight, sense of enclosure, and noise and disturbance from the overall intensification of activities on the site.
  - b. The loss of on-site car parking (30 spaces) for hospital staff.
2. Subject to 1. above, grant conditional planning permission subject to the views of the Mayor of London, and subject to a S106 legal agreement to secure the following:
  - i. Payment for the cost of highways works necessary to facilitate the development, including new footway, footway crossovers, revised parking bays.
  - ii. £162,000 (index linked and payable on commencement) towards carbon offset fund.
  - iii. £15,000 (index linked and payable on commencement) towards replacement of 3 street trees.
  - iv. Monitoring costs.

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

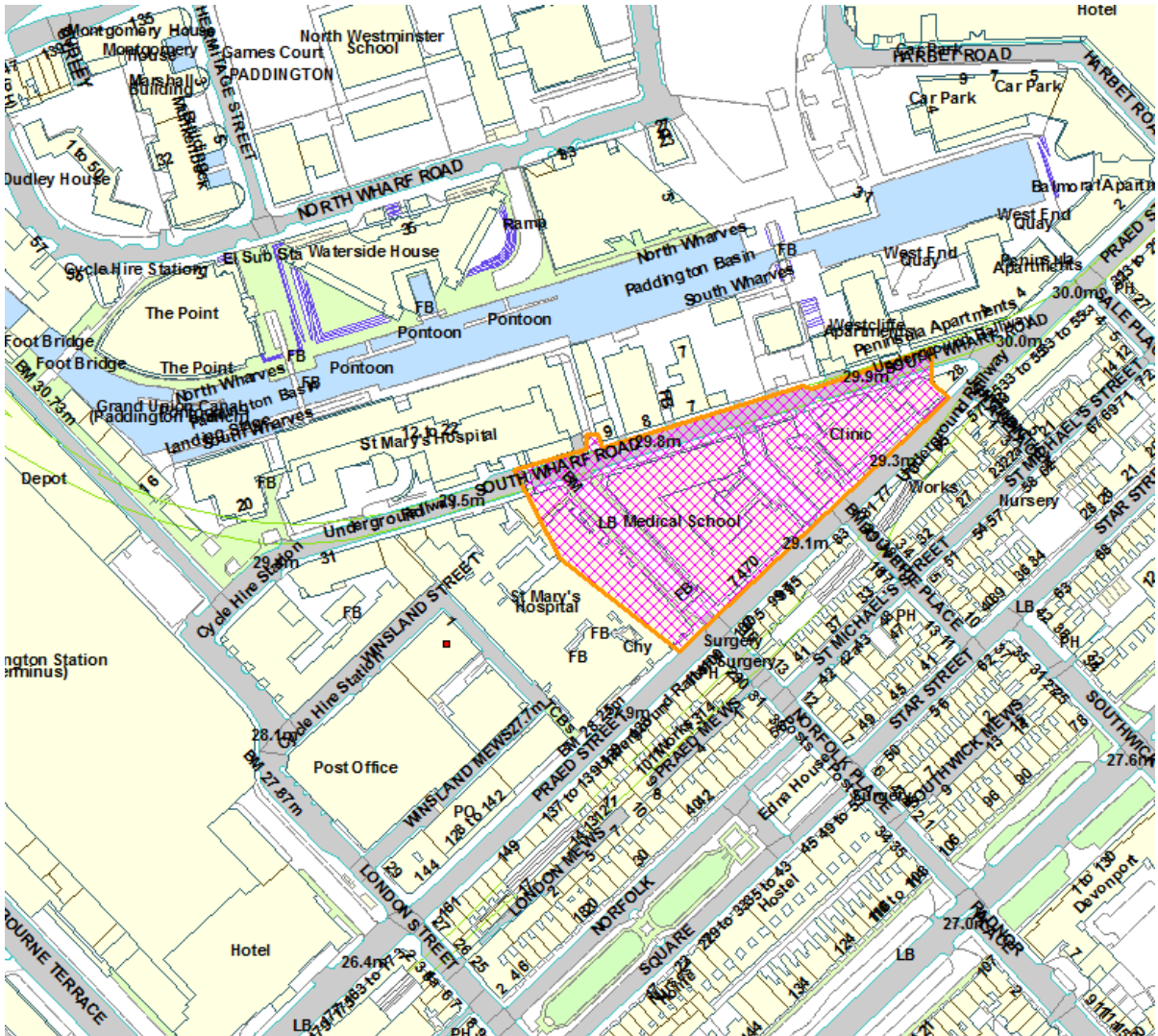
## 2. SUMMARY

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

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

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

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from Praed Street looking west.



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

## 5. CONSULTATIONS

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

Acknowledgement.

#### **GREATER LONDON AUTHORITY**

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

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

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

#### **NHS CENTRAL LONDON**

Any response to be reported verbally.

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

Any response to be reported verbally.

#### **TRANSPORT FOR LONDON**

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

#### **LONDON UNDERGROUND**

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

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

Any response to be reported verbally.

#### **ENVIRONMENT AGENCY**

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

**THAMES WATER**

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

**CANAL & RIVER TRUST**

No comments to make.

**COUNCIL FOR BRITISH ARCHAEOLOGY**

Any response to be reported verbally.

**HISTORIC ENGLAND**

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

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

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

**HISTORIC ROYAL PALACES**

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

**NATURAL ENGLAND**

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

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

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

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

Any response to be reported verbally.

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY**

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

**HYDE PARK ESTATE ASSOCIATION**

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

**ST MARYLEBONE SOCIETY**

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

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

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

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

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



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

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

### **PADDINGTON BID**

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

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

### **ADULT & COMMUNITY SERVICES**

Any response to be reported verbally.

### **SCHOOLS AND CHILDRENS SERVICES**

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

### **HIGHWAYS PLANNING**

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

### **CLEANSING**

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

### **ARBORICULTURAL SECTION**

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

### **BUILDING CONTROL**

Any response to be reported verbally.

### **ENVIRONMENTAL HEALTH**

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

### **GO GREEN PROGRAMME MANAGER**

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

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

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

No. Consulted: 667.

Total No. of replies: 72.

No. of objections: 69.

No. in support: 3.

Objections raise on all or some of the following grounds:

#### Land use/Principle

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

#### Design and townscape

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

#### Transportation

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

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

#### Amenity

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

#### Masterplan

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

#### Environmental

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

#### Trees

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

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

#### Other

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

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

#### Support

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

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

## **6. BACKGROUND INFORMATION**

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

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

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

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

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

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

### **6.1.3 The Surrounding Area**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The site falls within the following designations:-

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

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

## 6.4 Recent Relevant History

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

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

## 7. THE PROPOSAL

### 7.1 Summary of Proposal

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

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

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

### 7.2 Detailed Description of Proposed Development

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



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

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

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

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

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

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

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

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

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

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

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

## 8.2 Townscape and Design

### 8.2.1 Legislation and Policy Context

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act indicates that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

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

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

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

*(ii – The High Building Study 2000)*

The Reasoned Justification to the policy states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **8.2.4 Proposed Building**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **8.3 Residential Amenity**

### **8.3.1 Amenity Overview**

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



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

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

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

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

### **8.3.2 Daylight and Sunlight**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Flats 19-24

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

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

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

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

#### Flats 25-30

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

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

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

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

#### Flats 31-35

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

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

### Flats 36-40

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

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

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

### Flats 41-44

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

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

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

### Flats 1-6

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

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

### Flats 7-12

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

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

### Flats 13-18

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

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

### Flats 19-24

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

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

#### Flats 25-30

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

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

#### Flats 31-36

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

#### Flats 37-42

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

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

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

#### Flats 43-47

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

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

### **Praed Street**

#### No.57 Praed Street

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

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

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

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

No.59 Praed Street

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

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

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

No.61 Praed Street

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

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

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

No.63 Praed Street

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

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

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

No.65 Praed Street

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

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

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

No.67 Praed Street

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

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

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

No.69 Praed Street

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

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

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

No.71 Praed Street

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

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

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

No.73 Praed Street

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

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

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

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

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

No.79 Praed Street

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

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

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

No.81

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

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

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

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

#### No.83

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

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

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

#### No.85

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Praed Street

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

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

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

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

### **8.3.4 Noise and Disturbance**

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

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

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

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

### **8.3.5 Future Masterplan**

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

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

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

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

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

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

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

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

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

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

## **8.4 Transportation/ Parking**

### **8.4.1 Transportation Overview**

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

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

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

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

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

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

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

#### **8.4.3 Cycle Parking**

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

#### **8.4.4 Pedestrians**

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

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

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

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

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

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

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

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

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

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

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

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

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

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

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

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

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

### **8.7.2 Energy and Sustainability**

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

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

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

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

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

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

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

### **8.7.3 Environmental matters**

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

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

### **8.7.4 Public Art**

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

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

### **8.7.5 Archaeology**



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

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

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

#### **8.8 London Plan**

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

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

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

#### **8.10 Planning Obligations**

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

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

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

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

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

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

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

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

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

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

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

## **8.12 Other Issues**

### **8.12.1 Construction Impact**

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

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

### **8.12.2 Crime and Security**

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

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

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

## **9. BACKGROUND PAPERS**

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

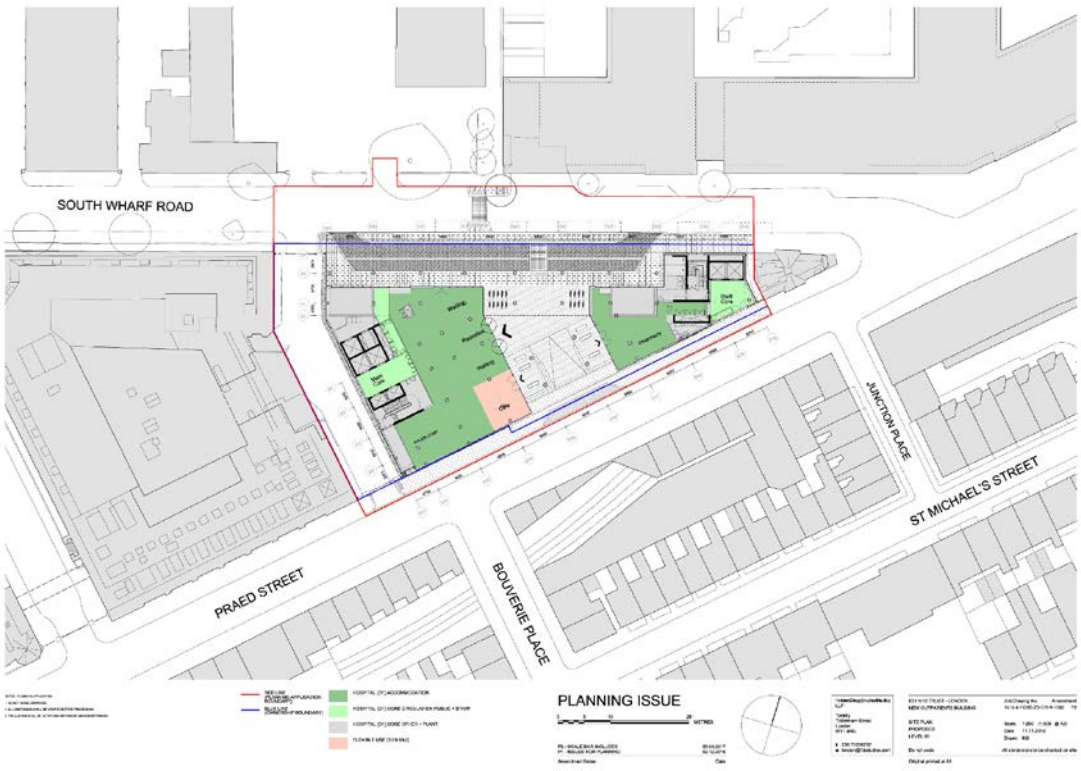
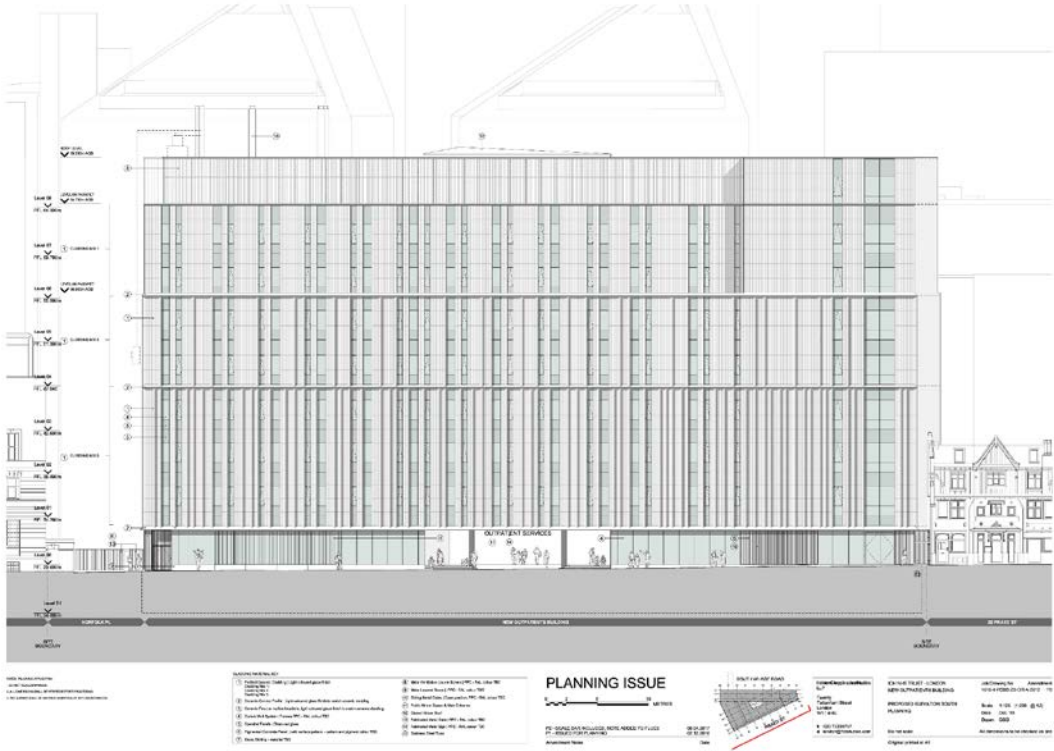
24. Hyde Park Estate Association dated 14.07.2017.
25. PaddingtonNow Business Improvement District, 25 Nutford Place, dated 01.03. 2017.
26. ECA Architecture & Planning on behalf of 22 residents of Westcliffe Apartments, South Wharf Road dated 10.03.2017 and 14.06.2017.
27. Flat 5 (8<sup>th</sup> floor)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

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

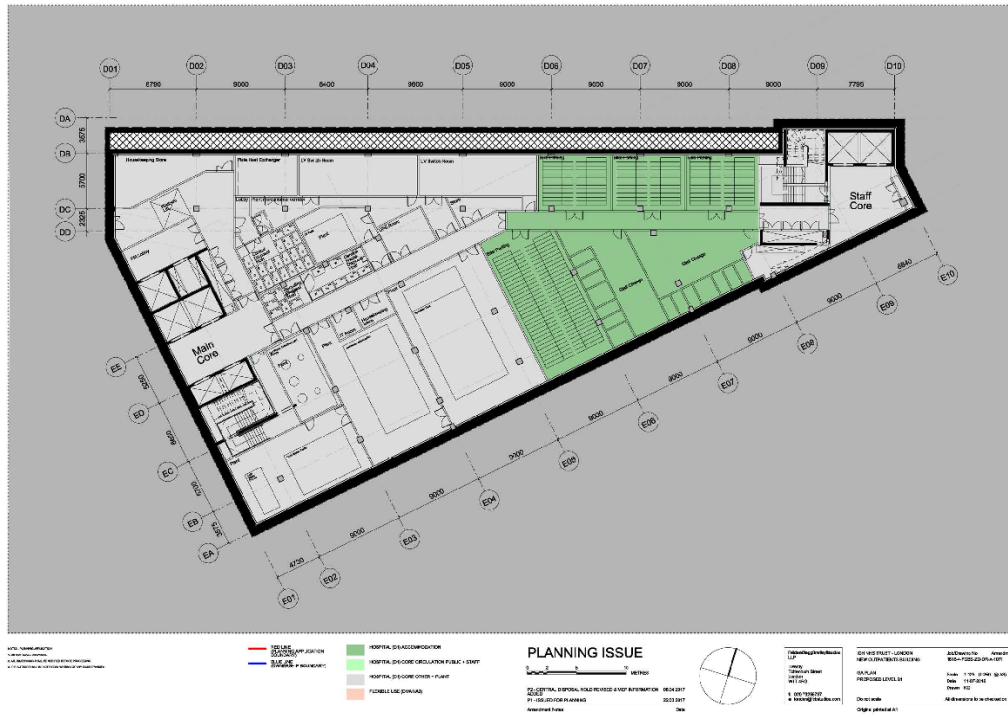
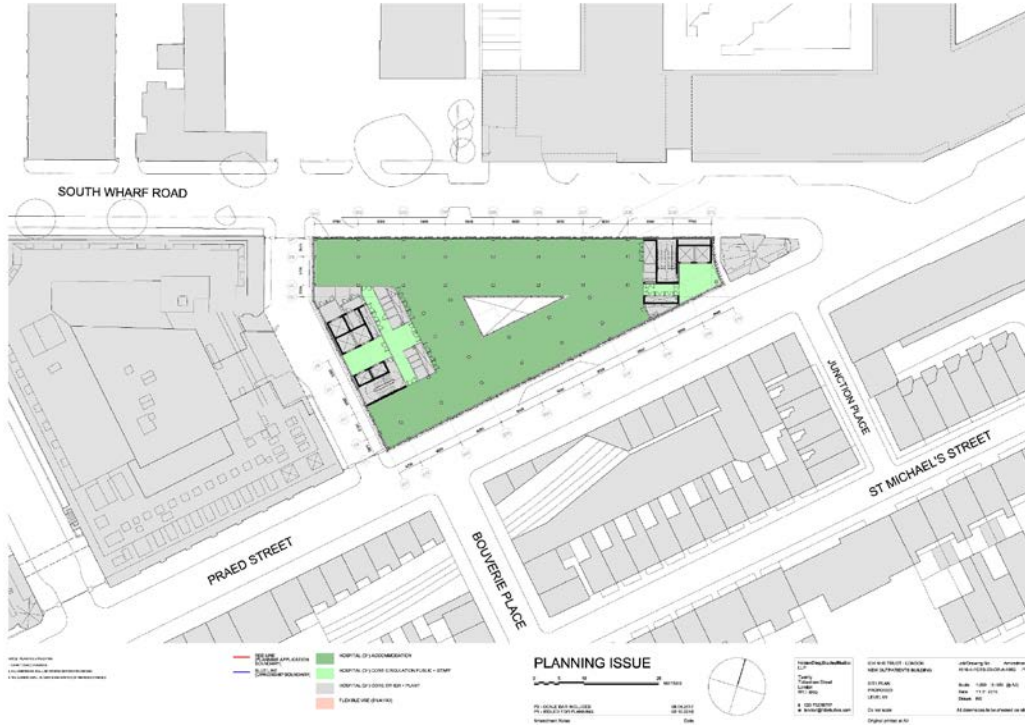
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk)**





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



Typical upper floor plan (top) and basement floor plan (bottom).



**DRAFT DECISION LETTER**

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

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

**Case Officer:** Sarah Whitnall

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

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 7 **Part Pre Commencement Condition.**

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

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

- Brown roofs

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

Reason:

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

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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



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

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

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

- 26 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 23 of this permission. This report must include a baseline noise survey accounting for the weekend period. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

- 32 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

(a) Typical Bay

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

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

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

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

Reason:

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

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

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

building is occupied.

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

Reason:

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

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

Reason:

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

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

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

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

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

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

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

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

- 2 Archaeological fieldwork would comprise the following:

### **Evaluation**

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

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

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

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

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

Phone: 020 7641 2000

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

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

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

Phone: 020 7641 3153  
(I73AB)

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

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

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

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

information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

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

- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 9 Conditions 23,24,25,26 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the



machinery is properly maintained and serviced regularly. (I82AA)

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

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

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

Item No.
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iv. Monitoring costs.