

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 January 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Churchill	
Subject of Report	48-56 Ebury Bridge Road, London, SW1W 8QF		
Proposal	Demolition of the existing building and erection of a new building comprising basement, ground and five upper floors levels to provide a dementia care facility (Use Class C2) comprising suites, communal, staffing and servicing areas.		
Agent	Savills UK		
On behalf of	Loveday (Belgravia) Ltd		
Registered Number	20/05792/FULL	Date amended/ completed	15 September 2020
Date Application Received	15 September 2020		
Historic Building Grade	Unlisted		
Conservation Area	No		

## 1. RECOMMENDATION

1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:
  - i) Provision of all highway works immediately surrounding the site required for the development to occur, including reinstatement of the redundant crossovers and relocation/increase of on-street residential parking, dedication of the highway (as shown on submitted plans) and associated work at the applicant's expense; and for the developer to enter into a 'Way Leave for Street Light' agreement;
  - ii) Provision of a financial contribution of £18,851.44 (index linked) to the Westminster Employment Service;
  - iii) Provision of a financial contribution of £14,600 (index linked) towards the maintenance of the existing tree on Ebury Bridge Road;
  - iv) A Carbon Offset Contribution £122,400 (index linked) payable prior to the commencement of development; and
  - v) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-

Committee's resolution, then:

- a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

48 - 56 Ebury Bridge Road accommodates a single storey building and forecourt area and has a lawful use as a car garage for the storage, cleaning and servicing of vehicles. The site is unlisted and is not within a conservation area. The site is located on the corner of Ebury Bridge Road and St Barnabas Street.

Planning permission is sought for the demolition of the existing building and erection of a new building comprising basement, ground and five upper floor levels to provide a dementia care facility (Class C2) comprising suites, communal, staffing and servicing areas.

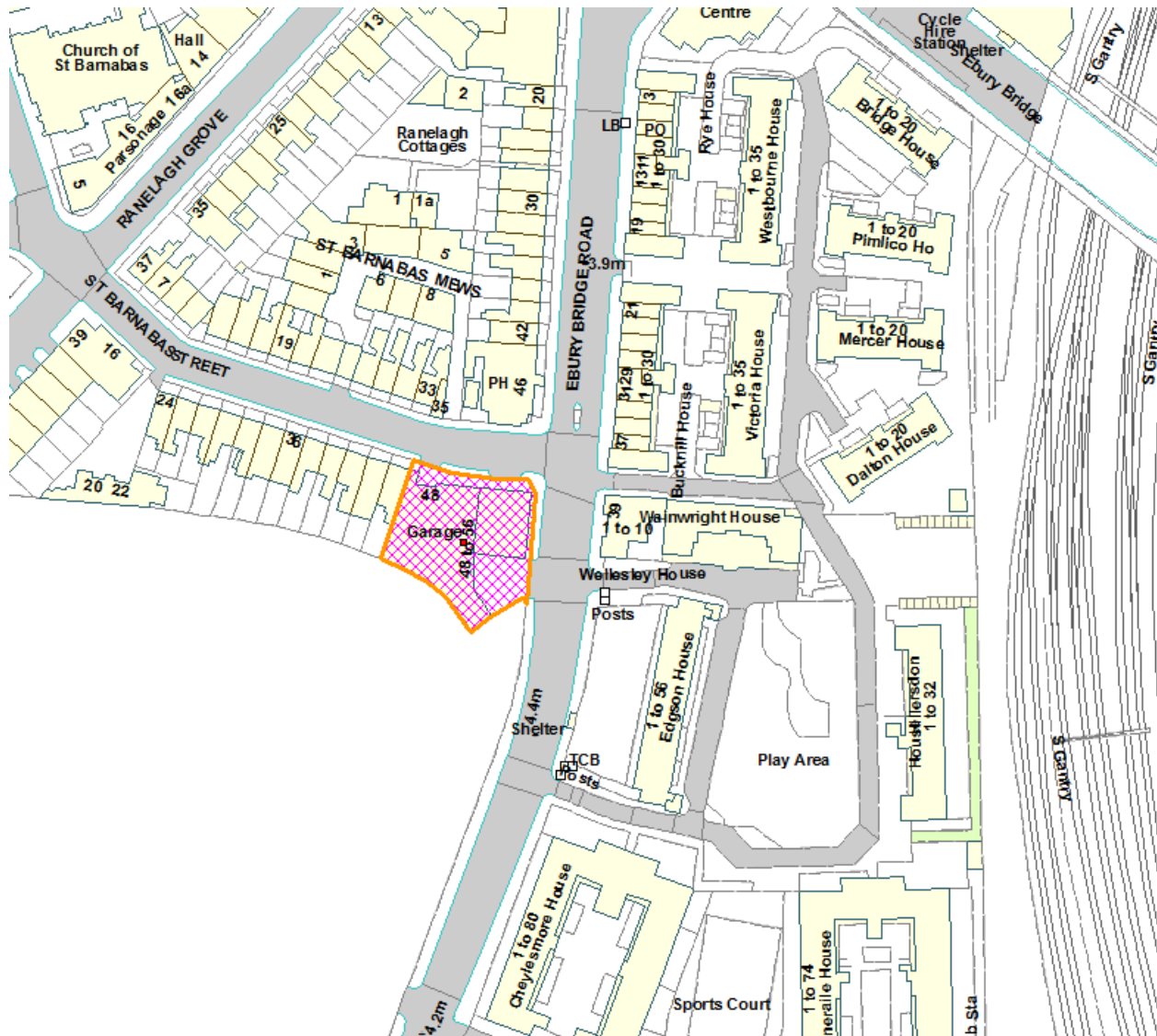
Objections have been received on design, amenity and highways grounds from residents within the vicinity of the site. Letters of support have also been received from residents within the borough and also from those who work and have family members resident within a similar dementia care centre, located outside the borough, but operated by the same applicant.

The key issues for consideration are:

- The land use implications on the surrounding area;
- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposals on the surrounding highway network; and
- The impact of the proposed alterations on the character and appearance of the area.

The proposal is considered acceptable in land use, amenity, design and highways terms and is in accordance with the Westminster City Plan and Unitary Development Plan policies.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



48 - 56 Ebury Bridge Road

## 5. CONSULTATIONS

### WARD COUNCILLORS:

Any comments to be reported verbally.

### BELGRAVIA SOCIETY:

Object on following grounds:

- Poor design will have an adverse effect on the visual appearance of the development.
- The appearance of the building will adversely affect the character of the neighbourhood not only generally but given the unique nature of the Belgravia Conservation Area.
- The design, colour and materials are out of character with the area.
- The decision to maintain a tree as being more important than the people is contrary to the expressed priorities of Westminster City Council to 'place people at the heart of the design'.

### BELGRAVIA NEIGHBOURHOOD FORUM:

Support the concept of a dementia centre of the size and scale proposed. Such a facility is welcomed as a necessary addition to specialist care provision in Westminster.

However, raise the following concerns:

- Proposed exterior design does little to conserve local character and respect the established vernacular.
- Prefer a design which conforms more to the design context of the area; featuring flat facades, a straight building aligned with the roadway, distinct base, body and attic sections, and windows which decline in size with height.
- Curved and recessed entrance on Ebury Street - prefer to see a straight building line.
- Canted bay windows are not characteristic of the area.
- Prefer some gradation in window sizes.
- Prefer to see darker, yellow brick more in keeping with St Barnabas Street.
- Roof should be replaced with a traditional arrangement of slate tiling, which would be more sympathetic to the area.
- Existing tree has influenced the design of the building.
- Tree has already damaged the pavement area and prevents pedestrians from passing by.
- Good natural light is essential for patients and existing tree reduces light into the building.
- Urge planners to allow the removal of the tree. Understand developer has offered to plant six new trees in locations of WCC's choosing.

### BELGRAVIA RESIDENTS ASSOCIATION:

Any comments to be reported verbally.

### TfL CROSSRAIL 2 SAFEGUARDING TEAM:

- The application relates to land within the limits of land subject to consultation by the Crossrail Safeguarding Direction.
- In the event that the Council is minded to grant planning permission, conditions are recommended requiring submission of a detailed design and construction method statement for all ground floor structures, foundations and basements and for any other structures below ground.

**HIGHWAYS PLANNING MANAGER:**

Objection.

- Lack of off-street servicing provision.
- No consideration to the site being used to support sustainable transport, including alternative fuels or electric vehicle charging hub.
- Limited detailed design of any works to the highway.

**WESTMINSTER ECONOMY TEAM:**

The proposals require a financial contribution to the Westminster and Skills Employment Team.

**WASTE PROJECT OFFICER:**

No objection, subject to condition to secure waste arrangements.

**ENVIRONMENTAL SCIENCES:**

No objection, subject to conditions to control noise from mechanical plant.

**ENVIRONMENT AGENCY:**

No objection.

**ARBORICULTURAL MANAGER:**

Raised concerns about the developments impact on the tree outside the main entrance. Following submission of additional information on the 01 December 2020, conditions are recommended to secure details of hard and soft landscaping; and tree protection pre-commencement conditions relating to arboricultural supervision; pile locations and piling methodology.

**BUILDING CONTROL:**

Structural method is considered to be acceptable

**NHS CENTRAL LONDON:**

Any comments to be reported verbally.

**THAMES WATER:**

Any comments to be reported verbally.

**DESIGNING OUT CRIME OFFICER:**

Any comments to be reported verbally.

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

No. Consulted: 144.

Total No. of replies: 17.

No. of objections: 6 (including an objection from the Cheylesmore House Residents Association Chair on behalf of all 80 shareholders/owners within Cheylesmore House).

No. in support: 11.

**Objections**Land Use

- Use inappropriate for the area.
- Unsuitable location for a unit specialising in the care of dementia patients.
- Space identified for demolition is extremely small.
- Use does not comply with Policy S10 (Pimlico) of the Westminster City Plan.

### Design

- Building scale inappropriately large for the site.
- Building not sympathetic to the built environment in the area.
- Proposed building is too high for the surrounding area.
- Building out of scale with the existing houses on St Barnabas Street and adjacent section of the redevelopment of Chelsea Barracks.

### Amenity

- Residents would not have access to outdoor space.
- Limited outside space for residents.
- Residents should be afforded a quieter location with green spaces to promote their wellbeing.
- Proposed outdoor space would be limited in size and would be noisy.

### Highways

- Busy road frontage has a range of uses directly connected to serving and supporting the adjacent residential uses, any development of the site should be in a similar use.
- Ebury Bridge Road is a very busy road with constant large vehicle traffic and cannot be considered safe for the residents.
- People would be arriving to site by cars irrespective of what developers say, including ambulances and other similar transport facilities.
- Located adjacent to a busy road, if any residents evaded security and wander into the road could be very dangerous.
- Site constraints would make it difficult for vehicle access (deliveries, ambulances, visitors etc.).

### **Support**

### Land Use

- Proposal is a vast improvement to the existing site.
- Welcome regeneration of this rundown plot.

### Design

- Design in keeping with the other developments currently been undertaken in the vicinity.

### Amenity

- Quality of the care home and provision of amenity areas makes up for the absence of

outdoor space.

- Need more care homes, especially for people suffering with dementia.
- Much needed service.
- The company has an excellent reputation for managing a care home.
- Worthwhile use to our local community.
- Most activities self-contained within the centre and not disruptive to residents.

### Highways

- The King's Road site is in a busier location than the application site and manages well.
- Rare to call an ambulance at the King's Road site.

### Other

- Some letters of support from people who already have relatives in the Chelsea Court Place home.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

48 - 56 Ebury Bridge Road comprises a single storey building with forecourt, which was originally used as a petrol filling station but is now in use as a car garage for the storage of vehicles and servicing and cleaning of vehicles.

The site is located on the corner of Ebury Bridge Road and St Barnabas Street. The site is adjacent to, but outside of the Belgravia Conservation area and marks a transitional point between the domestic two storey terraces of St Barnabas Street, and the larger buildings on the opposite and adjacent side of Ebury Bridge Road.

The site is outside the Central Activities Zone but is within the Ebury Bridge Road local shopping centre. The surrounding area is predominately residential in character.

### **6.2 Recent Relevant History**

#### 48-56 Ebury Bridge Road, SW1 8QE

A lawful development certificate in respect of an existing use issued on the 9<sup>th</sup> July 2020 (RN: 20/02980/CLEUD) for:

'Car garage including storage, servicing and cleaning of vehicles'.

#### 74-76 Prince's Square, W2 4NY

Planning permission granted on the 9<sup>th</sup> July 2019 (RN: 19/00868/FULL) for:

'Use of the building as a 35 room elderly care facility specialising in dementia (Use Class C2), creation of balcony on the rear elevation at first floor level, alterations to the



fenestration to match the new internal floor levels, the installation of ramp from the ground floor to the garden. Alterations to roof including insertion of kitchen extract. Installation of a new refuse store, plant enclosure, and bicycle store in the rear garden, new hard and soft landscaping to the garden and all other associated works. Insertion of louvres on front elevation at basement level to serve plant equipment’.

41 Abbey Road, NW8 0AA

Planning permission granted on the 23<sup>rd</sup> April 2019 (RN: 18/08414/FULL) for: ‘Demolition behind retained central bay facade and redevelopment to provide a new building comprising basement, lower ground, raised ground and three upper floors to provide an elderly care facility (Use Class C2) (26 bed) communal and welfare/medical areas, cycle storage, landscaping and tree works and associated works’.

## 7. THE PROPOSAL

Planning permission is sought for the demolition of the existing building and erection of a new building comprising basement, ground and five upper floors levels to provide a dementia care facility (Use Class C2) providing 44 suites, communal, staffing and servicing areas.

Each of the 44 suites will contain a bed space, seating area, wardrobe storage and en-suite. The communal facilities include reception area, lounges, dining rooms, activity room, meeting rooms, salon/spa and rehabilitation room. 24-hour care will be provided to all residents with a staffing ratio of 2 residents to 1 member of staff, whereas the industry standard is 8 residents to 1 members of staff.

It is anticipated that the care facility will employ 90 people (70 full-time and 30 part-time) with 30 employees working during the day shift and 10 employees covering the night shift. Although this will also depend on occupancy rates. Shift patterns will be from 0700 to 1900 hours and 1900 to 0700 hours.

*Existing and proposed floorspace figures:*

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Car garage including storage, servicing and cleaning of vehicles (sui generis)	492		
Residential institution		3863	
Total	492	3863	+3371

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposal seeks to demolish the existing building and clear the site to provide a new building, which will accommodate the new dementia care facility (Use Class C2).

### Existing use

The site was originally built as a petrol filling station. Policy TRANS 17 of the Unitary Development Plan (2007) seeks to protect petrol filling stations and part A of the policy specifically identified 48-56 Ebury Bridge Road amongst those afforded protection.

However, the site ceased operating as a petrol filling station in 2005 and a lawful development certificate was issued on the 9<sup>th</sup> June 2020 confirming the lawful use of the site as a car garage including storage, servicing and cleaning of vehicles (sui generis). On this basis the site is no longer considered to be a protected filling station by virtue of Policy TRANS 17 and the loss of the existing car garage (sui generis) is not opposed.

### Proposed use

The proposed redevelopment of the site will provide a new purpose-built care facility specialising in dementia care provision (Use Class C2). The site will be managed by Loveday & Co who were established in 2014 with the prime purpose of providing specialist dementia care.

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

Policy S15 of the City Plan (November 2016) states that the provision of specialist housing will be allowed where this would contribute towards meeting local housing needs.

Policy SOC 4 of the Unitary Development Plan (2007) states that when it considers development proposals, the City Council will balance the need to meet demand for health services against the effect of the proposals on the surrounding area and nearby activities.

The Dementia Joint Strategic Needs Assessment (2015) was prepared by Westminster City Council (WCC), Royal Borough of Kensington and Chelsea (RBKC) and the London Borough of Hammersmith & Fulham (LBHF). Joint Strategic Needs Assessments are developed jointly by local health and social care partners. They provide a detailed assessment of the health needs of the local population sometimes focusing on a specific topic. This information is used to identify actions that local agencies will need to take to improve the wellbeing of individuals and communities across the Boroughs.

The Assessment (2015) outlined that WCC has an anticipated percentage increase in the number of people at risk from dementia as being 45% from 2015-2030. This is primarily due to the aging population. It recommends that diagnostic, treatment and care service provision will need to expand proportionately.

The 2015 Assessment stated that the published rates of care home bed provision identified an average rate in England of 114 beds per 1,000 population aged 75 and over. The provision of care home beds within WCC at the time of writing was just 36 beds per 1,000 population aged 75 and over. This represents the lowest figure in England emphasising the relative lack of facilities within Westminster. It is considered

that there is a need for dementia care facilities within Westminster and the proposal contributes towards meeting this need.

In 2019 planning permission was approved for a 35-bed dementia care centre at 74-76 Prince's Square and a 26-bed dementia care centre at 41 Abbey Road, both of which are in Westminster.

The proposed new centre will be operated by Loveday & Co. who currently manage a 15-bed dementia care centre on the King's Road Chelsea (Chelsea Court Place). The proposed residential care home will comprise of 44 resident suites. The primary aim of the centre is to provide high quality, specialist nursing care to be delivered by a team of dementia-trained specialists. The centre will also provide rehabilitation and a day club tailored to the needs of each individual. The applicant states that prior to being accepted within a centre, residents undergo a detailed medical assessment which informs their care and requirements. Residents will have freedom to move throughout the property if they are able to do so and will be under carers supervision when using external amenity areas. All residents are accompanied when leaving the property.

The centre will operate as a private facility; however, patients can be referred by the NHS through the 'Continuing Nursing Care' programme. Patients on the programme are part local authority funded, with the remainder topped up by private funds.

Given the need for such a centre within Westminster the proposed use is considered acceptable in land use terms. The proposal has received letters of support from local residents and also from individuals who either work in the Chelsea centre and or have family members staying in the Chelsea centre.

## 8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The site comprises of a single storey building with forecourt, which is in use as a garage, and is located on the corner of Ebury Bridge Road and St Barnabas Street. The building is unlisted and is located outside of a designated conservation area. However, the site is located adjacent to the Belgravia Conservation Area, which runs down the middle of St Barnabas Street and encompasses the residential properties along St Barnabas Street including the Public House to the north. The site, along with the Chelsea Barracks site and Ebury Bridge Estate are all located outside of a conservation area.

The existing building is of limited architectural merit and there is no objection to its loss. The proposed building exhibits a mansion block typology, arranged over a basement, ground floor plus four upper storeys, with a recessive top floor (fifth floor), which descends in height toward the neighbouring smaller-scaled, two-storey cottages on St Barnabas Street. The building is of a brick construction with stone coursing and is articulated by a series of bays, which gives it a domestic character.

Objections have been received relating to its design and that the proposed building does not respect the adjoining properties, conservation area or the established vernacular of straight building lines. The site marks a transitional point between the smaller properties along St Barnabas Street and the large-scale developments along Ebury Bridge Road. The replacement development accounts for the adjoining small-scale cottages and mediates successfully between them and the Chelsea Barracks and Ebury Bridge Estate developments. As such the overall form and scale of the development appears appropriate. Likewise, the architectural approach is relatively restrained and mindful of the building's location at the edge of the Belgravia Conservation, as well as its intended use. Whilst there is a notable impact on the view from St Barnabas Street from within the Belgravia Conservation Area, cumulatively, when read against neighbouring developments, the proposals are not felt to be unduly detrimental in townscape terms.

As such, the proposal is considered acceptable, and mindful of policies S25 and S28 of the Westminster City Plan (2016) and policies DES 1 and DES 7 of the UDP. Therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **8.3 Residential Amenity**

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

#### **Sunlight and Daylight**

A daylight and sunlight report has been submitted with the application and the following properties have been assessed:

Nos. 27-33 St Barnabas Street

Nos. 38-46 St Barnabas Street  
 Wellesley House, 39 Ebury Bridge Road  
 The Rising Sun Public House, 44-46 Ebury Bridge Road  
 Bucknill House, 21-37 Ebury Bridge Road  
 Edgson House, Ebury Bridge Road  
 Block 14, Chelsea Barracks, Ebury Bridge Road

### ***Daylight***

The following tests were undertaken:

#### *The Vertical Sky Component (VSC)*

For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidelines suggests that a minimum VSC value of 27% should be achieved. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.

#### *No Skyline*

This describes the distribution of daylight within rooms by calculating the area of the 'working plane', which can receive a direct view of the sky ((0.7m from floor level in offices and 0.85m in dwellings and industrial spaces). The BRE Guidelines state that if following the construction of a new development the No Skyline moves such that the area of existing room that does not receive direct skylight is reduced to less 0.8 times its former value, the impact will be noticeable to the occupants.

#### 27, 29, 31 and 33 St Barnabas Street

These properties are located north-west of the site and are all in residential use. 12 windows serving six rooms have been tested. All rooms tested comply with BRE guidelines on VSC and No Skyline.

#### 38, 40, 42, 44 and 46 St Barnabas Street

These properties are located west of the application site and are all in residential use. 13 windows serving nine rooms have been tested. All rooms tested comply with BRE guidelines on VSC and No Skyline.

#### Wellesley House, 39 Ebury Bridge Road

Wellesley House is located east of the application and forms part of the Ebury Bridge Estate and was a five-storey residential building. The building has now been demolished to make way for the redevelopment of the site for new residential blocks. Identified as Building 3 of the new regeneration scheme, the replacement building will contain new residential accommodation.

As part of the applicant's assessment, the windows that have been tested are those of the new replacement building. 24 windows serving 19 rooms have been tested.

14 of the 24 windows are compliant with the BRE guidelines on VSC and No Skyline. 10 rooms experience a material change in VSC and No Skyline levels. These rooms are located within Rooms 1, 2, 3 and 4. However, the transgressions are only marginally below 0.8 and vary between 0.6 to 0.7. Given the nature of the urban environment in this area, it is expected that any new building would result in noticeable but not materially harmful impacts on daylight to warrant refusal of the application, especially as the losses are only marginally below the BRE guidelines of 0.8 times its former value.

#### The Rising Sun Public House, 44-46 Ebury Bridge Road

Located to the north of the site the public house is likely to have ancillary residential accommodation on the upper floors. The applicant has not been able to source layouts for this property but has estimated that the rooms with two windows facing the site are approximately 4.2m deep. The two windows tested (W2/101 and W1/101) experience a marginal transgression of the BRE guidelines at 0.6 compared to the guideline of 0.8. Given that these are likely to be residential accommodation ancillary to the public house, it is considered in these circumstances that the margin is low and whilst this would be noticeable it is not considered material to warrant refusal of the application in these circumstances.

#### Bucknill House, 21-37 Ebury Bridge Road

A residential building located to the north-east of the application site and forming part of the Ebury Bridge Estate. The building is to be redeveloped to provide a new residential block. Based on the new scheme 46 windows serving 29 rooms have been tested. All rooms tested comply with BRE guidelines on VSC and No Skyline.

#### Edgson House, Ebury Bridge Road

A residential building located to the east of the application site and forming part of the Ebury Bridge Estate. The building is to be redeveloped to provide a new residential block. Based on the new scheme 65 windows serving 45 rooms have been tested. All rooms tested comply with BRE guidelines on VSC and No Skyline.

#### Block 14, Chelsea Barracks Development, Ebury Bridge Road

Located to the south-west of the application site, the site is being redeveloped in phases to provide new residential blocks. Based on the plans for the site 76 windows and 26 rooms have been tested. All rooms tested comply with BRE guidelines on VSC and No Skyline.

### ***Sunlight***

In terms of sunlight, the Annual Probable Sunlight Hours (APSH) test was undertaken and all properties tested comply with the BRE guidelines.

Overall the scheme demonstrates good levels of compliance with BRE Guidance in terms of sunlight and daylight amenity. Therefore, given that the BRE guidelines are to be interpreted flexibly in appropriate circumstances, the proposals are considered acceptable in daylight and sunlight terms in this case.

### **Internal daylight within the development**

Objections have been raised that due to the retention of the London Plane tree and the design of the front elevation of the building, residents within the rooms towards the front of the building would not receive adequate amounts of light.

An internal daylight assessment has been provided to demonstrate that the proposed development will benefit from acceptable levels of daylight. This assessment has tested the Annual Daylight Factor (ADF) of habitable rooms within the development. The ADF assesses the transmittance of the glazing to the room (i.e. how much light gets through the window glass); the net glazed area of the window in question; the total area of the room surfaces (ceilings, walls, floors and windows) and their reflectiveness; and the angle of visible sky reaching the window(s) in question.

The BRE guidelines sets the following ADF levels for habitable room uses:

- 1% bedroom
- 1.5% living room
- 2.0% kitchens

The ADF has assessed the bedrooms and living room on the first floor only. The upper floors have a similar layout, and the assessment has stated that as they are on the upper floors enjoy higher levels of daylight than those tested. The assessment of the rooms at first floor level found that the 12 bedrooms enjoyed between 1.7% and 3.38% ADF, and the living room has a 4.3% ADF. The assessment demonstrates that habitable rooms within the new development would enjoy acceptable levels of daylight in accordance with BRE guidelines.

### **Sense of Enclosure**

The rear of the new building has been reduced in terms of its massing and steps back in height, away from the St Barnabas Street properties, which is welcomed. The application site immediately abuts 46 St Barnabas Street.

There is a separation distance of approximately 16.5m between the application site and 39 Ebury Bridge Road, which has been demolished (and forms part of the regeneration scheme of the Ebury Bridge Estate), on the opposite side of Ebury Bridge Road.

There is a separation distance of 14m and 15m between the application site and 46 Ebury Bridge Street (Rising Sun Public House) and 33/35 St Barnabas Street located to the north, on the opposite side of St Barnabas Street.

The proposed new building is not considered to have an impact on the buildings located to the north (opposite side of St Barnabas Street) or on the opposite side of Ebury Bridge Road, in terms of sense of enclosure, due to the separation distance involved.

The St Barnabas Street properties are two storey cottage style buildings, a few of which have small outbuildings to the rear and access into a small garden area. The main rear garden wall of these properties back onto the Chelsea Barracks site. The rear of the

new building at basement and ground floor level is set against the building line with 46 St Barnabas Street. At first floor level the rear of the building nearest to no. 46 will extend approximately 3m further forward of no. 46. No. 46 is a single-family dwelling and there are two windows at rear first floor level, which are likely to serve a bedroom. The extended part of the development in this location will serve a residential suite. The rear of the St Barnabas Street properties currently have views looking towards Ebury Bridge Road due to the low-level building currently on the application site. It is recognised that the new building would be noticeable in views along this part of the terrace and certainly from no. 46. However, on balance given the intended use of the building and the much-needed resource this centre would provide to the area, it is considered that any perceived increased sense of enclosure experienced by no. 46 is outweighed by the public benefits that the development will provide.

### **Privacy/Overlooking**

The rear of the new building has been set back to provide relief to the adjoining two storey buildings along St Barnabas Street and to the Chelsea Barracks development (Phase 5B).

Terraces are proposed at second and fifth floor level, measuring approximately 16sqm and 25sqm respectively. Two terraces at second floor level will serve residential suites and the terrace at fifth floor level will serve a lounge and communal areas. The applicant has stated that the terraces would be used by residents between 1000 and 1800 hours. It is recommended that a condition restricts the hours of use of the fifth-floor terrace only, as this terrace would be accessible from the communal lounge, whereas the second floor terraces are only accessible from two private residential suites.

New landscaping is proposed to the terrace areas, details of which will be secured by condition. A terrace at rear ground floor level is proposed and this would be shielded by the existing and proposed boundary treatment.

The windows to the rear at second to fourth floor levels are stepped back from the rear elevation and affords some privacy in relation to the St Barnabas Street properties and rear garden areas.

It is not considered that the proposed terraces at high level or the new window openings to the rear of the site would cause material harm in terms of direct overlooking or loss of privacy.

## **8.4 Transportation/Parking**

The application site is located on the corner of Ebury Bridge Road and St Barnabas Street. Ebury Bridge Road runs north to south with the junction connecting Pimlico Road and Ebury Bridge to the north of the site and Chelsea Bridge Road to the south of the site. Located to the east of the site is St Barnabas Street, a residential street providing access into the residential streets of Belgravia.

The existing building is in use as a garage for the storage of vehicles and servicing and cleaning of vehicles. There are three vehicle crossovers serving the site, one is located



on Ebury Bridge Road and is approximately 7m wide and is located on the south-east corner of the site. The remaining two are located on St Barnabas Street; one on the eastern side and measuring approximately 8m wide, and is 'no-entry'. This vehicle crossover provides a one-way circulation route, with vehicles entering on Ebury Bridge Road and exiting on St Barnabas Street via this vehicle crossover. The second vehicle crossover on St Barnabas Street measures 3m wide and is located to the western end and provides access to the roller shuttered door and an external bin store.

The site is located within a Controlled Parking Zone where on-street parking is restricted to residential permit holders from Monday to Saturday; 0830 to 2000 hours. There is an existing residential parking bay located on the southern side of St Barnabas Street, in between the two existing vehicle crossovers, which serve the site. There are two existing residential parking bays located on the north side of St Barnabas Street immediately opposite the application site. The proposal will result in the slight relocation of the existing residential as well as the provision of a new parking bay on St Barnabas Street. This will be secured by legal agreement. All other residential parking bays remain unaffected.

The proposal would result in the permanent removal of all three vehicle crossovers and the reinstatement of public footway. The main entrance into the new centre will be on Ebury Bridge Road with a secondary access and access to the ground floor servicing holding area located on St Barnabas Street. The doors serving the gas boards and bin store open outwards but within the footprint of the building line. However, the sub-station doors open onto the public footway, an amending condition is therefore recommended to ensure that these doors open inwards.

The existing footway along Ebury Bridge Road measures approximately 2m and 3m at its widest point to the corner on Ebury Bridge Road/St Barnabas Street. The pavement immediately in front of the application site on St Barnabas Street measures approximately 1.4m wide. The new entrance and curved frontage provide a wider pavement area between 2m and 3.5m at its widest point and the pavement area on St Barnabas Street ranges between 1.2 and 1.4m. The proposal would provide an increase in usable footway on the Ebury Bridge Road frontage, which is welcomed.

#### Car parking

Policy TRANS 21 of the Unitary Development Plan (2007) requires the provision of one car parking space per 10 residential units for Special Needs Housing. In terms of trip generation, it is accepted that most trips to the site (excluding servicing activity) will be undertaken using public transport or other sustainable modes of transport (e.g. walking and cycling). Given the location of the site and that the site is within a Controlled Parking Zone no objection is raised in this instance to the non-provision of onsite car parking.

#### Cycle parking

Policy 6.9 of the London Plan (2016) and Policy T5 of draft London Plan (December 2019) both require one cycle space per 5 FTE members of staff (long stay) plus one space per 20 bedrooms (short stay) for care homes/secure accommodation. The proposal provides 24 cycle parking spaces on site and the provision of welfare facilities

such as showers and lockers. The number of cycle spaces and welfare provision is acceptable and will be secured by condition

#### Development over the highway

The entrance to the new building is set back with a canopy over. A minimum vertical clearance of 2.6m is required for any canopies and structures, which over sail the footway, with a minimum of 1m distance from the kerb edge. The proposed entrance canopy meets this minimum requirement.

#### Building line and dedication of the highway

The existing wall serving the application site represents the highway boundary. The proposed building line does not come further forward of this line, and on the Ebury Bridge Road frontage, the building line is set back to provide the curved entrance into the new building. The provision of the additional pavement area will need to be dedicated as highway; without the dedication of these spaces this effectively will be external private space. Dedication of the highway will also ensure that the highway boundary in the area is consistent and the benefits of highway users are improved and secured. The applicant has confirmed their intention to dedicate the additional pavement area as dedicated highway and this will form part of the legal agreement set out in the draft recommendation. The widening of the footway on Ebury Bridge Road and the improved corner treatment on St Barnabas Street are welcomed and considered a positive improvement to the highway consistent with Policies S41 (Pedestrian Movement and Sustainable Transport) of the Westminster City Plan and TRANS 3 (Pedestrian) of the UDP.

#### Servicing

Policy S42 (Servicing and Deliveries) of the Westminster City Plan and Policy TRANS 20 (Off-street servicing, deliveries and collection) of the UDP require off-street servicing. This is because deliveries and goods left on the highway create an obstruction to pedestrians and have an adverse impact on the any improvements to the public realm.

The existing garage forecourt is used to store vehicles and contains an area for the servicing and cleaning of vehicles. Due to the nature and use of the site it is not uncommon for vehicles to queue to enter and leave the site, and as such there is an existing conflict, on occasions, between vehicle and pedestrians. The site is unrestricted in its use and existing servicing and refuse collection is currently undertaken on-street.

The proposed scheme would maintain on-street servicing, although a dedicated ground floor holding area would be provided on the St Barnabas Street frontage. This will ensure that goods are taken into the site quickly and not left on the pavement area, which would cause an obstruction to users of the footway.

The applicant has stated that on average there would be no more than two deliveries per day with an average dwell time of between 5-10 minutes. The servicing requirements are based on the applicant's operation in Chelsea Court Place and adapted to number of bed spaces that would be provided at the application site. The proposed number of deliveries are set out below.

**Number of deliveries (taken from applicant's Operational Management Plan)**

Day	Type of delivery	Number of deliveries
Monday	Dry goods Wine	2
Tuesday	Fruit and vegetables Laundry	2
Wednesday	Meat Fish	2
Thursday	Clinical	1
Friday	Fruit and vegetables	1
Saturday	Meat Fish	2

The applicant has stated that all deliveries would be undertaken by a transit van (1.78m wide x 3.25m long x 1.85m high) or a box van (2.35m wide x 6.10m long x 2.4m high). All deliveries will take place using the servicing area on St Barnabas Street.

The Highways Planning Manager has expressed regret that the design of the development has not included off-street servicing. It is however, recommended that a condition is imposed to prevent any servicing for the site from taking place on Ebury Bridge Road. Furthermore, the site is within a Controlled Parking Zone, which stipulates no waiting/loading for vehicles over a gross weight of 5 tonnes between midnight to 0800 hours and from 1830 to midnight. On this basis it is not considered necessary to condition hours of servicing as this is already controlled by existing on street parking restrictions.

The Highways Planning Manager has concerns relating to servicing of the site, stating that the submitted servicing management plan is technical in nature and contains many overarching principles, which repeats content contained in the Transport Statement. Further detail is required concerning the applicant's commitment to delivering and keeping to the details set out in the submitted servicing management plan to ensure no localised congestion occurs nor undue obstruction to users of the footway. On this basis a condition is recommended to secure details of a revised servicing management plan that should be submitted and approved prior to the operation of the centre.

**Emergency services**

The applicant has stated that the dementia care facility will have care staff providing 24 hours care, seven days a week. The residents will have a care ratio of 2:1 with care staff including a matron, nurses, trained carers and GPs available on site. In terms of medical emergencies most are dealt with on-site by trained staff. The applicant has indicated that in relation to their Chelsea Court Place centre, two ambulances have visited the centre, which is a 15-bed facility, over a twelve-month period.

Given the existing use of the site, it is considered that with conditions and existing parking restrictions in place, that the servicing of the site is unlikely to worsen the

existing situation.

## **8.5 Economic Considerations**

The proposed care facility will employ 90 people (70 full-time and 30 part-time) with 30 employees working during the day shift and 10 employees covering the night shift. The economic benefits associated with the new dementia care facility are welcomed.

## **8.6 Access**

The redevelopment of the site will provide level access into the facility. All floors will be served by two lifts. Trained staff will be on site at all times to facilitate access for residents to external amenity spaces.

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

### **Trees and landscaping**

There is an existing London Plane tree on the Ebury Bridge Road, which is to be retained. The Council's Arboricultural Manager advises that the tree is worthy of protection due to its importance in terms of the visual amenity of the wider townscape. Similar London Plane trees are found along this stretch of Ebury Bridge Road, including in front of the neighbouring Chelsea Barracks site, which add to the visual amenity of this part of Ebury Bridge Road.

Objections have been raised that the retention of the existing tree has informed the design of the replacement building and that this tree should be removed to allow a new straight-lined building. There are several site constraints, which have informed the development of the site. The proposed design of the new building, which given its location is a suitable replacement, irrespective of whether the existing tree is retained or if it were to be removed. In this case the applicant, on officer's advice, has chosen to retain the tree, and in doing so has accepted to provide a commuted sum to help towards the future maintenance of the tree.

Conditions are recommended to secure details of how the tree will be protected during works. Conditions are also recommended to secure details of the hard and soft landscaping to the terrace areas.

### **Sustainability**

An Energy Report and Sustainability Statement has been submitted, which is also supported by a BREEAM and Utilities Statement. Policy 5.2 of the London Plan (2016) requires all new developments to be net zero-carbon. A minimum on-site reduction of at least 35 per cent beyond Building Regulations 2015 is required for major developments. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall

should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified, and delivery is certain.

The scheme is not a zero-carbon development but is providing on site savings of 38.8% in carbon emissions. This is above the Building Regulations requirement and is being achieved through the use of mechanical ventilation, CO2 sensor controls of fresh air, LED lighting with dimming control and wastewater heat recovery. In addition, photovoltaic panels are proposed at roof level and air source heat pumps for heating and hot water.

As a result, a Carbon Offset Contribution of £122,400 is being provided. This will be secured as part of the draft heads of terms.

The BREEAM score for the scheme is excellent (72.90%).

### **Refuse and recycling**

A dedicated bin store is located in the basement area, which will be transferred to the 'temporary holding area' at ground floor level, during collection times. The Waste Project Officer has no objection and a condition is recommended to secure the details shown on plan.

### **Mechanical plant**

Mechanical plant is proposed within a dedicated area within the basement and with an external raised service vent located within the rear ground floor, adjacent to the proposed terrace. An acoustic report has been submitted, which has been assessed by Environmental Sciences. The proposed location of the raised vents does not raise objections on environmental noise or nuisance grounds. Conditions are recommended to control noise from the proposed mechanical plant.

The proposed kitchen will be located within the ground floor area and will be equipped with a kitchen exhaust canopy installed above the cooking ranges. The exhaust fan will be located at roof level and will discharge at roof level. No objection has been raised by Environmental Sciences and conditions are proposed to control noise from the kitchen exhaust at roof level.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council is currently consulting until 18 January 2021 on the main modifications recommended by the Inspectors. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the

draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

## **8.9 Neighbourhood Plans**

There are no neighbourhood plans pertinent to this area.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions relating to the council's Code of Construction Practice; Crossrail 2; tree protection; and contaminated land. The applicant has agreed to the imposition of these conditions.

## **8.12 Planning Obligations**

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

- i. Provision of all highway works immediately surrounding the site required for the development to occur, including reinstatement of the redundant crossovers and relocation/increase of on-street parking, dedication of the highway (as shown on submitted plans) and associated work at the applicant's expense; and for the developer to enter into a 'Way Leave for Street Light' agreement.
- ii. Provision of a financial contribution of £18,851.44 (index linked) to the Westminster Employment Service;
- iii. Provision of a financial contribution of £14,600 (index linked) towards the maintenance of the existing tree on Ebury Bridge Road;
- iv. A Carbon Offset Contribution £122,400 (index linked) payable prior to the

commencement of development; and

- v. The costs of monitoring the S106 legal agreement.

The estimated CIL payments are:

Mayoral CIL- £269,680.00 (MCIL 2) ((£251,691.26 (MCIL1)

Westminster CIL - £2,286,661.67

### **8.13 Environmental Impact Assessment**

The proposals are not of a sufficient scale to require an EIA.

### **8.14 Other Issues**

#### **Basement**

The redevelopment of the site introduces a new basement level, which will accommodate staff facilities, staff room, laundry and associated ancillary facilities and an area dedicated to mechanical plant, cycle and bin storage. The proposed basement sits beneath the footprint of the ground floor level but has been set back on the Ebury Bridge Road elevation, to avoid impacting on the existing London Plane tree, which is to be retained.

Policy CM28.1 is applicable, which relates to basement development. Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP). The structural method statement is required to provide an assessment of the structural approach and consideration of the local hydrology and soil topography.

The policy text of Policy CM28.1 also sets limits on the depth and extent of basement excavation works. The policy text states that the most appropriate form of basement extension will be no more than one storey (approximately 2.7m floor to ceiling height) below the lowest part of the original floor level. In addition, a margin of undeveloped land is to be maintained around the site boundary (minimum of 0.5m - 2m) depending on the site. This may be reduced on smaller sites, provided that flood risk, in particular surface water runoff, can be adequately dealt with on site.

The submitted section drawings show the basement level with a floor to ceiling height of 2.9m and inclusion of the lift pit takes this to 4.5m. In the context of redeveloping the site the floor to ceiling height of the new basement is only a marginal transgression of the policy requirement, similarly as the depth of the new lift pit is an isolated aspect, there is no objection to the proposed basement in terms of Policy CM28.1 in this instance. The proposed basement has no external manifestation, which is welcomed and as such does not raise issues in design or conservation area terms.

A structural method statement has been submitted with the application and this has been assessed by Building Control. Building Control have confirmed that the submitted structural method is considered to be acceptable. In relation to the submission of the structural survey, the purpose of such a report at the planning application stage is to demonstrate that the works to form the new basement level can be constructed on the particular site having regard to the site characteristics. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the works to lower the vault floor have occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

We are not approving the structural report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The site is within the Crossrail 2 Safeguarding Direction and the Crossrail Safeguarding Team at Transport for London (TfL) have been consulted. No objection has been raised subject to a pre-commencement condition to secure detailed design and construction method statements for all ground floor structures, foundations and basement and for any other structure below ground.

### **Construction impact**

#### Code of Construction Practice

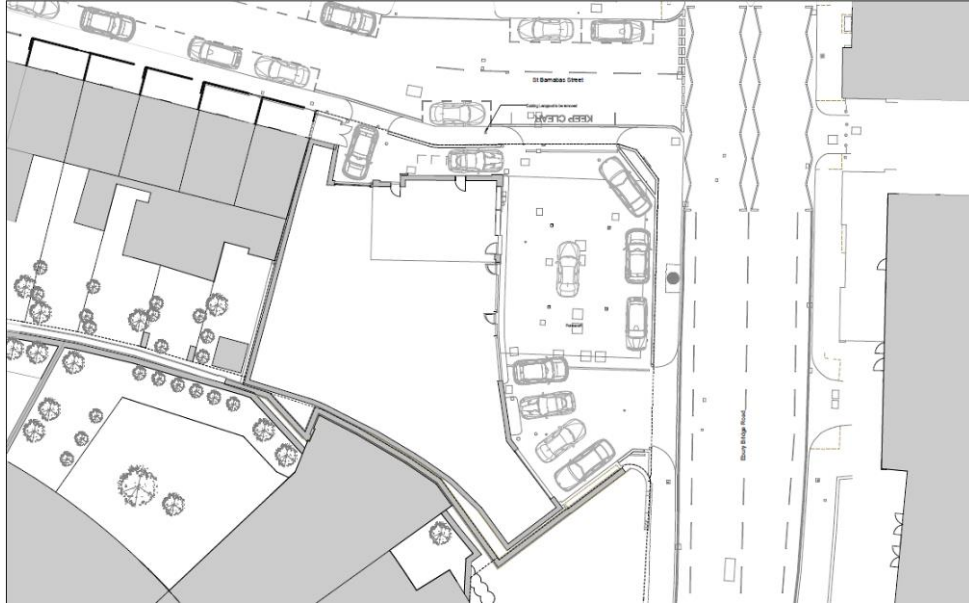
As well as Policy CM28.1 requiring the submission of a structural method statement, the scheme also requires the submission of a signed Appendix A, which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. This has been submitted. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. A pre-commencement condition is also attached to secure details of the CoCP.

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

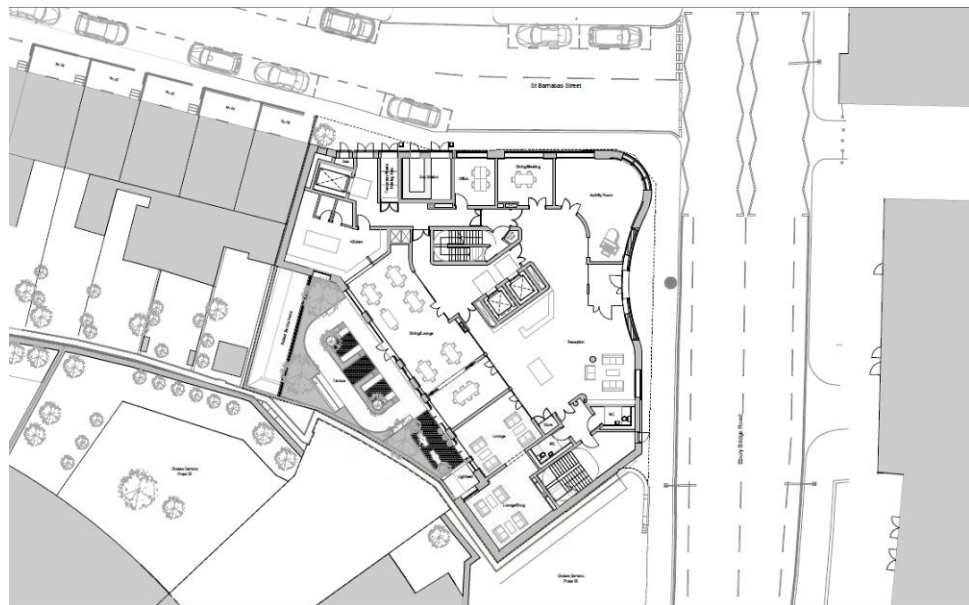
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk)



## 9. KEY DRAWINGS



Existing ground floor plan



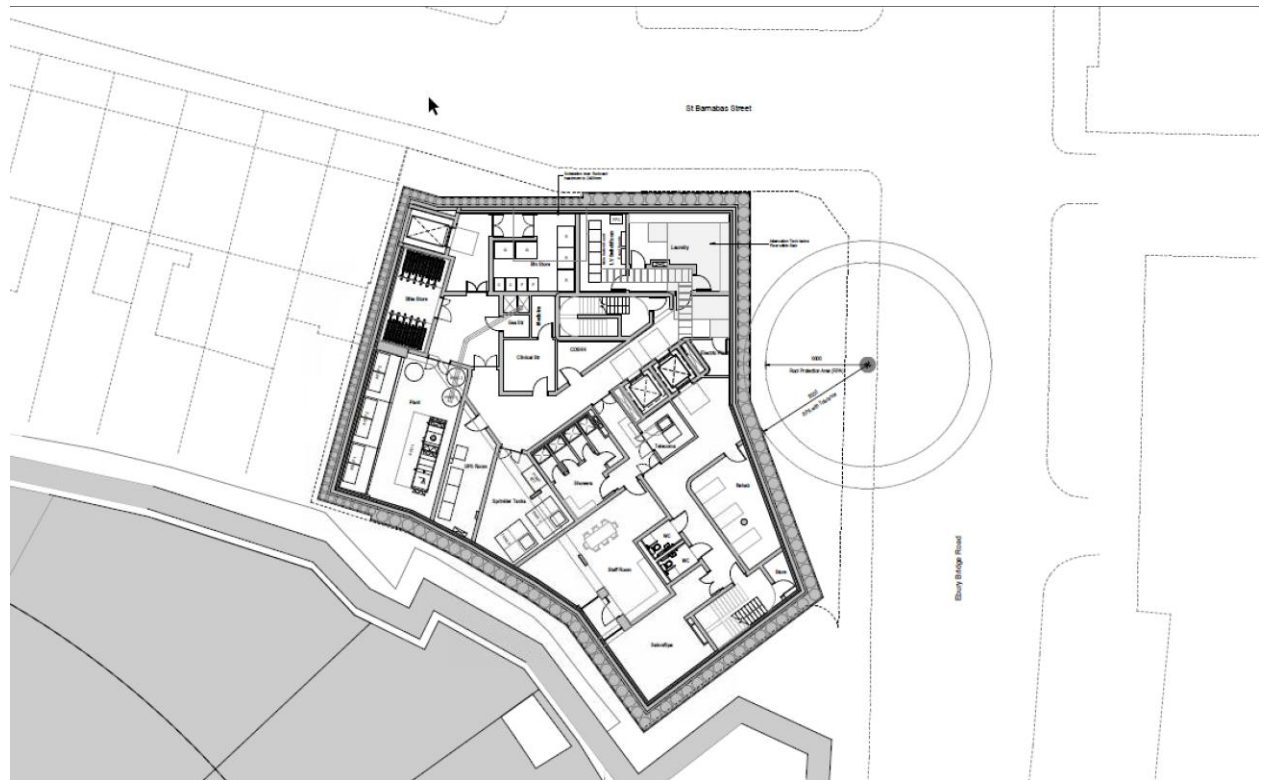
Proposed ground floor plan



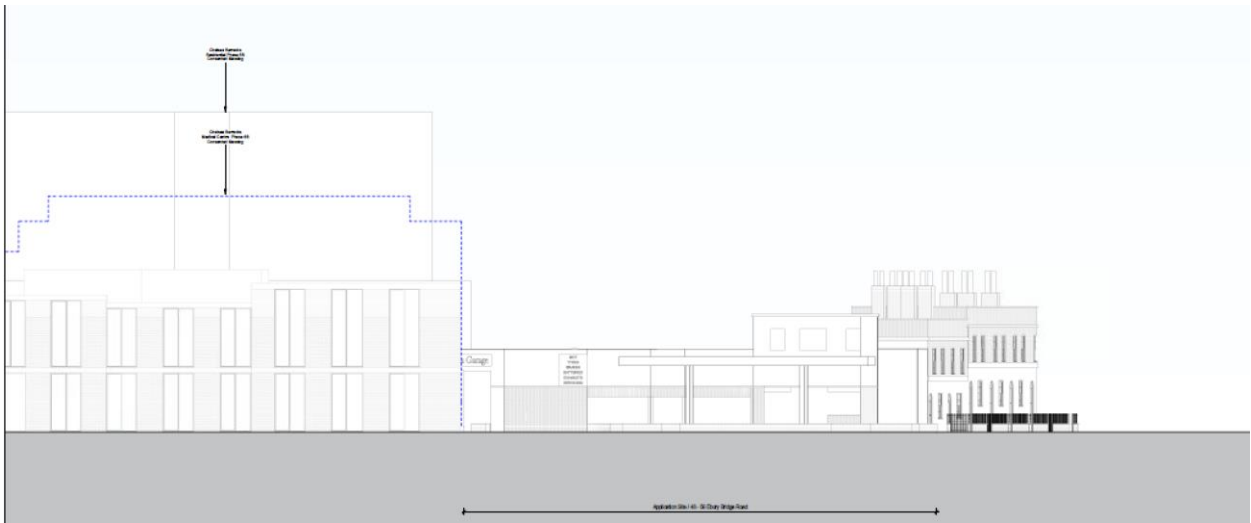
Proposed second floor plan (typical floor plan)



Proposed fifth floor plan



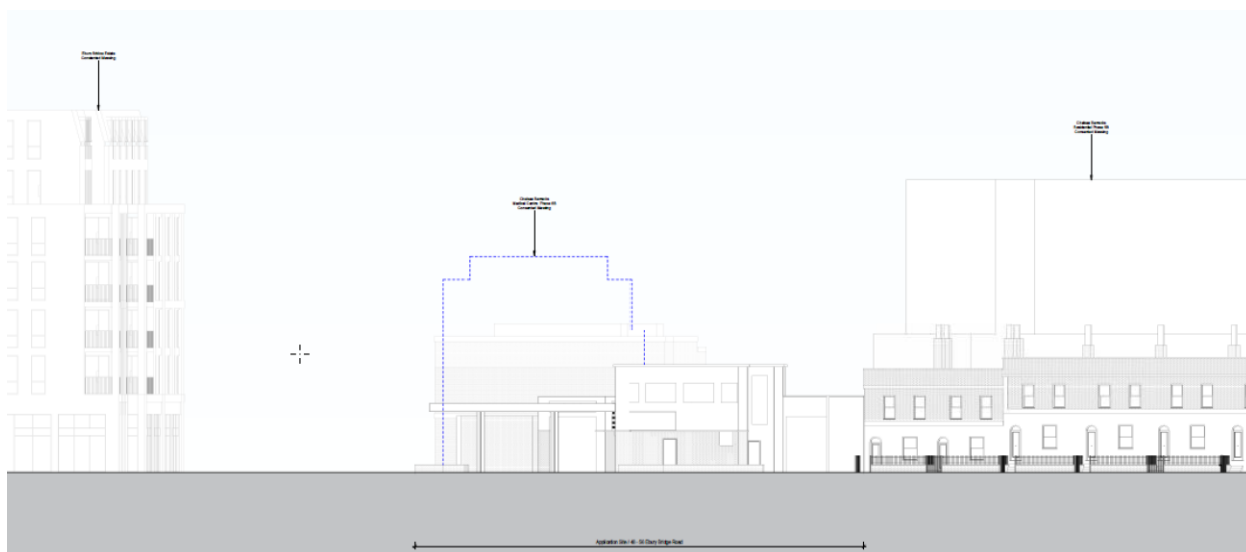
Proposed basement plan



Existing front elevation (east elevation)



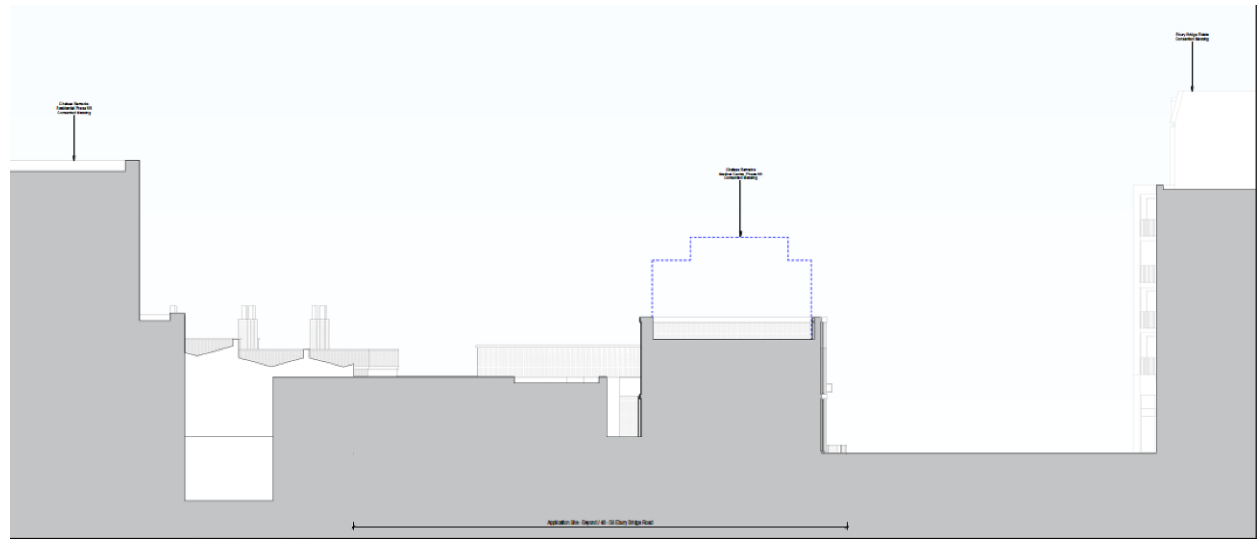
Proposed front elevation (east elevation)



Existing north elevation – St Barnabas Street elevation



Proposed north elevation – St Barnabas Street elevation



Existing south elevation



Proposed south elevation

**DRAFT DECISION LETTER**

**Address:** 48-56 Ebury Bridge Road, London, SW1W 8QF

**Proposal:** Demolition of the existing building and erection of a new building comprising basement, ground and five upper floors levels to provide a dementia care facility (Use Class C2) comprising suites, communal, staffing and servicing areas.

**Reference:** 20/05792/FULL

**Plan Nos:** 11161-EPR-00-00-DR-A-01-0001 Rev. A, 11161-EPR-00-00-DR-A-01-0003 Rev. A, 11161-EPR-00-GF-DR-A-02-0200 Rev. A, 11161-EPR-00-GF-DR-A-02-0201 Rev. A, 11161-EPR-00-GF-DR-A-02-0202 Rev. A, 11161-EPR-00-00-DR-A-01-0002 Rev. A, 11161-EPR-00-GF-DR-A-02-0100 Rev. A, 11161-EPR-00-01-DR-A-02-0101 Rev. A, 11161-EPR-00-RF-DR-A-02-0102 Rev. A, 11161-EPR-00-EA-DR-A-04-0001 Rev. A, 11161-EPR-00-NO-DR-A-04-0002 Rev. A, 11161-EPR-00-SO-DR-A-04-0003 Rev. A, 11161-EPR-00-WE-DR-A-04-0004 Rev. A, 11161-EPR-00-B1-DR-A-02-1099 Rev. A, 11161-EPR-00-GF-DR-A-02-1100 Rev. B, 11161-EPR-00-01-DR-A-02-1101 Rev. A, 11161-EPR-00-02-DR-A-02-1102 Rev. A, 11161-EPR-00-03-DR-A-02-1103 Rev. A, 11161-EPR-00-04-DR-A-02-1104 Rev. A, 11161-EPR-00-05-DR-A-02-1105 Rev. A, 11161-EPR-00-RF-DR-A-02-1106 Rev. A, 11161-EPR-00-NO-DR-A-04-1102 Rev. A, 11161-EPR-00-WE-DR-A-04-1103 Rev. A, 11161-EPR-00-SW-DR-A-04-1104 Rev. A, 11161-EPR-00-SO-DR-A-04-1105 Rev. A, 11161-EPR-00-BB-DR-A-05-0002 Rev. A, 11161-EPR-00-CC-DR-A-05-0003 Rev. A and 11161-EPR-00-DD-DR-A-05-0004 Rev. A, Statement of Community Involvement dated September 2020, Planning Statement dated September 2020, Air Quality Assessment (Report Ref: P1045-1) prepared by Air Pollution Services dated 12 August 2020, BREEAM 2018 NC Issue 1 dated 01/09/2020, Appendix A - Checklists: Checklist A: Code of Construction Practice - Level 1 and Level 2 Developments, Crossrail Vibration Impact Assessment Report 21097.CRVIA.01 Rev. A prepared by KP Acoustics dated 28/08/2020, Utilities Statement dated 03/09/2020, Daylight and Sunlight Report Version REL2 V1 prepared by Point 2 Surveyors Limited dated September 2020, Internal Daylight Report prepared by Point 2 Surveyors Limited dated 04 September 2020, Energy and Sustainability Statement Rev. 2 dated 10 September 2020, Flood Risk Assessment Revision C dated 15 October 2020, Noise and Vibration Impact Assessment Report 21097.NVA Rev. A prepared by AP Acoustics dated 11 August 2020, Planning Compliance Report 21097.PCR.01 Rev. B prepared by KP Acoustics dated 20 August 2020 Transport Statement prepared by Milestone Transport Planning dated September 2020, Arboricultural Impact Assessment Report prepared by Tree Radar UK Ltd (Ref: TRUK 0080A Rev. C) dated 10.09.2020 and Ventilation and Extraction Statement Revision 1 dated 08.09.2020.

For information only: Operational Management Plan, Servicing Management Plan prepared by Milestone Transport Planning dated September 2020, Design and Access Statement dated September 2020 and Heritage Assessment, Townscape and Visual Impact Assessment dated September 2020 and Structural Methodology Statement Revision P1 dated 11/09/2020.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641  
07866037615

### **Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition,



earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 4 **Pre-Commencement Condition.** You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
- identification of individual responsibilities and key personnel;
  - induction and personnel awareness of arboricultural matters;
  - supervision schedule, indicating frequency and methods of site visiting and record keeping; and
  - procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule. You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

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)

- 5 **Pre-Commencement Condition.** Notwithstanding the proposed pile locations shown on plan reference 193272-FOR-ZZ-GF-DR-S-02-0001 Rev P4, you must carry out trial excavations to investigate tree root presence and to ensure the piled foundations are appropriately located with regard to tree roots. If the trial excavations reveal the presence of roots of 25mm or more in diameter, you must retain and protect these roots, and you must revise the proposed pile locations to allow for the retention of the roots.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 6 **Pre-Commencement Condition.** You must apply to us for approval of a method statement explaining how you will carry out the proposed piling. This must include details of:
- the size and type of piling rigs;
  - how they will enter, move on, work on and leave the site;
  - the specification of the piles, pile cap, pile mat and guide wall, including their location, depth and dimensions.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 7 **Pre-Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

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)

- 8 **Pre-Commencement Condition.** Notwithstanding the details submitted with this application, the development shall not be permitted to commence until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations, have been submitted to and approved in writing by the Local Planning Authority, which;

i) Accommodate the proposed location of the Crossrail 2 structures including temporary works;

- ii) Accommodate ground movement arising from the construction thereof; and
- iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

The development shall be carried out in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by parts i, ii and iii, shall be completed in their entirety, before any part of the building hereby permitted is occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2.

Reason:

As requested by Crossrail 2 Safeguarding.

- 9 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 10 You must 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 11 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 12 You must apply to us for approval of detailed drawings (sections and elevations at a scale of 1:10 or 1:20) of the following parts of the development: -

- a) typical bay;
- b) to allow partially openable windows to the middle part of the bay windows on the front elevation facing Ebury Bridge Road; and
- c) photovoltaic panels at roof level.

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

Reason:

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

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

window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 15 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 16 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and

vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 17 You must provide the waste store shown on drawing 11161-EPR-00-B1-DR-A-02-1099 Rev. A and 11161-EPR-00-GF-DR-A-02-1100 Rev. B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the centre. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 18 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 2016 (R22FA)

- 19 You must submit an updated servicing management plan prior to the commencement of the development. This plan must identify the process, storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed and how the time the delivered items (including waste collection) spend on the highway will be minimised.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 20 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for the terrace areas at rear ground, second and fifth floor levels, which includes the number, size, species and position of trees and shrubs. You must include details of the depth and specifications of the new soil levels which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, and the way that the proposed areas of soil will

be connected.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within three years of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 21 You must only use the terrace areas at ground and fifth floor level between the hours of 1000 to 1800 hours daily.

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)

- 22 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- the doors to the proposed sub-station as shown on drawing 11161-EPR-00-GF-DR-A-02-1100 Rev. B must be inward opening, in order that they do not open over or across the road or pavement.

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.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 23 No servicing or deliveries for the dementia care facility (Class C2) must take place from Ebury Bridge Road.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 24 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- photovoltaic panels at roof level.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 25 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

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)

### Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given



every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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 the dedication of the highway, commuted sum towards the Skills and Employment Service and maintenance of the existing tree and Carbon Offsetting. (I55AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 4 Conditions 13 and 14 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)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 You are advised to refer to the Crossrail 2 Information for Developers available at [crossrail2.co.uk](http://crossrail2.co.uk). Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail 2 Safeguarding Engineer in the course of preparing detailed design and method statements (Safeguarding Team: 0343 222 1155 or by email to [crossrail2@tfl.gov.uk](mailto:crossrail2@tfl.gov.uk)).
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is

used for. (I23AA)

- 9 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
- 10 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at [jperkins@westminster.gov.uk](mailto:jperkins@westminster.gov.uk).
- 11 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 12 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.