

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS COMMITTEE 21/05/2024

REPORT BY THE DIRECTOR, PLANNING AND PLACE

Application:	PP/24/01491	Agenda Item:	S58	
Address:	Cromwell Hospital, 164-178 Cromwell Road, LONDON, SW5 0TU			
Proposal:	Installation of 1no Air Handling Unit; 6no. condensers; 1 air chiller unit; relocation of 2no. condensers at roof level; associated plant deck, railing and stairs at first floor roof level; installation of 1no. external quench pipe on southern façade.			
Applicant:	Medical Services International Limited c/o Bupa Cromwell Hospital			
Agent:	Mr Bishop Turley			
Properties notified:	Objections:	Support:	Comments:	Petition:
4	5	0	0	0

1. Summary

- 1.1 The proposals would be in accordance with the relevant policies of the Local Plan 2019. The proposals, given its location, would respect the context, character and appearance of the area. The proposals would comply with the Council's Noise SPD and would ensure good living conditions for neighbouring occupiers. The proposals would comply with the relevant policies in the local development plan. There are no material considerations to suggest a decision other than in accordance with the development plan.
- 1.2 Objections received from interested parties have been taken into consideration and are addressed throughout the report and in Section 8. Where appropriate and necessary, conditions are recommended to address the concerns raised.

It is recommended the Committee grants planning permission with the conditions listed in Section 9 of this report.

2. Reason for committee consideration

- Three or more objections were received during the consultation period and the recommendation is to grant.

3. The site and its surroundings

- 3.1 This application relates to the Cromwell Hospital located near the corner of Cromwell Road and Lexham Gardens. The application relates to a first-floor roof, which is bordered by

buildings occupied by the Cromwell Hospital. The roof is accessed from the external ground floor level via an existing cat ladder. Although the site is not located in a conservation area, it is adjacent the Lexham and Earl's Court Village Conservation Areas to the north and south of the site, respectively.

4. The proposal and any relevant planning history

4.1 Planning permission is sought for:

- The installation of one Air Handling Unit;
- Six condenser units;
- Relocation of two condensers at first floor roof level;
- Associated plant deck, railing, and stairs at first floor roof level; and
- Installation of one external quench pipe on southern façade.

4.2 The new plant would be supported on galvanised steel grafted rafts on steel post and beam frameworks and accessed via small staircases and walkways for maintenance. The Air Handling Unit raft would be located 1200mm above the existing roof level and would sit above existing ventilation ductwork. The chiller raft would be located 1050mm above the existing roof level, which would be 550mm above the level of the existing adjacent raft.

4.3 Officers visited the site on 01/05/2024.

4.4 The relevant planning history is set out below:

Reference	Description	Decision
PP/04/00003	Erection of mechanical plant with louvred screens to roof of rear extension.	Granted, 27/02/2004
PP/10/01094	Erection of shallow extension at main roof level together with the insertion of new louvres and flues.	Granted, 21/07/2010
PP/12/02616	Alterations to Pennant Wing at rear involving erection of plant enclosures and balustrading at roof level, erection of infill extension at ground floor level, and other elevational alterations. Also alterations to main Cromwell Wing of hospital, including recladding of main roof structure and erection of replacement satellite dishes at main roof level.	Granted, 16/10/2012
PP/17/07434	Alterations to Pennant Wing comprising installation of tomotherapy plant equipment and acoustic plant screen at roof level	Granted, 13/02/2018
PP/18/02819	Alterations to Pennant Wing at rear comprising erection of plant enclosure; installation of ductwork; and minor alterations to existing patient terrace at roof level	Granted, 09/07/2018
PP/19/07888	Alterations to the Pennant Wing at rear comprising replacement entrance gates; alterations to the rear elevation comprising erection of quench pipe from ground floor to roof level and associated duct work	Granted, 07/01/2020
PP/22/03507	Alterations comprising installation of plant equipment at first floor roof level; installation of 1no. external	Granted,
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	quench pipe on northern elevation; and installation of a new louvre to existing plant room at roof level.	02/08/2022
PP/22/05118	Installation of 2 air handling units (AHU); a louvre on the South facade; and a AGSS plant unit at lower ground floor level	Granted, 06/10/2022

5. Main policies and strategies relevant to the decision

The development plan

5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan
General townscape	CL1, CL2, CL6
Living conditions	CL5, CE6

5.2 These policies can be read online at:

- Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

5.3 The Council started a New Local Plan Review (“NLPR”) and consultation on Publication Policies (Regulation 19) closed on 22 December 2022. The Council submitted the NLPR for examination (Regulation 22) on 8 February 2023. Examination hearings were held in June and July 2023. The Council received a Post Hearings letter from the Inspector requesting the Council prepare a schedule of Main Modifications and the public consultation on these ended on 12 March 2024. The representations received are being considered by the Inspector. The final stage of the examination is for the Council to receive the Inspector’s report but there is no published date for this. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change.

5.4 The statutory starting point for determining this proposal remains the adopted policies in the development plan, including the RBKC Local Plan 2019, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 47 of the National Planning Policy Framework, and paragraph 001 of the National Planning Practice Guidance on Plan-making. Paragraph 48 of the NPPF outlines the weight local authorities may give to relevant policies in emerging plans. The Council hopes to adopt the Plan in May/June 2024, but this depends on when we receive the Inspector’s report and may change. The emerging policies in the NLPR are a material consideration afforded moderate weight at this stage however, where specific emerging policies are of particular relevance to the assessment, individual weightings have been given and expressed.

Other local strategies or publications

5.5 The main relevant supplementary planning documents adopted by the Council are:

- Noise

5.6 These documents can be read online at:

- Other documents:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>

6. Evaluation

6.1 The decisive issues are:

- i Whether the development would respect the existing context, character and appearance of the area; and
- ii Whether the living conditions of the occupiers of nearby properties would be safeguarded.

Context, Character and Appearance

- 6.2 The proposed introduction of additional plant and support equipment, and external quench pipe, would introduce visual bulk to the site. However, the proposals would largely not be publicly visible. The first floor roof area is bordered on either side by taller buildings occupied by Cromwell Hospital. Nearly all of the proposed plant and support equipment would be contained and shielded from public view as they would not exceed the parapet of the bordering buildings. Only the proposed external quench pipe would exceed the parapet of the north building bordering the site, but the quench pipe would be equal in height to two existing quench pipes, only exceeding the parapet by approximately 1.2m. This would not introduce any added visual clutter that would materially harm the existing context. Additionally, whilst the application site abuts Lexham Conservation Area to the north and Earl's Court Village Conservation Area to the south, the proposal would not have an impact on the setting of either conservation areas given that the visual impact is largely contained by the bordering buildings.
- 6.3 Although the added bulk would be visible from the bordering buildings occupied by Cromwell Hospital, the proposed plant and support equipment are to be located atop and among existing first floor roof plant and ventilation systems. As such, the introduction of additional plant would not materially harm the context, character and appearance of the area. The proposals are therefore compliant with policies CL1, CL2 and CL6 of the Local Plan 2019.

Living Conditions

- 6.4 It is recognised that there are residential properties in close proximity to the proposed location of the additional plant and support. A detailed noise report has been submitted to the LPA which demonstrates that the plant can operate at levels that would not cause undue noise disturbance. Conditions 3, 4 and 5 are recommended to secure this. Subject to these conditions, the proposed works would ensure good living conditions to those living nearby and would comply with policies CL5 and CE6 of the Local Plan 2019.

Issues and balancing

- 6.5 The proposed development would respect the context, character and appearance of the area and would ensure that the living conditions of nearby properties are maintained subject to conditions. The proposal would comply with development plan policies, in particular CL1, CL2, CL5, CL6 and CE6.
- 6.6 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the nearby conservation areas, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

7. Community Infrastructure Levy

- 7.1 If permitted and built, the proposal would not require a payment towards funding additional infrastructure under the Borough's Community Infrastructure Levy and a payment towards funding Crossrail under the Mayor of London's Community Infrastructure Levy.

8. Consultations carried out

Comments from interested parties

- 8.1 Four nearby owners/occupiers were notified directly of the application. The application was advertised in the Gazette on 15/03/2024. A statutory notice advertising the application was posted near the site on 15/03/2024.
- 8.2 No letters were received supporting the application.
- 8.3 Five letters were received objecting to the application, summarised as:

	Comment	Response
1	There is currently a lot of noise from the existing plant at the rear of the hospital, and the proposed development would add unwelcomed additional noise disturbance.	Some of the existing plant would be removed under the proposals of the current application. Additionally, Conditions 3, 4 and 5 are recommended to ensure the plant operates within reasonable noise levels, in accordance with the Council's Noise SPD.
2	The rear of the hospital and associated plant works are rather unsightly.	It is noted that the hospital already features various plants, however, the visual impact of the proposed works would be largely shielded from public views by bordering buildings and limited. Given the surrounding context, the proposals would respect the context, character and appearance of the area.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environmental Health Officer	No objection subject to conditions.	Section 6.

9. Recommended conditions if the application is granted

- Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.
- Compliance with approved drawings**
The development shall not be carried out except in complete accordance with the details shown on submitted plans *PL C 001; PL C 003; PL C 005; PL C 202; PL C 204.*
Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.
- Noise from building services plant and vents**

Noise emitted by the plant, when operating concurrently or in individually, shall not increase the lowest existing measured background LA90(15min) level measured or predicted at 1.0m from the nearest residential window and/or at a height of 1.2m above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, they shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

4. Anti-vibration mounts for air-conditioning/ extraction equipment

All plant and equipment shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

5. Compliance with Acoustic Report

In order to comply with condition 3, the noise mitigation measures as specified in the Noise Impact Assessment (prepared by Ramboll Acoustics Limited, dated 14th February 2024 Ref: report rev3) shall be adopted and implemented in full and thereafter maintained.

Reason - To prevent any significant disturbance to residents of nearby properties and comply with development plan policies, in particular policy CL5 of the Local Plan 2019.

INFORMATIVES

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.

Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)

- 3 Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2018 (as amended), and the grant of planning permission does not imply that such approval will be given. The District Surveyor, Town Hall, Hornton Street, W8 7NX should be consulted before works commence.
- 4 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided

written guidance, all of which are available on the Council's website, and which has been followed in this instance.

- 5 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>

You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website:

www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx. From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

Monday to Friday 8am – 6pm

Saturday, Sunday and public holidays – none permitted

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at dehcmt@rbkc.gov.uk

Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

Background papers:

Documents associated with the application (except exempt or confidential information) may be viewed at www.rbkc.gov.uk/PP/24/01491. Access to computers is also available in the Customer Service Centre at the Town Hall.

Contact officer:

Mr N. Palmer

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