
Appeal Decisions

Site visit made on 8 February 2021

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal A: APP/A5270/W/20/3250319

The Ballroom, St Bernards (Phase S2), Southall, London

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Squires Estates Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 195351FUL, dated 16 December 2019, was refused by notice dated 30 March 2020.
 - The development proposed is the conversion of a ballroom to 7 residential flats with associated works including mezzanine floors at second floor level.
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Appeal B: APP/A5270/Y/20/3250321

The Ballroom, St Bernards (Phase S2), Southall, London

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Squires Estates Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 195352LBC, dated 16 December 2019, was refused by notice dated 30 March 2020.
 - The works proposed are the conversion of a ballroom to 7 residential flats with associated works including mezzanine floors at second floor level.
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Decision

1. The appeals are dismissed.

Preliminary Matter

2. The London Plan 2021 (LP2021) was published on 2 March 2021. Reference is made to the emerging plan in the evidence and there have been no significant changes in respect of the London Plan policies relevant to this appeal. The main parties have also been given the opportunity to comment on these changes. Consequently no one would be prejudiced by my taking the LP2021 into account in my decision.

Main Issues

3. The main issue in respect of Appeals A and B is:
 - The effect of the proposals on the special architectural and historic interest of the ballroom which is Grade II listed.
4. In Appeal A there are the further main issues of:

- Whether the development makes sufficient provision for parking, and if it is necessary to prevent future occupiers from applying for parking permits by way of a planning obligation, and;
- Whether the development provides sufficient cycle parking and waste storage facilities.

Reasons

Effect on listed building

5. The ballroom (1854) forms part of St Bernard's Hospital which was one of the country's first purpose-built county lunatic asylums. Dr John Conolly, a superintendent from 1839 at the hospital, placed great importance on the environment in which patients were cared for and how that contributed to their comfort and happiness, and linked to that, their recovery and/or improvement. It is likely, therefore, that the ballroom was constructed at St Bernard's due to Conolly's influence.
6. As noted in the National Heritage List for England, St Bernard's Hospital has historic interest for its innovations in psychiatric care. The ballroom therefore has historic interest in respect of its use in conjunction with St Bernard's Hospital, and it offers a valuable insight into some of the ideas of the time in respect of the care of psychiatric patients. This contributes to its significance as a heritage asset.
7. The ballroom was likely used not only for balls and other forms of dancing but also for entertainment such as the staging of plays, concerts and other musical productions. Its architectural design reflects this with the large, rectangular, open plan and double height form of the first-floor space, and by its detailing with tall, round headed sash windows flanking each side, the fine, plastered, coffered ceiling, and decorative plasterwork to the proscenium archway of the stage, all of which remains largely in-tact. The ballroom therefore also has significance in terms of its architectural interest.
8. The proposal includes the division of the first-floor ballroom into three separate residential flats. This would essentially involve splitting the open plan ballroom into thirds vertically with full height party walls. As a result an appreciation of the impressive openness of the ballroom, or its various features such as the expanse of the high coffered ceiling; all of which are key parts of its architectural interest, would be greatly diminished.
9. Various mezzanines are also to be inserted into the first-floor ballroom dividing up the space horizontally and further diminishing its intended open form. These would, in places, dissect some of the tall round headed sash windows into two, meaning they would be unable to be appreciated as a whole as intended. It is also likely that the mezzanine floors would be visible through these windows from outside due to their close proximity as shown on the submitted plans, thereby causing harm to the external appearance of the building.
10. Although the raised level of the stage is to be retained, due to its raked design, it is proposed to be covered with a new floor. Consequently, this important feature of the ballroom would be obscured thereby eroding part of its special architectural interest.

11. For all of these reasons the proposals would fail to preserve the special architectural and historic interest of the ballroom, adversely affecting its significance. In addition to this the proposal would conflict with Policy HC1 of the LP2021 and 7C of the Ealing Development Management Development Plan Document which, amongst other things, require good design that conserves the significance of heritage assets. Furthermore, the National Planning Policy Framework (the Framework) advises great weight should be given to the conservation of heritage assets.
12. The harm I have found would be 'less than substantial' for the purposes of para 196 of the Framework, given the scale of works and their range of impact, but nevertheless, this harm is of considerable importance and weight. As per the guidance in the Framework, any such harm should be weighed against the public benefits of the proposal.
13. The proposal would enable the restoration of the building, in particular, externally this would include the restoration of the highly decorative cast iron fire escapes. Internally, there would also be restorative works, and together these would ensure the long-term conservation of the building, notwithstanding the harm I have identified above. The building is currently unoccupied and in poor condition so this is a clear benefit of moderate weight. The seven flats created as part of the scheme would be a benefit in terms of making a modest contribution to local housing. There would also be modest economic benefits to local shops and services. However, even taken together, the public benefits of the proposal do not outweigh the harm that I have found; harm which must be given considerable importance and weight.

Parking

14. Policy T6 of the LP2021 states that the maximum parking standards, as set out in Policy T6.1 should be applied to development proposals. Notwithstanding this, no parking is proposed for the scheme before me. The Council do not confirm if this is acceptable or not.
15. In areas well connected by public transport, 'car free' development may be appropriate as set out in Policy T6. However, elsewhere, development should be designed to provide the minimum necessary parking. The appellant's Design, Transport and Access Statement rates the site's accessibility as 'reasonable', and the Report in Respect of Demand for Commercial Space rates it as 'poor'. The railway station is a 20-minute walk away and the nearest tube station is accessible via a bus journey of 15-20 mins. In addition to this, it was clear from my site-visit that parking is heavily controlled in the area immediately surrounding the appeal site and this can be indicative of an area with low public transport accessibility. With these points in mind it is highly likely that the proposed development would generate at least some demand for car parking.
16. The Council are of the opinion that a planning obligation preventing future occupiers from applying for parking permits is necessary. This is presumably to prevent future occupiers from adding to parking pressure in the surrounding area given the lack of parking provision proposed and the public transport accessibility of the site. However, it is unclear where the Council intend future occupiers to be prohibited from parking. I have not been made aware of any Controlled Parking Zones in the vicinity of the appeal site to which such an obligation would apply. The surrounding area to the appeal site is heavily

controlled in terms of parking, be that either gated or bollard controlled private residential parking, or parking reserved for hospital staff and visitors; neither of which future occupiers of the development would be likely to be able to access long-term.

17. On the evidence before me I find that the proposed development would not make sufficient provision for parking for future residents. I am also not satisfied that an obligation to prevent future occupiers from applying for parking permits would make the development acceptable in planning terms, but in any event, there is no such obligation before me. The proposal therefore conflicts with Policies T6 and T6.1 of the LP2021. Furthermore, the Framework is clear that to achieve well-designed places planning decisions should ensure that developments will function well. A lack of access to parking for future residents of the development in an area of, at best, 'reasonable' accessibility, would not constitute a well-functioning development.

Cycle parking and waste facilities

18. The proposed conversion of the ballroom to seven residential units would generate a requirement for cycle parking and waste facilities. The appellant states that waste and cycle storage could be accommodated as part of a wider residential development which the appeal site previously formed a part of under planning permission (ref PP/2012/4008). Under this permission the ballroom was to be used as a private gym but I understand this is now not a viable option. Nevertheless, the development granted planning permission above would not have accounted for the additional cycle parking and waste facilities generated by the proposals now before me, and even if it could provide this, there is nothing before me to show where this would be and how it would be secured as part of this permission, were planning permission to be granted.
19. Consequently, on the evidence before me, I cannot be satisfied that sufficient and/or appropriate provision for cycle parking and waste facilities would be provided for the proposed development. Given the sensitive nature of the appeal site insofar as it affects a number of Listed buildings and their settings, this could not be dealt with by condition.
20. I therefore find that sufficient cycle parking provision has not been provided contrary to Policy T5 of the LP2021 nor has adequate provision been made for waste facilities contrary to Policy SI7 of the LP2021.

Other matter

21. I have had regard to my statutory duty to consider the effect of the proposals on the settings of other listed buildings adjacent to the ballroom. The Council, however, raised no concerns in this regard and, based on all that I have seen and read, I find no reason to conclude otherwise.

Conclusion

22. I have identified harm to the special architectural and historic interest of the ballroom; harm which must be given considerable importance and weight, and it is not, in this case, outweighed by the public benefits of the proposal. I have also found moderate harm in terms of inadequate provision of vehicle and cycle parking, and inadequate provision of waste facilities for future residents. All of

these harms represent conflict with the development plan as set out in my reasoning above.

23. I have had regard to all matters raised, including the public benefits of the proposal and the unviability of the use of the ballroom as a gym under permission PP/2012/4008. I have also considered the appellant's evidence in respect of marketing the property as a commercial space. In respect of the latter, it is clear that the site has various constraints in terms of marketing, which include a lack of parking and accessibility, but these also raise concerns in respect of the use of the building for residential purposes. These matters do not outweigh the harms I have found.

24. The appeals are dismissed.

Hayley Butcher

INSPECTOR