

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 January 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Westbourne	
<b>Subject of Report</b>	309 - 311 harrow road, london, w9 3rg,		
<b>Proposal</b>	Retention of the existing public house use at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide Student Accommodation (34 bed spaces) with an associated four storey, plus basement extension to the rear, as well as external alterations including new windows to the front elevation at ground floor level.		
<b>Agent</b>	Nexus Planning		
<b>On behalf of</b>	YPP Lettings Ltd		
<b>Registered Number</b>	16/09974/FULL	<b>Date amended/ completed</b>	12 June 2017
<b>Date Application Received</b>	14 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Not applicable		

## 1. RECOMMENDATION

Refuse – provision of student accommodation, design of rear extension and roof, sense of enclosure and noise disturbance, plant noise and noise transmission between public house and student accommodation.

## 2. SUMMARY

The application site is located on the southern side of Harrow Road, at its intersection with Windsor Gardens and Chippenham Road. It contains a three storey (plus basement) vacant public house (Use Class A4). The public house has been vacant since early 2010.

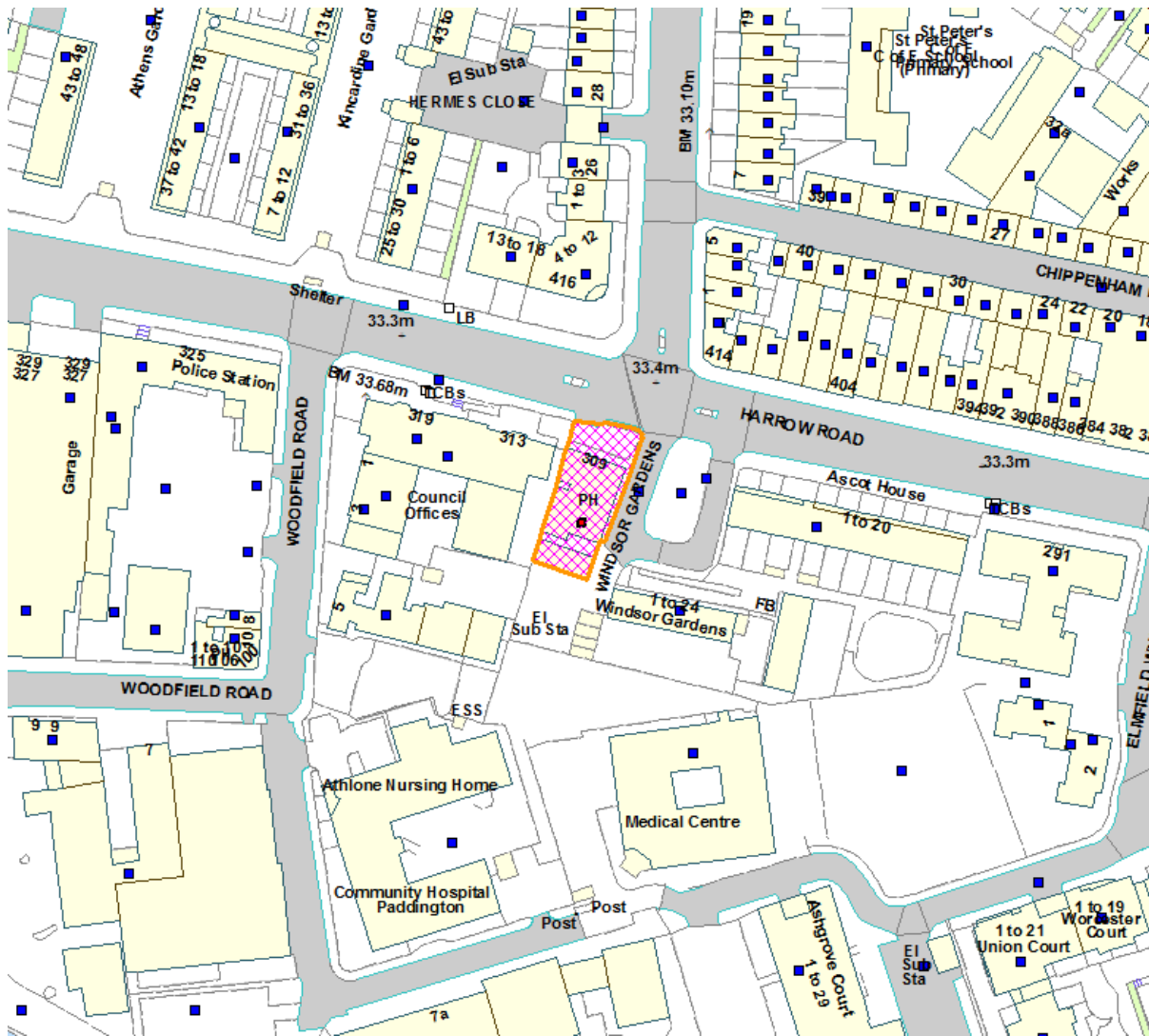
The applicant proposes retaining the existing Public House use at part basement and part ground floor levels and extending the existing building to provide 34 bed spaces of student accommodation (Use Class Sui Generis). A traditionally detailed mansard roof extension would be added at main roof level. To the rear, the existing two storey extension would be demolished and replaced with a four storey plus basement contemporary extension. Several external alterations to the retained part of the building, including new windows to the front and flank elevations are also proposed.

The key considerations are:

- The provision of student accommodation and reduction in the size of the public house;
- Impact on the character and appearance of the existing building and the area;
- Impact on the residential amenity of occupiers of neighbouring sites;
- Impact on on-street parking and traffic; and
- Living conditions of the proposed student accommodation.

The student accommodation would not meet an identified local housing need and would occupy scarce land that could be used for conventional homes, including affordable homes. The detailed design of the mansard roof and rear extensions is unacceptable. The height and bulk of the rear and roof extensions would significantly increase sense of enclosure whilst the third floor terrace would result in unacceptable noise levels for the occupants of 313-319 Harrow Road. The applicant has also failed to demonstrate that the student accommodation would be adequately insulated from noise from the public house and mechanical plant proposed. Accordingly, this application is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Frontage of application site as seen from Harrow Road and Chippenham Road intersection.

## 5. CONSULTATIONS

### COUNCILLOR HUG

The proposed development would be preferable to this site lying empty for yet more years, a situation which has blighted this ward since before his election to the Council. Whilst more social and genuinely affordable housing is desired in the area, more market housing is not desired as a goal in and of itself and should not be a factor in determining the suitability this development vs other potential uses as there would not be a social benefit to standalone market housing vs well managed student accommodation.

### COUNCILLOR BOOTHROYD

Generally supportive of the scheme which will ensure the building, which is something of a local landmark and has a long and interesting history, is maintained and contributes to the local community.

The heritage statement looks strong and he does not think the additional storey harms the building given the overall benefits of improving the front and bringing it back into use.

Retaining the public house usage is appropriate given the building's history but given the difficulties leading to the closure of the pub in 2009, it may be difficult to find a tenant. There doesn't seem to be any sound insulation proposed between the pub and the upper floors and the council should check the effects on residential amenity for student occupiers in the event of noise from the public house use.

The City Council should impose a condition on any planning permission requiring a management plan for the proposed student accommodation.

### NORTH PADDINGTON SOCIETY

Support proposal. Proposal has merit in its intention to preserve and restore many of the original Victorian features of this building. Consider managed student accommodation acceptable and support retention of public house element.

### HIGHWAYS PLANNING MANAGER

Object. No on-site parking provided and insufficient on-street parking capacity exists within the locality of the site. If the development is considered acceptable, conditions should be imposed requiring the submission of cycle parking and waste storage details and preventing doors opening onto the highway.

### WASTE PROJECT OFFICER

Insufficient information has been provided to determine whether the waste storage facilities are appropriate. Applicant should refer to the City Council Recycling and Waste Storage Requirements on the City Council's website.

### ENVIRONMENTAL HEALTH OFFICER

Object. There is no information in the application to demonstrate that plant noise will comply with the City Council's criteria and will not lead to creeping background noise level in the area. No information has been provided on acoustic insulation within the development or to its building envelope to protect residents from internal noise and

external noise respectively. If the development is considered acceptable, conditions should be imposed to limit plant noise, limit internal noise and to submit a supplementary acoustic report.

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

No. Consulted: 81

Total No. of replies: 13

No. of objections: 0

No. in support: 13

In summary, the representations in support raises the following issues:

- Preserving the exterior of the building as proposed is to the developers credit;
- Look forward to seeing this neglected part of the Harrow Road thriving again once the project is completed;
- This building has been empty for too long;
- Retaining the ground floor as a public house is supported;
- The proposal would sensitively restore this local building;
- Student accommodation may introduce vitality into the area whilst putting less pressure on local services;
- Proposal must ensure satisfactory insulation between public house and student accommodation;
- Support use of the ground floor for a public/community use

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is located on the southern side of Harrow Road, at its intersection with Windsor Gardens and Chippenham Road. It contains a three storey (plus basement) vacant public house (Use Class A4). The public house has been vacant since early 2010.

Built from the local stock brick, it features a prominent arcaded projecting pub front, with a railed terrace and ornately detailed tall sash windows with decorative pediment mouldings to the *piano nobile* and simpler squarer windows to the second floor. It is not listed, located within a conservation area or within a designated shopping area. This property is located within the North Westminster Economic Development Area (NWEDA).

### 6.2 Recent Relevant History

#### 10/01737/FULL

Demolition of existing public house and erection of five storey and basement 59-bedroom aparthotel building together with associated external alterations.

Permission was refused for the following reasons:

1. The proposal would result in the loss of a public house which is considered to contribute to the character and function of this part of North Westminster and its replacement with an aparthotel of insufficient design quality is not considered to be beneficial to the area to outweigh this loss. In addition, the arrangement of the ground floor accommodation with bedrooms facing onto the Harrow Road frontage would result in no active shop front being provided to contribute to the surroundings and to attract visiting members of the public. This would not meet CS 20 of our Core Strategy that we adopted in January 2011 and NWW1 of our Unitary Development Plan that we adopted in January 2007.
2. Based upon the submitted Report on Daylight and Sunlight dated January 2011, it is evident that the redevelopment proposal to provide a new aparthotel building would lead to loss of day and sun light for the people living in the residential flats at 313 Harrow Road. This is because of the proposed height, bulk and close proximity to the residential windows of these neighbouring properties. Insufficient information has been submitted to demonstrate whether there would be any material loss of light in breach of the BRE guidance in respect of neighbouring properties located in Windsor Gardens and in Woodfield Road. For these reasons, the proposal would not meet CS 28 of our Core Strategy that we adopted in January 2011 and TACE 2 (B) ENV 13 of our Unitary Development Plan that we adopted in January 2007.
3. The proposed redevelopment to provide a hotel building would make the people living in the flats at 313 Harrow Road feel too shut in. This is because of its bulk, height and close proximity to the windows of these residential properties. This would not meet CS 18 and CS 28 of our Core Strategy that we adopted in January 2011 and TACE 2 (B) ENV 13 of our Unitary Development Plan that we adopted in January 2007.
4. Because of the loss of the existing mid-19th century public house building and the scale, height massing and materials of the new building, the proposal would harm the significance of this site and the appearance and townscape of this part of the City. This would not meet CS 24 and CS27 of our Core Strategy that we adopted in January 2011 and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (X16BB)

The proposal is also contrary to guidance in PPS 1 (Delivering Sustainable Development) and policy HE 7 and 8 of Planning Policy Statement 5 (Planning for the Historic Environment 2010).

## 7. THE PROPOSAL

The applicant proposes retaining the existing Public House use at part basement and part ground floor levels and extending the existing building to provide 34 bed spaces of student accommodation (Use Class Sui Generis). A traditionally detailed mansard roof extension would be added at main roof level. To the rear, the existing two storey extension would be demolished and replaced with a three storey plus basement contemporary extension. Several external alterations to the retained part of the building, including new windows to the front and flank elevations are also proposed.

The floor area of the proposed development would be comprised as follows:

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/-</b>
<b>Public House (Use Class A4)</b>	729	250	-479
<b>Student Accommodation (Use Class Sui Generis)</b>	0	922	+922
<b>TOTAL</b>	729	1172	

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Loss of Public House Floorspace

Paragraph 69 of the National Planning Policy Framework ("NPPF") advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 of the NPPF also advises that planning decisions should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs". The NPPF expressly refers to public houses as community facilities.

Policy 4.8 of The London Plan (March 2016) ("the London Plan") states, inter alia, that policies should be developed "to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses". This is based on the Mayor of London's "recognition of the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses" (paragraph 4.48A).

Policy HC7 of the first draft of the new London Plan (consultation closes March 2018) ("the Draft London Plan") also guards against the loss of public houses and ancillary spaces. However, the draft London Plan has only recently been released and has not been subject to a complete consultation exercise at the time of writing. Accordingly, and having regard to paragraph 216 of the NPPF, the Draft London Plan is given little weight at this particular stage.

The Mayor of London's "Town Centres: Supplementary Planning Guidance" (adopted July 2014) advises that policies to protect public houses should include consideration of the viability of the public house, history of vacancy, the prospect for achieving reuse at prevailing market values and whether it has been marketed effectively for re-use.



Policy SS 8 of the Unitary Development Plan (adopted 2007) ("the UDP") seeks to protect services in locations such as this because of the convenience and service they provide to local residents and also to visitors and local businesses. Paragraph 7.98 of the supporting text to policy SS 8 recognises that traditional public houses are generally considered to add to the character and function of a locality and their loss will only be acceptable if they have been vacant and marketed for at least 18 months without success.

Policy S13 of the City Plan (adopted 2016) ("the City Plan") states that areas such as this (outside of special policy areas) will be primarily for residential use with supporting social and community provision. In its supporting text it makes clear that the provision of social infrastructure is vital to support the residential community in these parts of Westminster.

The proposal would retain a public house on-site. However, it would lose ancillary residential accommodation, a function space and kitchen located within the floorspace to be redeveloped. Loss of these ancillary spaces has the potential to affect the long term viability of this public house by depriving it of revenue generating spaces, preventing publicans from living on-site and having to pay market rent elsewhere, and by restrictions placed on the premises licence resulting from amenity complaints from residents in the student accommodation created. The potential impact on the long term viability of public houses through conversion of these spaces has also been recognised by Inspectors at appeal.

However, this public house has been vacant for 8 years and it is clear that it is unlikely to reopen without the support of a redevelopment scheme. The proposal would also bring activity back to the site, despite the loss of this floorspace. Accordingly, the loss of this floorspace is considered acceptable in this particular instance.

#### 8.1.2 Provision of Student Accommodation

Policy 3.8(h) of The London seeks to ensure that strategic and local requirements for student housing meeting a demonstrable need are addressed by working closely with stakeholders in higher and further education and without compromising capacity for conventional homes. Para. 3.53A of the supporting text encourages, inter alia, a more dispersed distribution of future provision of student accommodation away from central London. Paragraph 3.53 also notes that the provision of student accommodation should not compromise capacity to meet the need for conventional dwellings, especially affordable family homes, or undermine policy to secure mixed and balanced communities. Paragraph's 3.53B and 3.53C go on to note that student accommodation should be robustly secured for students by planning agreement or condition relating to specific education institutions. Where there is no undertaking from a specific education institution, an element of affordable student accommodation should be provided, subject to viability.

Policy H17 of the Draft London Plan similarly seeks student accommodation that meets local and strategic need, provided that it contributes to a mixed and inclusive neighbourhood; it is secured for students; it is secured for occupation by members of specified higher education institution/s; at least 35% is secured as affordable student accommodation; and it provides adequate functional living space and layout. Policy

H17 also encourages student accommodation in areas well connected to local services and public transport but away from existing concentrations in central London. Paragraph 4.17.3 of the supporting text to policy H17 states that, to demonstrate local need for new student accommodation, it must be operated directly by a higher education institution or have an undertaking in place from initial occupation to provide housing for students at one or more higher education institutions. It should be noted that little weight can be attributed to the Draft London Plans policies at this stage.

As set out in paragraph 2.26 of the City Plan, Westminster does not have a surplus of low value land for development into higher value uses, unlike other parts of London. For this reason, policy S14 of the City Plan states that residential use is the priority across Westminster. Under the City Plan, student accommodation is a form of specialist housing. Policy S15 specifies that specialist housing will be allowed where it would contribute to local need. Policy S16 of the City Plan states that, inter alia, the City Council will aim to provide 30% of new homes as affordable homes and will work with partners to facilitate and optimise the delivery of new affordable homes. The supporting text to policy S16 notes that there is an acute shortage of affordable housing and difficulty in developing it within Westminster. The supporting text also notes that specialist housing can be classified as affordable housing, provided it is provided at charges substantially below market levels.

In the UDP, student accommodation is considered a form of hostel accommodation. Policy H6 of the UDP states that hostels will be allowed where they meet the needs of institutions within Westminster and require a Westminster location. Paragraph 3.87 of the supporting text notes that these institutions should make every effort to ensure they provide enough accommodation.

Policy SOC 3 of the UDP encourages the provision of student accommodation, although paragraph 6.28 of the supporting text indicates that this is intended to be provided by higher education institutions. This same paragraph also indicates that policy SOC 3 was written in the context of the now superseded policy 3A.22 of the 2004 London Plan. Policy 3A.22 contained unqualified support for student accommodation, rather than the requirement that it meets local need contained within the later London Plan policies identified above. Accordingly, policy SOC 3 has less weight than the policies set out above.

To inform the current City Plan review, the City Council prepared and completed consultation on several booklets in 2014. With regards to student accommodation, Booklet No. 1 (“Housing: Need, Delivery and Quality”) contained draft policy CM15.3. This policy states, inter alia, that student accommodation must be for students studying at a higher education campus in Westminster. This is due to the limited capacity for the development of new student accommodation within Westminster and that it represents an opportunity lost for conventional housing for which there is greatest demand within Westminster. Draft policy CM15.3 also states that student accommodation will be expected to contribute to the supply of affordable housing within Westminster. It is recognised that this booklet does not form part of the development plan and has no weight but it does indicate the future policy direction that is likely to emerge in the forthcoming City Plan review.

With regards to the local need for the student accommodation proposed, the applicant is not a higher education institution. The applicant also does not have an undertaking in place to indicate that the accommodation will be used by a higher education institution. The applicant has also not provided any other evidence to indicate that they are working with or on behalf of any higher education institution. Accordingly, the applicant has not demonstrated that any higher education institution within Westminster needs the student accommodation proposed, let alone an institution in Greater London.

The City Council has also undertaken two studies into the local need for student accommodation - the 2014 Westminster Housing Market Study by Ecorys ("the Ecorys Study") and the 2014 Westminster Housing Market Analysis by Wessex Economics ("the Wessex Study"). The Wessex Study notes that the relatively low student population in Westminster is consistent with conventional commuting patterns (i.e. most workers cannot afford to live within Westminster despite working there). Like many working adults, students have limited incomes, so are unlikely to be able to pay for market accommodation in Westminster. Importantly, the Wessex Study concludes that there is no convincing evidence that the relationship between where students live and where they study is having an adverse effect on higher education institutions in Westminster. Given high land values in Westminster, the Wessex Study notes that it is more cost-effective for higher education institutions to build student accommodation outside of Westminster. This reflects the emerging pattern of student accommodation provision in outer London borough's as encouraged by policy 3.8 (h) of the London Plan (see paragraph 7.3 of the Mayor of London's 2017 Strategic Housing Land Availability Assessment ("the SHLAA").

The Ecorys Study concludes that there are affordability issues around purpose built student accommodation within Westminster, particularly that provided by the private sector. Like the Wessex Study, the Ecorys Study also notes that there are other factors within Westminster limiting the development of student accommodation, including the high cost of development, land scarcity and good transport links into central London. Greater provision for developing affordable student housing should be made, although not at the expense of conventional affordable housing. Accordingly, both studies indicate a potential local need for affordable student accommodation, rather than conventional student accommodation.

The applicant does not propose any affordable student accommodation and has provided an appraisal that demonstrates that it would not be viable to provide any. This has been reviewed on behalf of the City Council, by Bilfinger GVA, who concur with its findings. The applicant has subsequently offered to provide three affordable bedspaces (i.e. approximately 9%), although it is questionable whether this can actually be provided as the development would be operating at a loss according to the applicant's viability appraisal. In the event that the applicant was able to provide these three affordable spaces, the majority of the development does not provide the affordable student accommodation that may be needed within Westminster and would occupy land that could be used to provide conventional homes, including affordable homes.

The applicant has submitted a Market Demand Report by Cushman and Wakefield ("the MDR Report") to justify the proposed student accommodation. Like the Wessex Study, the MDR Report concludes that the supply of student bedspaces is lower than the number of students attending higher education institutions within Westminster. On this

basis, the MDR study concludes that students may be placing pressure on the private rented market. It also notes that the number of students living in the private rented sector is proportionately higher than national averages, thereby putting pressure on the private rented sector that could be relieved through the provision of purpose built student accommodation.

However, there are two significant shortcomings with the MDR Report. It has been prepared without any involvement from higher education institutions within Westminster. It is common for people to work in inner London and live in outer London and this is generally not considered harmful. Accordingly, it does not demonstrate that the disparity between student bedspaces and student numbers within Westminster – which mirrors wider commuting patterns within London - is harming these higher education institutions. As the MDR Report notes, these institutions continue to grow.

Comparisons between London and national averages are also not appropriate given the unique circumstances found within Westminster and London. As the MDR Report notes, London is the largest student destination in the UK, with Westminster containing more higher education institutions than any other local authority within London. Accordingly, it is reasonable to expect that it would have higher levels of students living in private rented accommodation than the national average.

It is appreciated that the large number of higher education institutions may put additional pressure on the private rented sector within Westminster. However, development of this site for student accommodation in the absence of any demonstrable local need would prevent this site from being used for the provision of market and/or affordable housing. There is a much greater need for the latter within Westminster. As set out in the reasoned justification to policy S16 of the City Plan, there is a need for 5600 additional affordable homes per year in Westminster and this continues to go unmet. Under the current London Plan, the City Council must also provide at least 1068 residential units per year.

Market housing can accommodate a greater variety of people, including students, and can be adapted to changing market conditions without further permission from the City Council, unlike the proposed use. Rather than relieving pressure on local housing, the specialised nature of this housing prevents it from addressing local housing need. As such, and in the absence of demonstrable local need for student housing, the proposal would not utilise scarce land effectively by preventing it from housing many other groups of people.

The applicant has also suggested that redevelopment of this site is unviable without providing student accommodation. However, no evidence of this has been provided.

Overall, the applicant has not demonstrated that the proposed student accommodation is needed by any specific higher education institution in Westminster. The bedspaces proposed would also not provide the affordable student accommodation identified as needed within Westminster whilst also using scarce land that could accommodate a greater range of people within market and/or affordable housing. Whilst the disparity between student numbers and student bedspaces within Westminster is noted, this is not a sign of local need given typical commuting patterns in London and particularly in the absence of any support for the development from Westminster based higher

education institutions. The applicant has also not demonstrated that the provision of student accommodation is absolutely necessary to allow regeneration of this site.

Given the above, the student accommodation proposed would be contrary to policy 3.8 of the London Plan, policy H17 of the Draft London Plan, policies S14, S15 and S16 of the City Plan and policy H6 of the UDP.

Notwithstanding the in principle objection to student accommodation, the Environmental Health Officer has objected to this application, noting that no information has been provided to demonstrate that the proposed student accommodation is capable of being adequately noise insulated from the public house below. In the absence of this information, the applicant has failed to demonstrate that the proposed flats would not be affected by excessive noise from the public house below and would be contrary to policies S29 and S32 of the City Plan and policy ENV 6 of the UDP.

## 8.2 Townscape and Design

The application site contains an unlisted building outside a conservation area. The building is a mid 19<sup>th</sup> century public house of five bays and three storeys. The existing building is a positive element in the townscape, being one of the few historic properties on this side of the road in the locality. This is particularly the case as The Windsor Castle, known for its parapet castellation forms part of characterful group with the adjacent former council offices and the neighbouring Edwardian Police Station. As such, the building is an undesignated heritage asset.

The proposal results in the loss of the rear of the building and the attractive rear stable, which has a sturdy timber framed roof internally. While the stable has historic and social interest and could provide an attractive office or home, its loss would be difficult to resist given the rear location and the lack of public visibility.

The building is a completed composition with a flat roof behind a castellated parapet and policy DES 6 of the UDP would normally resist a roof extension. However, given the location outside of any conservation area and the need to find a viable use for this undesignated heritage asset, a mansard roof could be acceptable, subject to its detailed design.

Previously, the applicants have been advised against the use of a modern idiom for the mansard style, as a traditional mansard roof with dormers and sashes would relate sympathetically to the storeys below, in accordance with policy DES 6 of the UDP and in order to preserve the significance of the asset.

The mansard proposed needs to relate well to the lower storeys and the present design tries to reflect the window alignment below, resulting in a cluttered and asymmetric design. A more appropriate design would be three or four traditionally detailed dormers, located equidistantly on the front mansard pitch with timber framed sash windows to match below. The height of the mansard also needs to be reduced as it appears top heavy at present.

In terms of the extension, whilst the glazed bay to the side elevation does give a welcome separation between old and new, at roof level the junction between the two is

abrupt and awkward. Other elements of the design, such as the variety of windows / shapes and layering of the built elements on the south and west elevations, would create a somewhat *ad hoc* character to the composition.

The works to the ground floor shop front, which have been altered over the years, require further refinement and, were the rest of the scheme acceptable, appropriate details could have been secured via condition.

While the reuse of the building and retention of the public house use is welcome, the design of the mansard and rear extensions require some refinement. Accordingly, the proposed design would not comply with policies DES 1, DES 5 and DES 6 of the UDP and policies S 25 and S 28 of the City Plan.

### **8.3 Residential Amenity**

#### **8.3.1 Loss of Light**

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Policy DES 3 (c) (4) of the UDP also specifies, amongst other things, that high buildings should minimise the effects of overshadowing, especially within predominantly residential areas.

The supporting text to policy ENV 13 specifies that regard should be had to the BRE publication "Site Layout Planning for Daylight and Sunlight: A guide to good practice" (2011) ("the BRE Guide"). The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Point 2 Surveyors Limited ("the Light Study") as part of the application to demonstrate compliance with the BRE Guide. The Light Study considers the following adjacent or nearby residential properties that are eligible for testing in the BRE Guide:

- 313-319 Harrow Road;
- 1-24 Windsor Gardens; and
- 5 Woodfield Road.

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss.

#### Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have

the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

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

The Light Study concludes that 1-24 Windsor Gardens and 5 Woodfield Road would have VSC and NSL losses that do not exceed BRE Guidelines. Accordingly, the proposed development would not result in material loss of daylight to those properties.

With regards to 313-319 Harrow Road, the Light Study notes that 20 of the 34 windows eligible for testing would have light losses exceeding BRE Guidelines. All of these windows would result in VSC levels falling below 27%, with seven of these falling from levels above 27%. Nineteen of the 20 affected windows would have daylight losses up to 30%, with daylight loss to the remaining window being 32%.

These losses are only marginally over what the BRE Guide deems noticeable and are therefore not necessarily harmful. The BRE Guide itself also states that it is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites within Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. In this context, the level of light loss is considered acceptable and does not warrant refusal of the development.

### Sunlight

The BRE Guide states that only windows with an orientation within 90 degrees of south are eligible for testing. It also states that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

In this instance, only the east facing windows within 313-319 Harrow Road are eligible for testing. The Light Study concludes that all 12 of the 34 windows eligible for testing would have sunlight losses exceeding BRE Guidelines. However, all of the affected windows serve bedrooms. As per paragraph 3.2.3, sunlight to bedrooms is less important than sunlight to main living areas. Accordingly, an objection to the development on this basis would not be sustainable.

### **8.3.2 Sense of Enclosure**

The extension to the rear would significantly increase the height, bulk and rearward projection of buildings on-site in comparison to the existing situation and as seen from 313-319 Harrow Road. This would be particularly apparent from the west facing windows of the ground floor flats within 313-319 Harrow Road, which would be located approximately 10 m from the upper floors of the proposed extension. At present, these windows have largely unobstructed views of the sky to the south of the site. This would be almost completely obscured by the proposed extension. Accordingly, the proposed development would significantly increase sense of enclosure for the occupants of these flats and would therefore be contrary to policy S29 of the City Plan and policy ENV 13 of the UDP.

All other residential properties surrounding the site are considered too far from the proposed extensions to experience a material increase in sense of enclosure.

### **8.3.3 Privacy**

The proposed development includes several windows in its western elevation that would face and be located approximately 10 metres from bedroom windows within 313-319 Harrow Road. However, the proposed windows serve circulation spaces, rather than living areas. Were the development otherwise acceptable, a condition could be imposed that would require that these windows are obscure glazed and fixed shut. Subject to this condition, the proposed windows would not result in a material loss of privacy for the occupants of 313-319 Harrow Road.

The proposal includes a large terrace area at third floor level on the boundary with 313-319 Harrow Road. This terrace would be located approximately five metres from several bedroom windows at the same level at 313-319 Harrow Road. It would therefore have unobstructed views at close proximity into these flats, although this could be addressed through a condition requiring screening. However, people using this terrace would also be a potential source of excessive noise for the occupants of those flats, given its close proximity. This could not be mitigated by a condition preventing its use during antisocial hours given the unenforceability of such a condition. Accordingly, the proposed terrace would result in unacceptable loss of privacy for the occupants of 313-319 Harrow Road, and would therefore be contrary to policies S29 and S32 of the City Plan and policy ENV 6 of the UDP.

All other residential properties surrounding the site are considered too far from the proposed extensions to experience a material loss of privacy.

### **8.3.4 Plant Noise**

It is proposed to install building services plant within the basement of the proposed development. The Environmental Health Officer has reviewed the proposal and objected to it, noting that no information has been provided to demonstrate that the proposed plant would be capable of complying with the City Council's noise standards and would not contribute to background noise creep in this area. In the absence of this information, the applicant has failed to demonstrate that the proposed plant would not result in excessive noise for occupiers of the student accommodation and would be



contrary to policies S29 and S32 of the City Plan and policies ENV 6 and ENV 7 of the UDP

## 8.4 Transportation/Parking

### 8.4.1 Car Parking

The proposed development has been reviewed by the Highways Planning Manager who notes that the proposed units would be occupied for more than 90 days at a time and are therefore eligible for resident's car parking permits. Accordingly, policy TRANS23 of the UDP applies to the proposal. Policy TRANS 23 would require the provision of six off-street parking spaces unless sufficient capacity exists on-street to accommodate these spaces.

No off-street parking is proposed which will increase the demand for on-street car parking in the area. The impacts of high parking demand are well known and include:

1. drivers being forced to circulate around an area seeking empty spaces which causes unnecessary congestion, environmental pollution and noise disturbance;
2. drivers being tempted to park in dangerous or inconvenient locations, such as close to junctions or on pedestrian crossing points;
3. drivers having no choice but to park some distance from their homes causing inconvenience and more serious problems for elderly or disabled residents.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The City Council's most recent parking surveys indicate that on-street parking occupancy in this area already exceeds 80% during daytime hours. Accordingly, insufficient on-street parking capacity exists to accommodate the potential parking demand of the proposed student accommodation.

It is acknowledged that the site has a high level of public transport accessibility. However, 33% of households within this ward have one or more cars (see 2011 Census figures). Whilst this is lower than the borough average, it does indicate that residents in the area do own cars and the development will add to existing on-street parking stress. On this basis, the Highways Planning Manager objects to the proposed development.

However, paragraph 32 of the NPPF states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". In this instance, the proposed development would potentially increase on-street parking demand by just two spaces given car ownership levels within this ward. This site is also well serviced by public transport. Accordingly, the proposed development is unlikely to result in a severe impact on on-street parking levels and an objection to the development on this basis would not be sustainable.

### 8.4.2 Cycle Parking

Policy 6.9 of the London Plan requires the provision of 25 cycle spaces for the proposed development, whereas only six are proposed. Were the development otherwise acceptable, a condition could be imposed that would secure appropriate cycle parking. Subject to this condition, the proposed development would be consistent with policy 6.9 of the London Plan.

#### **8.4.3 Waste**

The Waste Project Officer has reviewed the proposed development and raises several concerns with the waste storage proposed. In particular, the following concerns are noted:

- One waste storage area is shown. However, separate waste stores for the public house and student accommodation need to be provided;
- The drawings must show or indicate the bins that will be used to store residual waste and recyclable materials and their capacities; and
- Details of how the waste will be serviced or collected from the development must also be provided.

Were the development otherwise acceptable, a condition could be imposed to secure appropriate details. Subject to this condition, the proposed development would be consistent with policies ENV 12 and TRANS 20 of the UDP.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

The proposed development does not include level access to the proposed student accommodation. Were the development otherwise acceptable, an amending condition would be imposed requiring alterations to the internal layout to improve its accessibility.

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

##### **8.7.1 Basement Development**

The applicant has submitted a Structural Methodology Statement which demonstrates that the basement extension proposed can be safely built whilst taking into account the specific ground conditions of the application site. Were the development otherwise acceptable, a condition would be attached requiring compliance with the City Council's Code of Construction Practice. Subject to this condition, the proposal complies with part A. 2 of policy CM 28.1 of the City Plan.

The basement extension itself would be single storey and confined to the area beneath the proposed extension. Accordingly, the proposed basement meets the size, location and depth limitations within policy CM28.1 of the City Plan.

#### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

Subject to any exemptions or relief available to the applicant, the proposed development has a total CIL liability of £230,500 (£184,400.00 Westminster CIL and £46,100.00 Mayoral CIL)

### **8.11 Environmental Impact Assessment**

The proposed development is too small to require an Environmental Impact Assessment.

### **8.12 Other Issues**

None

## **9. BACKGROUND PAPERS**

1. Application from
2. Representation from Councillor Hug, dated 3 December 2017
3. Representation from Councillor Boothroyd, dated 13 December 2016
4. Response from Highways Planning manager, dated 22 November 2016
5. Response from Waste Project Officer, dated 22 November 2016
6. Response from Environmental Health Officer, dated 24 May 2017
7. Response from North Paddington Society, dated 30 November 2017
8. Letter from occupier of 58 Goldney Road, London, dated 5 December 2016
9. Letter from occupier of 11 Marylands Road, London, dated 28 November 2017
10. Letter from occupier of Flat 1, 5 Woodfield Road, London, dated 28 November 2017
11. Letter from occupier of 69 Goldney Road, London, dated 28 November 2017
12. Letter from occupier of 58 Goldney Road, London, dated 28 November 2017
13. Letter from occupier of Flat 3, 5 Woodfield Road, dated 28 November 2017
14. Letter from occupier of 1c Chippenham Mews, London, dated 29 November 2017
15. Letter from occupier of 1c Chippenham Mews, London, dated 29 November 2017
16. Letter from occupier of 35 Hormead Road, London, dated 3 December 2017
17. Letter from occupier of Flat 20, Beech Court, Elmfield Way, dated 4 December 2017
18. Letter from occupier of 2c Chippenham Mews, London, dated 4 December 2017
19. Letter from occupier of 14 Chippenham Mews, London, dated 31 December 2017

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

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<b>2</b>
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT <a href="mailto:swhitnall@westminster.gov.uk">swhitnall@westminster.gov.uk</a>
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10. KEY DRAWINGS



Existing North Elevation  
Scale 1:100



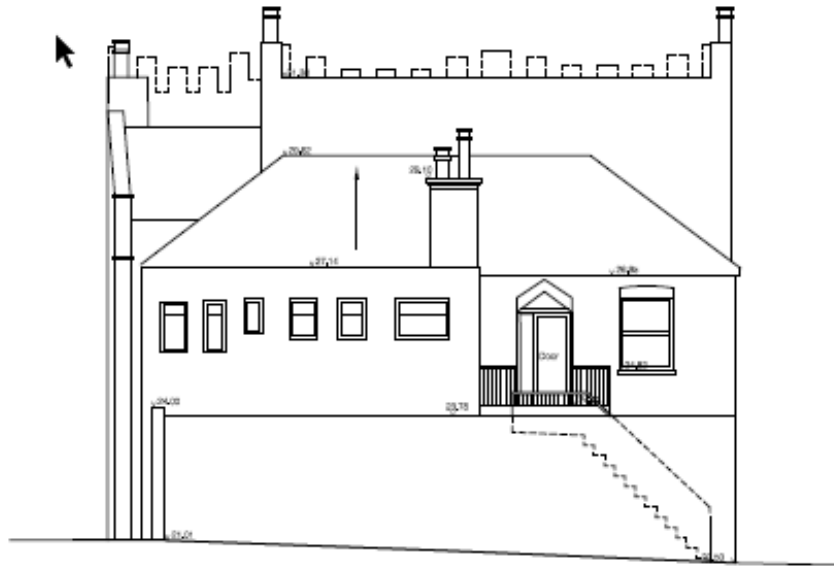
Proposed North Elevation  
Scale 1:100



Existing East Elevation  
Scale 1:100



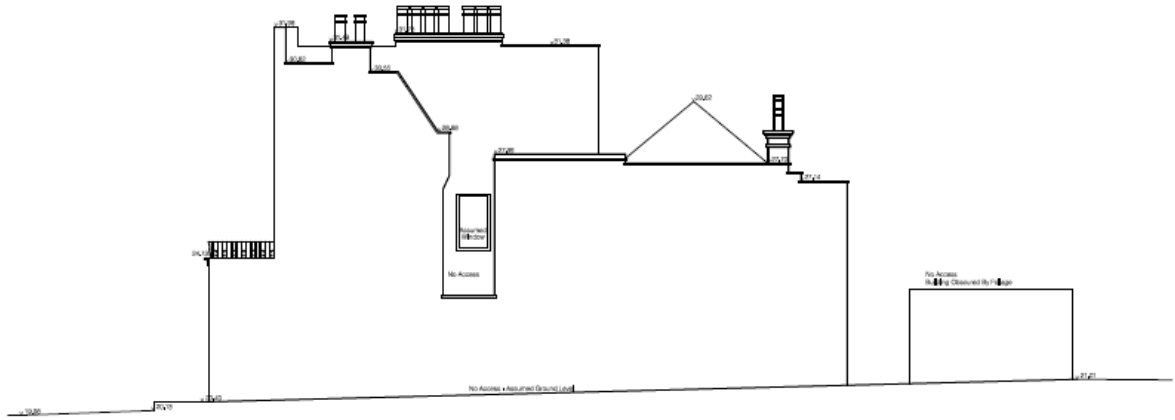
Proposed East Elevation  
Scale 1:100



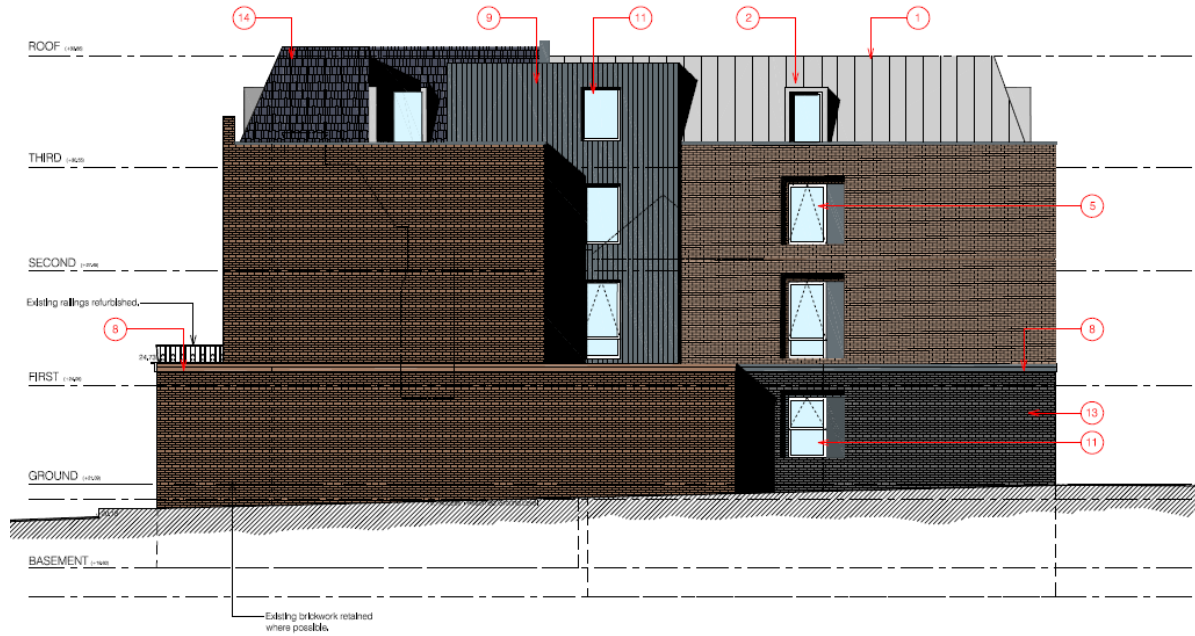
Existing South Elevation  
Scale 1:100



Proposed South Elevation  
Scale 1:100

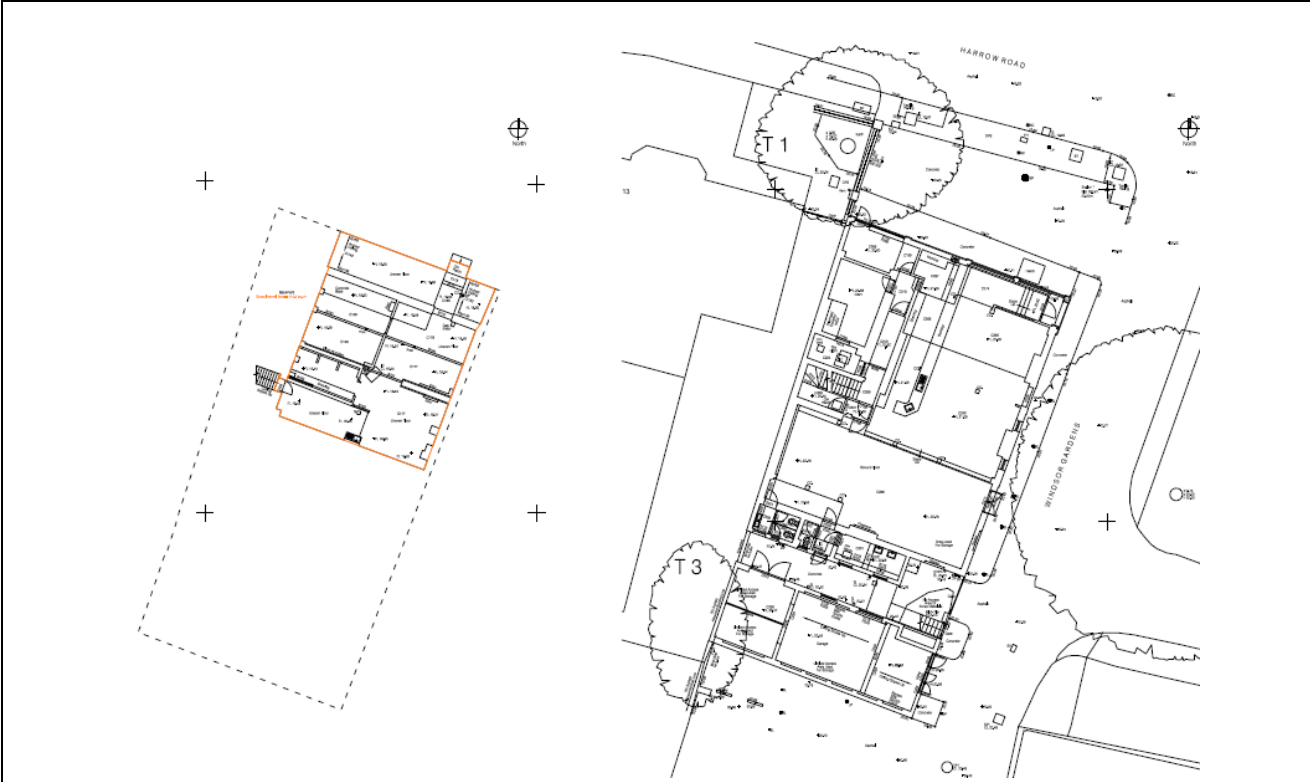


Existing West Elevation  
Scale 1:100

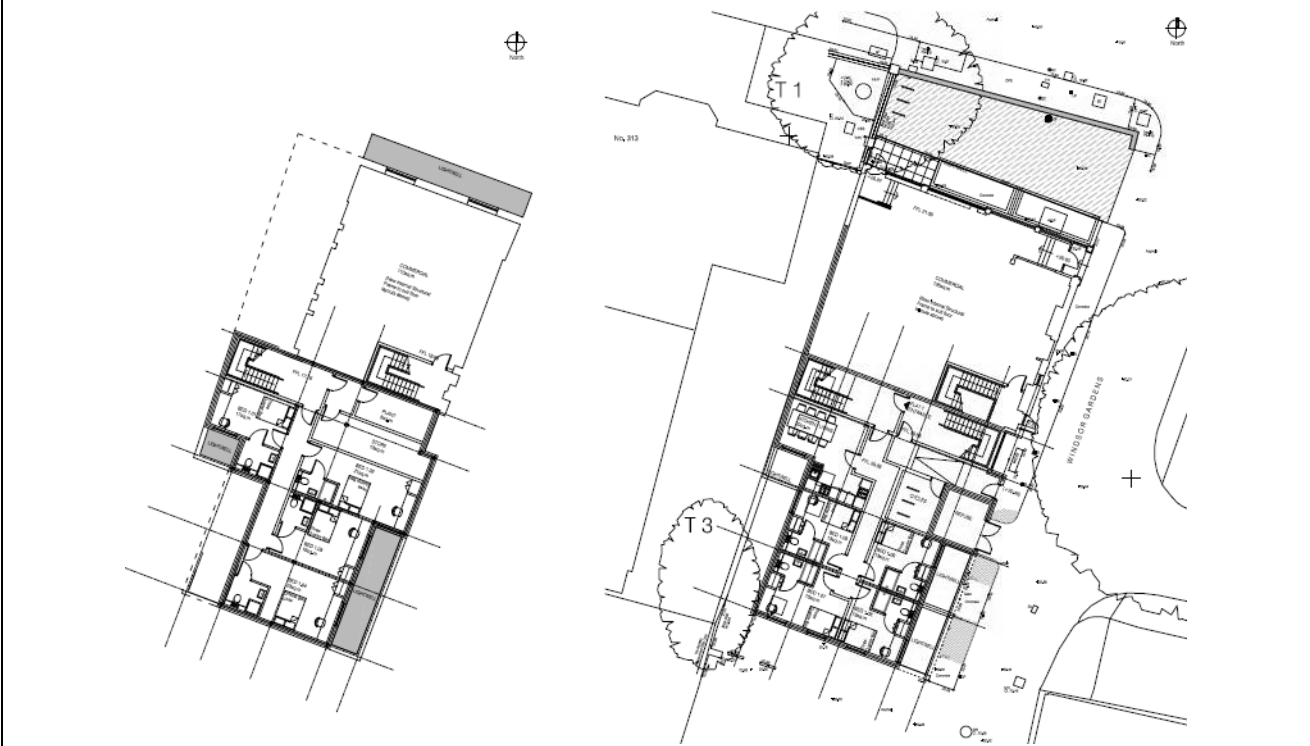


Proposed West Elevation  
Scale 1:100

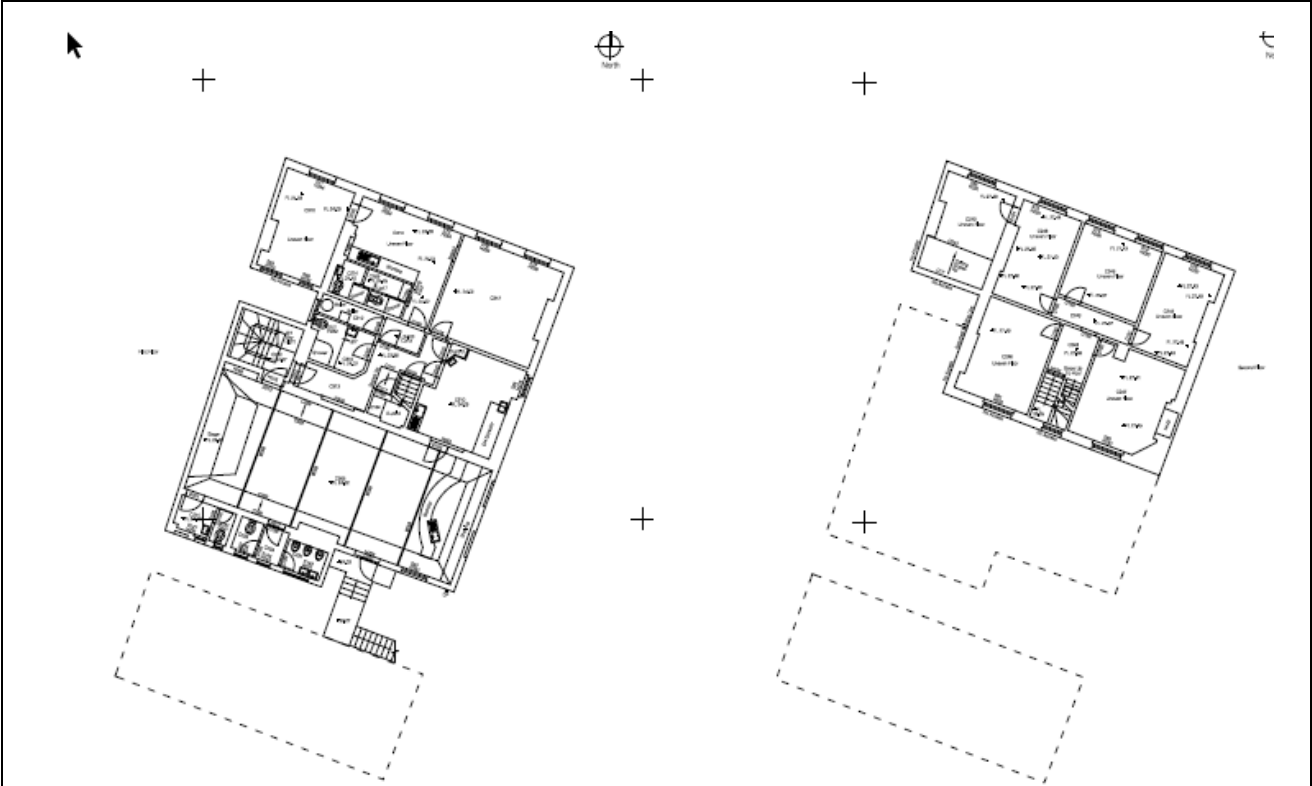




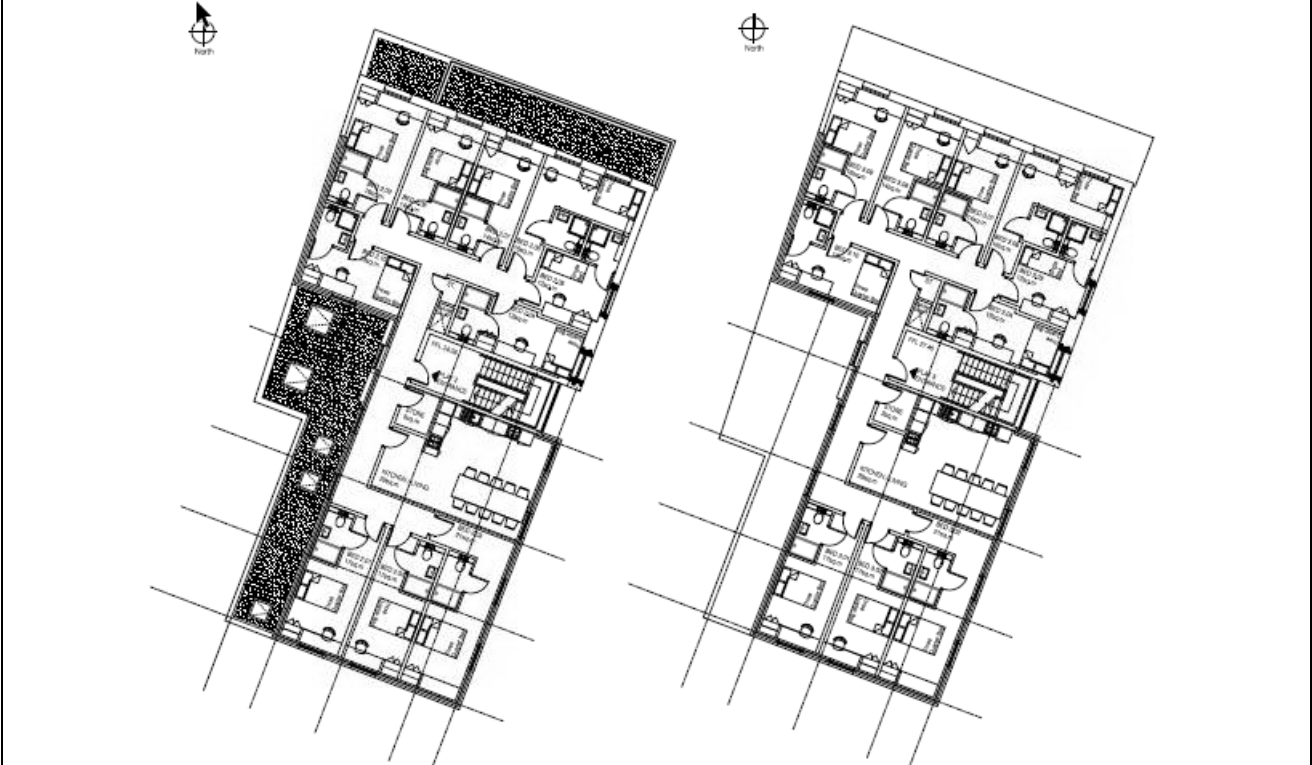
**Existing Basement (left) and Ground Floor (Right) Floor Plans**



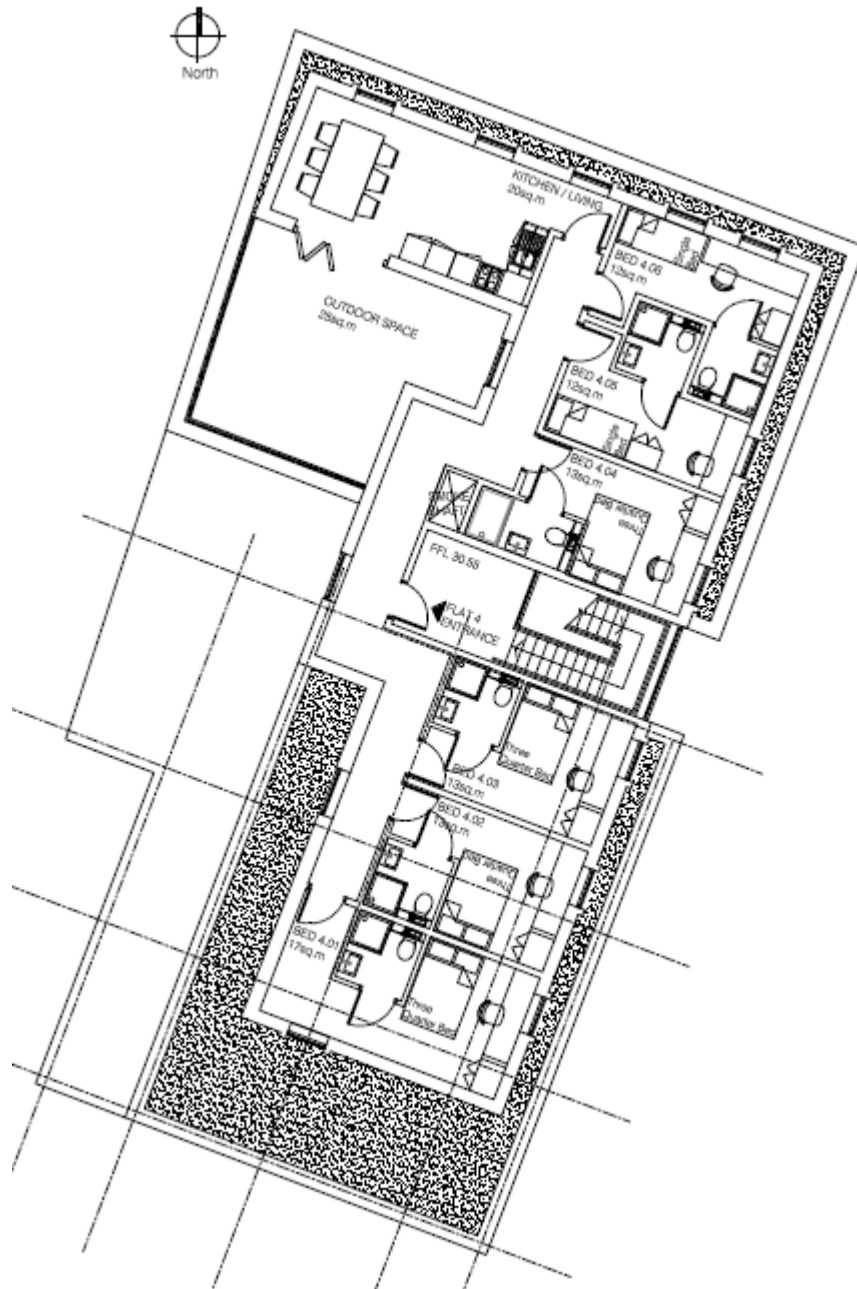
**Proposed Basement (left) and Ground Floor (Right) Plans**



**Existing First (Left) and Second Floor (Right) Floor Plans**



**Proposed First (Left) and Second Floor (Right) Floor Plans**



Proposed Third Floor Plan

Item No.
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<b>2</b>
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**DRAFT DECISION LETTER**

- Address:** 309 - 311 Harrow Road, London, W9 3RG,
- Proposal:** Retention of the existing public house use at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide Student Accommodation (34 bed spaces) with an associated three-storey extension to the rear, as well as external alterations including new windows to the front elevation at ground floor level.
- Reference:** 16/09974/FULL
- Plan Nos:** Drawing numbers (03) 01, (03) 03 Rev A, (03) 04, (03) 05 Rev A, (03) 06, (03) 07 Rev B, (03) 08 Rev C, (03) 9 Rev B, (03) 10 Rev E, (03) 11

FOR INFORMATION ONLY: Planning Statement by Nexus Planning (October 2016), Heritage Statement by Geoff Noble (September 2016), Design and Access Statement by Box Architects (September 2016 – Rev A), Structural Methodology Statement by WYG (October 2016), Transport Statement by Vectos (September 2016), Market Demand Report by Cushman Wakefield (June 2017)

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

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

- Reason:
- 1 The student accommodation does not meet an identified local housing need and would occupy scarce land that could accommodate market and/or affordable housing. The student accommodation would be contrary to policy 3.8 of The London Plan (March 2016), policy H17 of the Draft London Plan (December 2017), policies S14, S15 and S16 of the Westminster City Plan (November 2016) and policy H6 of the Unitary Development Plan (January 2007).
- Reason:
- 2 Because of the detailed design of the mansard roof and rear extensions, the proposed development would harm the appearance of this building and this part of the City. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and policies DES 1, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 3 The rear and roof extensions would make the people living 313-319 Harrow Road feel too shut in. This is because of its bulk and height and how close it is to windows in that property. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 4 The third floor terrace would lead to unacceptable noise levels for people in neighbouring properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV6 of our Unitary Development Plan that we adopted in January 2007.

Reason:

- 5 The applicant has not provided any information to demonstrate that the proposed student accommodation would not be subject to excessive noise from the public house and/or from mechanical plant on-site. In the absence of this information, the applicant has failed to demonstrate that an appropriate standard of accommodation would be provided, contrary to policies S29 and S32 of the City Plan (November 2016), and policies ENV 6 and ENV 7 of our Unitary Development Plan, adopted January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.