

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	108-110 Westbourne Grove, London, W2 5RU,		
Proposal	Use of basement and ground floors as a retail unit (Class A1) for a period of 15 years, and installation of air conditioning units on roof of 110 Westbourne Grove.		
Agent	Caulmert Limited		
On behalf of	Halfacre & Westbourne Estates		
Registered Number	18/02532/FULL	Date amended/ completed	28 March 2018
Date Application Received	28 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a basement and ground floor unit at 108 Westbourne Grove and a rooftop plant enclosure at 110 Westbourne Grove. It is located within the Westbourne Conservation Area. The site is located within the Core Frontage of the Queensway/Westbourne Grove District Centre. It is also located within the Queensway/Bayswater Stress Area.

Permission is sought for the use of the basement and ground floors as a retail unit (Class A1) for a temporary period of 15 years. The applicant also proposes installing additional air-conditioning plant within an existing rooftop enclosure at 110 Westbourne Grove.

Objections to the potential amenity and highways impact of the proposal have been received.

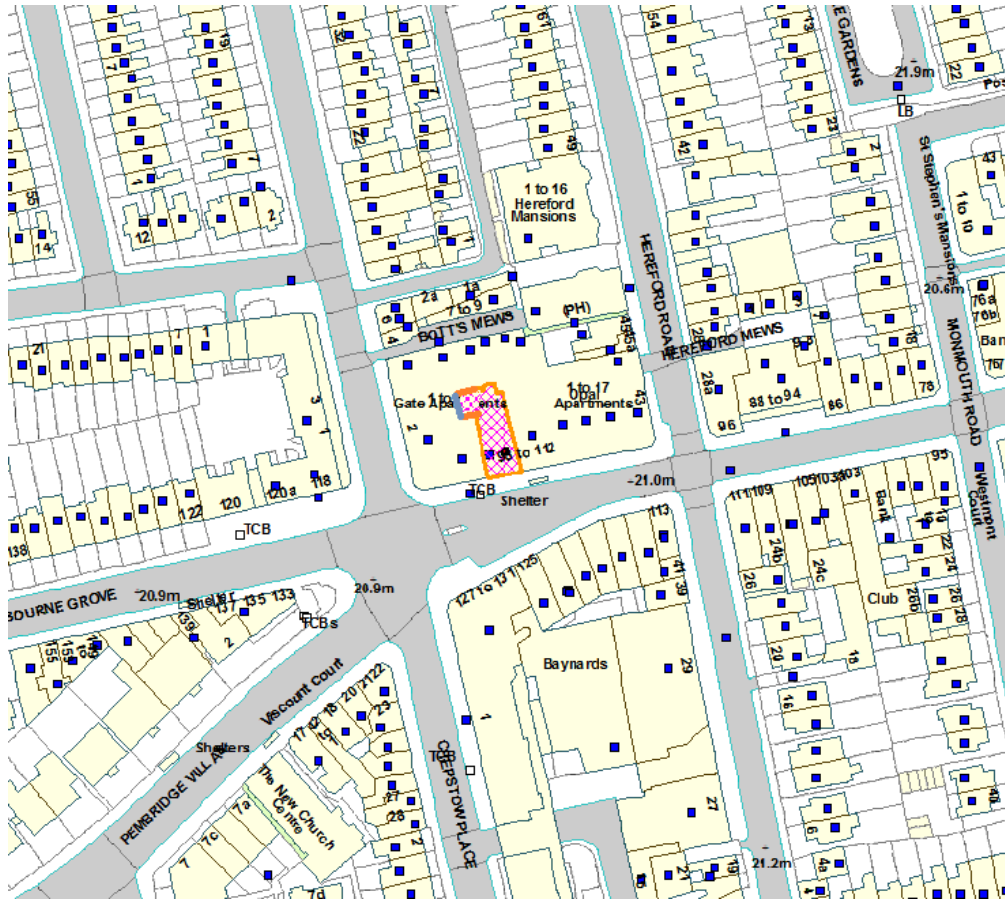
The key considerations are:

- Impact of the proposed use on the Queensway/Westbourne Grove District Centre and Queensway/Bayswater Stress Area;

- Impact on Highways, particularly Servicing/Deliveries and Pedestrian Movement; and
- Impact on Residential Amenity.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The application is therefore recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of Applicaiton Site



Lay-by on Hereford Road to be Used for Delivery Vehicles.

5. CONSULTATIONS

WARD COUNCILLORS FOR BAYSWATER

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

A section drawing would assist to show how residents might be affected. The low level hum and visual affect to residents is negative and alternative passive cooling system should be designed.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection; the hours of opening proposed are too late. They should be no longer than the permitted hours as there are residents above.

WASTE PROJECT OFFICER

Objection; the drawings submitted are not in line with the City Councils recycling and waste storage requirements. This could be addressed by a condition.

HIGHWAYS PLANNING MANAGER

Object to the servicing arrangement proposed. (This is discussed in greater detail below).

ENVIRONMENTAL HEALTH OFFICER

No objection; subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 3

No. of objections: 1

No. in support: 0

In summary, the objector raised the following issues:

Land Use

- This section of the shopping frontage is already adequately served by A1 uses and the change of use of this unit will not complement retaining a diverse range of uses and would adversely impact the vitality and viability of the Core Frontage. The aim of the City Council's policies is not to change every unit to A1.

Amenity

- The arrangements proposed for servicing and delivery will adversely affect neighbouring residents through noise, pollution and the frequency of servicing and delivery.

Other

- The accuracy of the red line around the site plan has been queried and that the roof area is not correctly depicted and access is from Botts Mews.
- Concerns are raised with regards to the storage of refuse and it is noted that conflicting information has been provided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a basement and ground floor unit at 108 Westbourne Grove and a rooftop plant enclosure at 110 Westbourne Grove. It is located within the Westbourne Conservation Area. The site is located within the Core Frontage of the Queensway/Westbourne Grove District Centre. It is also located within the Queensway/Bayswater Stress Area.

6.2 Recent Relevant History

The application site was developed as part of a larger redevelopment encompassing 43 Hereford Road, 2 - 6 Botts Mews, 2 Chepstow Road, 104 - 106 Westbourne Grove and 112a/B 98 - 112 Westbourne Grove. This site was developed under the following application.

02/03540/FULL

Part demolition / redevelopment of the application site and a number of other site to provide new buildings, part alterations/extensions (including listed building) to provide 36 flats, 2 live-work units, retail, restaurant facilities and 34 parking spaces in basement with associated works.

Granted – 7 February 2003

With regards to the application site, the following applications are currently also being considered by the City Council:

18/06812/FULL

Alterations to shopfront and installation of 2no. air conditioning condenser units and 1no. refrigeration condenser unit at roof level.

Statutory expiry date is 15 October 2018

18/08037/CLOPUD

Use of basement and ground floor unit as Class A1 retail use.

Statutory expiry date is 14 November 2018.

7. THE PROPOSAL

Permission is sought for the use of the basement and ground floors as a retail unit (Class A1) for a temporary period of 15 years. The applicant seeks a temporary

permission to align with the lease to be agreed with the Co-op who will occupy this unit. The unit would then be able to revert back to the lawful A3 use at the end of this period.

No external alterations to the unit itself are proposed. However, the applicant proposes installing additional air-conditioning plant within an existing rooftop enclosure at 110 Westbourne Grove. The applicant proposes using a lay-by/single yellow line area on Hereford Road to accommodate deliveries to the application site.

The existing and proposed floor areas are set out below:

Table 1: Existing and Proposed Floor Areas.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant (Use Class A3)	375	0	-375
Retail (Use Class A1)	0	375	+375
Total			

8. DETAILED CONSIDERATIONS

8.1 Land Use

An objector is concerned that the proposed retail use would harm the vitality and viability of this shopping centre.

The existing restaurant is not protected by the development plan, whilst policy TACE 9 of the Unitary Development Plan (“the UDP”) generally discourages restaurants of this scale within this stress area. Policy S21 of the City Plan (November 2016) (“the City Plan”) notes that new retail floorspace will be directed to designated shopping centres. Policy SS6 of UDP the aims to enhance the vitality and viability of the District Centres by maintaining their predominantly retail function, whilst accommodating other town centre uses in appropriate locations.

Given the above and the application sites location within the Queensway/Westbourne Grove District Centre, the loss of a restaurant and its replacement with a retail unit in this location is encouraged by the development plan and welcome. The applicant seeks this change of use for a temporary period of 15 years only to safeguard the future potential of this unit to be used as restaurant. It is considered appropriate in this instance to grant permission for this temporary period as without such a condition, it is unlikely that the applicant would consider changing the unit to the more appropriate retail use sought.

Given the above, the proposed change of use is consistent with policy S21 of the City Plan and policy SS6 of the UDP.

8.2 Townscape and Design

The proposal includes no external changes to the unit at 108 Westbourne Grove.

Additional plant will be added to the existing rooftop plant enclosure at 110 Westbourne Grove. This plant would not project above this enclosure and would therefore be largely screened from outside the application site. Accordingly, the proposed development would preserve the Westbourne Conservation Area and is consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6 and DES 9 of the UDP.

8.3 Residential Amenity

As a non-entertainment use, it is anticipated that the proposed retail use would not generate a greater level of noise from people coming and going than the restaurant use it would replace. To ensure that nearby residents are not subject to excessive noise from people leaving the application site late at night, a condition is recommended that limits the opening hours of the retail use.

As noted above, no external changes are proposed to the unit at 108 Westbourne Grove whilst the proposed plant is located within an existing plant enclosure and does not project above this enclosure. Accordingly, the proposed development would not result in a material loss of light or sense of enclosure for the occupants of nearby properties.

With regards to the proposed rooftop plant, the Environmental Health Officer raises no objection on noise of nuisance grounds. The host property has been identified as being in an area in which existing ambient noise levels exceed WHO Guideline Levels. In line with policy ENV 6/7 of Westminster's Unitary Development Plan the design noise level criteria for non-tonal plant is 10dB below the background noise reading. Conditions are recommended to ensure that noise from the proposed plant does not harm the amenity of nearby residents.

Given the above, the proposed development would meet policy S29 of the City Plan and policies ENV 6, ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

The site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected due to the change of use. In terms of people arriving and departing, the levels would not be significant in highways planning terms. Furthermore, the site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

With regards to cycle parking, policy 6.9 of the London Plan requires the provision of three spaces. Details of these cycle spaces have not been provided and a condition is recommended to secure appropriate details. Subject to this condition, the proposed development would be consistent with policy 6.9 of the London Plan.

The Waste Project Officer considers that the drawings that have been submitted do not demonstrate that appropriate waste and recycling storage has been provided. However, a condition has been recommended to overcome this.

The applicant proposes using a lay by on Hereford Road for delivery vehicles to drop-off and pick-up trolleys of goods and refuse respectively. These trolleys would be wheeled approximately 50 metres along the footpath on Hereford Road and Westbourne Grove and into/out of the front of the unit. The applicant has indicated that 4-6 deliveries per day are expected, compared to 3-4 deliveries per day for the existing restaurant (although it is unclear if these deliveries use the existing servicing bay). The applicant also proposes a Delivery and Servicing Management Plan to minimise the impact of these deliveries on the amenity of local residents and on pedestrians and other traffic.

The Highways Planning Manager has objected to this arrangement, noting that there is an existing servicing bay within the basement carpark that should be used. The Highways Planning Manager is also concerned that the wheeling of trolleys along Westbourne Grove may cause conflict with pedestrians, particularly given there is a bus stop that already narrows the route for trolleys.

It is noted that there is restricted head height that would prevent the Co-op's delivery vehicles from using the servicing bay. The access ramp from Hereford Road to the servicing bay is also steep and there are two flights of stairs between the servicing bay and the back of the unit. Due to this, the applicant considers it not possible to wheel trolleys into the rear of the unit via the servicing bay.

Whilst the Highways Planning Manager's concerns are understood, it is recognised that the occupant cannot service this unit through the existing servicing bay due to the constraints identified above. It also has to be recognised that the proposed use is one that is encouraged within this shopping centre and one that would replace a restaurant that is not desirable within this stress area. The potential conflict with pedestrians identified would be a temporary nuisance limited to delivery periods only. However, it would not be a highways safety concern given the width of the footpath between the front of these shops and the bus stop (approximately 2.5 metres). On balance, and as per paragraph 109 of the NPPF, it would not be appropriate to refuse permission on highways grounds in this instance.

To minimise any conflict with pedestrians as far as is possible, conditions are recommended to limit deliveries to outside peak hours, prohibit the storage of trolleys on the footpath and to provide an updated delivery and Servicing Management Plan that minimises pedestrian conflict as far as possible.

8.5 Economic Considerations

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

8.6 Access

The unit would maintain the existing level access from Westbourne Grove at the front of the shop.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 Neighbourhood Plans

None relevant to the application site

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

The proposed development is not large enough to require an Environmental Impact Assessment.

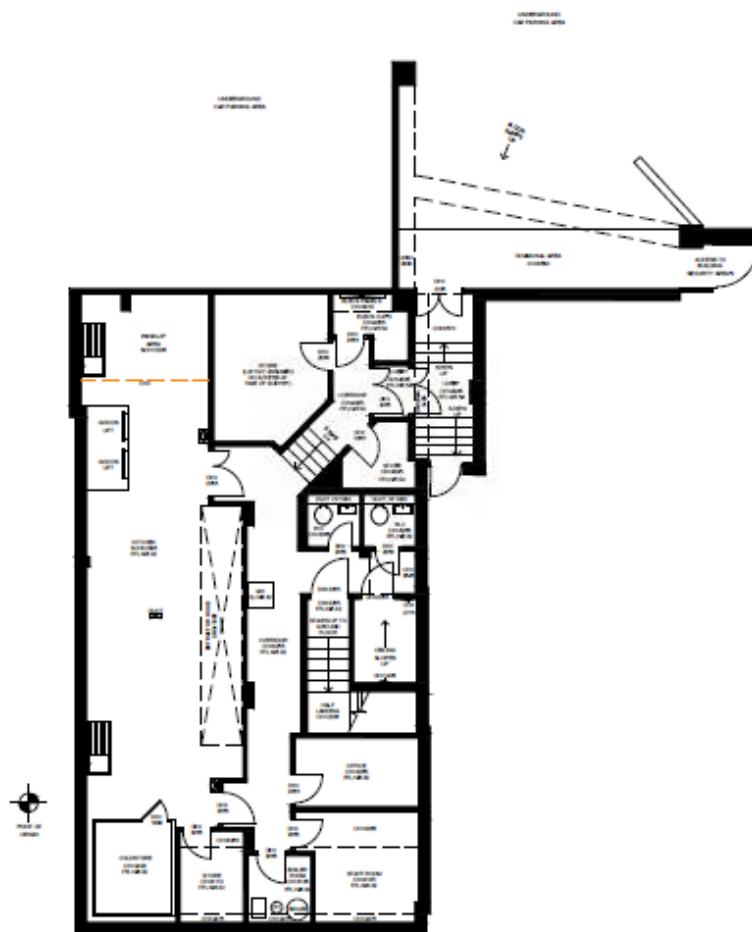
8.13 Other Issues

The concerns raised by the objector are largely addressed above. With regards to the red line site plans accuracy, the applicant has now provided an updated plan which includes the rooftop plant enclosure area.

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

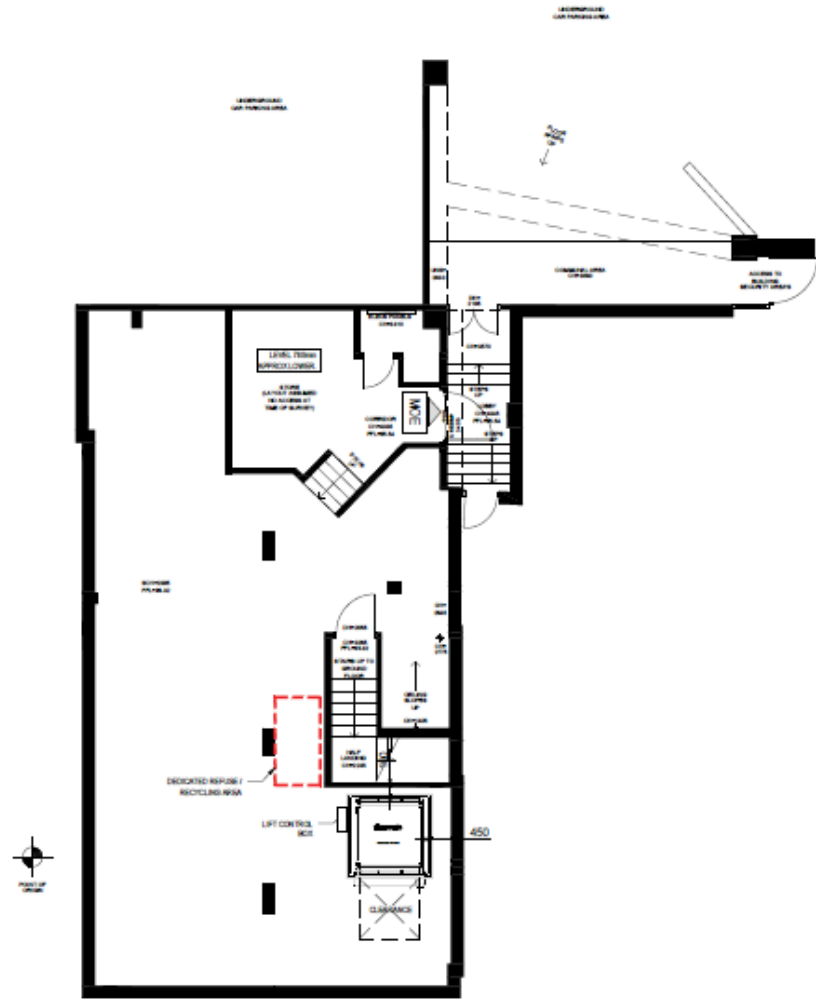
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

9. KEY DRAWINGS



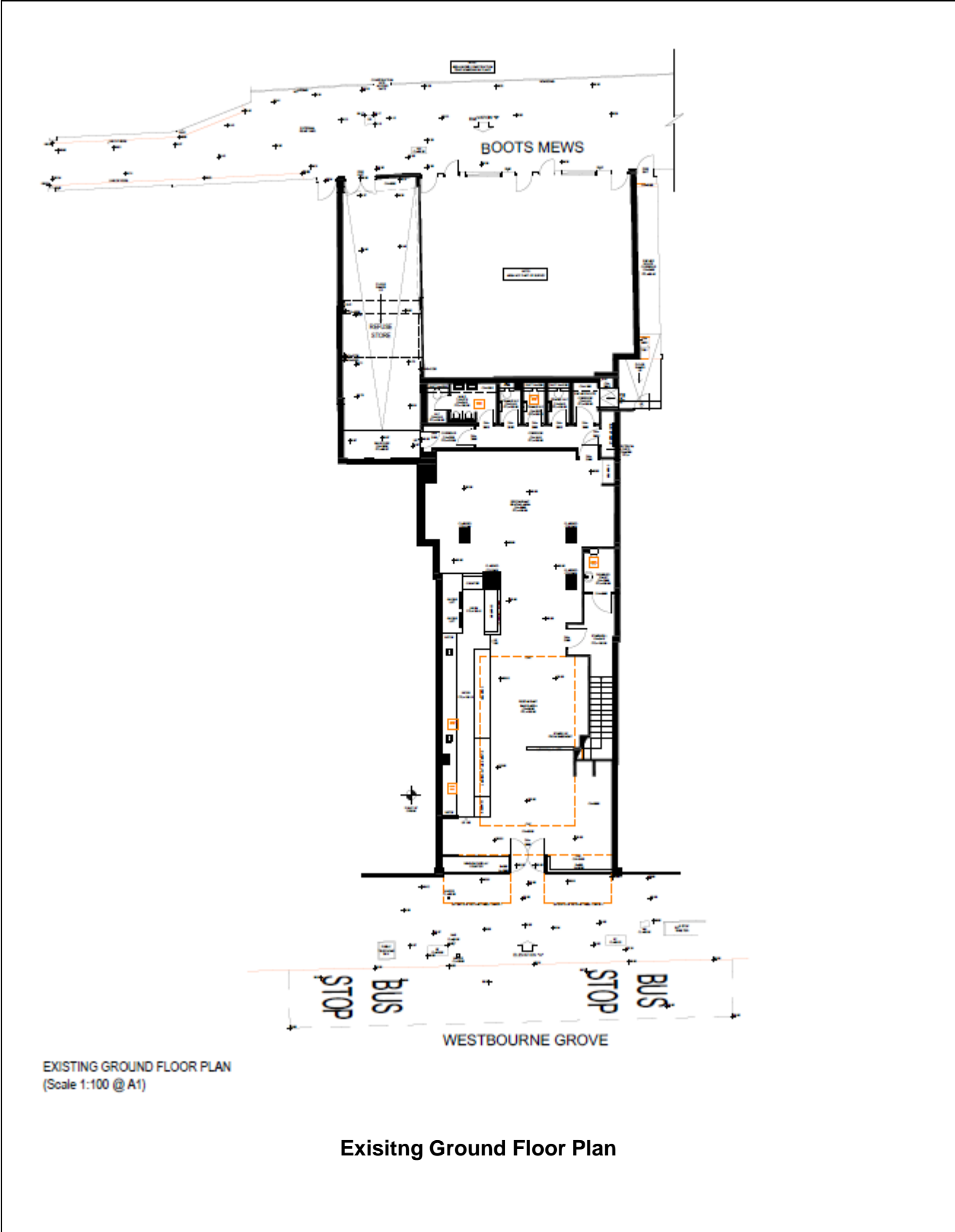
EXISTING BASEMENT PLAN
(Scale 1:100 @ A1)

Existing Basement Plan



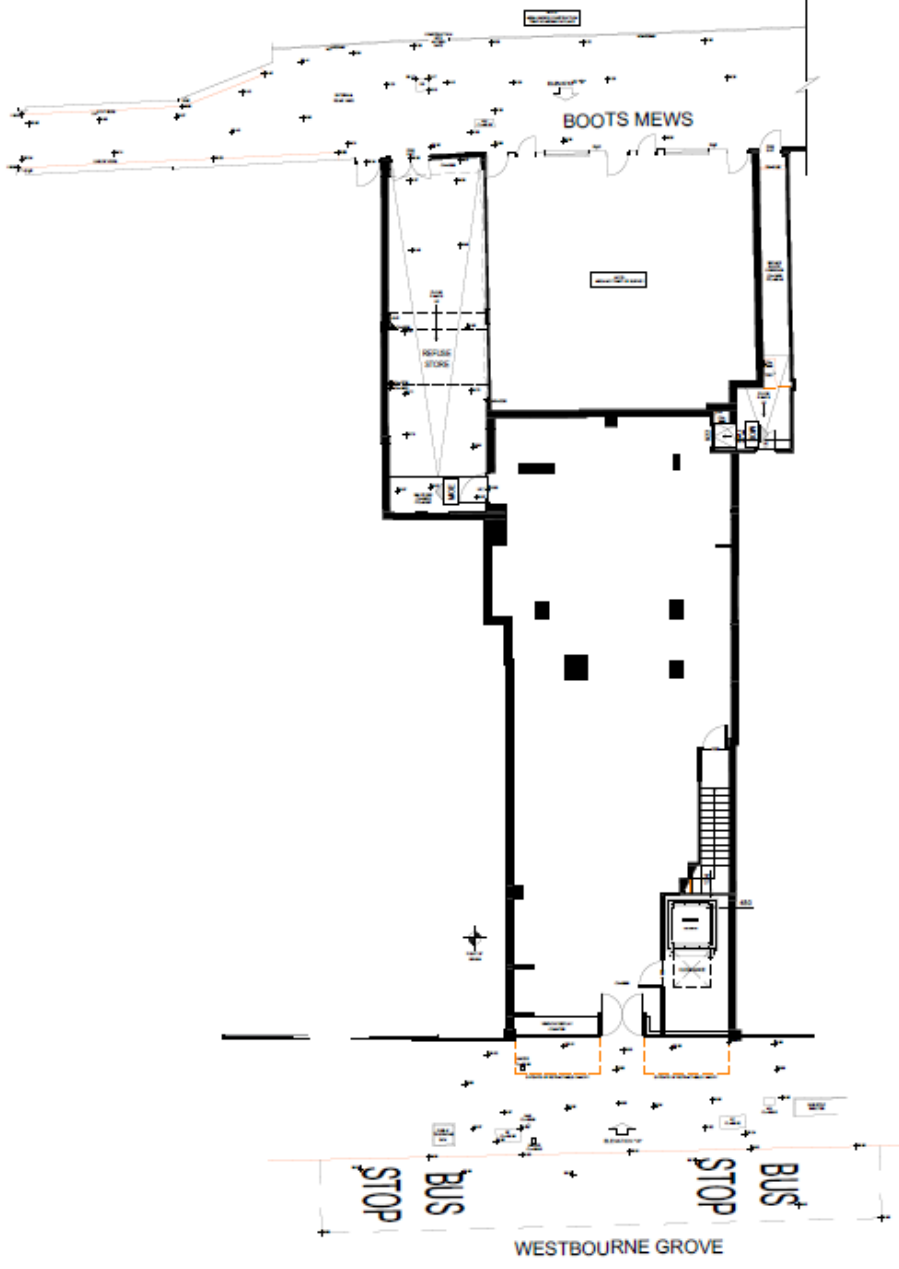
PROPOSED BASEMENT PLAN
(Scale 1:100 @ A1)

Proposed Basemnt Plan



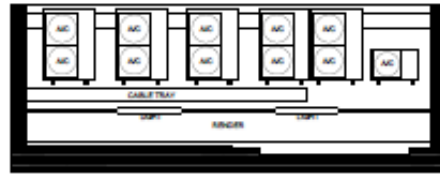
EXISTING GROUND FLOOR PLAN
(Scale 1:100 @ A1)

Existing Ground Floor Plan



PROPOSED GROUND FLOOR PLAN
(Scale 1:100 @ A1)

Proposed Basement Floor Plan

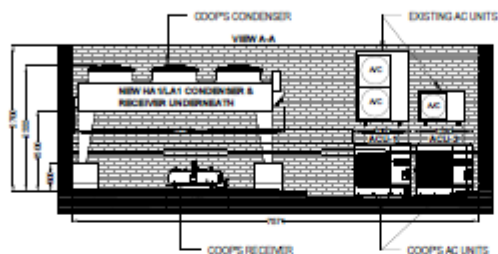


EXISTING ROOF - ELEVATION C
(Scale 1:50 @ A1)

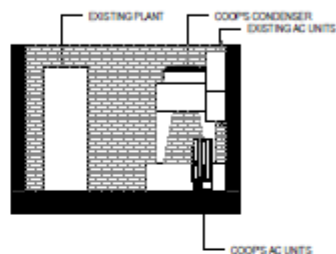


EXISTING ROOF PLAN
(Scale 1:50 @ A1)

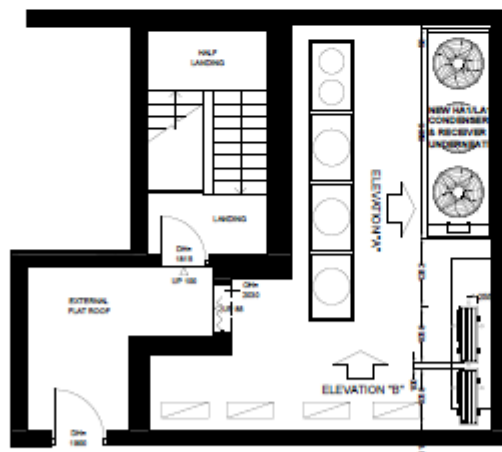
Existing Roof Plant Enclosure Elevation (top) and Plan (bottom)



PROPOSED ROOF PLAN - ELEVATION A
(Scale 1:50 @ A1)



PROPOSED ROOF PLAN - ELEVATION B
(Scale 1:50 @ A1)



PROPOSED ROOF PLAN
(Scale 1:50 @ A1)

Proposed Roof Plant Enclosure Elevation (top) and Plan (bottom)

DRAFT DECISION LETTER

- Address:** 108 Westbourne Grove, London, W2 5RU,
- Proposal:** Use of basement and ground floors as a retail unit (Class A1) for a period of 15 years, and installation of air conditioning unit within the roof.
- Reference:** 18/02532/FULL
- Plan Nos:** PP101 Rev A, PP102 Rev A, PP103 Rev A, PP104, PP105 Rev B, PP106 Rev C, PP107, Drawing titled "Ground Floor Plan" Rev B, Drawing titled "Lower Ground Floor Plan".

FOR INFORMATION ONLY: Transport Statement by ADL Traffic and Highways Engineering Limited (dated March 2018); Planning Statement by Caulmert Limited (dated March 2018)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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 The retail use allowed by this permission can continue for 15 years from the date of this permission. After that, this unit must return to its previous use.

Reason:

To ensure that this use is implemented and to accommodate potential changes in development plan policy.

- 4 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the retail use. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 5 You must apply to us for approval of details of secure cycle storage for the retail use use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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)

- 6 All servicing or deliveries must take place between 0800 and 1800 Monday to Friday and between 0800 and 1300 Saturday. No servicing or deliveries shall take place on Sundays or Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 7 No goods, including delivery cages/trolleys, delivered or collected by vehicles arriving at or departing from the building shall be left on the public highway. You may accept or dispatch such goods only if they are directly unloaded or loaded out of or into the building hereby approved.

Reason:

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

- 8 The retail use shall not open for trading until a Servicing and Delivery Management Plan has been submitted to and approved in writing by the City Council. You must then carry out the development in accordance with the approved details.

Reason:

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

- 9 Customers shall not be permitted within the retail unit before 0700 or after 2300 Monday to Saturday and before 0800 or after 2300 on Sundays, bank holidays and public holidays.

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)

- 10 (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)

- 11 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)

- 12 The two Mitsubishi / PUMY-SP125VKM air conditioner units hereby permitted shall not be operated except between 0700 hours and 2300 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

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, 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 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS:

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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

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 <https://www.westminster.gov.uk/contact-us-building-control>

3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take

place outside the permitted hours unless you have our written approval. (I50AA)

- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 5 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at

www.hse.gov.uk/pubns/indg244.pdf. (I80DB)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.

BACKGROUND PAPERS – 108-110 Westbourne Grove, London, W2 5RU - 18/02532/FULL

1. Application form
2. Responses from Highways Planning Manager, dated 3 May and 4 July 2018
3. Response from Environmental Health Officer, dated 9 April 2018
4. Response from Waste Project Officer, dated 19 April 2018
5. Letters from Notting Hill East Neighbourhood Forum, dated 24 April and 12 June 2018
6. Letter from South East Bayswater Residents Association, dated 22 April 2018
7. Letter from occupier of 112 Westbourne Grove, dated 15 May 2018