

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 18 December 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>	<b>309-311 Harrow Road, London, W9 3RG</b>		
<b>Proposal</b>	Dual/ alternative use of part of the basement and ground floors for Class A1 or Class A3 use. Erection of roof extension to form new third floor and erection of rear extension comprising basement extension, ground and three upper floors and associated external alterations to existing building including new windows to front elevation at ground floor level. Use of part basement and ground floors and the first, second and third floors as student accommodation (34 bed spaces).		
<b>Agent</b>	Nexus Planning		
<b>On behalf of</b>	YPP Lettings Ltd		
<b>Registered Number</b>	18/07841/FULL	<b>Date amended/ completed</b>	12 September 2018
<b>Date Application Received</b>	12 September 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Not applicable.		

## 1. RECOMMENDATION

Grant conditional permission, subject to a Unilateral Undertaking to secure the accommodation for students who are primarily receiving their education via a higher education institution(s) in Westminster.

## 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 changing the use of the basement and ground floor of the property to a dual/alternative retail (Use Class A1) or restaurant/café use (Use Class A3). The applicant also proposes extending the existing building to provide 34 bed spaces of student accommodation (Use Class Sui Generis). A 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.

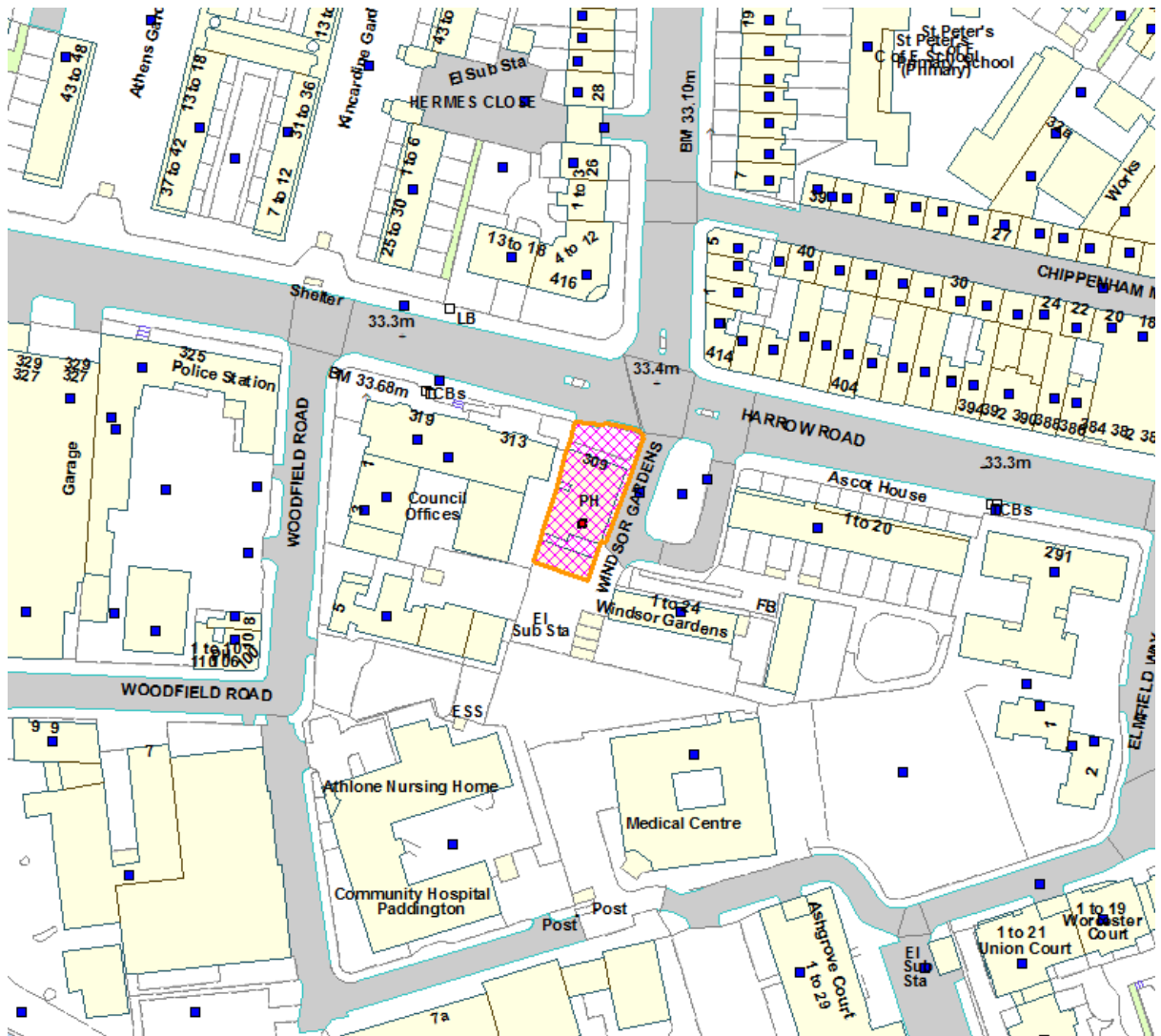
The proposed development has attracted representations in support from the ward councillors and local residents.

The key considerations are:

- Loss of existing public house use;
- Provision of A1, A3 and student accommodation uses on-site;
- Impact on the amenity of nearby residents;
- Impact on highways and parking; and
- Impact on protected trees

The proposed development overcomes the reasons for refusing application RN: 16/09974/FULL. Subject to the recommended Unilateral Undertaking and conditions, 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



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

## 5. CONSULTATIONS

### COUNCILLOR BOOTHROYD ON BEHALF OF WESTBOURNE WARD COUNCILLORS

As ward councillors, we have looked candidly at the restrictions placed by the state of the economy and the market, and the restrictive covenant placed on the building.

Our conclusion is that this scheme is the best way of preserving the Windsor Castle building, which has considerable historical significance and is deteriorating.

The market assessment report convincingly shows how little other interest there is, and how limited are the alternative use proposals.

The reasons for refusal of the previous scheme have been fully addressed. In particular, the applicants' fully detailed analysis of demand for student housing in Westminster, not previously compiled into a full report, shows there is a need.

While a permanent housing scheme might be prepared, it would not necessarily be more appropriate for the site and would probably mean demolishing the building and losing the heritage.

The mansard roof and other extensions have been redesigned to remove windows and make others smaller, so it does not harm the building (reason 2). The terrace has been removed (reason 4). An acoustic report demonstrates that proposed sound insulation will ensure residents are not subject to excessive noise (reason 5). A tree survey shows how the development can proceed without damaging nearby trees (reason 6).

We note none of the residents of 313-315 Harrow Road objected to the previous application, and that they would get the most benefit from no longer living next door to a deteriorating, closed building.

### NORTH PADDINGTON SOCIETY

Support the proposal. Having considered other applications for this site over many years, strongly feel that this proposal has merit in the intention to preserve and restore many of the original external Victorian architectural features which are of a piece with the old town hall and police station buildings adjacent to this one further along the Harrow Road.

The proposed use of managed student accommodation is an acceptable and reasonable use for the building. The public transport links in the area make a wide range of educational institutions in this part of London easily accessible.

The current application has taken account of the issues of concern raised by officers about the previous application and the current proposal is stronger for having done so.

Pleased that part of the ground floor and basement of the building will be retained for uses and provisions other than residential. Too often, they see applications that seek to turn buildings used to provide other types of services being converted into residential accommodation. This is leading to an imbalance in the area which is slowly being turned into a dormitory community with reduced opportunities for people to work, obtain services or enjoy themselves in the neighbourhood.

This building has been unused since 2009 and is slowly deteriorating. Support the current proposal and look forward to its restoration and use as a vibrant active building that will lift the character of the area.

#### MAIDA HILL NEIGHBOURHOOD FORUM

Any response to be reported verbally.

#### WESTBOURNE FORUM

Support proposal. This building has lain empty since its closure in 2009 and is deteriorating. They consider that the revised proposals address the previous reasons for refusal.

They consider there to be a genuine need for affordable accommodation for students in the area and this site is suitable for students studying at Westminster University or UCL, as both are served by bus route 18. Students would not be likely to generate car traffic in the area.

Also consider that the ground floor should be restored and put into use for community use, should difficulties to reopen it as a pub turn out to be prohibitive. The idea of a community-run café, as suggested by the developers is supported.

#### HIGHWAYS PLANNING MANAGER

Support absence of parking for proposed A class uses. Object to the absence of parking for student accommodation and provision of appropriate cycle parking and servicing arrangements. Comments considered in full below.

#### WASTE PROJECT OFFICER

Objection, discussed in further detail below.

#### ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions. Discussed in further detail below.

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

No. Consulted: 117

Total No. of replies: 3

No. of objections: 0

No. in support: 2

In summary, the supporters raise the following issues:

- There have been numerous problems of anti-social behaviour associated with these unoccupied buildings. Occupation would prevent this.
- The proposal retains the façade of local historic value and keep the ground floor for commercial use as hoped by local groups.
- The proximity of the neighbours at 313/315 Harrow Rd has been addressed.
- Student accommodation seems perfect for the area with frequent local buses to colleges.

- Students residing on-site have the potential to revive or improve local amenities in the area.

An additional representation sought information on the basement extension, particularly how mess associated with it will be managed, how big it will be and how long its excavation is likely to take.

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)

#### 16/09974/FULL

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.

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).
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.
3. The rear and roof extensions would make the people living in 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. (X14BC)



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.
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.
6. Insufficient information has been submitted to demonstrate that a protected tree would be adequately safeguarded during excavation of the front lightwell. In the absence of this information, the proposal would be contrary to policy S38 of Westminster's City Plan (adopted November 2016) and policy ENV 16 of our Unitary Development Plan that we adopted in January 2007.

The applicant has appealed this decision, with an informal hearing scheduled for 22-23 January 2019.

## 7. THE PROPOSAL

The applicant proposes changing the use of the basement and ground floor of the property to a dual/alternative retail (Use Class A1) or restaurant/café use (Use Class A3). The applicant also proposes extending the existing building to provide 34 bed spaces of student accommodation (Use Class Sui Generis). A 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.

**Table 1: Existing and Proposed Floor Areas**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Public House (Use Class A4)</b>	759	0	-759
<b>Retail or Restaurant/café (Use Class A1 or A3)</b>	0	257	+257
<b>Student Accommodation (Use Class Sui)</b>	0	632	+632

<b>Generis)</b>			
<b>TOTAL</b>	759	889	

Unlike application RN: 16/09974/FULL, the applicant now proposes removing the existing public house use. In response to the reasons for refusing application RN: 16/09974/FULL, the applicant has amended the development as follows:

1. Provided an updated Market Demand Report, two appeal decisions and a Unilateral Undertaking to justify the provision of student accommodation on the application site;
2. The design of the proposed extensions have been amended. The mansard roof extension over the public house building is now more traditionally detailed and its height has been lowered. A glazed roof has been added to the glazed band between the existing building and the proposed rear extension. The fenestration pattern on the rear extension has been amended.
3. Additional information on the layout of 313-319 Harrow Road and its relationship to the application site has been submitted to justify the sense of enclosure impact of the proposed development.
4. The third floor roof terrace has been removed.
5. Additional acoustic information has been submitted to demonstrate that the student accommodation would be safeguarded from excessive noise from the A class uses and mechanical plant.
6. An Arboricultural Method Statement has been submitted to demonstrate that the proposal can be built without harm to protected trees. The front lightwell has also been reduced in size to reduce its encroachment into the RPA of the protected London Plane tree on 313-319 Harrow Road.

## 8. DETAILED CONSIDERATIONS

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12th November 2018 and will close on Friday 21st December 2018 ("the Emerging City Plan"). Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under regulation of the Town and Country Planning Act (Local Planning (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the Emerging City Plan are given little to no weight at the present time. Where relevant, the policies of the Emerging City Plan are noted below.

### 8.1 Land Use

#### 8.1.1 Loss of Public House

Paragraph 91 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 92 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 closed March 2018) ("the Draft London Plan") also guards against the loss of public houses that have heritage, economic, social or cultural value and ancillary spaces. The Draft London Plan has been through one round of consultation with no in principle objections received to policy HC7. Accordingly, and having regard to paragraph 48 of the NPPF, policy HC7 of the Draft London Plan can be given some 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 result in the loss of the Windsor Castle Public House. However, this pub does not have Asset of Community Value (ACV) and its potential loss has not attracted any objections from the local community. It is also not listed, is not an unlisted building of merit and has no known heritage, economic, social or cultural value.

Accordingly, it is not a valued community facility/pub and is not the type of public house that the NPPF, London Plan or Draft London Plan seeks to protect.

Notwithstanding this, the Windsor Castle Public House has been vacant for eight years. This pub has also been the subject of a comprehensive two year marketing exercise that attracted two initial enquiries for continued use of the premise as a public house. These enquiries were taken no further forward following initial dialogue with the applicant. Another 38 enquiries were received from developers and others who wished to convert the public house to another use. Accordingly, there is little interest from the market in continued operation of this public house.

Whilst the loss of this public house would be regrettable, this public house has little to no value to the local community and has no known heritage, economic, social or cultural value. There is also little interest in its continued use as a public house. Accordingly, the proposal would not result in the loss of a valued facility and its loss would be acceptable. The proposal therefore meets the NPPF and policy 4.8 of the London Plan, policy HC7 of the Draft London Plan, policy SS8 of the UDP and policy S13 of the City Plan.

#### 8.1.2 Proposed A1/A3 Use

Policy S21 of the City Plan directs new retail development toward the Central Activities Zone (CAZ) and the District and Local Centres. Policy S12 of the City Plan states that development should, amongst other things, encourage economic activity and provide local services.

Policy SS8 of the UDP recognises that isolated local shops and other A class uses provide a valuable service to residents, although permission will not be granted to proposals that significantly harm residential amenity or local environmental quality as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic. Similarly, policy TACE 9 of the UDP notes that entertainment uses, like the restaurant proposed, will only be granted where they have no adverse effect upon residential amenity and the character and function of the area.

Policy 18 of the Emerging City Plan states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location, and will be neighbourly.

It is recognised that the application site is located outside the CAZ and is not located within a District or Local Centre. However, the proposed A1 or A3 use would provide a local service and encourage economic activity in this vacant property, in accordance with policy S12 of the City Plan. In principle, the proposed A1 or A3 use would not have a more harmful residential amenity or highways impact than the A4 use it replaces, although this is subject to the more detailed consideration set out below. As the proposed use would bring activity to this long vacant unit, it would also enhance the character of the area. Accordingly, the proposed A1 or A3 use would be consistent with policies S21 and S12 of the City Plan, policy SS8 of the UDP and policy 18 of the Emerging City Plan.

### 8.1.3 Proposed 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; the use of the accommodation is secured for students; the accommodation is secured through a nomination agreement for occupation by student members of one or more specified higher education providers; the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance and that the accommodation provides adequate functional living space and layout. Where less than 35% of the accommodation is secured as affordable student accommodation, the development will be viability tested and subject to review mechanisms.

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 agreement in place from initial occupation to provide housing for students at one or more higher education institutions. The Draft London Plan has been through one round of consultation with no in principle objections received to policy H17. Accordingly, and having regard to paragraph 48 of the NPPF, policy H17 of the Draft London Plan can be given some weight at this particular stage.

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. 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.

As set out in the history section above, the previous application (RN: 16/09974/FULL) for this site was refused as the applicant had not demonstrated a local need for the student accommodation proposed. To address this reason for refusal, the applicant has provided the following:

- An updated Market Demand Report by Cushman and Wakefield (June 2018) (“the MDR Report”);
- Two appeal decisions in relation to the provision of student accommodation (PIN’s ref: APP/D0840/W/17/3182360 and APP/Q0505/W/15/3035861); and
- A Unilateral Undertaking to secure the accommodation for students attending Westminster Universities.

There is a clear strategic need for student accommodation within London. As demonstrated by para. 4.17.2 of the Draft London Plan, there is a requirement for 3500 bedspaces to be provided annually.

Turning to local need, the City Council has 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. 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. The Wessex Study recommends further research by the City Council to justify policies that support student accommodation in Westminster at the expense of conventional housing.

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. Overall, both studies indicate a potential local need for student accommodation, particularly affordable student accommodation, although not where it would prejudice the provision of conventional housing.

However, both studies pre-date current Planning Practice Guidance, which notes that “*Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock*”<sup>1</sup>. Further to this and the Inspectors’ rationale in the submitted appeal decisions, the applicant has submitted the MDR Report which demonstrates the impact of students on Westminster’s housing market. The MDR Report notes the following:

- Approximately 21% of all full time students studying in London, study at a Westminster based HEI. Despite this, Westminster currently has only 6% of

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<sup>1</sup> See paragraph: 020 Reference ID: 2a-020-20180913

London's total purpose built student accommodation. As of April 2018, there are currently no proposals for additional purpose built student accommodation schemes in the pipeline across Westminster.

- In London, the ratio of students to bedspaces is 2.3:1. In Westminster, this student to bed ratio increases to 5.8:1. This indicates a significant undersupply of purpose-built student accommodation within Westminster.
- Successive University of London Housing Surveys have found that the majority of students wish to live within a 30-minute commute of campus and that the most important factor when choosing accommodation is proximity to their HEI .
- This lack of supply and the desire of students to live close to their HEI has resulted in an increasing number of students living in private housing, particularly Houses in Multiple Occupation ('HMOs'), which has grown by 8% since 2011/2012. Whilst student pressures on housing in Westminster is likely to continue to increase, the development of 34 additional bed spaces has the potential to free up seven houses (at five students per household).

Given the conclusions of the MDR Report, it is clear that there is a need for student accommodation within Westminster and that this unmet need is being accommodated in the private rented sector. The provision of this student accommodation would potentially free up seven houses in the private rented sector and would therefore contribute toward the City Council's housing target, as per policy S14 of the City Plan.

It is noted that the applicant is not a Higher Education Institution. However, and unlike the previous application, the applicant has now provided a Unilateral Undertaking that secures the accommodation for students of HEI's within Westminster in the first instance. Should no HEI require these bedspaces, then they would be offered to students of HEI's in the neighbouring authorities of Kensington and Chelsea, Camden, Brent, the City of London, Lambeth or Wandsworth. Accordingly, this Unilateral Undertaking secures this accommodation for students of HEI's in Westminster and therefore satisfies this requirement of policies 3.8 of the London Plan, H17 of the Draft London Plan, S15 of the City Plan, 12 of the Emerging Local Plan and H6 and SOC 3 of the UDP.

Having regard to policy H17's other requirements, there are no other student accommodation developments within the immediate vicinity of the application site. Accordingly, it would also contribute to a mixed and balanced community within this area by introducing a new form of accommodation to the area.

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. As this development is not a major development, it is not subject to the threshold approach and review mechanism requirements of policy H6 of the Draft London Plan. Accordingly, this requirement of policy H17 is not relevant to this development.

The application site is well served by public transport, with a high PTAL rating of 5. It is also a short walk from the Harrow Road District Centre. Accordingly, it is well connected to local services.

Overall, the proposed student accommodation would be consistent with policies 3.8 of the London Plan, H17 of the Draft London Plan, S15 of the City Plan, 12 of the Emerging Local Plan and H6 and SOC 3 of the UDP.

## 8.2 Townscape and Design

As noted above, the previous application (RN: 16/09974/FULL) was previously refused due to the detailed design of the mansard roof and rear extensions proposed.

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 is acceptable, subject to its detailed design.

The applicant has amended the mansard roof proposed over the former public house by lowering its height, setting it back from the parapets and reducing the number of dormers from five to four. On the front elevation these dormers have been arranged over the brick piers below to ensure that the mansard does not appear cluttered and reflects the asymmetrical fenestration pattern on the existing façade below. These dormers are traditionally detailed, with lead cheeks and timber framed two over two sash windows. Accordingly, the design of the proposed mansard roof over the former public house is consistent with the age of this building and is considered appropriate.

With regards to the extension, the glazed band has been reduced in width from that previously proposed so that it does not dominate the Windsor Gardens elevation. The glazed band also wraps up to main roof level and sits at a height very slightly below the two mansard roofs proposed. This creates a more elegant transition between the mansards and the glazed band and overcomes officer's previous concerns with the abrupt and awkward nature of the arrangement proposed in the refused scheme.

The height and proportions of the extension itself and the stone string course above the ground level façade mimic that of the existing public house building. The fenestration pattern on the Windsor Gardens façade also repeats the asymmetrical pattern found on the Harrow Road façade of the original building. On all elevations, the windows are now vertically aligned, diminish in size from the lower to upper storeys and match the size of those found on the existing building. These windows are simply detailed with no



surrounds proposed and are comprised of single panes only. The use of matching brick on the public facades and zinc roofing are also considered appropriate, subject to a condition to secure appropriate samples.

Whilst the lightwells within the Windsor Gardens façade are regrettable, it is acknowledged that they are necessary to provide adequate light and ventilation to the basement accommodation proposed. They are also located on the secondary Windsor Gardens frontage and are not of such a scale that they detract from the overall composition proposed. Overall, the proposed extension is considered an appropriate modern response to the Victorian public house to which it would be attached and would preserve its special interest.

The lightwell proposed on the Harrow Road frontage is setback from the footway and would be comparable to similar lightwells on the neighbouring former council offices and Edwardian police station. Accordingly, it would not be out of place in the streetscene. However, no details of fall protection, such as railings surrounding it or a grille over it, have been provided. To secure appropriate details, a condition is recommended.

Subject to the recommended conditions, the proposed development would be consistent 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.

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 Lights Study's results are set out below.

**Table 2: Daylight Losses to 313-319 Harrow Road**

Level	Room	Existing VSC	Proposed VSC	VSC Loss	NSL Loss
Ground	R1 (Bedroom)	21.49	14.72	0.68	0.86
	R2 (Bedroom)	27.91	20.27	0.72	0.70
	R5 (Bedroom)	22.59 and 10.93*	17.10 and 8.53	0.75 and 0.78	0.61
	R6 (Bedroom)	13.38	10.29	0.76	0.63
	R7 (Kitchen)	15.89	12.78	0.80	0.80
First	R1 (Bedroom)	33.04 and 34.80*	26.49 and 27.26	0.80 and 0.78	0.95
	R2 (Bedroom)	34.43	26.18	0.76	0.69
	R3 (Bedroom)	31.02	22.90	0.73	0.53
	R4 (Bedroom)	29.68	22.11	0.74	0.54

	R5 (Bedroom)	25.30	19.19	0.75	0.49
	R6 (Unknown)	23.55 and 16.91*	17.93 and 12.75	0.76 and 0.75	0.48
	R7 (Unknown)	13.27	10.38	0.78	0.67
Second	R1 (Bedroom)	34.33 and 36.37*	29.45 and 30.41	0.85 and 0.83	0.99
	R2 (Bedroom)	36.21	29.62	0.81	0.83
	R3 (Bedroom)	35.04	27.19	0.77	0.77
	R4 (Bedroom)	34.50	26.67	0.77	0.78
	R5 (Bedroom)	31.81	24.87	0.78	0.64
	R6 (Unknown)	30.72 and 25.50*	24.02 and 20.01	0.78 and 0.78	0.72
	R7 (Unknown)	18.96	15.25	0.80	0.88
	R8 (Unknown)	20.88	18.27	0.87	0.94
Third	R1 (Bedroom)	26.40 and 36.42*	23.33 and 32.90	0.88 and 0.90	1.00
	R2 (Bedroom)	36.75	32.85	0.89	1.00
	R3 (Bedroom)	36.58	31.55	0.86	1.00
	R4 (Bedroom)	36.49	31.26	0.85	0.99
	R5 (Bedroom)	35.82	30.43	0.84	0.99
	R6 (Unknown)	35.35 and 31.28*	30.08 and 26.37	0.85 and 0.84	0.99
	R7 (Unknown)	28.69	23.57	0.82	0.99

**\* Rooms served by two windows**

The Light Study notes that 18 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 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

As noted above, the previous application (RN: 16/09974/FULL) for this development was refused permission, amongst other reasons, for its sense of enclosure impact on 313-319 Harrow Road (the neighbouring property to the west).

The applicant has not amended the bulk, height or setback from the boundary with 313-319 Harrow Road to address this reason for refusal. The applicant has instead provided further information on the layout of buildings on 313-319 Harrow Road and undertaken a comparison to the proposed development. The applicant notes that 313-319 Harrow Road is comprised of two wings that run parallel to the proposed building. These wings are approximately the same distance from one another as the proposed building would be from the easternmost wing that faces the proposed development. Both wings are also higher than the proposed building. Accordingly, the bulk, height and setback proposed is a common amenity relationship on 313-319 Harrow Road.

The applicant also notes that the bedrooms within 313-319 Harrow Road would face the proposed building with living rooms facing into the internal courtyard separating the two wings. As bedrooms, the applicant contends that they are secondary viewpoints from the affected flats, with their primary outlook being toward the internal courtyard.

The additional considerations put forward by the applicant are material and compelling. In addition, none of the residents within 313-319 Harrow Road have objected to the proposal, indicating that they do not consider themselves adversely affected by the bulk, height and setback of the proposed building.

As set out above, the proposed student accommodation that would occupy the new building is now considered acceptable and would bring this long vacant property that has been a negative feature on Harrow Road back into use. On balance and in light of the above, refusal of the application on unacceptable sense of enclosure grounds to 313-319 Harrow Road is not considered sustainable.

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 applicant has removed the third floor terrace, the privacy impact of which was a reason for refusing the previous application (RN: 16/09974/FULL).

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.

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

Accordingly, the privacy impact of the proposed development would be consistent with policies S29 and ENV 13 of the UDP.

### 8.3.4 Noise

It is proposed to install building services plant within the basement of the proposed development. The use of the A1/A3 unit also has the potential to harm the living conditions of students living above if not adequately mitigated and this was a reason for refusing the previous application (RN: 16/09974/FULL).

To address this previous reason for refusal, the applicant has submitted a Plant Noise Assessment and details of internal noise insulation. The Environmental Health Officer has reviewed these details and confirms that they are acceptable, subject to conditions to limit noise from the proposed plant and to provide adequate noise insulation for the student accommodation. Subject to these conditions, the proposed development would be consistent with 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 109 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 18 cycle spaces for the proposed student accommodation and an additional two spaces for the proposed A1/A3 unit. The applicant proposes the provision of 12 shared hire cycles in a locker at the front of the property for the student accommodation and 8 cycle spaces at the front of the property for the A1/A3 use. The Highways Planning Manager has objected to the shared hire cycles for the student accommodation, as it does not meet policy 6.9 of the London Plan. However, a condition has been recommended to secure an appropriate level of 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 details of the waste storage proposed. However, 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.

#### 8.4.4 Servicing

Policy TRANS20 requires the provision of off-street servicing for the A1/A3 use. A Service Management Plan (SMP) has been submitted that indicates that servicing will occur on-street. It is not clear why this needs to be the case as there appears to be an existing drop crossing and hardstanding to the front of the site. If the proposed bike hoops were relocated to the west of this area this would enable more room. Whilst the largest regular service vehicle (refuse collection vehicle) expected to be associated with this development would be unable to use this other smaller vehicles could which would relieve the pressure on the public highway. The refuse vehicle would service the property in a similar fashion to the previous use and nearby properties. The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines in the vicinity allow loading and unloading to occur. Accordingly, a condition is recommended to secure an updated SMP that uses the area of hardstanding at the front of the site for small servicing vehicles. Subject to this condition, the proposal would be consistent with policy TRANS20 of the UDP.

Delivery vehicle parking associated with the A1/A3 unit can reduce the availability of parking for other uses and increases noise and fumes in the area. To minimise the impact of the proposed use on the road network, a condition is recommended that prevents a delivery or takeaway service operating from the premise.

### 8.5 **Economic Considerations**

The proposed A1/A3 unit would bring this vacant site back into use. This would provide a source of employment and a place for small businesses to operate within NWEDA.

### 8.6 **Access**

The proposed development includes level access to the proposed student accommodation.

### 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. The light wells at front and rear are also discreetly located. Accordingly, the proposed basement meets the size, location and depth limitations within policy CM28.1 of the City Plan.

### **8.8 Neighbourhood Plans**

Not applicable.

### **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.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicants response to this notice will be reported before or at the Sub-Committee meeting.

### **8.11 Planning Obligations**

As noted above, an appropriate Unilateral Undertaking must be secured to ensure that the student accommodation is retained for students of Westminster in the first instance.

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)

### **8.12 Environmental Impact Assessment**

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

### **8.13 Other Issues**

#### **8.12.1 Trees**



As noted above, the previous application (RN: 16/09974/FULL) was refused for, amongst other things, the potential impact of the development on a protected London Plane tree on 313-319 Harrow Road.

The applicant has undertaken trial excavation at the front of the site to determine the extent of roots on-site. Subsequent to this, the applicant has revised the extent of the front lightwell to reduce its encroachment into the RPA of this tree. The Arboricultural Manager has reviewed this and considers it acceptable, subject to conditions requiring submission of an Arboricultural Method Statement and pruning of this tree to minimise potential conflict with the mansard extension proposed.

Subject to these recommended conditions, the proposed development would be consistent with policy S38 of the City Plan and policy ENV16 of the UDP

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

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

### 9. KEY DRAWINGS



Existing North Elevation  
Scale 1:100



Proposed North Elevation  
Scale 1:100



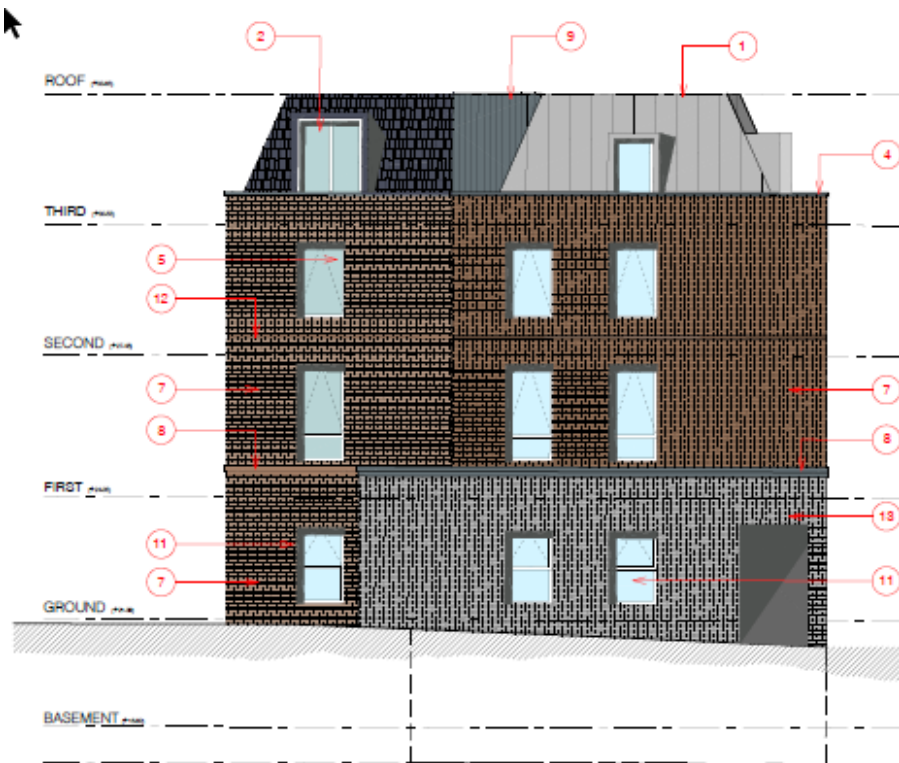
Existing East Elevation  
Scale 1:100



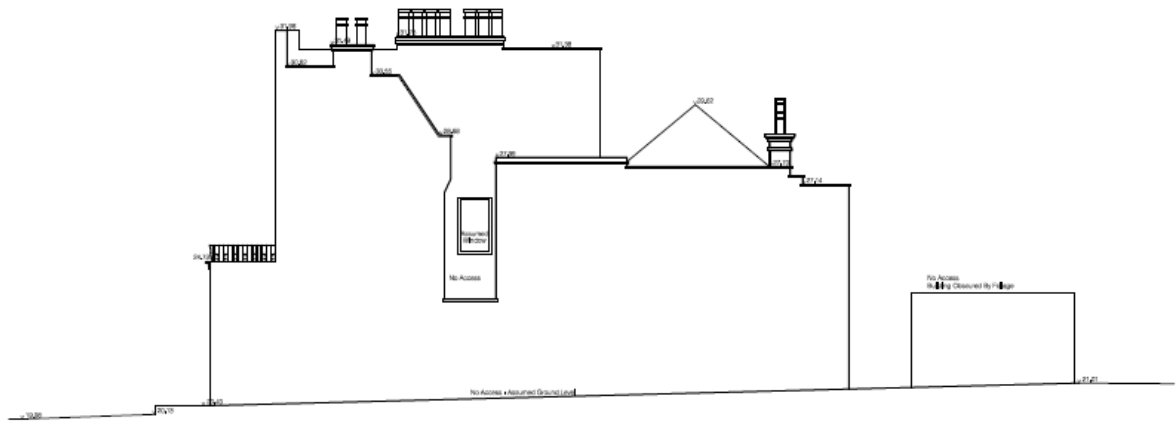
Proposed East Elevation  
Scale 1:100



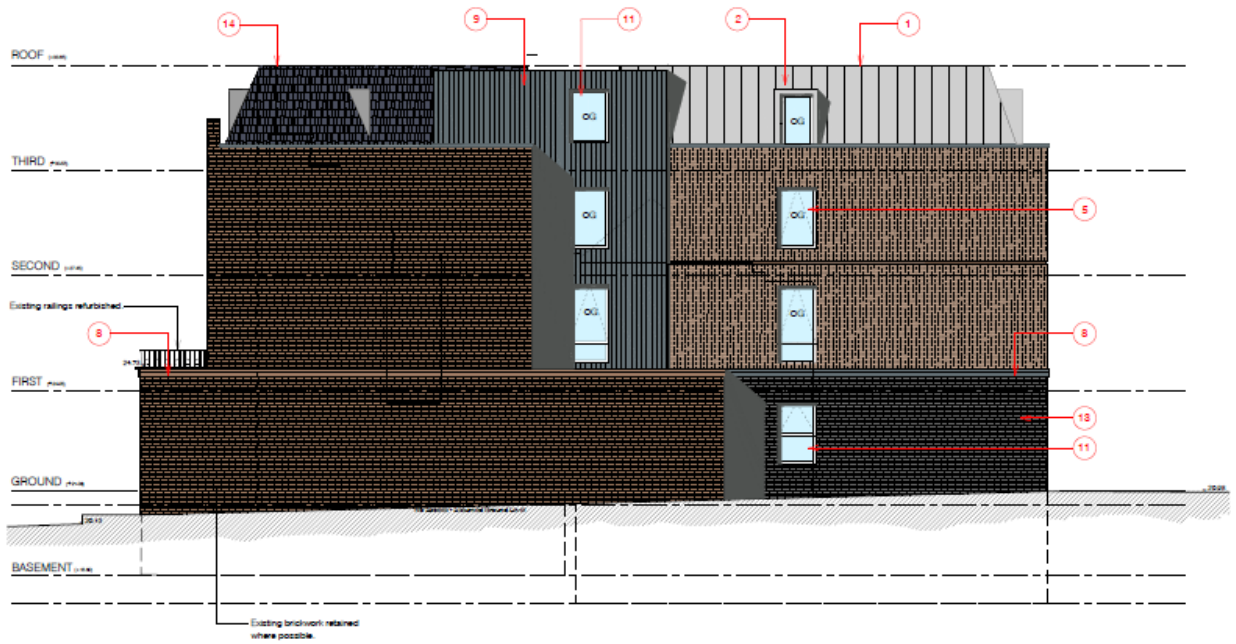
Existing South Elevation  
Scale 1:100



Proposed South Elevation  
Scale 1:100

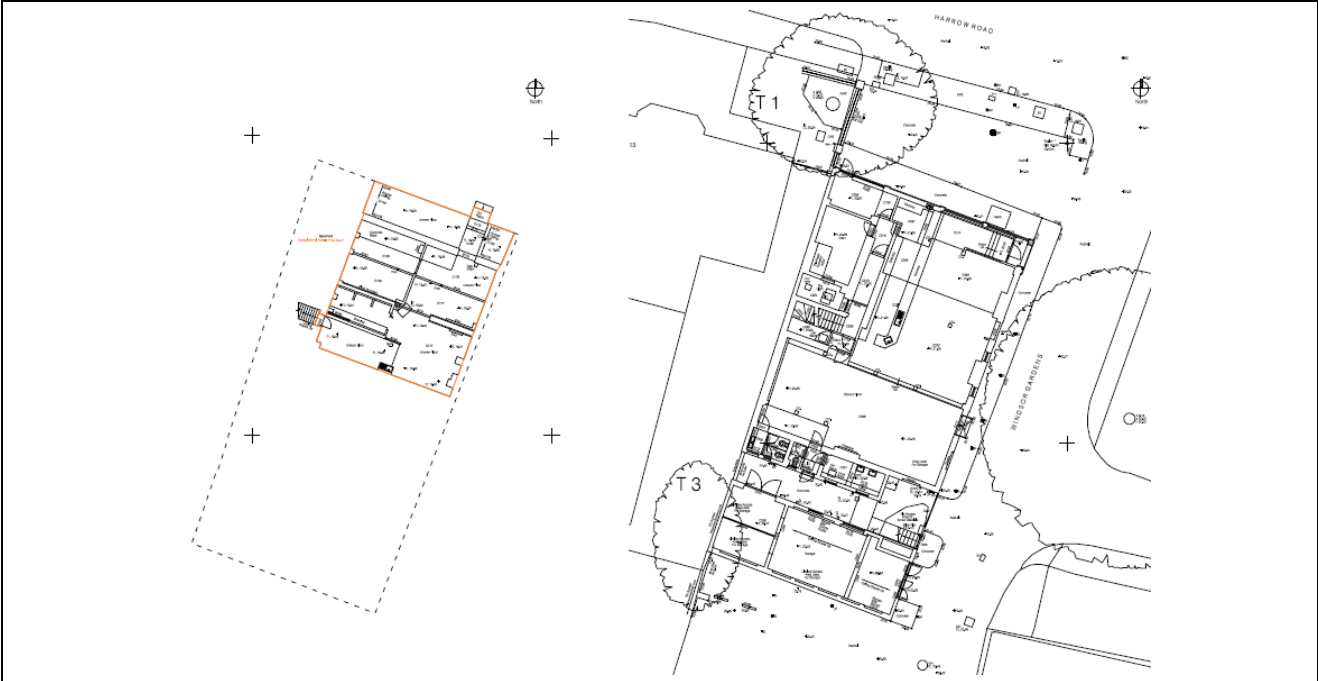


Existing West Elevation  
Scale 1:100



Proposed West Elevation  
Scale 1:100

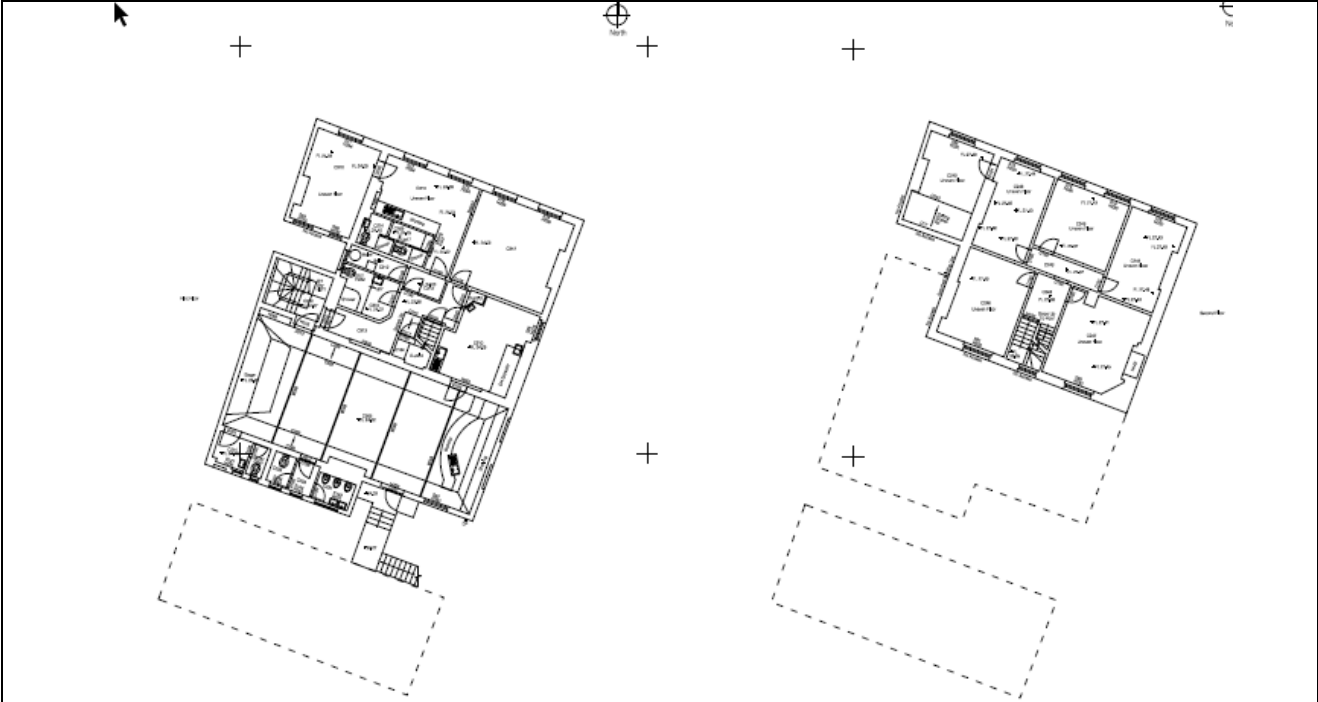
Key:



Existing Basement and Ground Floor Plans



Proposed Basement and Ground Floor Plans

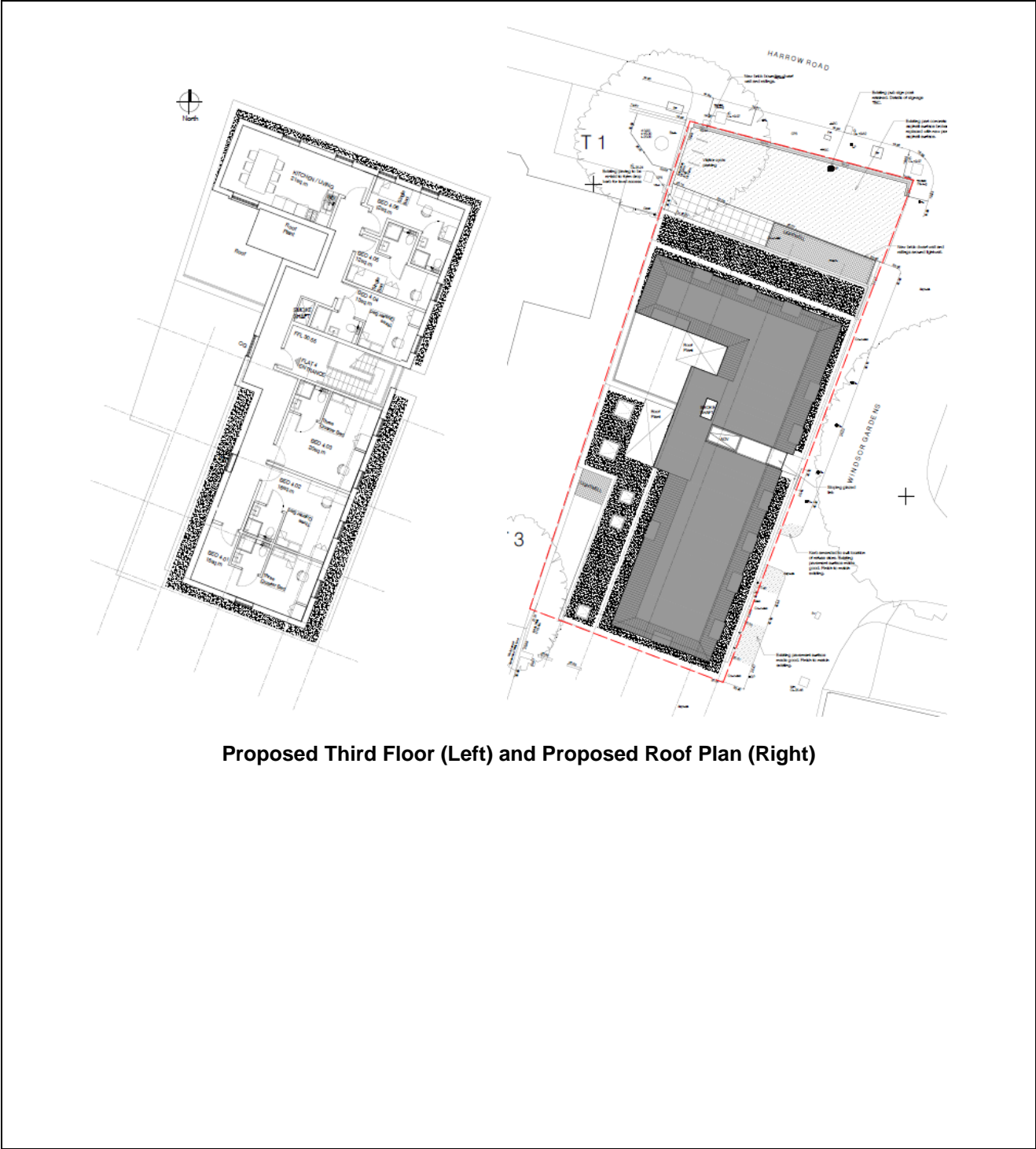


**Existing First and Second Floor Plans**



**Proposed First and Second Floor Plans**





**Proposed Third Floor (Left) and Proposed Roof Plan (Right)**



**DRAFT DECISION LETTER**

**Address:** 309-311 Harrow Road, London, W9 3RG

**Proposal:** Dual/ alternative use of part of the basement and ground floors for Class A1 or Class A3 use. Erection of roof extension to form new third floor and erection of rear extension comprising basement, ground and three upper floors and associated external alterations to existing building including new windows to front elevation at ground floor level. Use of part basement and ground floors and the first, second and third floors as student accommodation (34 bed spaces).

**Reference:** 18/07841/FULL

**Plan Nos:** Drawing numbers (03) 01, (03) 03 Rev A, (03) 04, (03) 05 Rev A, (03) 06, (03) 07 Rev E, (03) 08 Rev I, (03) 09 Rev E, (03) 10 Rev I, (03) 11 Rev E

FOR INFORMATION ONLY: Planning Statement by Nexus Planning (August 2018), Design and Access Statement by Box Architects (June 2018), Heritage Statement by Geoff Noble (June 2018), Structural Methodology Statement by WYG (June 2018), Transport Statement by Vectos (June 2018), Market Demand Report by Cushman Wakefield (June 2018), Daylight and Sunlight Report by Shroders Begg (June 2018 Rev 1), Student Accommodation Management Statement by YPP Lettings Limited (Undated), Arboricultural Method Statement by Tyler Grange (12 June 2018), Pruning Methodology by Pruning Methodology by Tyler Grange (ref: 10540\_R03\_JP\_HM, dated 5th December 2018), Internal Sound Insulation report by Cole Jarman (21 June 2018, ref: 18/0037/R2), Planning Assessment Report by Cole Jarman (21 June 2018, ref: 18/0037/R1), Market Assessment Report by Lambert Smith Hampton (June 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 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

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

- 4 You must only use the accommodation for students of higher education institution(s) that provide a designated course approved by the Department for Education for higher education study.

Reason:

To make sure the accommodation is used for this purpose as we know there is a need for this type of accommodation. This is as set out in S15 of Westminster's City Plan (November 2016), H 6 of our Unitary Development Plan that we adopted in January 2007 and H17 of the Draft London Plan (November 2017).

- 5 You must apply to us for approval of detailed drawings (scale 1:20) of the following parts of the development:

- all new windows and doors;
- railings around and/or a grille over the front lightwell; and
- shopfront to Harrow Road

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

Reason:

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

- 6 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 7 (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)

- 8 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the A1/A3 use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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. (R47AB)

- 9 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)

- 10 The plant/machinery 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)

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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. (R51AB)

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

Reason:

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

- 13 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not cook food in the A1/A3 unit until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 14 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 15 The glass that you put in the western elevation of the extension must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 16 You must apply to us for approval of details of secure cycle storage for the student accommodation and A1/A3 uses. 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)

- 17 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the student accommodation and A1/A3 uses. (C14EC)

## 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)

- 18 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

## Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 19 The development hereby approved shall not be occupied until a Servicing Management Plan (SMP) has been submitted to and approved in writing by the local planning authority. You must then carry out the development in accordance with the approved SMP.

## 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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 20 You must apply to us for approval of a management strategy for the student accommodation hereby approved. You must not permit occupation of the student accommodation until we have approved in writing what you have sent us. You must then manage the student accommodation in accordance with the management strategy approved.

## Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 21 You must not sell any take-away food or drink on the premises, for either collection or delivery, even as an ancillary part of the primary Class A3 use.

## Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TRANS20 of our Unitary Development Plan that we adopted in January 2007.

- 22 **Pre-Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 23 You must carry out any pruning of the London Plane tree that overhangs the front of the site in accordance with the pruning methodology by Tyler Grange (ref: 10540\_R03\_JP\_HM and dated 5th December 2018).

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

### **Informatives:**

- 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](http://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 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 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](http://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 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your

drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 6 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)

- 7 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 8 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 9 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 14 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's

Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 15 This permission is governed by a Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990. The Undertaking relates to securing the accommodation for the use of students of higher education institution(s) based in Westminster.
- 16 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground and basement floors at the front of the building can change between the A1 and A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

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.

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