

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 June 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Harrow Road	
Subject of Report	413-419 Harrow Road, London, W9 3QJ,		
Proposal	Redevelopment of the site to provide a 5-storey building comprising retail (Classes A1/A2) at ground floor and 19 residential units (Class C3) on the upper floors; provision of cycle parking, refuse storage, ancillary space, mechanical plant and other associated works incidental to the development.		
Agent	DP9		
On behalf of	Mr John Biggs		
Registered Number	18/05929/FULL	Date amended/ completed	19 March 2019
Date Application Received	13 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

1.	Grant conditional permission, subject to a S106 legal agreement to secure the following: <ul style="list-style-type: none"> a) The stopping up of existing highway and dedication of new highway land to the frontage of the site in Harrow Road and Fermoy Road; b) A carbon offset payment of £9,480.00 (index linked and payable on commencement of development); and c) The costs of monitoring the S106 agreement.
2.	If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then: <ul style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in

the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.
4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The application site is located on the south side of Harrow Road, at its junction with Fermoy Road. The site contained a three storey, plus basement, building containing retail, restaurant and residential uses. This building burnt down in February 2017 and has remained in its current cleared form since shortly after the fire. The building was not listed, and the application site is not located within a conservation area. The site is not neighboured by any listed buildings. The site is classed as a secondary frontage within the Harrow Road District Centre and is within the North Westminster Economic Development Area.

The applicant proposes redeveloping the site to provide a five storey, mixed-use building which would include A1 or A2 uses at ground floor. Nineteen residential units are proposed on the upper floors.

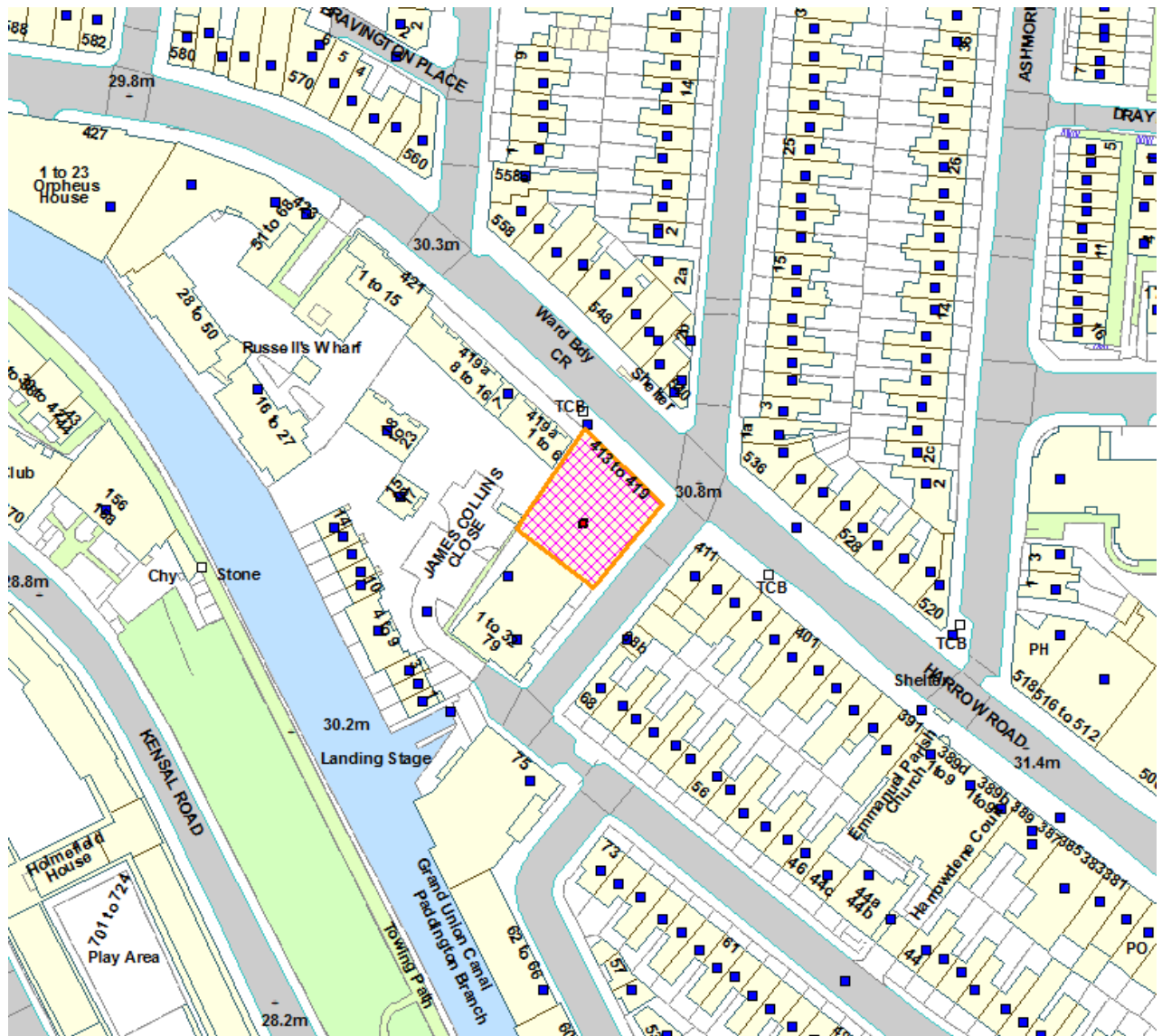
Objections to the proposed development have been received from local residents. They are primarily concerned with the impact of the proposed building on solar PV panels at 79 Fermoy Road; losses of light, increased sense of enclosure and loss of privacy for nearby residents; and the location of the proposed bin store. They are also concerned that the proposed development will set a precedent for other tall buildings in the area.

The key considerations are:

- Quality of accommodation in the proposed flats;
- Impact on the character and appearance of the area;
- Amenity impacts, including loss of light, sense of enclosure and loss of privacy; and
- Parking and highways considerations, including dedication and stopping up of public highway.

The proposed development would be consistent with the development plan comprised of The London Plan (March 2016), the Draft London Plan (Minor Amendments Version – August 2018), Westminster's City Plan (November 2016) and the Unitary Development Plan (January 2007). It is therefore recommended that planning permission is granted, subject to securing an appropriate s106 agreement and the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application Site



Buildings On-site Before Fire

5. CONSULTATIONS

WARD COUNCILLORS FOR HARROW ROAD

No response received.

MAIDA HILL NEIGHBOURHOOD FORUM

No response received.

NORTH PADDINGTON SOCIETY

No response received.

QUEEN'S PARK COMMUNITY COUNCIL

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Requested that the applicant contact them to discuss the design and opportunities to reduce crime and fear of crime.

AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

LEAD LOCAL FLOOD AUTHORITY

No response received.

LONDON FIRE BRIGADE

No response received.

THAMES WATER

No objection, subject to informative.

ENVIRONMENTAL HEALTH OFFICER

Has objected to ventilation details, lack of acoustic details for the proposed balconies and air quality issues. Has recommended conditions should permission be granted. Discussed further below.

WASTE PROJECT OFFICER

Requests further details of waste storage. Discussed further below.

ARBORICULTURAL MANAGER

It is likely that the trees on James Collins Close could be protected following the root pruning and protective fencing methodologies suggested by the applicant. Queries whether construction access / scaffold is required on James Collins Close and how this may affect tree protection.

HIGHWAYS PLANNING MANAGER

Objects to encroachment of development into public highway. Supportive of other highways impacts of the development, subject to recommended conditions. Discussed in further detail below.

BUILDING CONTROL OFFICER

Note the following observations with regards to Part B of the Building Regulations:

1. Retail unit: Final exit doors should open in direction of escape unless occupancy level is 60 or less.
2. Access to refuse storage chambers should not be sited adjacent to the residential final exit.
3. Depending on the fire risk of the ancillary accommodation, the common stair which is the only escape route may not be allowed to serve any ancillary accommodation. Section 2.46 (Approved Document B).
4. Travel distance in common corridor exceeds 7.5 m. Additional fire safety measures will be required in order to comply with Part B.
5. Open plan flats: Although open plan flats are allowed, some of the kitchens are not positioned remote from the exit e.g. Unit 3.05.
6. Common lobby on the fourth floor does not appear to be provided with smoke ventilation.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 113

Total No. of replies: 10

No. of objections: 10

No. in support: 0

In summary, the objectors raise the following issues:

- Overshadowing of solar PV panels on the roof of 79 Fermoy Road. This will reduce their output and cost residents of 79 Fermoy Road money;
- The proposed upper floor terraces would overlook the private amenity space on the roof of 79 Fermoy Road. Screens should be fixed to these to prevent overlooking;
- The building is overly bulky where it faces 79 Fermoy Road. A green wall would soften this;
- The proposed building would overshadow the roof terrace at 79 Fermoy Road;
- The proposed building would block views from the roof terrace at 79 Fermoy Road;
- The height of the building is out of character with the area;
- The proposed development is an overdevelopment of the application site;
- No details of mechanical ventilation have been shown for the flats facing Harrow Road;
- New flats and/or servicing for the new flats may result in disturbance for neighbouring residents, particularly as there is only one entrance on the Fermoy Road elevation;
- No affordable housing is proposed;
- Bin stores may result in vermin and odours for neighbouring residents;
- Increased traffic and deliveries for the new flats may increase air pollution in the area;
- The proposal would set a precedent for similar blocks in the area;
- The proposal would compromise the security of the roof terrace at 79 Fermoy Road;

- The proposal would increase traffic in the area;
- The above issues have been raised with the developer and they have not amended the development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the south side of Harrow Road, at its junction with Fermoy Road. The site contained a three storey, plus basement, building. This building had retail and restaurant uses at ground floor within four units. Ten flats were located on the upper floors. This building burnt down in February 2017 and has remained in its current cleared form since shortly after the fire.

The building was not listed, and the application site is not located within a conservation area. The site is not neighboured by any listed buildings. The site is classed as a secondary frontage within the Harrow Road District Centre and is within the North Westminster Economic Development Area.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

The applicant proposes redeveloping the site to provide a five storey, mixed-use building which reinstates ground floor A class uses. No basement level is proposed. Nineteen residential units are proposed on the upper floors. Ten of these units would reinstate those lost in the fire.

Shopfronts are proposed to be reinstated to the Fermoy Road and Harrow Road frontages. These would contain A1 and/or A2 uses and have a floorspace of 461 sqm. The applicant is still discussing the arrangement of these with the former occupiers of these units and, should permission be granted, the number and layout of the units would be secured by an appropriately worded condition.

The flats would be accessed via an entrance on Fermoy road, south of the reinstated retail frontage. An internal cycle and refuse store would also be located adjacent to the residential entrance.

Additional plant and photovoltaic panels are proposed at roof level. No on-site parking is proposed. As per the previous building, servicing and deliveries for retail units are to be carried out to the front of units via Loading Bays situated on Harrow Road and Portnall Road.

Table 1: Uses and Floor Areas

	Pre-Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Use Class C3)	895	1685	+ 790
Retail and/or Financial and Professional Services (Use Class A2)	535	461	-74
Restaurant (Use Class A3)	123	0	-123
TOTAL	1553	2146	+ 593

During the course of the application and in response to comments from objectors and consultees, the applicant has amended the proposed development as follows:

1. Reduced balcony widths and corresponding facade openings on the Fermoy Road façade;
2. The refuse store entrance has been reconfigured to increase the distance between its door and the residential entrance door;
3. In response to feedback received from a retuning resident, a roof light has been relocated to sit further away from the roof edge. As a consequence of this, the roof plant enclosure, photovoltaic panel positions and edge protection have been reconfigured to suit;
4. An additional Automatic Opening Vent (AOV) has been provided at main roof level to address the building control officers comments.
5. The number of glazed panes within all 3.6 m wide balcony door / window openings have increased from three to four; and
6. Slight narrowing of the openings to the balcony sides within the masonry portion of the North West facing 'James Collins Close' elevation.

The above amendments are considered minor in the context of this development and no further consultation has been undertaken.

8 DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 A Class Floorspace

The proposed development would result in the loss of 74 sqm GIA of retail (Use Class A1) floorspace in comparison to the pre-existing building. This would not be consistent with policy S20 of the City Plan and SS6 of the UDP, that seek to protect all retail floorspace, particularly within shopping areas. However, the loss of the retail floorspace mainly occurs at ground floor level to create a formal lobby, refuse and cycle store for the residential units. Given the primacy given to residential within the development plan, the loss of this retail floorspace would be outweighed by the benefit it provides for the residential units. Although regrettable, it is acceptable in this particular instance.

The pre-existing restaurant floorspace is not protected by development plan policy. Accordingly, its loss does not raise any land use issues.

The applicant seeks a flexible permission for the A class units, allowing them to be either A1 and/or A2. As noted above, the applicant has requested that the A1 and A2 mix be reserved by condition and a condition to this effect has been recommended.

8.1.2 Residential use

The provision of additional residential accommodation is supported in principle by policy H3 of the UDP and policy S14 of the City Plan. Accordingly, the residential units are supported.

The proposal would include four flats with three or more bedrooms. This equates to approximately 21% of the units being 'family sized', which falls below the 33% requirement of policy H5 of the UDP. However, and as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. For example, a lower level of family sized accommodation may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located on Harrow Road. Accordingly, this shortfall would be consistent with policy H5 of the UDP in this instance.

The proposed flats would all meet the minimum space standards contained within the Nationally Described Space Standard (March 2015). They would also include outdoor amenity space in the form of balconies and terraces facing. These balconies and terraces would all exceed the space requirements of Standard 4.10.1 of the Mayor of London's Housing SPG for a residential unit of the size proposed. Accordingly, the proposed units would provide appropriate outdoor amenity space and satisfactory living accommodation.

The Environmental Health Officer has recommended several conditions to ensure that these units are not subject to excessive noise levels. These conditions are attached to the draft decision notice. The EHO notes that no assessment of noise to the external balconies facing Harrow Road has been provided. Whilst this is regrettable, it is not anticipated that occupants will use these balconies if they consider them to be too noisy. The other conditions recommended should also mitigate noise through these balconies when occupants are within their flats. Accordingly, an objection to the development on this basis would not be sustainable.

Affordable Housing

The proposed development would not result in an uplift of ten or more residential units or 1000 sqm GIA. As this application was made before 1 June 2019, the applicant would not be required to make an affordable housing contribution, as per policy S16 of the City Plan and the Cabinet Member for Place Shaping and Planning's statement of 14 May 2019. Notwithstanding this, the applicant has provided a viability appraisal that demonstrates that the proposed development cannot provide any affordable housing contribution. This has been reviewed on behalf of the City Council by Daniel Watney LLP who concur with its findings. The development would therefore not be able to make an affordable housing contribution, even if it were obliged to be development plan policy.

8.2 Townscape and Design

The application site is not neighboured by any listed buildings and is not located within a conservation area, however to the west of the site lies the boundary to the Queens Park Estate Conservation Area and the Grade II listed Queens Park Meeting Hall. These heritage assets are within the wider setting of the site.

The building which did occupy the site was out of keeping with the uniform terraces found on this part of Harrow Road, primarily due to the historic alterations which had occurred including the insertion of arched windows and the application of render. As a result of the fire, there is now an opportunity to redevelop the site with a building which enhances and positively contributes to the character and appearance of the area. Thus in terms of design and heritage issues which arise from the current proposal, these include the impact on the character or appearance of the setting of the site and the wider townscape including the conservation area and listed building.

Legislation and Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicated that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.

Section 72 of the same Act indicates that *“In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

In terms of the NPPF the key considerations are addressed in Chapter 16 with paragraphs 192 and 193 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise of the Queens Park Estate Conservation Area and the Grade II listed Queens Park Meeting Hall.

UDP Policy DES 1 establishes principles of urban design, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings.

UDP Policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials.

The Proposed Development

The proposed replacement building comprises of a five storey building including a setback roof level. The ground floor level comprises retail units with the residential access and the upper levels are all residential. In terms of height, the building is in keeping with the height of both the terraced buildings to the south east and the modern in fill blocks to the west. The buildings to the north west, fronting Harrow Road are lower being at 2 1/2 storeys plus roof, however these are not typical of the wider area and the height of the proposed building has been considered to respond to the lower height of these buildings. The footprint of the replacement building is comparable to the previous building on this site and therefore the building lines on both Harrow Road and Fermoy Road are considered to be acceptable. The building lines do project further out to the rear, with the massing of the building being greater in this area than the previous building.

The elevational treatment of the replacement building is predominantly brickwork comprising of a mix between dark and light brickwork tones. Metal rainscreen cladding is proposed to some of the roof level components and where the building abuts the neighbouring building on Fermoy Road. The materials are reflective of the characteristic materials of the area, with brickwork being prevalent on the historic terraces whilst metal work is typical on the modern building in the immediate setting.

With regards to detailed design the elevations have sought to reflect the bays found on the historic terraces. The use of two brick tones aids at defining these bays further. The bay is also exaggerated on the corner of Harrow Road and Fermoy Road to give greater emphasis to this element. The scale and arrangement of the windows reflects the proportionality and arrangement of those on the neighbouring building and maintains the traditional arrangement of fenestration, set within masonry reveals. The scale of the fenestration on the upper levels diminishes. The detailed design of the fenestration itself is contemporary in nature and includes decorative balustrading which has taken reference from the forms found in the immediate setting. On the principal elevations balconies are proposed within the built envelope, whilst these are more pronounced on the rear elevations and where the building meets the neighbouring building on Fermoy Road.

The roof level is subserviently detailed through it being set back from all the elevations and the use of materials more in keeping with a roof storey. On the Fermoy Road elevation, a single brickwork bay projects up to the roof level, however this aids in breaking up the massing of the elevation. All the plant at roof level is positioned in the roof, limiting its visibility from the public realm.

Assessment

The scale and design of the replacement building are cited by objectors as causing harm to the area and grounds to refuse the application. Whether harm is caused and what the degree of harm is, is a subjective judgement, informed on the basis of considering the significance of the existing site, the character and interest of the wider setting and the impacts the proposals will have. The proposal would not result in harm to the wider setting and townscape as the proposed replacement building in terms of its footprint, scale, form and detailed design has the potential to enhance the area. Whilst the building will be a storey higher than the established buildings, the set back nature of the

roof level means it will only be visible in oblique views from the north east and west of the site. Due to its subservient design, only the metal cladding will be apparent and therefore is not considered to be visually detracting. The building will principally be seen as 4 storeys, which is characteristic of the area.

The massing of the building is an increase on the previous building due to the building line being extended to the rear. In townscape terms the proposed massing is not considered to be harmful, as the appreciation of this will be limited from the public realm. Furthermore, infill developments which utilise the whole plot can be seen to the west of the site and therefore it is not an uncharacteristic arrangement in this setting.

The detailed design and overall design approach is considered to be appropriate for this location. The design is reflective of the variety of buildings within the immediate setting both in terms of its features and use of materials. The inclusion of balconies set within the elevation is supported as this allows from the elevation to be prominent in views of the building. Additionally, the uniformity to the shopfronts and the provision of fascia's for signage is supported as this allows for the retail element of the building to compliment the upper levels.

In terms of the impact on the setting of the Queens Park Estate Conservation Area and Queens Park Meeting Hall, the NPPF defines setting as the surroundings in which a heritage asset is experienced. Whilst the new development will be within the wider setting of the designated heritage assets the proposed replacement building is not considered to have an adverse impact on its setting.

In conclusion, having had regard to the duties imposed by sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the Queens Park Estate Conservation Area or on the setting of the Grade II listed Queens Park Meeting Hall. The proposal is considered to comply with UDP policies DES 1, DES 4, DES 9 and DES 10 as well as S25 and S28 of the City Plan and Chapter 16 of the NPPF.

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 notes that regard is to be had to BRE's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" ("the BRE Guide") when assessing light loss to neighbouring properties. 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.

The applicant has submitted a Daylight and Sunlight Report by Point 2 Surveyors ("the Light Study") as part of the Environmental Statement that accompanies the application to

demonstrate compliance with the BRE Guide. The Light Study considers the properties below:

- 536 Harrow Road;
- 1, 1a Portnall Road;
- 540 Harrow Road;
- 542 Harrow Road;
- 544 Harrow Road;
- 546 Harrow Road;
- Flats 1-6, 419a Harrow Road;
- 15-17 James Collins Close;
- 77-79 Fermoy Road;
- 411 Harrow Road; and
- 68-68a Fermoy 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 notes that daylight losses to 536 Harrow Road, 1, 1a Portnall Road, 540 Harrow Road, 542 Harrow Road, 544 Harrow Road, 546 Harrow Road, Flats 1-6, 419a Harrow Road, 77-79 Fermoy Road and 68-68a Fermoy Road will not exceed BRE Guidance.

Daylight losses to 15-17 James Collins Close and 411 Harrow Road will exceed BRE Guidelines. These losses are set out in Table 2 below:

Table 2: Daylight losses to 15-17 James Collins Close and 411 Harrow Road.

SITE	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (% Range)	VSC Levels to Affected Windows After Development	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
15-17 James Collins Close	2 out of 8	20.20 to 25.37	5.45 to 6.12	0 out of 4	NA
411 Harrow Road	6 out of 14	23.85 to 33.43	19.73 to 24.77	2 out of 6	26.40 – 27.20

Overall, daylight losses beyond BRE Guidelines affect a relatively small number of properties. At 15-17 James Collins Close, VSC losses are only marginally above what the BRE Guide considers noticeable and NSL losses would be within BRE Guidelines. At 411 Harrow Road, VSC losses of up to 33.43% would occur and NSL losses of up to 27.20% would occur.

Whilst these losses are regrettable, they affect a comparatively small number of properties. As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In an Inner 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 throughout Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. In this context, the small level of daylight loss and the fact that it is limited to two properties, does not outweigh the contribution of this site to housing delivery in Westminster.

Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 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.

The following properties have south facing windows that are eligible for sunlight testing according to the BRE Guide (i.e. they have windows within 90 degrees of due south):

- 536 Harrow Road;
- 540 Harrow Road;
- 542 Harrow Road;
- 544 Harrow Road;
- 546 Harrow Road;
- Flats 1-6, 419a Harrow Road;
- 15-17 James Collins Close;

- 77-79 Fermoy Road; and
- 411 Harrow Road.

The Light Study concludes that none of the above properties would have sunlight losses exceeding BRE Guidelines. Accordingly, the proposal would not result in a material loss of sunlight to neighbouring properties.

The objectors living at 79 Fermoy Road (i.e. the site to the south of the application site) are concerned that the height and bulk of the proposed development may overshadow their roof terrace and solar PV panels. To address this, the applicant has undertaken an overshadowing assessment as part of the Light Study. This overshadowing assessment demonstrates that the proposed development would result in no additional overshadowing of the roof terrace and solar PV array at 79 Fermoy Road which is unsurprising given the application sites location to the north. Accordingly, this objection is not considered sustainable.

8.3.2 Sense of Enclosure

The proposed development is located to the side of 419a Harrow Road and would be separated from 540-548 Harrow Road and 1-1a Portnall Road by the width of Harrow Road. It would also be separated from 411 Harrow Road and 68-68a Fermoy Road by the width of Fermoy Road and would be located approximately 19 metres from 15-17 James Collins Close. Given the proposed developments location relative to these other properties, it would not result in a significantly increase sense of enclosure for the occupants of those properties.

The objectors living at 79 Fermoy Road are concerned that the additional bulk from the proposed development would increase sense of enclosure when viewed from the roof terrace on that property. However, the additional bulk of the proposed building would be located approximately 12 metres from this terrace. When viewed from the terrace, the central portion of this additional bulk would be approximately 5.6 metres higher than this terrace. This additional height reduces to approximately 2.5 metres above 79 Fermoy Roads terrace where the two new roof terraces are proposed. It is not considered that this additional height is so significant relative to the 12 metre separation distance to result in a significant sense of enclosure for users of this roof terrace at 79 Fermoy Road.

Given the above, the proposed development would not result in a significant increase in sense of enclosure for the occupants of neighbouring properties. The proposed development is therefore consistent with policy ENV 13 of the UDP and policy S29 of the City Plan insofar as it relates to sense of enclosure.

8.3.3 Privacy

The proposed development is located to the side of 419a Harrow Road and would be separated from 540-548 Harrow Road and 1-1a Portnall Road by the width of Harrow Road. It would also be separated from 411 Harrow Road and 68-68a Fermoy Road by the width of Fermoy Road and would be located approximately 19 metres from 15-17 James Collins Close. Given the proposed developments location relative to these other

properties and that it would have a similar outlook to the building that it replaces, the proposed development would not significantly increase overlooking of these properties.

The objectors living at 79 Fermoy Road are concerned that the two fourth floor terraces on the south side of the proposed development would overlook their roof terrace. To overcome this concern, they have requested installation of screening on the south side of these terraces. This concern is shared by officers and a condition is recommended that requires the provision of appropriate screening.

Overall, and subject to the recommended condition, the proposed development would not result in unacceptable loss of privacy for the occupants of neighbouring properties. The proposed development is therefore consistent with policy ENV 13 of the UDP and policy S29 of the City Plan insofar as it relates to privacy.

8.3.4 Noise

The proposed development includes several items of mechanical plant that could harm the amenity of neighbouring residents if not properly controlled. The Environmental Health Officer has recommended several conditions to address this. Subject to these conditions, the proposed development would be consistent with policies S29 of the City Plan and ENV 6 and ENV 7 of the UDP.

8.4 Transportation/Parking

8.4.1 Car Parking

No off-street parking is provided by the application for the residential use. Policy TRANS23 of the UDP 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 night time parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 79%. However, policy TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use). As such, and with the addition of Single Yellow Line availability at night, the stress level reduces to 68%.

The City Council's most recent daytime parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 71%. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the Harrow Road Ward is 36% (2011 Census figures). The above indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have high levels of occupancy.

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase parking stress levels. However, and on the basis of the City Council's data and car ownership levels, any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Accordingly, the proposal is consistent with policy TRANS23 of the UDP.

With regards to the A class uses, this site is well served by public transport. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. All bays and single yellows are restricted from 0830 till 1830 Monday to Friday. Given the decrease in A class floorspace, these existing parking controls and access to public transport in the area, the impact of the change of use on parking levels associated with the commercial use is likely to be minimal and consistent with policy TRANS22 of the UDP

8.4.2 Servicing

Policy TRANS20 of the UDP requires convenient access to all premises for servicing vehicles with this facility accommodated on-site and off-street. There are single and double yellow lines in the vicinity of the site that allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This vehicle will service the property in a similar fashion to the existing use and nearby residential properties. Given the overall decrease in commercial floor area it is considered unlikely that servicing would increase over that which could be generated by the existing.

However, and given that the applicant has not confirmed the size and use class of the A class floorspace, there is the potential for it to operate as a single large "supermarket" food retailer or similar. This use could generate different levels/type of servicing which would have an adverse impact on the highway network compared to several smaller A class uses. A condition is therefore recommended that requires submission of a Servicing Management Plan should this unit be used as a "supermarket" food retailer or similar. Subject to this condition, the proposed development would be consistent with policy S42 of the City Plan and policy TRANS20 of the UDP.

8.4.3 Cycle Parking

Policy 6.9 of the London Plan requires the provision of one cycle parking space per 175 sqm of A1 or A2 floorspace with a minimum of two where floorspace is below 100 sqm. No cycle parking is included although three spaces should be provided. A condition is recommended to secure this parking.

Policy 6.9 of the London Plan also requires one cycle parking space per one bed residential dwelling and two spaces for larger units. Sufficient cycle parking has been provided for the residential units and a condition is recommended to ensure that this is retained.

8.4.4 Waste Storage

The Waste Project Officer notes that sufficient waste storage space has been provided for the residential units, although the applicant has not indicated separate areas for general refuse and recycling. No details of waste and recycling storage for the A class floorspace has also been provided. A condition is recommended to secure this.

8.4.5 Building Line

Policy TRANS3 of the UDP states that the City Council, in considering development proposals, will aim to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement, in the course of negotiations or securing planning agreements, including the provision of appropriate facilities, such as footway widening, connecting walkways, footbridge location and covered arcading.

Policy S41 of the requires that all developments will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas with high pedestrian volumes or peaks.

The Westminster Way SPD strives to promote walking through design and use of suitable materials that aid rather than disadvantage pedestrians.

The Highways Planning Manager has objected to the loss of the previous buildings chamfered corner in lieu of the square corner now proposed. The chamfered corner allowed for a wider area of public highway at the front of the site. The Highways Planning Manager notes that the City Council has a duty is to provide pedestrians safe and convenient passage over the public highway in addition to a duty added by the Disability Discrimination Act 2005 (reinforced by Equality Act 2010) to ensure people with disabilities have the same access as able-bodied people. The guidance and aim of S41, TRANS3 and Westminster Way is to safeguard this.

Loss of this area of highway will adversely affect safe and direct pedestrian movement. Subsequent to the Highways Planning Managers comments, the applicant was asked to clarify the building line of the proposed building relative to the previous building. The applicant has provided an overlay plan which demonstrates that the proposed building would encroach into the public highway at the chamfered corner, but that it would also be set back in places, particularly on Fermoy Road. This would allow a wider footway to be provided on Fermoy Road. Given this, the proposal would also improve the pedestrian environment in this respect. Accordingly, an objection to the development on loss of highway grounds would not be sustainable.

To ensure that these areas of stopped up and dedicated highway are formalised, it is recommended that a s247 agreement is entered into. With regards to the areas to be dedicated as public highway, this would need to also be secured via a s106 agreement and it is recommended that permission is granted, subject to such an agreement being entered into.

8.5 Economic Considerations

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

8.6 Access

All of the proposed flats would be wheelchair accessible from the Fermoy Road entrance and the retail units would be wheelchair accessible from Harrow and Fermoy Roads.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees

There are no trees on the application site, although there are trees in James Collins Close that could potentially be affected by the proposed works. The Arboricultural Manager has not objected to the proposed development, but has queried whether the roots of these trees may be harmed during construction if scaffolding and/or construction access is required from James Collins Close. However, it is noted that these trees are not protected and this work could take place without the City Council's approval and an objection to the development on this basis would not be sustainable. An informative is recommended that reminds the applicant that they will need to negotiate with the landowner at James Collins Close should they wish to do any works to the trees on that property and/or use it for construction access and the erection of scaffolding.

8.7.2 Sustainability and Carbon Emissions

Policy 5.2 of the London Plan requires that all major residential developments between 2016 – 2031 achieve a zero-carbon improvement on 2010 Building Regulations; This must be achieved in accordance with the Mayor's Energy Hierarchy: Be Lean (use less energy), Be Clean (supply energy efficiently), Be Green (use renewable energy).

A Sustainability Statement and Energy Strategy are submitted in support of this application alongside a BREEAM Pre-Assessment Report and Overheating Risk Analysis Report, which provide full details of the energy and sustainability measures proposed to be incorporated within the Proposed Development.

The Energy Strategy submitted indicates that the residential units will have a carbon deficit of 5.26 tonnes per annum following application of the energy hierarchy. Over a 30-year period, this equates to a carbon offset payment of £9,480.00. Subject to this contribution being secured by s106 agreement, the residential units would meet policy 5.2 of the London Plan. As the A class units would need to be built to current building regulations standards, they would also be consistent with policy 5.2 of the London Plan.

8.7.3 Air Quality

This application is accompanied by an Air Quality Assessment (AQA). The AQA considers the potential air quality impacts during the construction phase of the development. The type, source and significance of potential impacts are identified, and the measures that may be employed to minimise these impacts are proposed. The report concludes that there is a Low Risk of dust soiling impacts and increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures required by the City Council's Code of Construction Practice, the effect of dust and particulate matter releases would be significantly reduced.

The AQA also considers the potential for future residents of the proposed redevelopment to be exposed to poor air quality, given the application sites location in an Air Quality Management Area. An air quality neutral assessment has also been undertaken which confirmed that the Proposed Development will be air quality neutral. The results show that annual mean nitrogen dioxide (NO₂) concentrations exceed the relevant UK Air Quality Strategy objective at the façade of the Application Site facing Harrow Road on the first to fourth floors. Therefore, mitigation measures in the form of a mechanical ventilation system for the proposed residential dwellings would be required. A condition is recommended to secure details of this. Subject to this condition, the proposed development would be consistent with policy 7.14 of the London Plan, policy S31 of the City Plan and policy ENV 5 of the UDP.

8.7.4 Site Contamination.

The Environmental Health Officer notes that due to the fire and subsequent demolition, there is a risk of contaminative materials at this site and this should be risk assessed and remediated if necessary. A condition is recommended to secure this.

8.8 Westminster City Plan

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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 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 draft City Plan are given little to no weight at the present time.

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 pre-commencement conditions 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 and further site contamination investigation.

8.11 Planning Obligations

As set out above, and should this application be approved, a s106 agreement would be required to secure dedication of public highway and a carbon offset payment of £9,480.00.

Subject to any exemptions or relief available to the applicant, the estimated Westminster CIL payment would be £360,050.00.

8.12 Environmental Impact Assessment

The proposed development is not large enough to require an EIA.

8.13 Other Issues

8.13.1 Construction impact

Given the scale of the development, conditions are recommended that limit the hours of construction and to require the development to be carried out in adherence with the City Council's Code of Construction Practice, which will include monitoring of the site by the Environmental Inspectorate.

8.13.2 Crime and security

The Safer by Design Officer has requested that the applicant contact them with regards to the potential for this development to reduce crime and fear of crime. A condition is recommended to secure this.

8.13.3 Objectors Comments

The concerns raised by objectors are largely addressed above. The following is also noted.

The objectors are concerned that the proposed development would set a precedent for similar development elsewhere in the area. However, each case must be considered on its merits, having regard to the nature of the proposed development, the application site and the development plan at the time that application is decided. It is very rare for these three factors to be directly comparable to development on another site. Accordingly, the proposed development would not set a precedent for development elsewhere.

The objectors are also concerned that the refuse store is located too close to 79 Fermoy Road and may attract vermin and give rise to odours. Whilst the location of the refuse store is regrettable, it cannot be located on the Harrow Road frontage given high traffic levels on that road. Locating it elsewhere on the Fermoy Road frontage would also result in a break in the shopping frontage. The refuse store would also be secure and closed which would minimise potential vermin and odour issues and it is noted that the

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Waste Project Officer has not objected to it on these grounds. Accordingly, this objection to the development would not be sustainable.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk .
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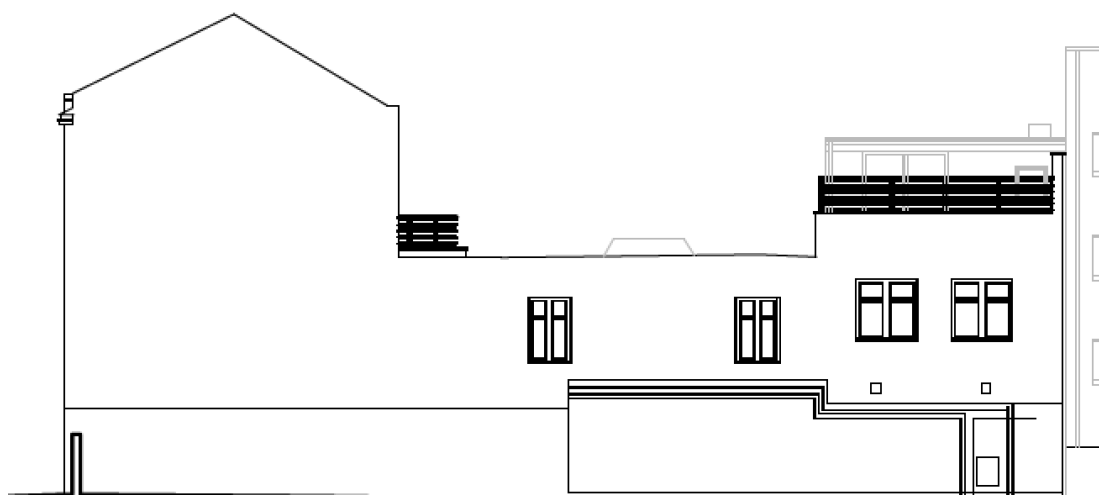
9 KEY DRAWINGS



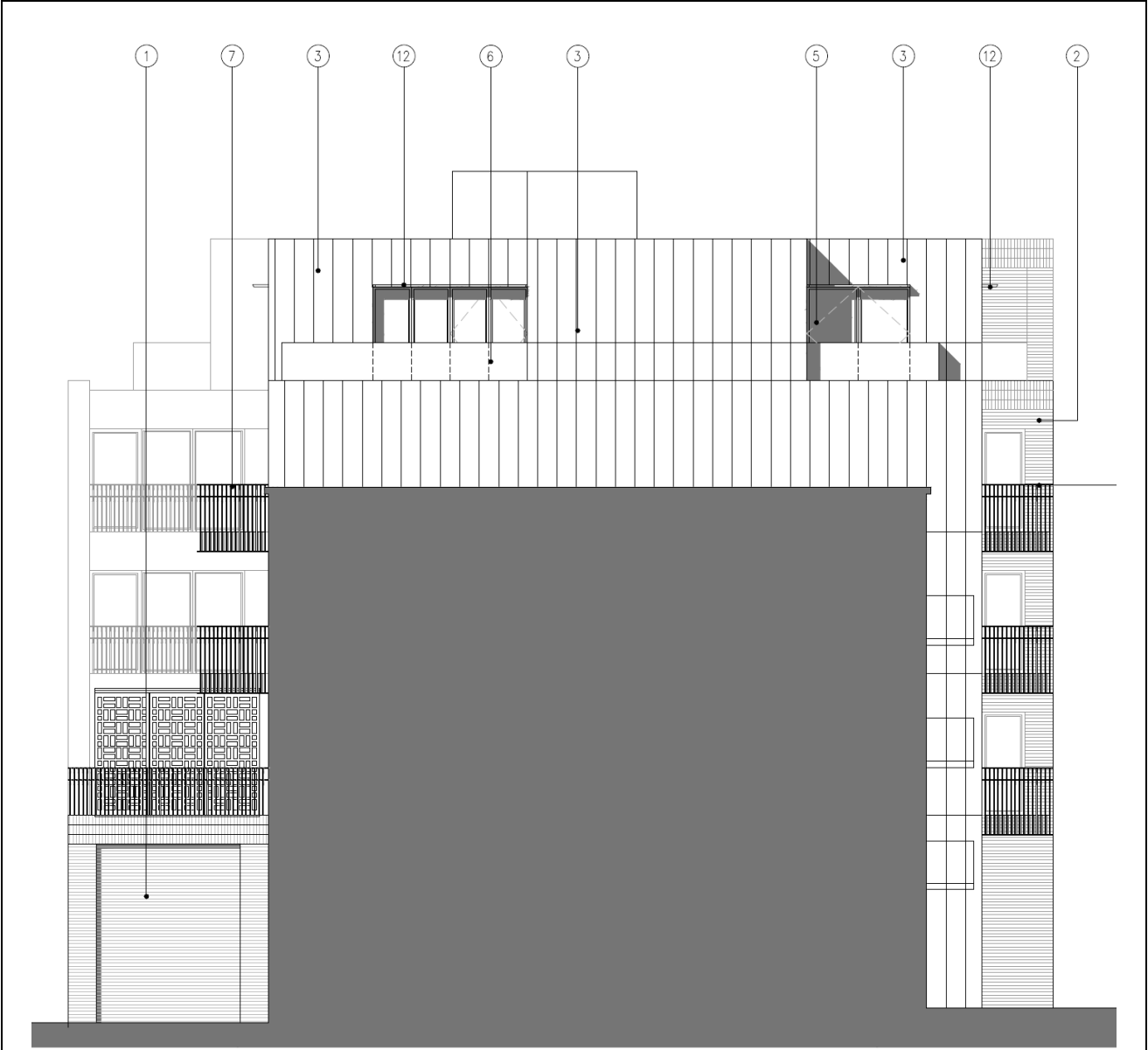
Harrow Road Elevation (Pre-Existing Top, Proposed Bottom)



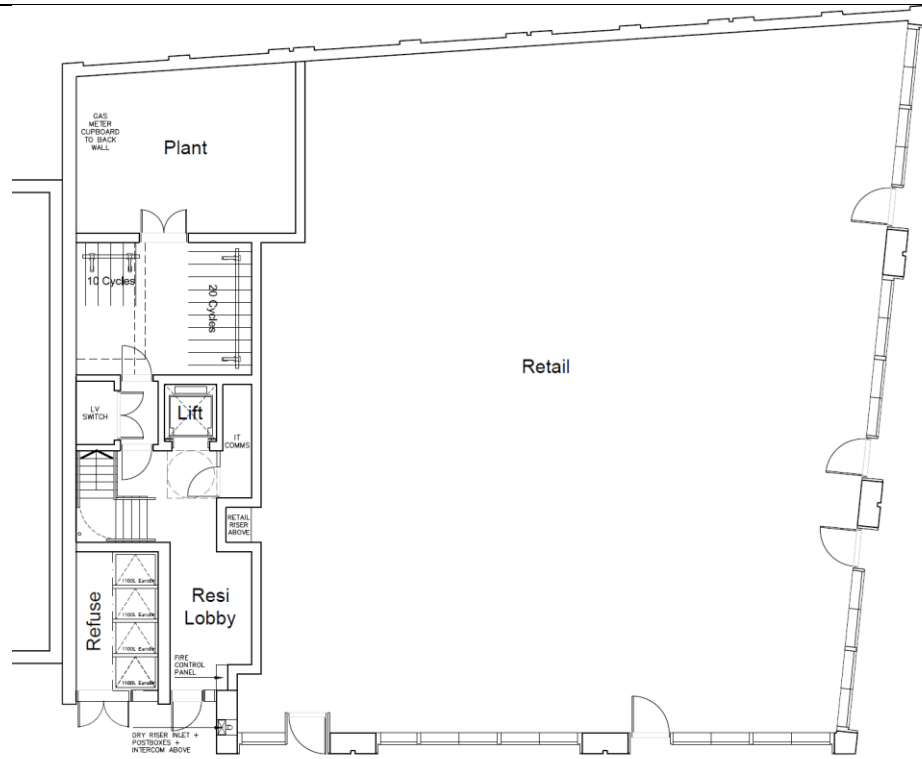
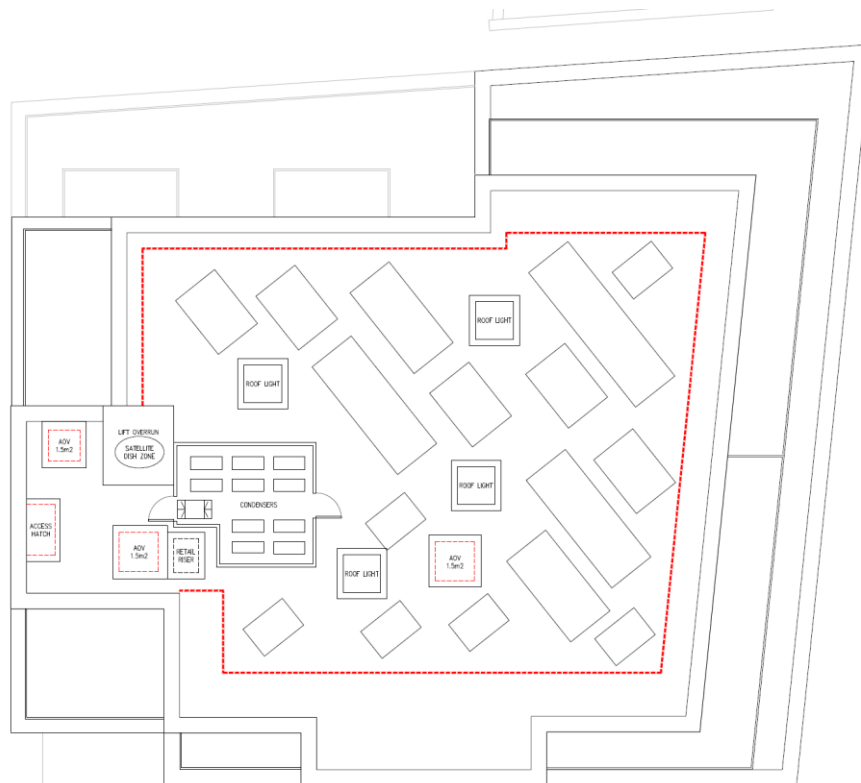
Fermoy Road Elevation (Pre-Existing Top, Proposed Bottom)



James Collins Close Elevation (Pre-Existing Top, Proposed Bottom)

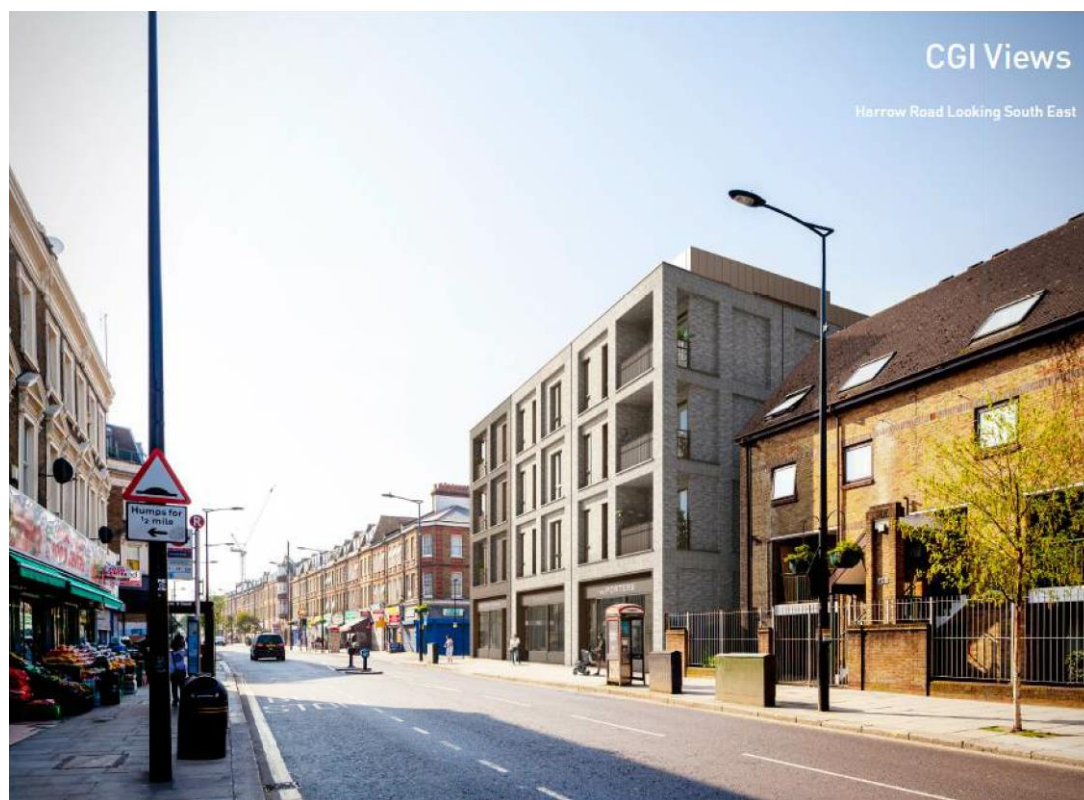


Proposed Southern Elevation (79 Fermoy Road View)

**Proposed Ground Floor Plan****Proposed Roof Plan**



Visualisation of Proposed Development from Harrow and Fermoy Road Corner



Visualisation of Proposed Development from Harrow Road Looking Eastward



Visualisation of proposed Development looking North Along Fermoy Road

DRAFT DECISION LETTER

Address: 413-419 Harrow Road, London, W9 3QJ,

Proposal: Redevelopment of the site to provide a 5-storey building comprising retail (Classes A1/A2) at ground floor and 19 residential units (Class C3) on the upper floors; provision of cycle parking, refuse storage, ancillary space, mechanical plant and other associated works incidental to the development.

Reference: 18/05929/FULL

Plan Nos: T10P100 Rev P1, T10P00 Rev P1, T10P01 Rev P1, T10P02 Rev P1, T10P03 Rev P1, T10E101 Rev P1, T10E102 Rev P1, T20P101 Rev P1, T20P00 Rev P2, T20P01 Rev P2, T20P02 Rev P2, T20P03 Rev P2, T20P04 Rev P2, T20P05 Rev P2, T70D01 Rev P1, T70D02 Rev P1, T20E101 Rev P2, T20E102 Rev P2, T20E01 Rev P2, T20E02 Rev P2, T20E03 Rev P2, T20E04 Rev P2, T20S01 Rev P2, T20S02 Rev P2, T20S03 Rev P2, T20S04 Rev P2, T20P100 Rev P1, T20E103 Rev P1, T20E104 Rev P1, T20E05 Rev P1, T20E06 Rev P1, T20E07 Rev P1

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 Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our

Unitary Development Plan that we adopted in January 2007. (R18AA)

- 5 Before the ground floor A class floorspace is first occupied, you must provide us with details of the size, number and use classes of the proposed units. You must not occupy the ground floor A class floorspace until we have approved what you have sent us.

Reason:

To protect the special retail character of the area as set out in S21 of Westminster's City Plan (November 2016) and SS6 of our Unitary Development Plan that we adopted in January 2007. (R15AC)

- 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 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - signage on the Harrow and Fermoy Road elevations. 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. (C26DB)

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)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

-Erection of privacy screens 1.8 m in height on the south western side of the fifth-floor terraces for flats 3.02 and 4.01.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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)

- 10 Customers shall not be permitted within the A class premises before 0700 or after 2200 each day. (C12AD)

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)

- 11 All servicing must take place between 0700 and 2200 on Monday to Saturday and 1000 and 1800 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 12 (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)

- 13 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)

- 14 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)

- 15 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise 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 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14 and 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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)

- 17 A scheme of mechanical ventilation to prevent overheating and incorporating appropriate air quality filtration shall be provided to the residential properties. Details of the mechanical ventilation system must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the residential units. The approved scheme shall be installed and permanently maintained. The mechanical ventilation system installed shall ensure that the internal noise levels of the residential units do not exceed the noise levels specified in conditions 14 and 15.

Reason:

To ensure that air quality for the residential units is protected, as required by policy 7.14 of the London Plan (March 2016), policy S31 of Westminster's City Plan (November 2016) and policy ENV 5 of the Unitary Development Plan (January 2007).

- 18 Should the A class floorspace be used as one unit and for food retail, a Servicing Management Plan must be submitted to and approved in writing by the Local Planning Authority before occupation of the unit. You must then carry out the development in accordance with the approved Servicing Management Plan.

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 20 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 A class and residential 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)

- 21 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

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

- 22 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)

- 23 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces and balconies.

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)

- 24 You must apply to us for approval of details of a security scheme for the development. 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 according to the approved details before anyone moves into the building.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

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

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 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
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 5 Condition 4 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 6 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 8 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.
- 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)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

The applicant is required to ensure that all non-road mobile machinery used during the construction phase meet the appropriate emission standards. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk.

- 11 The applicant is advised to ensure there is a suitable and sufficient maintenance regime in place for the air quality filtration system including cleaning and/or replacing the filters to ensure they remain effective.
- 12 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please Thames Waters guide "working near our assets" to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
- 13 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 14 You will need to negotiate with the adjoining landowner at James Collins Close should they wish to do any works to the trees on that property and/or use it for construction access and the erection of scaffolding for the approved development.
- 15 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: 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. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit 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

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.

- 16 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)

- 17 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 18 The term 'clearly mark' in condition 20 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 19 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)
- 20 Pursuant to s247 of the Town and Country Planning Act 1990 (as amended) the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The applicant should contact Jeff Perkins (0207 641 2642) in Highways Planning to progress the application for stopping up of the highway. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring.
- 21 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) The stopping up of existing highway and dedication of new highway land to the frontage of the site in Harrow Road and Fermoy Road;
 - b) A carbon offset payment of £9,480.00 (index linked and payable on commencement of development); and
 - c) The costs of monitoring the S106 agreement.

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.