

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 8 <sup>th</sup> March 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Queen's Park	
<b>Subject of Report</b>	<b>581 - 587 Harrow Road, London, W10 4RH</b>		
<b>Proposal</b>	Demolition of the existing buildings, construction of part 4, part 5 and part 6 storey building to create ground floor commercial space and twenty five, 1-bedroom flats with private balconies, bicycle storage, refuse storage and communal roof terrace.		
<b>Agent</b>	Metashape Limited		
<b>On behalf of</b>	City West Homes		
<b>Registered Number</b>	21/08497/COFUL	<b>Date amended/ completed</b>	22 December 2021
<b>Date Application Received</b>	13 December 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	<p>Outside.</p> <p>The Queens Park Estate Conservation Area lies further away to the north east of the site.</p> <p>To the west of the site within the Royal Borough of Kensington &amp; Chelsea is the Kensal Green Conservation Area.</p>		
<b>Neighbourhood Plan</b>	Queens Park Neighbourhood Plan		
<b>Designated Area in City Plan</b>	North West Economic Development Area		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure:-
  - a) Provision of 25, one bedroom intermediate homes for rent, let at London Living Rents, with tenancies for a maximum period of five years.
  - b) A financial contribution of £7,500.00 towards the Westminster Employment Service (index linked and payable on commencement of development).
  - c) A financial contribution of £27,520 towards Carbon Offset Fund (index linked and payable on commencement of development).

- d) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the existing vehicle crossovers (Harrow Road and St John's Terrace) as footway and creation of on-street parking bays and electric vehicle charging point (subject to detail design and the approval of the Highway Authority). Threshold level checks prior to commencement of development. All of the above to the Council's specification, at full cost (administrative, legal, and physical) of the developer.
- e) Lifetime Car Club Membership for Residential Occupiers from first occupation of the development. (Car Club operator must be a CarPlus member).
- f) Monitoring costs

2.If the s106 agreement has not been completed within 3 months from the date of the Committee's resolution then:

- a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that 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.

## 2. SUMMARY

Permission is sought for the redevelopment of this unlisted building outside of a conservation area, to provide a new building of up to 6 storeys to accommodate 25 new affordable housing units and a small commercial unit. The proposed development is generally supported, and no objection has been raised by the Queens Park Community Council. A single representation of objection has been received from a local resident on grounds that the building is too big and its impact on residential amenity.

The key issues are:-

- The scale, bulk, height, and design of the proposed building in townscape terms.
- The impact of the proposed building on the amenities of surrounding residential occupiers.

For the reasons set out in this report, the proposal accords with the relevant policies of our City Plan and London Plan. As such, it is recommended to grant conditional permission subject to the completion of a S106 legal agreement to secure the planning obligations set out the recommendation.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS

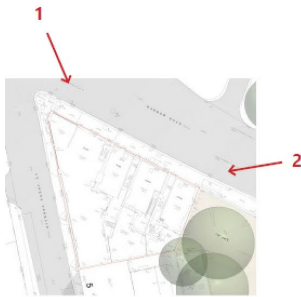


## 2 SITE CONTEXT AND ANALYSIS

### 2.13 SITE PHOTOGRAPHS



View 1



View 2

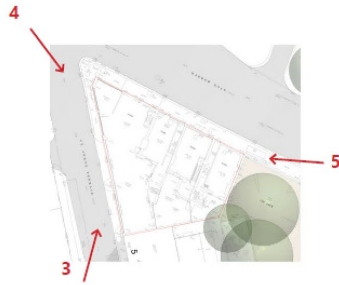
METASHAPE | ARCHITECTS

## 2 SITE CONTEXT AND ANALYSIS

### 2.13 SITE PHOTOGRAPHS



View 3



View 4



View 5

METASHAPE | ARCHITECTS

## 5. CONSULTATIONS

### HISTORIC ENGLAND

No comment.

### NATURAL ENGLAND

No comment.

### ENVIRONMENT AGENCY

Any response to be reported verbally.

### TRANSPORT FOR LONDON

Comment. Request Delivery Servicing Plan and Construction Logistics Plan. Seek revisions to the cycle provision and seek car free development, with the exception of disabled person parking with infrastructure for electric or other ultra-low emission vehicles.

### HEALTH AND SAFETY EXECUTIVE

No comment. Not of relevant height for Fire Gateway one.

### LONDON FIRE AUTHORITY

Any response to be reported verbally.

### ROYAL BOROUGH OF KENSINGTON AND CHELSEA

No objection. Suggest informative on construction.

### WARD COUNCILLORS FOR QUEENS PARK

Any response to be reported verbally.

### QUEENS PARK COMMUNITY COUNCIL

No objection.

### HIGHWAYS PLANNING

No objection, subject to conditions and S106 highways obligations.

### PROJECTS OFFICER (WASTE)

No objection, subject to condition. Revised details shown on drawing 210 Revision P7 and revised design and access statement acceptable.

### ENVIRONMENTAL HEALTH

No objection, subject to conditions.

### ARBORICULTURAL MANAGER

Objection. Insufficient and inaccurate information with respect to the potential impact on trees within Kensal House. Insufficient or unacceptable information with respect to soft landscaping to gardens, green/blue roofs and planting to communal roof terrace.

**BUILDING CONTROL/LOCAL FLOOD AUTHORITY**

Any response to be reported verbally.

**DESIGNING OUT CRIME OFFICER (DOCO)**

No objection. Scheme could achieve a Secured by Design accreditation- request condition is imposed to secure this.

**HOUSING MANAGER**

Support. Westminster Community Homes (WCH) 100% affordable housing scheme is welcomed by Housing and will assist with the need for increased intermediate affordable housing provision in the City. The proposals are for 25x 1bed intermediate homes for rent, let at London Living Rents and the scheme is part of WCH's "Horizon" initiative that enables tenants to build up a deposit to put towards a move into home ownership, including shared ownership at the end of their tenancy. Tenancies provided will be for a maximum period of five years and tenants who have complied with their tenancy terms will be provided with financial assistance into home ownership at the end of that tenancy.

The development has been discussed by WCH in advance with Westminster Housing and the Council is providing part funding to WCH in addition to grant funding secured by WCH from the GLA. The Council operates its own intermediate housing service and waiting list and will nominate successful applicants who are eligible for intermediate housing into the scheme once completed. There are presently over 2,000 applicants registered for intermediate housing in the City, with around 80% eligible for 1bed intermediate housing. While the scheme does not include social housing provision and does not include wheelchair adaptable housing, it is a 100% affordable scheme is therefore supported by Housing.

**EMPLOYMENT AND ECONOMY**

Comment. Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2021), this scheme needs is required to provide a financial contribution of £7,500.

**SCHOOLS AND CHILDRENS SERVICES**

No objection. The impact on demand for school places or other children's services locally is minimal.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No.consulted: 135 Total.No.of Replies: 1

No. of objections: 1

No.of Support: 0

- Sheer size of the proposed building is too big for the location.
- Loss of sunlight to neighbouring flats
- Loss of natural views to neighbouring flats
- Loss of privacy
- The road isn't big enough to begin, we will be so close to the other properties we'll be able to have conversations with each other without leaving our flats. It's an invasion of our privacy and you shouldn't feel uncomfortable in your own home.



PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises Nos. 581-587 Harrow Road. The buildings on site are two/ three storey terraced buildings with a rear single storey building in use as a tyre fitting company with shop, tyre storage and ancillary office (now vacated) along with residential flats on the upper floors. The buildings are not listed and do not fall within a conservation area.

The adjacent building at Nos. 535-579 Harrow Road, known as Kensal House, is Grade II listed and the trees within this adjacent site are protected by Tree Preservation Orders (TPOs). St John's Wood terrace comprises of two-storey terrace properties (5-19), with 5 St John's Wood Terrace flanking the application site. On the opposite corner of Harrow Road and St John's Wood Terrace lies 591-593 Harrow Road, a part 3/ part 5 storey modern residential block of flats (around 9m away). 2 St John's Terrace lies opposite the site as does Steve Biko Court. At the end of St John's Wood Terrace (a cul de sac) is Victoria Wharf (phase 1) a modern 5-storey residential block of flats that sits alongside the Grand Union Canal. St John's Church (Grade II listed) and the Telephone Exchange building, both lie on the opposite side of Harrow Road (around 20m away) with Clifford House and Willow House further west.

The Queens Park Estate Conservation Area lies further away to the north east of the site. To the west of the site within the Royal Borough of Kensington and Chelsea is Kensal Green (All Souls) Cemetery a Grade I listed registered park and garden, which contains a number of listed buildings, including the Grade II\* listed Dissenters Chapel and which lies within the Kensal Green Conservation Area. Other nearby listed buildings of note are the grade II\* Entrance Gateway opposite Wellington Road and the grade II listed E M Lander's Stonemasons Showroom.

The site is located within the designated North West Economic Development Area. The A404 Harrow Road forms is part of Westminster's Strategic Road Network (WSRN).

The boundary of the Royal Borough of Kensington and Chelsea lies to the west and south of the site and the boundary with Brent further away to the north west of the site.

### **6.2 Recent Relevant History**

Conditional planning permission was granted on 30.11.2017 for Redevelopment to provide part three, part four, part five storey building with basement car park comprising eight residential units (3 x 1 bedroom, 2 x 2 bedroom, and 3 x 3 bedroom) on upper floors and offices (Class B1) at ground floor and part first and second floors. (Site includes 581-587 Harrow Road).(15/03369/FULL)This permission is governed by a legal agreement under S.106 of the Town and Country Planning Act 1990. The Undertaking relates to:-

ii) cost of highways works associated with the removal of redundant crossover on Harrow Road and reinstatement of pavement and kerbs and the provision of a new vehicular access crossover on St John's Terrace.

Permission granted on 29.10.2018 for Variation and removal of conditions 1 (approved plans), 3 (waste store), 8 (car parking), 9 (basement construction), 19 (green and brown roofs) of planning permission dated 30 November 2017 (RN 15/03369/FULL) for the Redevelopment to provide part three, part four, part five storey building with basement car park comprising eight residential units (3 x 1 bedroom, 2 x 2 bedroom and 3 x 3 bedroom) on upper floors and offices (Class B1) at ground floor and part first and second floors. (Site includes 581-587 Harrow Road) from RN 15/03369/FULL. NAMELY, omission of basement car park and vent, omission of ground floor car lift and basement access stairs and replacement with a disabled parking bay on a turntable and additional bicycle storage and association variation and removal of conditions.(18/02383/FULL). This was subject to a deed of variation of the original legal agreement to link this permission to it.

These permissions expired on 30.11.2020.

## 7. THE PROPOSAL

Planning permission is sought for a proposed redevelopment of the site for mixed-use purposes, comprising of the following key elements:-

- Demolition of existing buildings
- New building of up to 6-storeys (part 4, 5 and 6)
- 37m<sup>2</sup> commercial floorspace at ground floor level
- 25 flats on part ground and all upper floors
- 100% affordable housing for intermediate rent

**Table 1- Land use**

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Tyre Fitting Centre	354m <sup>2</sup>	Nil	- 354m <sup>2</sup>
Class E	Nil	37m <sup>2</sup>	+37m <sup>2</sup>
Residential	308m <sup>2</sup>	970m <sup>2</sup>	+662m <sup>2</sup>
Total	662m <sup>2</sup>	1,007m <sup>2</sup>	+345m <sup>2</sup>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Land Use overview

The lawful use of the building as a tyre fitting company with shop, tyre storage and ancillary office along with residential flats on the upper floors is proposed to be replaced with a commercial (Class E) use of part of the ground floor together with a 100% affordable housing scheme of 25, one bedroom flats. The principle of the proposal is acceptable in land use terms within the North West Economic Development Area and

under housing policies for the reasons set out below.

#### Existing Uses to be lost

The medium scale tyre fitting use is not a particular compatible use within such a confined residential street. As such, its loss is considered to be acceptable in land use terms. The replacement of the existing upper floor low quality residential accommodation with new purpose built residential accommodation is also acceptable. Overall, the loss of these uses is considered acceptable, on the basis of the alternative mixed-use development proposed.

#### Proposed commercial use

The principle of a mixed-use development in this location is acceptable. City Plan policies 5 (Spatial Development Priorities: North West Economic Development Area (NWEDA) and 13 (Supporting Economic Growth), protect employment units and require redevelopment to re-provide existing dedicated space for Small and Medium Sized Enterprises.

This proposed development seeks to provide a small ground floor commercial (Class E) unit, which is considered to be more appropriate in size, character and nature creating an active Harrow Road/corner frontage, within the existing immediate residential context and having regard to the future residential occupiers of the development.

The applicant has indicated that the ground floor commercial unit of 37m<sup>2</sup> is likely to be occupied by Westminster Wheels. A Westminster initiated (and delivered in partnership with Groundwork and Cycle confident), local community bike shop training programme reflecting the existing shop in Church Street. It helps young Westminster residents not in education or employment to gain the skills and experience to become qualified bicycle mechanics (City and Guilds Level 2 mechanic qualification), it takes bikes which would otherwise end up in land fill, refurbishes them and then sells or donates the bikes back to the community. This type of workshop use, with training and job opportunities for local residents is explicitly welcomed within the NWEDA under policy 13.

This is considered to be an appropriate location for such a use and one which has social and community benefits. The proposal use is expected to generate employment equivalent of two full time jobs. In order to protect residents' amenities and taking into account the hours of use of the Church Street shop, in the absence of any particular hours of operation being sought, operational hours are proposed to be conditioned to 09.00-17.00 Monday to Saturday.

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) which was introduced on 1<sup>st</sup> September 2020, amalgamated a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity.

Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission. A number of uses within Class E

may have different and potentially harmful amenity impacts than others. For example, restaurant, creche, leisure, gym, and some sport uses (or a combination of these uses) may result in air polluting traffic, require later opening hours and have large numbers of people congregating on and around the site, and could cause significant harm to the amenity of these nearby residents. In the absence of sufficient details to assess alternative uses within Class E and any required mitigation, it is considered appropriate and necessary to restrict the use to bike shop only.

#### Proposed Residential use & Affordable Housing

The proposal is made by Westminster Community Homes (WCH) to provide 25, one bedroom flats as a 100% affordable scheme in the form of intermediate homes for rent, let at London Living Rents. The scheme is part of WCH's "Horizon" initiative that enables tenants to build up a deposit to put towards a move into home ownership, including shared ownership at the end of their tenancy. Tenancies provided will be for a maximum period of five years and tenants who have complied with their tenancy terms will be provided with financial assistance into home ownership at the end of that tenancy. The City Council (Westminster Housing) is part funding the initiative alongside funding from the Greater London Authority (GLA).

The City Council operates its own intermediate housing service and waiting list and will nominate successful applicants who are eligible for intermediate housing into the scheme once completed. It is understood that there are presently over 2,000 applicants registered for intermediate housing in the City, with around 80% eligible for 1bed intermediate housing. For these reasons the proposed 100% intermediate provision (rather than a 60% intermediate /40% /social) and 100% 1bedroom sized flats (rather than a mix of flat sizes), has the support of our Housing Manager and is considered acceptable.

The provision of affordable residential accommodation on this site is acceptable in principle in this location (within NWEDA) and has the support of our Housing Manager, as it would assist in housing delivery within Westminster, by optimising the site to deliver a high number of affordable homes on this small site, and which best meets the needs of our residents. This is in accordance with policy 5 (NWEDA) and policy 8 (Housing delivery) policy 9 (Affordable Housing) and policy 10 (Housing for specific groups).

This provision is proposed to be secured by way of a planning obligation.

#### Proposed housing quality

The 25 one -bedroom flats would be between 37.6m<sup>2</sup>- 44.45m<sup>2</sup> which meets with the minimal internal flat standards. All are proposed with private external amenity space in the form of gardens (3 ground floor flats) and balconies, together with a 5<sup>th</sup> floor communal roof terrace which is welcomed in principle.

The site is a challenging one with respect to providing good quality residential environment, due to the size of the site and its optimisation, ability to receive light and air and environmental factors including air quality and noise pollution from the Harrow Road. As such, the flats have been designed as far as possible to provide the best possible environment in the circumstances.

All of the flats are dual or triple aspect, with all ground floor windows to St John's Terrace or towards Kensal House only, with windows to the upper floors from all elevations. The relationship between the flats and their windows and balconies has been designed to minimise overlooking and whilst the ground floor windows to St John's Terrace are not provided with any meaningful defensible space, this is a small cul-de sac and passing footfall is limited.

Whilst most of the rooms within the flats would receive satisfactory daylight (using Average Daylight Factor BRE method), four rooms would fall short of the BRE recommendations of 1% for Bedrooms, 1.5% living room and 2% kitchen. First floor room 2 (Open plan living/kitchen/dining room 1.55%) & room 5 (Bedroom 0.19%) second floor room 3 (Open plan living/kitchen/dining room 1.77%) and third floor room 3 (Open plan living/ kitchen/dining room 1.86%). These rooms are located within three flats within the centre of the development at first, second and third floor levels. The open plan living/kitchen/dining rooms provide levels of daylight between the requirements of a living room and kitchen and are considered to be acceptable, the levels of light to the bedroom are very low and is likely to require electric light at most times of the day and this is regrettable.

With respect to sunlight, due to the orientation of the site and the height and scale of its surroundings, 12 rooms would not achieve BRE target values for sunlight (25% of Annual Probable Sunlight and 5% Winter sunlight), this is due in part to 7 rooms facing within 90 degrees due north and the remaining 5 rooms affected by overhanging balconies. In terms of the external amenity space, a number would receive at least 2 hours direct sunlight across 50% of their space. Notwithstanding this, it was considered that the provision of private external space remained important and is supplemented by communal terraces which would receive extremely good levels of sunlight.

Whilst the flats meet the requirements for air quality, the external noise environment is such that levels inside the flats are such that mechanical ventilation is required to provide cooling if residents choose to keep windows closed for noise reasons. With respect to the external amenity areas, the same noise issue arises. However, acoustic barriers could assist with blocking/reducing noise to those external areas and a condition is recommended to seek a noise mitigation scheme for those areas, with a view to trying to reduce the noise levels within the external amenity areas.

The scheme includes for accessible and adaptable dwellings, as required by Building Regulations, but does not include wheelchair user or adaptable housing as required by policy 12 (Housing quality) for 10% of all new build homes to meet the requirement for wheelchair user dwellings. The applicant has indicated that this has not been possible on the basis of optimisation for this 100% affordable housing scheme. It is very much regrettable that this has not been able to be designed into the development. However, given that the need for this in one-bedroom intermediate homes is understood to be low and that the primary need for wheelchair units is in social housing that includes a range of dwelling sizes of two bedroom upwards, the City Council's Housing Manager has not raised objection on this ground.

The Designing Out Crime Officer (DOCO) has advised that the proposed development could achieve Secure by Design Accreditation, and this is positively welcomed and is to be secured by condition.

The proposed development is not of a scale to be referred to the Health and Safety Executive (Not a gateway one building of 18m or more in height etc). A Fire statement has been submitted which indicates that the fire escape strategy proposes the use of sprinklers with an evacuation strategy to use the protected escape stair (constructed as protected shafts). This indicates that fire matters have been considered at an early stage in the design process and full details will be required to be agreed under separate legislation.

For the reasons set out, overall, the quality of the proposed flats is considered to provide an acceptable living environment for future occupants, within the constraints of the site and the environmental factors of the locality in accordance with policy 12 (Housing Quality) of our City Plan.

## 8.2 Townscape and Design

### Legislation and Policy context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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 requires 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 this case the site is outside of a conservation area,)*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The site is located on a prominent corner at the northern entry point to the borough from Brent and also close to the boundary with Royal Borough of Kensington and Chelsea on the other side of the Ladbrooke Grove bridge.

The location affords the new building relationships with three differing contexts. Firstly, its principal frontage Harrow Road, is a busy thoroughfare and commercial centre, with the existing and proposed block sitting directly on the rear of the pavement line. Secondly, the new building returns onto St John's Terrace, abutting a two storey Victorian house, itself part of similar terrace group. Thirdly, the 'L' plan of the building results in a prominent visibility of the buildings rear and gable end from the adjacent grade II listed Kensal House and its grounds.

Given this proximity, the development will have a bearing on the setting of Kensal House, as well as St John's Church on the other side of Harrow Road, which is, given its raised position, a local landmark. The building would also likely be visible in views from the Kensal Green Cemetery, a grade I registered park, including a number of listed structures. The cemetery is within Royal Borough of Kensington and Chelsea.

The 1990 act includes a statutory requirement to consider impact on listed building setting and the NPPF requires a determination as to any harm to significance. If harm is found, then its severity needs to be weighed and assessed against any public benefits arising, which might weigh in favour of the grant of permission.

In terms of massing, the new building's scale at four, five and part six storeys is considerably higher than the present three storey building and the previously approved part three, part four and part five storey building. The proposed massing has benefitted from modelling and amendments through the pre application stages, but will clearly have a different relationship to Kensal House than the present situation.

This taller, denser development with considerably more elevational modulation, directly on the boundary will inevitably play a more active role in Kensal House's setting than the present blank gable and rear roofs. These characteristics will ensure the new building is a more prominent, and to an extent, overbearing, element of Kensal House's setting than the present situation. This represents a measure of 'less than substantial' visual harm.

However, the immediate vicinity has a number of taller and bulkier buildings, which inform its character, including the four storey telephone exchange opposite Kensal House and the five storey residential block on St John's Terrace and Ladbroke Grove. There are also two blocks approved or under construction at the end of St John's Terrace fronting the canal at the bottom of the street.

As such, the relationship would not be so unusual or indeed harmful enough to merit refusal, particularly given the other benefits of an entirely affordable housing scheme and the sustainability benefits.

The size of this building has been mitigated by amendments, including the stepped arrangement of the storeys and the use of curved corners as an architectural device to reduce bulk. These features serve to reduce the sharpness of the building's massing without causing substantial loss of floorspace. They create a less imposing visage of the new development to old i.e., Kensal House, than the sharper angular form originally proposed. Taking into account the surrounding townscape and the above, the scale of development sought is acceptable in this context, due to these elements.

Whilst the site falls outside of a conservation area, the Queens Park Estate Conservation Area lies further away to the north east of the site and to the west of the site within the Royal Borough of Kensington & Chelsea is the Kensal Green Conservation Area. Given the scale and height of the building and that of surrounding buildings together with the distance to these conservation areas, it is not considered that the proposal would be detrimental to the setting of these conservation areas.

In design terms, the elevational approach uses an external framework of reconstituted stone arches dividing the elevation into distinct parts. The arched detail is said to be a reflection of a form seen on St John's Church and Mausoleums in Kensal Green, but can also be seen on the modern elements of Kensal House.

Containing the ground and first floors, the first arch includes ground floor entrances and utility areas, a commercial space on the corner with St John's Terrace and 1<sup>st</sup> floor residences. The second arch rises from the second to the fourth residential floors, while the last arch contains the partly set back fifth floor, terrace, and roof garden. The use of arches in this format identifies the building as having the common and desirable architectural approach of a well-defined 'base', 'middle' and 'top.'

The building façades contained within the arched framework will be formed of brickwork behind railed balconies, with aluminium windows. Windows will be conditioned to ensure they are recess in the normal manner to create modulation to the façade. The masonry of the arches and the brick work within are one of the means by which quality of materials and finesse of detail can be assured. As such, these elements need to be assessed in close detail and the use of solid brick rather than brick slips and careful attention to the brick type, bond, mortar mix and pointing method, will be paid, via a detailed condition. It's hoped that the demolition will result in bricks to be used in the rebuild.

The ground floors do require some refinement in terms of the arrangements of entrances and fenestration, to both Harrow Road and St Johns Terrace, as does part of the 4<sup>th</sup> floor. The present designs would benefit from greater activation and visual interest and alignment to appear as more cohesive elements of the overall design. These alterations to the position and alignment of openings etc can be achieved via an amending condition.

The large section of blank frontage adjacent to the Harrow Road bus stop, is undesirable, as active frontages are generally sought to main elevations. However, the use of this area as a public art piece is a suitable compromise, given it would make for an unattractive residential frontage. Details of public art are proposed to be secured by condition.

Subject to the amending conditions requiring further details of the individual constituent parts, the development complies with policy 38 and 40 in its design and townscape impact and with policy 39 with regard to its impact on the setting of adjacent heritage assets.

As such, whilst being mindful of policies 38,39 and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which comprise 100% affordable housing scheme, the proposal is considered acceptable in terms of its impact on the



designated heritage asset(s). Therefore, the recommendation to grant conditional permission and/ or consent [delete as applicable] is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

### 8.3 Residential Amenity

#### Physical Impact of development

The existing two/three storey buildings on site are to be replaced with a larger building of four-six storeys with window fenestration and external amenity areas. The potential impact of this new building on the amenities currently enjoyed by existing surrounding residents is therefore a key consideration.

A detailed daylight and sunlight assessment has been provided to evidence the impact of the proposal on adjacent properties, using the British Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight -A Guide to Good Practice 2011. Other documents including a noise assessment have also been provided

Additionally, consideration is given to the size, nature and location of fenestration and the potential for overlooking.

#### Daylight and Sunlight

A report by Rapleys has been provided in support of the proposal. The following properties have been assessed in terms of the effects of the proposed development on the amount of daylight and sunlight they receive

The Assessment includes the following properties:-

- 2, 5-19 St John's Terrace
- Steve Biko Court
- 553-579 Harrow Road
- 591-593 Harrow Road
- Victoria Wharf
- St John's Church
- Telephone Exchange
- Clifford House
- 1-19 Willow House

In assessing the potential impact of a development on daylight to surrounding residential properties, where changes to daylight result in both a Vertical Sky Component (VSC) value of less than 27 and a loss of 20%, a loss of daylight would occur which would be noticeable to occupants. When using the No sky-line or Daylight distribution method a 20% reduction would be noticeable.

In assessing the potential impact of a development on the sunlight to surrounding residential properties, if a room received more than a quarter (25%) of annual probable sunlight hours, including at least 5% in winter, the occupants of the building should receive enough sunlight. If the sunlight hours are both less than 25% annually or less than 5% in winter and a loss of more than 20% has occurred and the value is reduced by more than 4 (%) annually then the occupants of the building will notice a loss of sunlight.

These guidelines are to be interpreted flexibly particularly as expectations differ depending on location (urban, suburban, rural). The significance of a failure to meet the BRE Guidelines needs to be interpreted further in terms of the location of the site, the resultant amount of daylight and sunlight retained and the nature of the affected rooms. Furthermore, protection is prioritised (in order) as kitchens, living rooms and bedrooms, based on the likely activities taking place in these rooms.

The assessment indicates that the following properties and external amenity areas, achieve full compliance with the BRE recommendations for daylight.

- 7, 9, 11, 13, 15, 17 and 19 St Johns Terrace
- 553 to 579, 591 to 593 Harrow Road
- Victoria Wharf
- Clifford House
- 1 to 19 Willow House

All properties tested for sunlight comply with the BRE guidelines.

The following properties would see a reduction in daylight values above the BRE guidelines.

#### 2 St John's Terrace

Fourteen windows would see a reduction in daylight above the BRE guidelines as set out in the table below. Of the six living rooms, one room meets the NSL test, and all affected windows are one of two windows serving the same room. All would see a reduction in daylight when using VSC and or NSL methods. The existing daylight for these rooms is very high, and therefore % losses are high. The resultant proposed values are between 11.82 and 23.41 VSC and the area of room that is lit is between 30-91%. Of the eight bedrooms, five would meet the NSL test. Again, the existing daylight values for these rooms are high and therefore % losses are high. The resultant proposed values are between 14.06 & 25.93 VSC and the area of room that is lit is between 44-83%.

**Table 2 – 2 St John's Terrace (LR = Living Room & Bed= bedroom)**

Window	Room	Floor	Existing VSC	Proposed VSC	% Loss	Existing NSL	Proposed NSL	% Loss	Comment
W1	R1-LR	Grd	24.67	12.84	48%	50%	30%	40%	1 of 2 windows
W2	R2-Bed	1st	30.80	16.36	47%	96%	44%	55%	
W3	R3-LR	1st	27.42	11.94	56%	88%	39%	56%	1 of 2 windows
W4	R4-LR	1st	25.92	11.82	54%	77%	41%	47%	1 of 2 windows
W5	R5-Bed	1st	29.96	17.97	40%	97%	75%	22%	
W6	R6-Bed	1st	31.06	21.59	31%	97%	82%	16%	NSL met

W1	R1- Bed	2 <sup>nd</sup>	28.89	15.95	45%	97%	82%	15%	NSL met
W2	R2- Bed	2 <sup>nd</sup>	28.45	14.06	51%	96%	69%	28%	
W3	R3- LR	2 <sup>nd</sup>	27.45	13.56	51%	99%	51%	48%	1 of 2 windows
W4	R4- LR	2 <sup>nd</sup>	30.45	15.91	48%	100%	55%	45%	1 of 2 windows
W5	R5- Bed	2 <sup>nd</sup>	34.22	21.43	37%	97%	78%	20%	NSL met
W6	R6- Bed	2 <sup>nd</sup>	34.40	21.41	29%	97%	83%	15%	NSL met
W1	R1- LR	3 <sup>rd</sup>	33.28	23.41	30%	100%	91%	9%	NSL met- 1 of 2 windows
W2	R2- Bed	3 <sup>rd</sup>	36.86	25.93	23%	97%	82%	15%	NSL met

#### 5 St Johns Terrace

Only one window within this property would see a reduction in daylight (window 2 of room 2 on first floor). A reduction in VSC from 13.73 to 7.30 VSC (47% loss) and a 22% reduction in NSL of lit area of room from 53% to 41% of room being lit. However, the use of this room is unknown and if it contains the same layout as other properties is likely to serve a bathroom or staircase landing area. In these two scenarios there is no protection of daylight. A further consideration is the improvement of daylight to the ground floor window from 11.8 to 14.24 VSC. For these two reasons the proposed impact to this one window is considered to be acceptable. The proposal would have no impact on sunlight to the property or its garden.

#### Steve Biko Court

Eight windows would see a reduction in daylight above the BRE guidelines as set out in the table below. Of the four living rooms, all of the rooms are served by two or more windows. All would see a reduction in daylight when using VSC and or NSL methods. The resultant proposed values are between 15.27 & 24.98 VSC and the area of room that is lit is between 24-66%. The two kitchens are both served by two windows and would meet the NSL test, and the resultant proposed values are between 23.09-24.22 VSC. The two bedrooms are both served by two windows and would meet the NSL test, and the resultant proposed values are between 19.62-22 VSC.

**Table 3- Biko Court (LR = Living Room & Bed= bedroom., Kit= Kitchen)**

Window	Room	Floor	Existing VSC	Proposed VSC	% Of Loss	Existing NSL	Proposed NSL	% Loss	Comment
W15	R9- Bed	Grd	26.16	20.49	22%	97% lit	82% lit	15%	NSL,met 1 of 2 windows
W16	R9-	Grd	26.37	19.62	26%	As	As above	As	NSL met

	Bed					above		above	1 of 2 windows
W18	R11-LR	Grd	26.88	16.28	39%	98%	66%	32%	1 of 2 windows
W19	R11-LR	Grd	26.89	15.27	43%	As above	As above	As above	1 of 2 windows
W18	R12-Kit	1 <sup>st</sup>	31.63	24.22	23%	94%	93%	1%	NSL met-1 of 2 windows
W19	R12-Kit	1 <sup>st</sup>	31.64	23.09	27%	As above	As above	As above	NSL met-1 of 2 windows
W20	R13-LR	1 <sup>st</sup>	31.30	19.57	37%	75%	24%	68%	1 of 3 windows
W15	R10-LR	2 <sup>nd</sup>	33.04	24.98	24%	71%	27%	62%	1 of 4 unaffected windows serving this room

As detailed above, a number of surrounding properties would see a reduction in daylight following construction of the development compared to that which they currently receive. However, it is likely that any development of this site, due to its proximity to adjacent residential properties would result in some loss of daylight to neighbouring properties.

However, not all of the reductions are significant. In the case of existing surrounding properties, officers consider that even once the development was constructed, that these properties would continue to receive acceptable levels of daylight and sunlight given the location of the site and the impact is not considered so significant to warrant withholding permission. As such the single objection raised on this ground is not supported by officers.

#### Sense of Enclosure

With respect to the potential for the proposed development to result in an unacceptable sense of enclosure to surrounding residential properties, the site is already partially built upon with some buildings on site located within close proximity to existing properties. With respect to 5 St John's Terrace, this property would actually see some improvements to enclosure resultant from the redevelopment. In the case of existing buildings on the opposite side of St Johns Terrace (No.2 St Johns Terrace and Biko Court), these properties are considered to be of comparable scale to the proposed building and is not considered to result in an unacceptable sense of enclosure.

#### Privacy

The window fenestration is of a domestic residential nature and the distance to properties opposite (No.2 St John's Terrace and Biko Court) are not uncommon within Westminster. The private external balconies are located on the corner of St John's Terrace and Harrow Road and to the rear of the site (not to the St John's Terrace elevation). The fifth floor communal roof terrace is proposed to be subject to an agreed soft landscaping plan which will incorporate measures to contain the terrace within landscaped perimeter to minimise opportunities for overlooking and disturbance. The

submitted concept plan does not go far enough and as such a condition is recommended to secure this.

As such the proposed building is not considered to result in any significant loss of privacy to existing surrounding residents.

#### Operational impact of commercial use

Compared to the last use of the site as a tyre fitting business with open frontages and residential above, the proposed use of the site as a 37m<sup>2</sup> bike shop/workshop and residential is much more compatible within the immediate residential context of St John's Terrace. It is acknowledged that the residential density of the site has increased and that access to all of the flats is from St John's Terrace. However, the smaller and more compatible commercial unit is accessed from the corner of Harrow Road /St John's Terrace and its operational hours restricted to 09.00-17.00 Mondays to Saturdays. Overall, the operational impact of the development should be an improvement on the previous use of the site.

#### Noise and Vibration

Twenty five air source heat pumps (ASHP) are proposed to main roof level to serve the proposed development and a plant room to ground floor level. A noise impact assessment by Noiseair has been submitted in support of this, however the model and specifications have not yet been chosen. The City Council's Environmental Sciences officer has advised that the proposal should meet our noise standards. As such, conditions are recommended to ensure compliance with our standards and also to provide a supplementary report with respect to the chosen model demonstrating compliance with our standard conditions. As such, future residents of the development and existing surrounding residents should not be subjected to noise disturbance in accordance with policy 33.

#### Summary of amenity impact

The benefits of the proposal including the provision of 25 affordable homes must also be weighed in this context. Despite the limited loss of daylight identified it is not considered to be a sustainable reason for refusal in isolation given the wider general benefits of the redevelopment. For these reasons the proposal is considered to be acceptable in light of policy 7 (Managing development for Westminster's people) and policy 33 (Local environmental impacts).

### **8.4 Transportation, Accessibility and Servicing**

The site is located on the corner of Harrow Road and St John's Wood Terrace. Harrow Road (A404) is part of Westminster's Strategic Road Network (WSRN). While the Local Planning Authority is the Highway Authority for this road, Transport for London (TFL) is the Traffic Authority and has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN. The site is well served by public transport with a public transport accessibility level (ptal) rating of 6a "Excellent".

#### Car Parking

No car parking is proposed for the 25 residential flats, in accordance with policy 27 of our City Plan which supports residential development without car parking provision.

However, the new residential units are likely to increase demand for on-street spaces. In order to minimise the impact of the proposed development and reduce car ownership of future occupiers, lifetime car club membership for all residential units is proposed to be secured.

No car parking is provided for the proposed ground floor commercial unit (Class E), however the impact of the proposed development on parking levels is likely to be minimal, given the site has a good level of public transport accessibility (ptal 6a) albeit reliant in most part on the bus network and is within a controlled parking zone (CPZ) (Monday to Friday 08.30-18.30) and is consequently consistent with Policy 27 of our City Plan.

#### Cycle Parking

A 40m<sup>2</sup> internal secure, weatherproof, and accessible residential cycle store is proposed at ground floor level to accommodate 24 spaces in double stacked bicycle stands, 3 spaces in Sheffield stands, together with a bulky cycle storage area. In addition, 2 visitor cycle spaces are proposed beneath the internal stair core within the entrance lobby. Within the ground floor commercial (Class E) unit, wall mounted cycle parking for 2 bikes is proposed

This current provision has been revised/increased since original submission, in order to address Transport for London's requirements, to satisfy London Plan policy T5 and to support sustainable travel options by residents.

#### Servicing

Whilst policy 29 of our City Plan requires off-street servicing and freight consolidation, no off-street servicing is provided for the development. There are single yellow lines in the vicinity of the site from which servicing can occur and whilst these are in high demand and would mean transporting goods along the footway and potentially obstructing pedestrian movement, the commercial unit is small in size, and the last use of the site was serviced from the street and all servicing will need to comply with these on-street restrictions. As such the servicing arrangement is considered to be acceptable in this case.

#### Travel plan

The proposed commercial (Class E) floorspace is proposed to be provided at ground floor level within a 37m<sup>2</sup> unit. It is accepted that the majority of trips associated with the proposed development (excluding servicing activity) will be via public transport or other sustainable modes (e.g., walking, cycling). Given the proposed use and location a travel plan is not required for the development.

#### Alterations to existing highway

The proposed development would render the existing vehicle accesses (Harrow Road and St John's Terrace) redundant. In order to improve the environment for pedestrians and other highway users the reinstatement of the redundant access points as footway. It is noted that the applicant would like to see car club bays outside of the site and potentially an accessible bay. However, whilst additional on-street parking bays will be created as part of this proposal, their use will be decided by City Highways, based on demand and these works are proposed to be secured as a planning obligation in accordance with policies 25, 28 and 43.

### Development over the Highway

The highway boundary is the existing building line, including the chamfered corner at the junction of Harrow Road with St John's Terrace. The proposal includes balconies oversailing the highway, designed with the required vertical clearance height 2.6m to ensure highway safety is maintained.

### Waste and Recycling

Storage for waste and recycling is indicated on the drawings at ground floor level, separate for both the commercial unit and residential flats. The details of the provision, including capacity for separate waste streams, has been revised during the course of the application in order to satisfy our Waste Project manager. Details are proposed to be secured by condition in accordance with policy 25.

### Construction

A Code of Construction Practice (COCP) Appendix A Checklist has been provided which confers compliance with the City Council's COCP with respect to demolition, earthwork & piling and construction phases of the development. A condition is recommended to secure this,

In accordance with Transport for London (TFL) request, conditions are recommended to secure a Construction Logistics Plan (CLP) and Delivery Servicing Plan to ensure that construction works and completed development will not affect users and or the safe and efficient operations of the local bus infrastructure.

## **8.5 Economic Considerations**

Any relevant economic considerations are set out within the report.

## **8.6 Environment and sustainability**

### Air quality

An Air Quality Assessment by Eight Associates has been submitted in support of the proposal. Our Environmental Sciences officer has confirmed that the development meets the required air quality neutral benchmarks and would have no adverse air quality impacts in accordance with policy 32 (Air Quality).

### Contaminated land

As part of the submission the applicant provided a Site Investigation Report from Ground Engineering which indicates that there is a low risk that the proposed redevelopment would impact the quality of the water due to hydrocarbon contamination. For this reason, a full contaminated land condition is recommended to secure details and consultation with the Environment Agency in accordance with policy 33 (Local environmental impacts).

### Flood risk

The site is located within the Environmental Agency's Flood Zone 1 and also within a Surface Water Flood Risk Hotspot and the overall risk of flooding including surface water to the site is considered to be very low. Measures to reduce the risk of surface water flooding include green and blue roofs. The Environment Agency and the City

Council's Building Control Team have both been consulted and any response will be reported verbally.

Energy performance and sustainable design including whole life carbon

An energy report, whole life carbon report, circular economy statement and sustainability report have all been submitted in support of the proposal. The goal is to retain the value of material and resources indefinitely with residual waste through design, construction, and operation.

Policy 36 of the City Plan and London Plan policy SI 2 requires major development to be net zero-carbon, and follow the London Plan energy hierarchy. Where zero-carbon targets cannot be achieved on-site, any shortfall can be provided for by a contribution to Westminster's carbon offset fund.

The applicant is seeking to achieve a low carbon development as close as possible to zero carbon in line with the mayor's energy hierarchy (Be Lean, Be Clean, Be green, Be Seen) which seeks an overall minimum 35% reduction in emission rate over 2013 Building Regulations.

Key aspects of the proposal are listed below:-

- The existing building's superstructure cannot feasibly be reused.
- Re-use of London stock bricks to be re-used off-site at Vestry site.
- Potential for crushing foundations on site for re-use in proposed building
- Existing structure to be demolished and recycled.
- Expected proposed building structure lifespan of 100 years with flexibility and adaptability built into the design and façade to 60 year lifespan.
- Low carbon concrete - Concrete with 35% cement replacement (due to fire concerns with respect to the use of timber).
- Raft slab has been specified within the foundation design; this solution negates need for ground beams and associated formwork and reduce the volume of excavation. Less excavation required, resulting in less energy consumed and less excavation waste.
- Hand laid brick and reconstituted stone proposed to minimise use of energy (less equipment) reduced moulds and waste.
- Engineered oak hardwood flooring has been specified inside apartments, which is remarkably durable, easy to install, and it doesn't expand and contract to the same extent as solid wood. Ease of installation and longevity will result in less waste to dispose across the life cycle of the building.
- Thermal massing.
- Residential partitions will be steel frame to improve space flexibility with mineral wool, plasterboard and most likely a painted finish. Lightweight metsec framing is very quick to assemble and disassemble so lends itself to flexible and adaptable building use.
- The whole building will be passively and mechanically ventilated to ensure fresh air requirements. Mechanical Ventilation with Heat Recovery (MVHR) units have been specified within each apartment. MVHR provides fresh filtered air whilst retaining most of the energy that has already been used in heating the building.



- 100% electrically powered including heating and hot water with Air source heat pumps and Photovoltaics (35m<sup>2</sup> of roof).
- Upfront Embodied Carbon (A1-A5): 641 kgCO<sub>2</sub>e/m<sup>2</sup> (including biogenic content)
- Embodied Carbon for Use and Deconstruction (B-C): 411 kgCO<sub>2</sub>e/m<sup>2</sup> (excluding B6-B7).
- Lifecycle Carbon (A-C): 1,052 kgCO<sub>2</sub>e/m<sup>2</sup>.
- Lifecycle embodied carbon of the scheme is line with the standard GLA benchmark.
- Cumulative on-site savings of regulated carbon dioxide of 54.3%
- A financial contribution of £27,520 towards carbon offset fund
- Water efficient measures
- Sustainable transport with cycle storage
- Covered terraces rather than projecting balconies to reduce overheating and prevent direct sunlight on glazing
- Led lighting
- Dedicated waste segregation and storage areas for various waste streams

**Table 3:- Regulation Carbon Dioxide Savings**

	Regulated Carbon Dioxide Savings	
	Tonnes CO <sub>2</sub> per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	<b>2.95</b>	<b>14.0</b>
<b>Be Clean:</b> Savings from heat network	<b>0.00</b>	<b>0.00</b>
<b>Be Green:</b> Savings from renewable energy	<b>8.61</b>	<b>40.3</b>
Cumulative on-site savings	<b>11.46</b>	<b>54.3</b>
Carbon shortfall	<b>9.66</b>	-
	<b>Tonnes CO<sub>2</sub></b>	
Cumulative savings for offset payment	<b>289.68</b>	
Cash-in-lieu contribution	<b>£27,520</b>	

Overall, the proposal is considered to provide for an acceptable development with respect to energy performance and sustainable design including whole life carbon. A condition is recommended to require evidence that the development will meet or exceed the measures outlined in these reports in accordance with policy 33 (Local environmental impacts) and the London Plan.

## 8.7 Trees, Biodiversity and Greening

### Existing Trees

There are no trees located within the site. However, there are four trees in close proximity, three plane trees and a cedar tree, located within the adjacent site of Kensal House, 535-579 Harrow Road. The Plane trees are subject to a Tree Preservation Order (TPO W329). An Arboricultural tree report has been submitted in support of the proposal.

The applicants tree report contains insufficient information about the likely impacts of the development on the trees to demonstrate that the work could be carried out without harm to the roots of the trees. It also contains some statements and opinions which do not appear to be supported by the submitted plans and documents and insufficient information with respect to tree roots, foundations, and floor levels.

Other insufficient information relates to the relationship of balconies and tree canopies and underground services. The City Council's Arboricultural Manager has raised significant concerns and has advised that they would support a reason for refusal on insufficient information. Given that the proposal is acceptable in all other respects and that an earlier permission has been granted for the redevelopment of the site it is considered likely that this matter can be adequately address by way of a pre-commencement condition to ensure the health and wellbeing of these valuable trees. The applicant has also been made aware of this concern and any response on this matter will be reported verbally to committee. Subject to this condition the proposal is considered to satisfy policy 34 (Green infrastructure).

### Urban Greening and biodiversity

An urban greening factor statement has been submitted in support of the proposal. The existing site has no urban greening, and the proposal would result in an urban greening factor of 0.48 exceeding the GLA target score of 0.4. Gardens are proposed to the three ground floor flats and the flat roofs at first and fourth floor roofs are proposed as extensive green roofs with a mix of native grasses, sedges, wildflower and sedum species, the extensive green roof at main roof is proposed as a hybrid green/blue roof to absorb/retain water reducing run off and to moderate temperature. The provision of gardens green roofs is welcomed. The fifth floor external communal terrace is proposed with some soft landscaping, likely within planters, the details of which are proposed to be secured by condition. The proposed landscaping strategy specification has been chosen to help improve air quality with the inclusion of pollution eating plants.

However, insufficient, and or inappropriate details relating to the proposed landscaping (gardens, extensive green/blue roofs, permeable paving, and soft landscaping to the 5<sup>th</sup> floor communal terrace) have been received. As such full details are proposed to be secured by condition.

A biodiversity net gain report has been submitted in support of the proposal. The existing site has a low ecology value, and the proposed development would achieve a 100% biodiversity net gain with 0.10 habitat units.

Overall, and subject to the recommended conditions the proposal is considered to contribute to the greening of Westminster and improve biodiversity of the site in accordance with policy 34 (Green infrastructure) .

## **8.8 Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2). As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **8.9 Neighbourhood Plans**

The Queens Park Neighbourhood Plan includes policies on a range of matters including amenities, environment and open space, design and heritage, sustainability, community safety, commercial development and delivering new residential development.

It has been through independent examination and was supported by local residents in a referendum held on 21 October 2021. It was adopted on 25 November 2021. It therefore forms part of the development plan for Westminster for development within the Queens Park Community Council area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report. Generally, the proposal is in compliance with the plan and the Queens Park Community Council has not raised objection to the proposal.

## **8.10 London Plan**

See body of report.

## **8.11 National Policy/Guidance Considerations**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) 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.

The applicant has been advised of the pre-commencement conditions set out in the draft decision letter and has agreed to the imposition of the conditions.

### 8.12 Planning Obligations

The proposal will require a S106 legal agreement to secure the following:-

- Provision of 25, one bedroom intermediate homes for rent, let at London Living Rents, with tenancies for a maximum period of five years.
- A financial contribution of £7,500.00 towards the Westminster Employment Service (index linked and payable on commencement of development).
- A financial contribution of £27,520 towards Carbon Offset Fund (index linked and payable on commencement of development).
- All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the existing vehicle crossovers (Harrow Road and St John's Terrace) as footway and creation of on-street parking bays and electric vehicle charging point (subject to detail design and the approval of the Highway Authority). Threshold level checks prior to commencement of development. All of the above to the Council's specification, at full cost (administrative, legal, and physical) of the developer.
- Lifetime Car Club Membership for Residential Occupiers from first occupation of the development. (Car Club operator must be a CarPlus member).
- Monitoring costs

The estimated CIL payment is to be confirmed. Relief and exemptions from CIL are also available for some types of development such as affordable housing,

### 8.13 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

### 8.14 Other Issues

#### Community engagement

The NPPF states that 'good quality pre-application discussion enables better communication between public and private resources and improved outcomes for the community'. It encourages Applicants to take up pre-application advice services offered by Local Planning Authorities, as well as engage with their local community.

The applicant has advised that they have taken an active approach to engaging with the decision makers and key stakeholders throughout the design process, including detailed

pre-application discussions with Westminster City Council, politicians, stakeholders, local residents and businesses in the area.

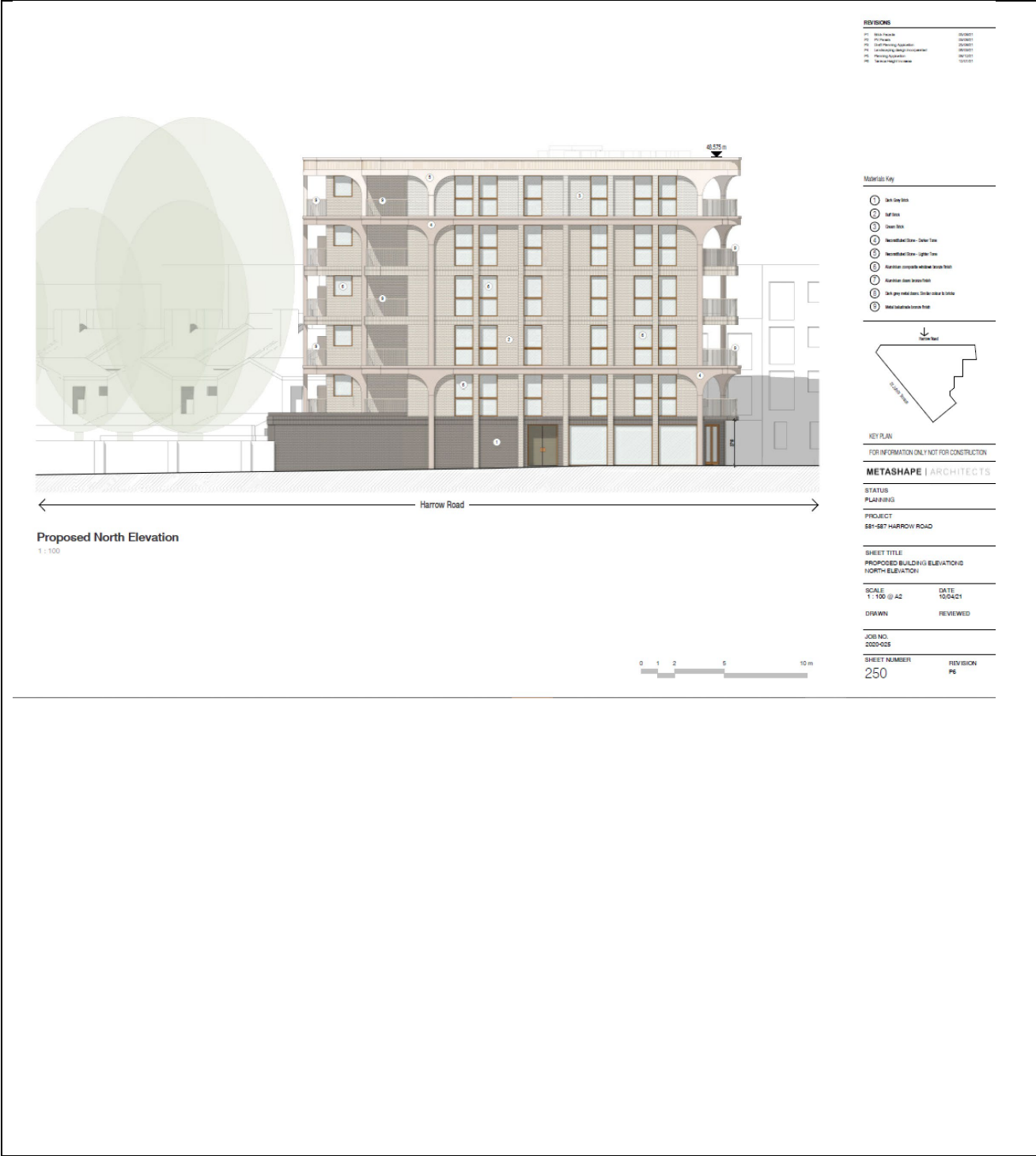
Public Consultation was undertaken in August 2021 when leaflets were distributed in the local area informing residents and businesses about the proposals for the site. People were invited to send comments by email or via the Westminster Community Homes website.

(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: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

9. KEY DRAWINGS

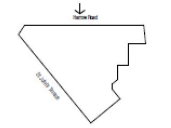




**REVISIONS**

01	Issue for Review	20/04/21
02	For Review	20/04/21
03	For Review/Amendments	20/04/21
04	For Review/Amendments	20/04/21
05	For Review/Amendments	20/04/21
06	For Review/Amendments	20/04/21

- Materials Key**
- ① Brick Core Brick
  - ② Red Brick
  - ③ Green Brick
  - ④ Metal Mesh Clime - Dark Tone
  - ⑤ Metal Mesh Clime - Light Tone
  - ⑥ Aluminium Composite with Dark Mesh Mesh
  - ⑦ Aluminium Glass Window Panel
  - ⑧ Brick-pipe Metal Mesh Clime with Glass to Stone
  - ⑨ Metal Mesh Clime Panel



**KEY PLAN**  
FOR INFORMATION ONLY NOT FOR CONSTRUCTION

**METASHAPE | ARCHITECTS**

**STATUS**  
PLANNING

**PROJECT**  
S81-587 HARROW ROAD

**SHEET TITLE**  
PROPOSED BUILDING ELEVATION  
NORTH ELEVATION

**SCALE**  
1:100 @ A2

**DATE**  
10/04/21

**DRAWN**  
REVIEWED

**JOB NO.**  
2020-025

**SHEET NUMBER**  
250

**REVISION**  
P6



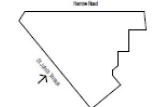
**Proposed North Elevation**  
1:100

Harrow Road



REVISIONS		
R1	Issue for Sale	20/08/21
R2	Client Review	20/08/21
R3	Client Meeting Approval	20/08/21
R4	Architectural Design Development	20/08/21
R5	Final Design	20/08/21
R6	Issue for Construction	20/08/21
R7	Final Design	20/08/21

- Materials Key
- ① Dark Oak Brick
  - ② Red Brick
  - ③ Cream Brick
  - ④ Natural Stone - Dark Tone
  - ⑤ Natural Stone - Light Tone
  - ⑥ Natural Stone - Mixed Tones
  - ⑦ Dark Grey Stone - Dark Tones
  - ⑧ Dark Grey Stone - Light Tones
  - ⑨ Mixed Natural Stone



KEY PLAN  
FOR INFORMATION ONLY NOT FOR CONSTRUCTION

**METASHAPE | ARCHITECTS**

STATUS  
PLANNING

PROJECT  
881-887 HARROW ROAD

SHEET TITLE  
PROPOSED BUILDING ELEVATIONS  
WEST ELEVATION

SCALE  
1:100 @ A2

DATE  
10/02/21

DRAWN  
REVIEWED

JOB NO.  
0020-025

SHEET NUMBER  
251

REVISION  
P7

**Proposed West Elevation**  
1:100









REVISIONS	
R1	Issue for review
R2	Client review
R3	Client review
R4	Client review
R5	Client review
R6	Client review
R7	Client review
R8	Client review
R9	Client review
R10	Client review

DRAFT FOR CONSULTANT REVIEW

**METASHAPE | ARCHITECTS**

STATUS  
PLANNING

PROJECT  
581-587 HARROW ROAD

SHEET TITLE  
PROPOSED GROUND FLOOR PLAN

SCALE  
1:100 @ A2

DATE  
08/21/21

DRAWN  
REVIEWED

JOB NO.  
2020-025

SHEET NUMBER  
210

REVISION  
P5

Ground Floor Plan - Proposed  
1:100







REVISIONS		
01	Issue for Review	09/01/21
02	For Approval	09/01/21
03	For Approval	09/01/21
04	For Approval	09/01/21

DRAWN FOR CONSULTANT REVIEW

**METASHAPE | ARCHITECTS**

STATUS  
PLANNING

PROJECT  
581-587 HARROW ROAD

SHEET TITLE  
PROPOSED SECOND FLOOR PLAN

SCALE  
1:100 @ A2

DATE  
09/01/21

DRAWN  
REVIEWED

JOB NO.  
2020-025

SHEET NUMBER  
212

REVISION  
P4

Second Floor Plan - Proposed  
1:100



REVISIONS	
R1	Issue Tracker
R2	Issue Tracker
R3	Issue Tracker
R4	Issue Tracker
R5	Issue Tracker



DRAFT FOR CONSULTANT REVIEW

**METASHAPE | ARCHITECTS**

STATUS  
PLANNING

PROJECT  
S81-S87 HARROW ROAD

SHEET TITLE  
PROPOSED THIRD FLOOR PLAN

SCALE  
1:100 @ A2

DATE  
09/01/21

DRAWN  
REVIEWED

JOB NO.  
2020-025

SHEET NUMBER  
**213**

REVISION  
P4

**Third Floor Plan - Proposed**  
1:100







REVISIONS		
R1	Site Plan	08/02/21
R2	Site Plan	08/02/21
R3	Site Plan	08/02/21
R4	Site Plan	08/02/21



DRAFT FOR CONSULTANT REVIEW

**METASHAPE | ARCHITECTS**

STATUS  
PLANNING

PROJECT  
58-587 HARROW ROAD

SHEET TITLE  
PROPOSED ROOF PLAN

SCALE  
1:100 @ A2

DATE  
09/01/21

DRAWN  
REVIEWED

JOB NO.  
2020-025

SHEET NUMBER  
216

REVISION  
P4

Roof Plan - Proposed  
1:100





**DRAFT DECISION LETTER**

**Address:** 581 - 587 Harrow Road, London, W10 4RH

**Proposal:** Demolition of the existing buildings, construction of part 4, part 5 and part 6 storey building to create ground floor commercial space and twenty five, 1-bedroom flats with private balconies, bicycle storage, refuse storage and communal roof terrace.

**Reference:** 21/08497/COFUL

**Plan Nos:** 100;101;110, 27099A-1-R1;2-R1;3-R1; 4-R1; 5-1-R1; 5-2-R1; 5-3-R1  
204; 210P8, 211P4; 212P4;  
213P4;214P4;215P5;216P4;250P6;251P7;252P5;253P5;260P6;261P4;  
301P4;302P4;303P4;304P4;305P4;306P4;307P4.,  
1001;1004A;1201;1202;1203;1204;1205;1206.  
Design and Access Statement Rev A including Affordable Housing Statement, Planning Statement and Landscape Proposals (Revised page 27 (22.12.2021) and page 71 (05.01.2022)), , Circular Economy Statement V2, Whole Life Carbon Report V4, Energy Assessment (with Appendix) V2, Bat Survey V1, Biodiversity Net Gain V1, Preliminary Ecological Appraisal V1, Urban Greening Factor V1, Air Quality Assessment V2 Revised 17.01.2022 , Flood Risk Assessment V1, Sustainability Statement V1, MEP Stage 2 Report (includes Utilities Assessment)001, Design Input Statement for Structural and Civil Works (includes SUDS and Foul Sewerage) Sept 21, Heritage Statement Sept 21 v2, Site Investigation Report V1, Daylight and Sunlight Neighbouring Report V1, Daylight and Sunlight Within Report V1, Construction Logistics Plan V1, Acoustic Report V3-P4664-r1-V3, Code of Construction Practice Appendix A V1, Westminster SuDs Proforma V1, Community Infrastructure Levy (CIL) Form 1 V1, Charitable Social Housing Relief Form 10 V1, Arboricultural Method Statement V1  
Agent email (Waste) 05.01.2022, Agent email (Crime) 05.01.2022

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641  
07866036375

**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 , onot 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, flags, signage, awnings and canopies.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 5 You must provide each cycle parking space shown on the approved drawings 25 long stay cycle parking for the residential units and 2 long stay cycle parking for the commercial unit prior to occupation of the development, and thereafter maintained for the life of development for cycle parking and for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 6 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 210 Revision P9 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. The waste servicing must be carried out in accordance with the Design and Access Statement Waste dated 05.01.2022. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 7 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 8 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-, ,  
A) Delivery and Service Plan, ,  
B) Construction Logistics Plan, ,

These documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on Harrow Road (part of the Strategic Road Network) including the impact on bus infrastructure., , You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

In order to appropriately manage any potential adverse effects on the Strategic Road network and the adjacent bus stop and bus infrastructure, as requested by Transport for London.

- 9 You must provide evidence that the development has achieved Secure By Design Accreditation. You must provide all the secure by design measures referred to in the Accreditation before you start to use the building. You must then permanently retain these features.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in Policy 38 of the City Plan 2019-2040 (April 2021). (R16AD)

- 10 **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 Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 11 (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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 12 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 13 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 14 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) 11 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 15 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(s) 12,13 of this permission. You must not start work on this 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 details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 16 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 by the Council 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 Condition 49AA. The mechanical ventilation system must provide adequate NO<sub>x</sub> and Particulate matter (PM) filtration where required as per the Air Quality Assessment from Eight Associates reference 5704 - 581-587 Harrow Road - Air Quality Assessment-2201-25nv issue 3 dated 26th January 2022.

Reason:

To ensure that the proposed flats are suitably mechanically ventilated, do not overheat and are provided with appropriate air quality filtration all within appropriate noise levels, to ensure that the flats are provided with a suitable internal living environment as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 17 Prior to the occupation of the flats, you must apply to us for approval of a noise mitigation scheme for the external amenity areas (gardens, balconies and communal roof terrace). You must then carry out any approved mitigation measures and retain them in situ for the lifetime of the development.

Reason:

To ensure that the external amenity areas to the proposed flats are mitigated against noise, to ensure that the external amenity areas to the flats are provided with the best possible noise environment for occupiers as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 18 The ground floor commercial unit shall be operated in accordance with the following, unless otherwise agreed in writing by us:

A. You can use the property as a bike shop/workshop and for no other use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

B. The bike shop/workshop shall only be open to the general public between 09.00-17.00 Monday to Saturday and not at all on Sundays.

C. You must not occupy the premises, until a detailed scheme for the shop windows of the unit has been submitted to and approved in writing by us. The scheme shall include the area immediately behind the windows, shall not include any obscured glass and shall define any display panels within the windows. The development shall thereafter be carried out in accordance with the approved scheme and no further modifications shall be made.,

Reason:

We cannot grant planning permission for unrestricted Class E use because it would harm the amenity of neighbouring occupiers and to protect the appearance and character of street and protect residential amenity in accordance with Policies 7, 14 and 33 of the City Plan 2019 - 2040 (April 2021).

- 19 The biodiverse roofs on the at first floor, fourth floor and roof level shall not be accessible for general use by occupiers of the flats and shall only be used when carrying out maintenance work and for escape purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 20 Prior to the use of the external terrace at 5th floor, you must apply to us for approval of an operational management plan to show how you will maintain the terrace and minimise noise from its use causing nuisance for people in the area, including people who live in and nearby the building., , The operational management plan shall include, but not be

limited to, the following measures:- ,

- A. Hours of use 08.00-22.00 Monday to Sundays (including cleaning, tidying and maintenance) unless used for emergency/escape access purposes.,
- B. Maintenance of any approved hard and soft landscaping ,
- C. Installation of any approved privacy barriers prior to use of terraces and their maintenance in perpetuity,
- D. Installation of any planters and soft landscaping prior to use of terrace and their maintenance in perpetuity,
- E. No live, amplified or recorded music.,
- F. No external lighting outside of approved operational hours of the terrace, , You must not use the external terrace until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the terrace is in use.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 21 You must apply to us for approval of a scheme of public art for the ground floor blank wall to Harrow Road., , You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. , , You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 22 **Pre Commencement Condition.** You must apply to us with full details to evidence how the development can be built without significant harm to the health and wellbeing of the four trees within the adjacent site at Kensal House, 535-579 Harrow Road. This must include, but not be limited to: , ,
- A. A tree report setting out the likely impacts of the development on the trees to demonstrate that the work could be carried out without harm to the roots of the trees. With statements and opinions which are supported by the submitted plans and documents.,
  - B. Details of foundations with respect to finished floor level and existing ground level.,
  - C. Accurate site investigation report with clarification of foundation depths, main building and build foundations to demonstrate that proposed foundation designs could retain all important tree roots. ,
  - D. Confirmation of retention of boundary wall with Kensal House,
  - E. Details of existing and proposed levels to the gardens to the three ground floor levels (taking into account site contamination works) including any foundations for garden features and walls.,
  - F. Details of the relationship between the tree canopies and the proposed balconies to demonstrate no adverse impact on the trees.,
  - G. Details of below ground services and tree roots,



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.

Reason:

To protect trees and the character and appearance of the adjacent Grade II Kensal House, 535-579 Harrow Road as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 23 **Pre Commencement Condition.** You must apply to us with full details of the following:-,
- A. Details of soft landscaping planting scheme to ground floor gardens to include number, size, species and position of trees and shrubs and drainage details., ,
  - B. Details of soft landscaping planting scheme to 5th floor communal roof terrace to include volume of planters, number, size, species and position of trees and shrubs and drainage details., ,
  - C. Details of Extensive Green Roofs to 1st floor and 4th floor and Extensive Green & Blue roof to main roof level including substrate depth, and sustainable irrigation, access, specification and management.

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., , You must then carry out the planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30BC amended)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 24 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees within the adjacent site at Kensal House 535-579 Harrow Road. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 25 Before occupation of any part of the development you must provide details of the following for our approval to evidence that the development has been constructed and built to meet or exceed the details submitted with the application. :-
- A. Final Energy details as built on site,
  - B. Final design sustainability details as provided on site,
  - C. Final Whole life carbon details during construction
  - D. Final urban greening factor as provided on site
  - E. Final Net biodiversity as provided on site,

Reason:

To make sure that the development provides the environmental energy, sustainability and whole life carbon and biodiversity and urban greening features included in your application as set out in Policies 34, 36 and 38 of the City Plan 2019 - 2040 (April 2021).

- 26 You must apply to us for approval of detailed drawings showing the following alteration to the scheme revised fenestration arrangement to the ground floor elevation. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 27 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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 28 You must apply to us for approval of details of the following parts of the development including sections:-,

- A. External Doors
- B. Windows
- C. All external metal work.

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 details. (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 Policies 38 and 40 of the City

Plan 2019 - 2040 (April 2021). (R26AE)

- 29 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 30 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 facing the street unless they are shown on drawings we have approved. (C26MA)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

### **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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 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) Provision of 25, one bedroom intermediate homes for rent, let at London Living Rents, with tenancies for a maximum period of five years.,
  - b) A financial contribution of £7,500.00 towards the Westminster Employment Service (index linked and payable on commencement of development.,
  - c) A financial contribution of £27,520 towards Carbon Offset Fund (index linked and payable on commencement of development),.

- d) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the existing vehicle crossovers (Harrow Road and St John's Terrace) as footway and creation of on-street parking bays and electric vehicle charging point (subject to detail design and the approval of the Highway Authority). Threshold level checks prior to commencement of development. All of the above to the Council's specification, at full cost (administrative, legal and physical) of the developer.,
- e) Lifetime Car Club Membership for Residential Occupiers from first occupation of the development. (Car Club operator must be a CarPlus member).
- f) Monitoring costs . (I55AA)
- 3 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: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).
- 5 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 6 The term 'clearly mark' in condition 6 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).

- 8 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, removal or alteration of on-street restrictions (including residents parking bays) and changes to on-street speed reduction humps. You will have to pay all administration, design, supervision and other costs of the work, including those relating to the relocation of the existing speed humps, if possible. We will carry out any work which affects the highway. For more advice, please phone 020 7641 3200. Also this approval is subject to site survey and findings.

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.