

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Harrow Road	
Subject of Report	21A Warlock Road, London, W9 3LP		
Proposal	Demolition of garage and construction of new residential dwelling house (Class C3). (Application is for Outline Planning permission for access, scale and landscaping and with some matters reserved namely appearance and layout).		
Agent	Mr James Sloan		
On behalf of	Mr Akinyelu		
Registered Number	23/01264/OUT	Date amended/ completed	16 August 2023
Date Application Received	27 February 2023		
Historic Building Grade	Unlisted		
Conservation Area	Outside		
Neighbourhood Plan	Maida Hill Neighbourhood Forum currently has no adopted or draft plan		

1. RECOMMENDATION

Grant conditional outline permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the redevelopment of the site to provide a new residential dwelling house. As existing, the site includes 21 Warlock Road, which records indicate is in use as 4 flats. There is a gate to the side of the main house, which provides access down a driveway, to two of the flats, and a vacant garage building, which occupies the whole end of the site.

The applicant has submitted an outline planning application whereby the access, landscaping and scale have been submitted, and details in relation to appearance and layout are proposed to be subject to a future application for approval by reserved matters. It is noted that the application

documents do include details of the appearance and layout, but this is for information only.

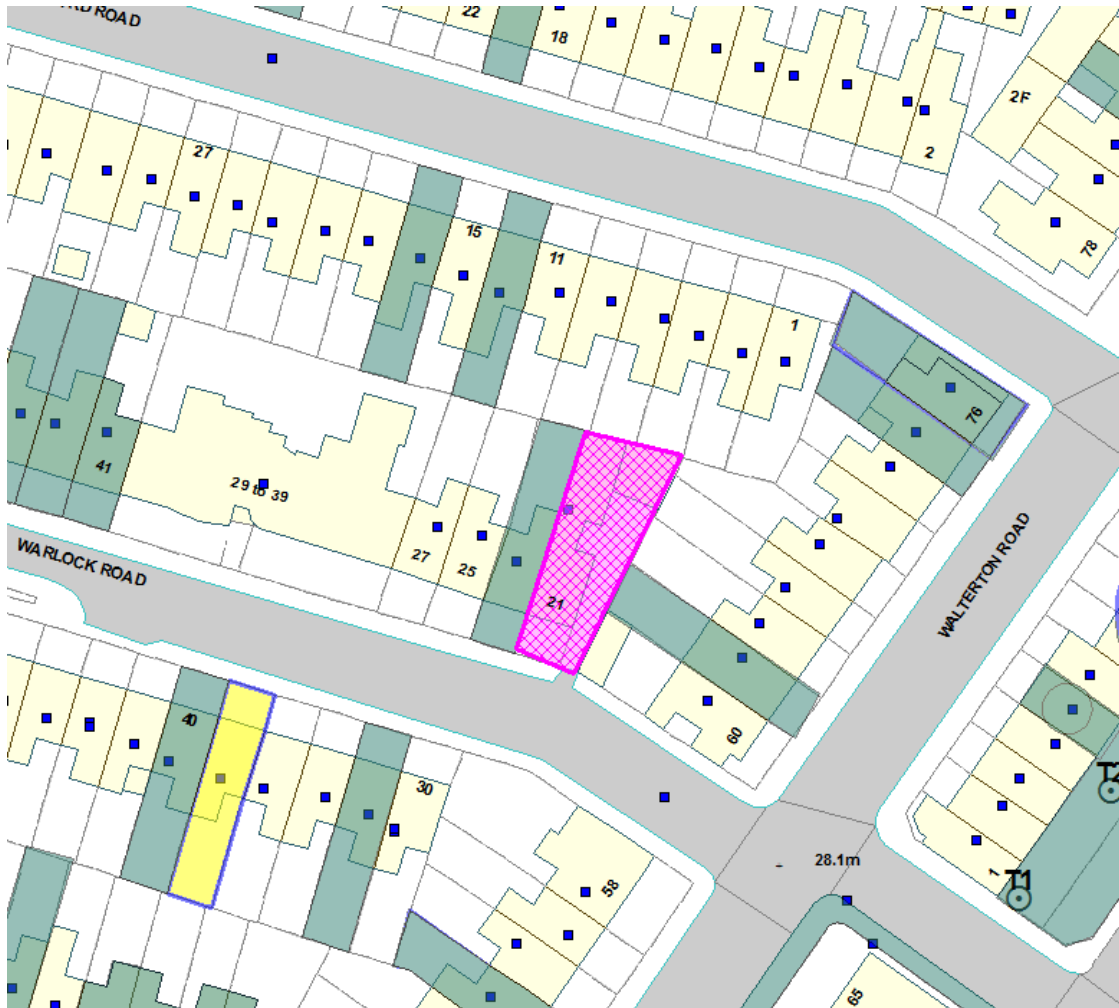
Objections have been received from a number of neighbours on grounds including the impact of the development on their amenity, trees, and impacts during the course of construction works.

The key considerations in this case are:

- The acceptability of the proposed residential accommodation in land use terms, with final details of the layout to be reserved.
- The acceptability of the proposed in terms its scale and location, with details of its appearance to be reserved.
- The impact on the amenity of neighbouring residential properties.
- Whether the development is acceptable in arboricultural terms.
- The acceptability of the development in highways terms.

The proposed development is considered against policies in the City Plan 2019-2040 (adopted April 2021). As set out within this report, the proposals are considered to be acceptable, subject to the conditions and reserved matters as set out on the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial photograph (source: google maps)



Warlock Road frontage



Existing garage frontage

5. CONSULTATIONS

5.1 Application Consultations

MAIDA HILL NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Acceptable subject to conditions and the following comments:

- Plans indicate existing car parking is retained. The development should be car free to accord with Westminster and London Plan policies.
- Removal of car parking space would allow for increased soft landscaping, and improve the public realm and highway environment.
- Car club membership for all residents is recommended.
- The proposals require the provision of 2 cycle parking spaces and should be secured by condition.
- Waste storage should be provided off the highway.

WASTE PROJECT OFFICER:

No waste storage shown, revised details should be provided.

ENVIRONMENTAL SCIENCES:

No objection subject to an acoustic report demonstrating that the new residential is in accordance with internal noise standards required by standard policy, and a condition for standard building working hours.

ARBORICULTURAL OFFICER:

The only impacted tree is an offsite, third party fig (T5), which is not protected by a Tree Preservation Order (TPO) and is not within a conservation area. Following the receipt of additional information to demonstrate foundation options, no objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39

No. of objections: 3 on some or all of the following grounds:

Amenity:

- Additional bulk will result in loss of daylight and sunlight to properties to the rear including their gardens.
- Lack of daylight and sunlight assessing impact to properties on Lydford Road.
- Planning Officer should visit affected properties.
- Loss of privacy and increased overlooking.

Trees:

- Incorrect information, and impact on adjacent fig tree within adjacent rear garden.
- Next to the fig is an olive, which may also be affected.

Other:

- Delay in receiving consultation letter, and therefore reduced time to respond.
- Neighbours did not receive letters.

- Impact of building works on the enjoyment of adjacent properties.
- Should permission be recommended, conditions recommended.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

No formal pre-application community engagement has been undertaken. While officers would always encourage pre-application engagement with surrounding occupiers, the application is of insufficient scale for this to be a requirement.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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) (September 2023) 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application is located outside of a conservation area, but within the North West Economic Development Area and the West Kilburn surface water flooding hotspot. The site includes 21 Warlock Road, which houses 4 flats and features a gated side vehicle access, which widens towards the rear of the site.

The rear of the site currently includes a vacant building which was last in use as a car garage, which is considered to fall within Use Class B2. It is understood that the building has been vacant for some time, since 1997. It is proposed to demolish this building and to erect a replacement extended building to house a new single family dwelling (Use Class C3).

7.2 Recent Relevant History

There is no recent planning history, however another planning application has recently been submitted for similar works to those proposed under this application, except it includes a larger building, with the ground floor excavated down by half a storey, and with a second floor level and terrace. It is also proposed as a single family dwelling house. Reference number 23/06707/FULL

8. THE PROPOSAL

Outline Planning Permission is sought. Outline planning applications are used to gain an understanding as to whether the nature of a development is acceptable, this can help ensure viability up front. Specific details known as 'reserved matters' can then be confirmed later.

Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, namely so that they can be 'reserved' for later determination. These are defined in Part 1 section 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- 'Access': the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 'Appearance': the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping': the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout': the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale': the height, width and length of each building proposed within the development in relation to its surroundings.

This application seeks approval for the access, landscaping and scale with layout and

appearance being reserved. The details of the future reserved matters applications must be in line with the outline approval, including any conditions attached to the permission.

This application relates to the demolition of the existing garage and for the erection of a new single storey building, with part pitched roof and part flat roof, to house a new single family dwelling house.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Garage	54	0	-54
Residential	0	70	+70
Total	54	70	+16

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals include the change of use of the land from the existing garage to a residential house. The applicant has stated within their application forms that the existing use is B8: Storage and Distribution / E(g): Commercial, Business and Service uses which can be carried out in a residential area without detriment to its amenity. It is understood that the last use of the now vacant unit was as a car repair garage, officers consider this to be a B2 use: General industry. While no certificate of lawful development has been submitted, all of the aforementioned uses are commercial/ industrial and are considered against policies within the City Plan below.

Loss of garage:

Located within the NWEDA, Policy 5 “Spatial Development Priorities: North West Economic Development Area” of the City Plan 2019-2040 applies. This sets out priorities which should be sought to be delivered within the area including part A) which seeks to increase job opportunities, including through the protection of existing employment floorspace, particularly that which is suitable for small and medium enterprises (SME), and / or helps to diversify the local economy.

Policy 13 “Supporting economic growth” seeks to protect against the loss of space suitable for SME’s within the NWEDA.

The proposals include the loss of the existing garage on the site. However, it is noted that this has been vacant since 1997, with the applicant providing the last commercial tenancy agreement. Surrounding residents have also confirmed that it has been vacant for a long time. The applicant has noted that the owner struggled to get a new tenant largely due to noise complaints from the previous occupier. The access to the garage is shared with access to existing flats within 21 Warlock Road, and therefore comings and goings to the commercial unit would have an impact on their amenity.

While it is noted that the aforementioned policies seek to protect commercial uses, particularly those which could provide for SME’s, it is considered that the loss of this

garage is acceptable in this instance. The area is very much residential in character, and a commercial use would have increased comings and goings and could be noisy, particularly if another garage was to occupy the site. In addition, given the long term vacancy of the site, its loss will not result in the loss of any current, or recent employment.

New residential:

Part B) of NWEDA Policy 5 seeks new residential and mixed-use developments that improve housing quality and help diversify the area's tenure mix. Policy 8 seeks to maximise the number of homes within Westminster, including by setting maximum floorspace for new homes at 200sqm.

While the proposals seek for the layout of the new unit to be reserved, an indicative plan has been provided which shows a two bedroom unit. The maximum floorspace of the unit is shown as 70sqm, which accords with the Nationally Described Space standards for a 1 storey, 2 bedroom, 4 person unit. Along with a reserved matters condition for final layouts to be provided, an informative is recommended to ensure that any unit meets the nationally described space standards is recommended. Subject to these, the principle of the new residential unit in this location is considered acceptable in land use terms.

Affordable Housing

The unit is of insufficient size to require the provision of affordable housing.

Social & Community Uses

The proposals are of insufficient scale to require the provision of any social and community uses.

9.2 Environment & Sustainability

As the application has been submitted in outline with the final layout an appearance to be reserved, there is no information in relation to the likely performance of the building in environmental and sustainability terms. A condition is therefore recommended that details of how the development will reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change in order to meet Policies 36 "Energy" and 38 "Design principles" and the councils Environment Supplementary Planning Document.

Circular Economy

The development is of insufficient scale to require the submission of a circular economy statement.

Air Quality

The development is of insufficient scale to require the submission of a circular economy statement.

Flood Risk & Sustainable Drainage

The site is within a surface water flooding hotspot. The application has been considered by the Lead Local Flood Authority, who note that they can only provide advice given that this is a minor application. They do however object as they state that no flood risk assessment was provided and that it has not been demonstrated that the development would not result in increased flooding outside of the development site, or within it. As such they recommend a condition for no construction to begin until a detailed surface water drainage scheme including Sustainable Drainage Systems (SuDS) has been provided.

Despite the above objection, a Flood Risk Assessment has been provided with the application. Within the statement the applicant notes "The existing driveway/access path to the building is concrete draining into the public sewer and measuring approximately 72sqm. This will be broken up and replaced with a permeable surface envisaged to be pea shingle or similar to reduce rain water runoff. Additional reduction in rain water runoff can be discussed and agreed with the planning office such as water batts and the possibility of a water attenuation tank should this be necessary to achieve the required reduction in runoff." They also propose to raise the floor level above external by approximately 200mm.

As noted by the applicant, the driveway is currently solid concrete. The roof of the existing garage is also currently solid. Neither of these therefore provide mitigation against runoff at present. It is considered that the proposals will help to reduce surface water flooding through the provision of a porous driveway and green roof (See section 9.3). However, as the flood risk assessment is currently in draft, with the full details of the proposals still in outline, a condition for the submission of a flood risk assessment to set out SuDS and mitigation prior to commencement of development. Subject to these conditions, the proposals are considered to accord with Policy 35 and Environment SPD.

Light Pollution

The proposed dwelling includes boundary walls which do not include any openings. The only windows will look onto the site, which already feature windows in the existing house at 21 Warlock Road. It is not considered that the additional windows will result in significant additional light pollution above the existing residential character of the area.

Odour

The proposed residential use is not considered to result in significant increase in odour above the existing residential character of the area.

Land Contamination

Given that the existing site is a garage, it is recommended that a condition for the submission of a contaminated land report is provided prior to commencement of development.

9.3 Biodiversity & Greening

The submitted plans indicate that much of the roof will be flat. A condition is therefore

considered reasonable for details to be provided of an intensive green roof in order to meet the requirements of Policy 34 – Green Infrastructure. This would also form part of the reserved matters ‘appearance’ future application.

During the course of the application, the plans have been updated to show a dedicated garden for the new dwelling on the existing driveway. As there are no details of this provided with the application, conditions are recommended for details of both the hard and soft landscaping for the garden and driveway, along with details of how the garden would be suitably screened and segregated from the rest of the driveway.

9.4 Townscape and Design Impact

The site is not located within or adjacent to a conservation area or any listed buildings. Regardless, the local townscape has an attractive residential quality with properties being of a scale of between 3 and 4 stories in height facing onto the street, with closet wings extending to the rear onto garden land. The site is unusual in that it features an existing driveway down the side of the property and the whole of the rear of the site has already been infilled, and the property itself has an additional two storey addon to the closet wing. It also has a slightly larger plot width, which widens as you go north into the site.

It is proposed to demolish the existing vacant garage building and to replace this will a larger single storey structure which extends onto the driveway. While the finished design has not been finalised, the maximum parameters show that the replacement building could feature a pitched roof running north south over part of the site.

The driveway is sloped so that the existing garage is only glimpsed from the street. While the proposed new building is larger, particularly with the pitched roof, given its low level and set down location at the rear of the site, it is not considered to have a negative impact on the local townscape. As its appearance is to be ‘reserved’ and only submitted in outline, the finished materials will be subject to a future application. Drawings have been provided which show how the building could look, and these are considered to be acceptable in design and townscape terms and in accordance with Policies 38 and 40 of the City Plan.

Fire Safety

The development is of insufficient scale to require the submission of a fire statement. Any development would be subject to building control legislation in relation to fire.

Archaeology

The site is not within an archaeological priority area.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring occupiers are assessed against Policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant, which

seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise, odour and construction impacts. The applicant has submitted in support of the application a daylight and sunlight assessment by GA Surveyors, which sets out the surrounding buildings which have been tested.

Objections have been received from residents located to the rear on Lydford Road, whose rear windows and gardens face onto the rear boundary wall of the site. They raise objection in relation to loss of light and increased overlooking.

Daylight & Sunlight

For daylight matters, Vertical Sky Component is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window and represents the direct daylight received by a window, expressed as a percentage of 'visible sky' that can be seen from the window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight to an existing dwelling, the BRE advises it may be adversely affected if the centre of a main window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours (APSH) between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The submitted daylight & sunlight assessment has only undertaken tests on windows within the adjacent building, 21 Warlock Road, which look directly onto the site and are in close proximity. The report shows that all tested windows pass, with very minimal losses if any, with the worst affected window only seeing a 4% reduction, which is well within the 20% tolerance set out by the BRE in terms of VSC. All windows similarly pass in terms of sunlight. Given the pitch and size of the roof and as the boundary wall is of comparable size to existing, it is not considered that the rear gardens would see any significant losses of sunlight.

Residents within Lydford Road object on the grounds that their windows have not been tested and that their light will be significantly affected. During the course of the application the applicant was asked to provide a drawing to show the relationship of their windows with the development site. The BRE states that where a new development is in front of existing dwellings "If this angle is less than 25° for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. If, for any part of the new development, this angle is more than 25°, a more detailed check is needed to find the loss of skylight to the existing building." The drawings below show the development site on the left and the nearest rear facing windows which serve kitchens to the rear of Lydford Road in properties 3 and 5. No 7 also looks onto the boundary wall, but it does not have a window at lower ground floor level facing the development site in the end of its coset wing.

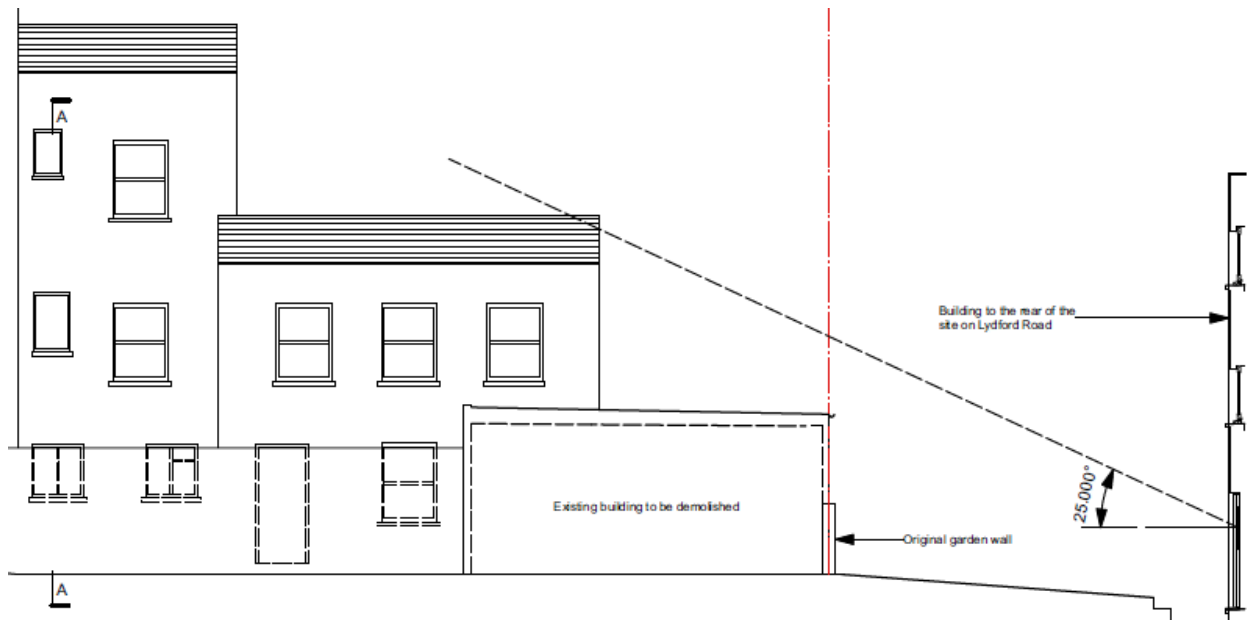


Figure 1 above shows the existing arrangement

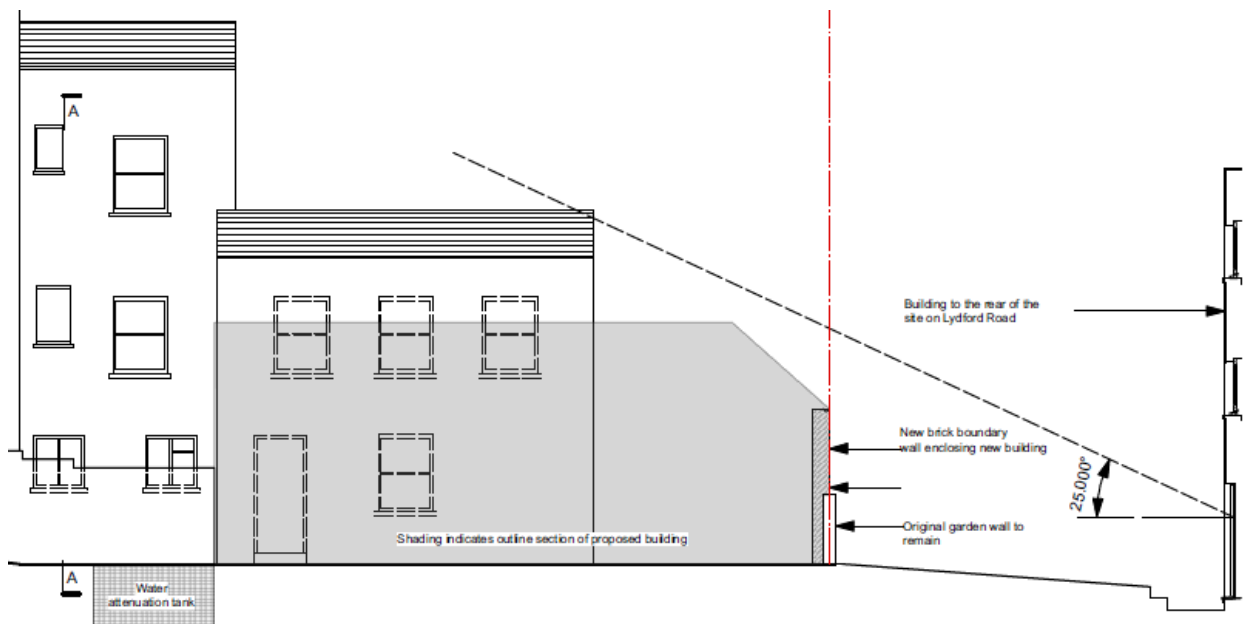


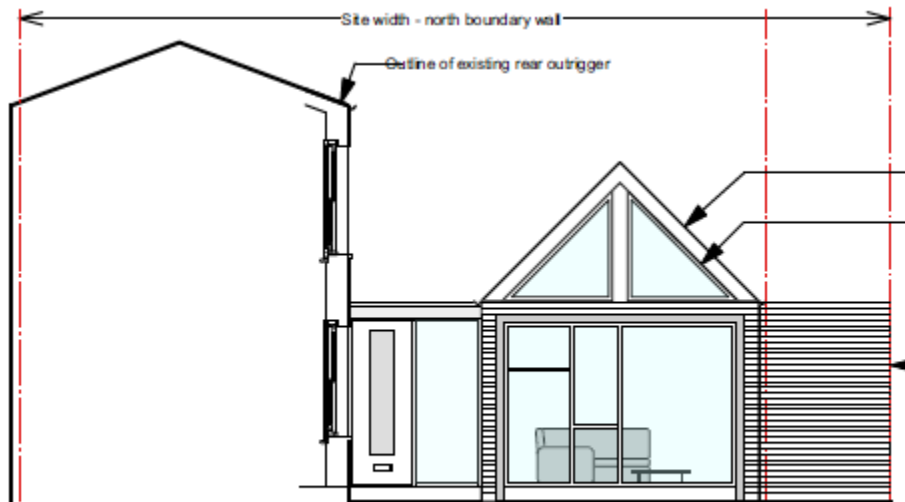
Figure 2 above shows the proposed arrangement

As the new development is not within the 25 degree angle line, it is not expected that it will have a substantial impact in terms of daylight to these windows as set out by the BRE guidance.

Sense of Enclosure

The most affected property will be those within 21 Warlock Road, with windows which face directly onto the existing driveway. The most affected window will be the window adjacent to the ground floor door, which is shown hatched on Figures 1 and 2 above.

The proposal extends the new dwelling out onto the drive and in front of this window, which is understood from a site visit to serve a living room. The single storey structure, with pitched roof will result in an increased sense of enclosure to this room. However it is also appreciated that the room currently looks out to the existing boundary wall on the other side of the drive. The windows above this will also be affected as they will look out onto the new pitched roof. However due to the pitched nature of the roof and the separation, it is not considered that the impact on these windows will be significant. The relationship of the development on these windows is shown in Figure 3 below, with the affected windows on the left and the new development on the right.



South (front) Elevation A-A as Proposed - 1:100

Figure 3 showing 21 Warlock Road on the left and the new development on the right.

It has been confirmed that all of the flats within 21 Warlock Road are within the same ownership as the development site. While the ground floor window will experience some increased sense of enclosure, given it is under the same ownership and its existing outlook, it is not considered that refusal on these grounds could be sustained.

Objection has also been received that the development would result in an increased sense of enclosure to properties to the rear on Lydford Road.

As existing, there is a short boundary wall to the rear of the gardens on Lydford road of just over a meter in height. Set just behind this is the larger existing garage structure which measures 2.77m in height. As proposed, the short wall is to be retained and the maximum height of the new building along the boundary remains the same at 2.77m in height. The pitched roof has been hipped, so that the end gable raises up from the boundary up to a maximum height of 4.2m, so 1.43m higher than the existing boundary wall. The main impact of the proposals will therefore come from the additional bulk of the proposed pitched roof. While the concerns of the residents are noted, it is not considered that the impact will be significant given that the roof is pitched so that only the ridge line will be at this maximum height, and the end has been hipped to reduce the bulk along the boundary. This is shown in both Figures 2 and 3 above.

There will also be some impact to rear facing windows of properties along Walterton Road to the east of the site. However the pitched roof is set slightly away from the boundary, and these windows are set further away than those on Lydford Road as the gardens are longer. The impact on these residents is therefore considered to be minimal.

It is also noted that as the final appearance of the development is 'reserved' the impact assessed above, is based on the maximum heights as put forward within this outline application.

Privacy

Concerns have been raised that the development would result in overlooking to residents on Lydford Road. No windows are proposed in the boundary walls facing Lydford Road or Walterton Road. A condition is recommended to ensure this. As the final design of the development has not yet been set, the impact on properties within 21 Warlock Road is not yet know. A condition could be placed on any future reserved matters application to address this if required.

Noise & Vibration

In general terms it is not considered that a single family dwelling would give rise to significant noise or vibration, given the existing residential nature of the area. While it will feature a garden, these are welcomed to provide amenity space for the unit.

Environmental Health has requested that internal noise levels of the site are suitable and request a supplementary acoustic report to demonstrate compliance with the councils standard internal noise level condition. It is considered that the compliance condition is sufficient to ensure that the new unit is suitably insulated, given that the area is not considered to be noisy.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has requested that the off street car parking is removed to meet Policy 27, which states that where sites are redeveloped, existing parking provision must be reduced. They also request that the vehicle crossover is removed to improve the Highway and pedestrian environment.

During the course of the application the proposals have been amended slightly to provide a dedicated garden covering part of the drive. This will reduce the available space for car parking, however as the proposals are not for the total redevelopment of the site, with 21 Warlock Road remaining as existing, it is not considered that the removal of all parking from the site can be reasonably required, as the existing parking will continue to serve the existing flats.

The Highways Planning Manager has also recommended that car club membership is secured for the new unit. As this is usually free to join and only one unit is proposed, it is not considered that securing this is required.

Accessibility

The new flat will be accessed by the existing drive which runs down the side of 21 Warlock Road.

Servicing and Waste & Recycling Storage

A condition is recommended to provide details of waste and recycling storage in accordance with the councils guidelines.

Cycling & Cycle Storage

The plans indicate that cycle storage is to be provided within the existing driveway. A condition is recommended for details of the cycle storage to be provided, namely for 2 spaces.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Objection has been received that neighbours were not consulted and that they had limited time to respond to letters as they arrived late. The case officers subsequently sent out additional consultation letters, and additional time has been provided to respond, which is considered to address these concerns.

Objections have also been received on the grounds that the development will cause disturbance during construction which will impact on the living conditions of adjacent occupiers. A condition is recommended for the hours of construction to be limited to standard daytime hours Monday-Friday and Saturday mornings. An informative is also recommended to advise the applicant to join the considerate constructors scheme. While the concerns of neighbours are noted, this is not a reason to refuse permission. Subject to the aforementioned condition and informative the proposals are considered acceptable in these terms.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated Westminster CIL payment is £18,339.48, whilst the estimated Mayoral CIL payment is £5,969.97. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the following:

- Reserved Matters: Layout and Appearance
- Details of the garden
- How the development will reduce on site energy demand
- Contaminated land
- Tree protection
- Foundation details

The applicant has agreed to the imposition of these conditions.

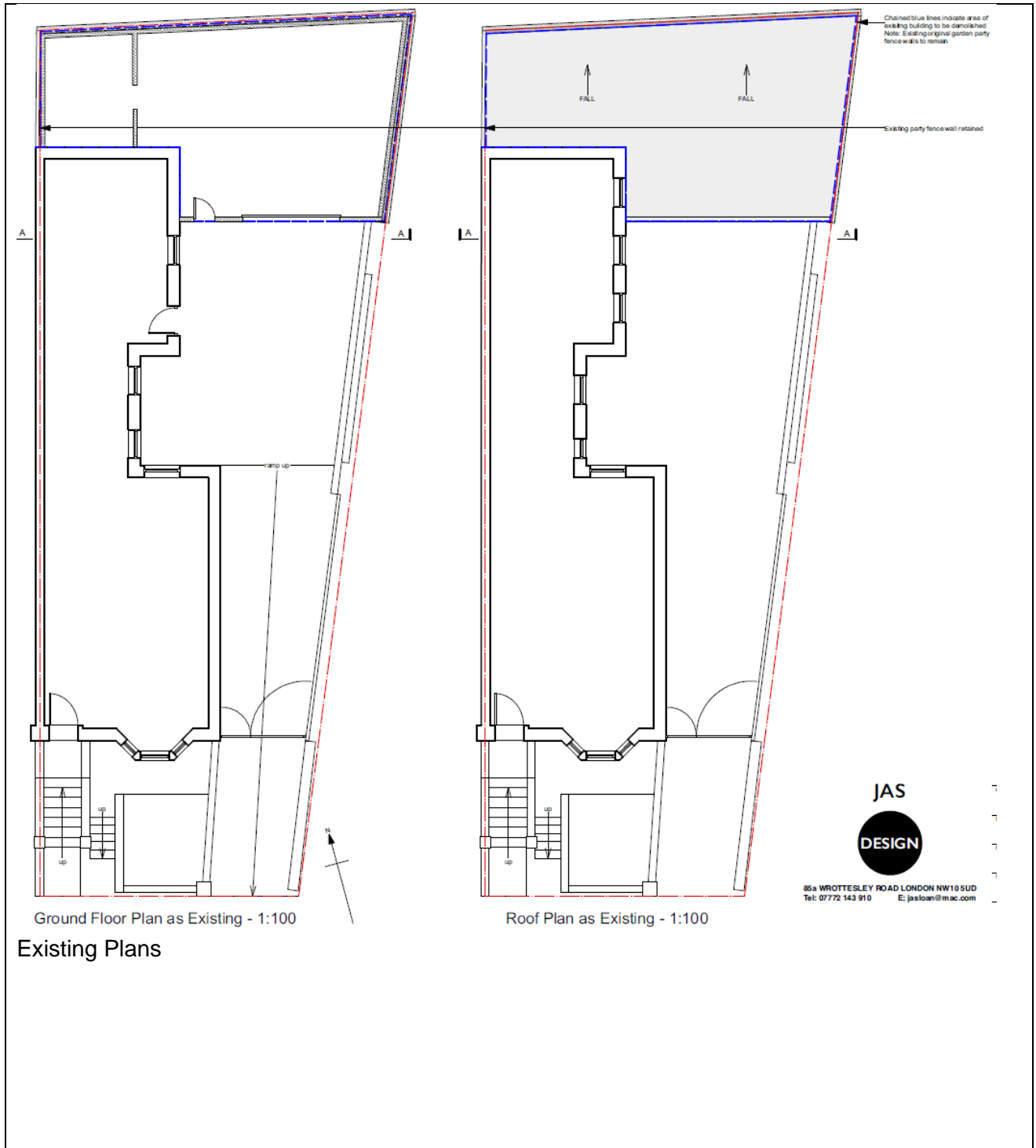
10. Conclusion

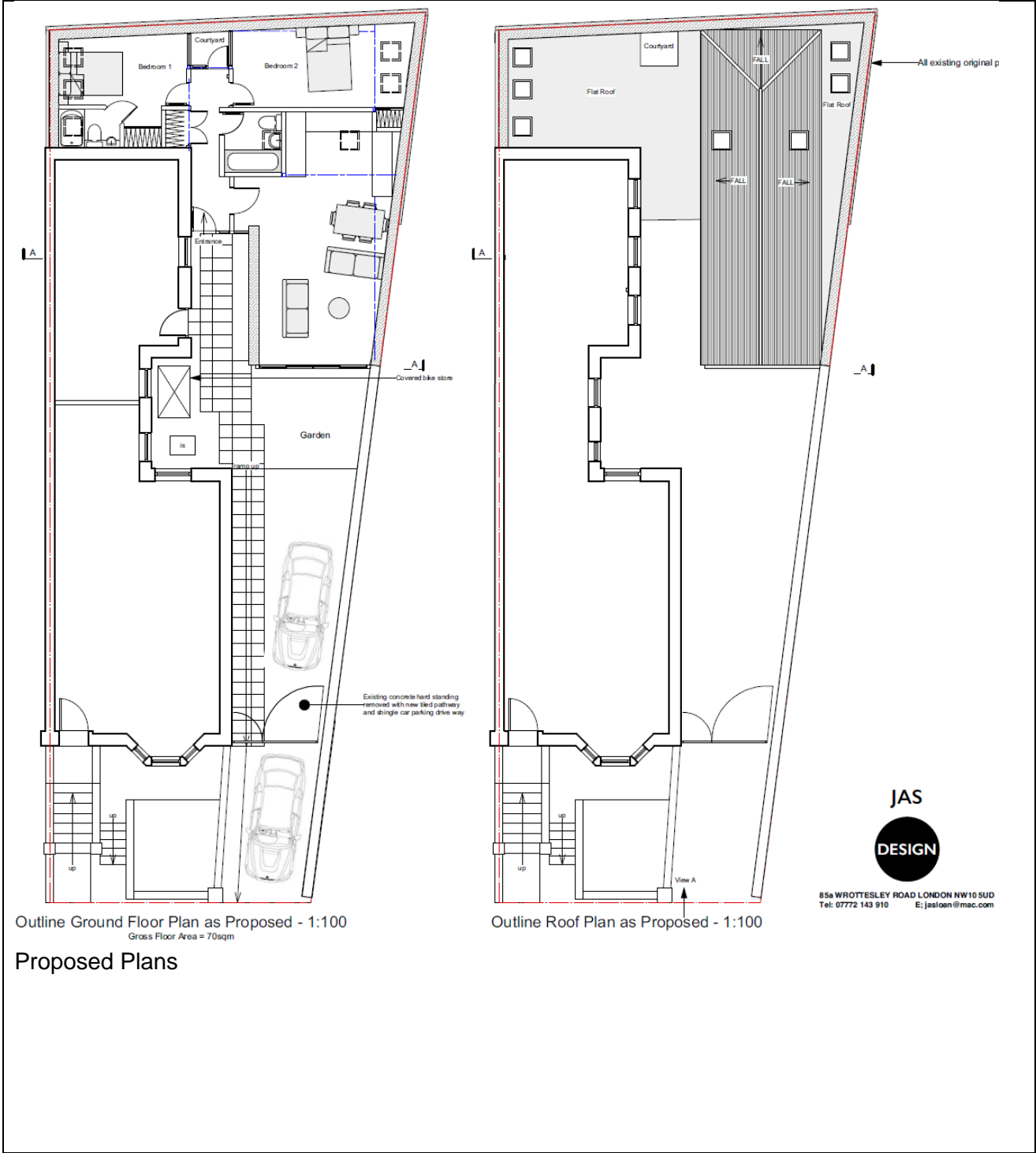
This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. Having regard to this assessment, it has found that the proposed development is acceptable. Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that the outline planning permission is granted, subject the reserved matters of 'layout' and 'appearance' and conditions listed at the end of this report, which are necessary to make the development acceptable.

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

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

11. KEY DRAWINGS





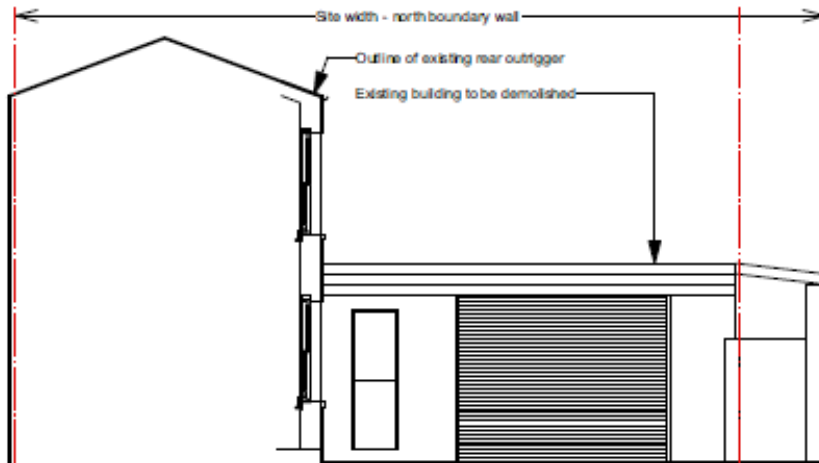
Outline Ground Floor Plan as Proposed - 1:100
Gross Floor Area = 70sqm

Outline Roof Plan as Proposed - 1:100

Proposed Plans



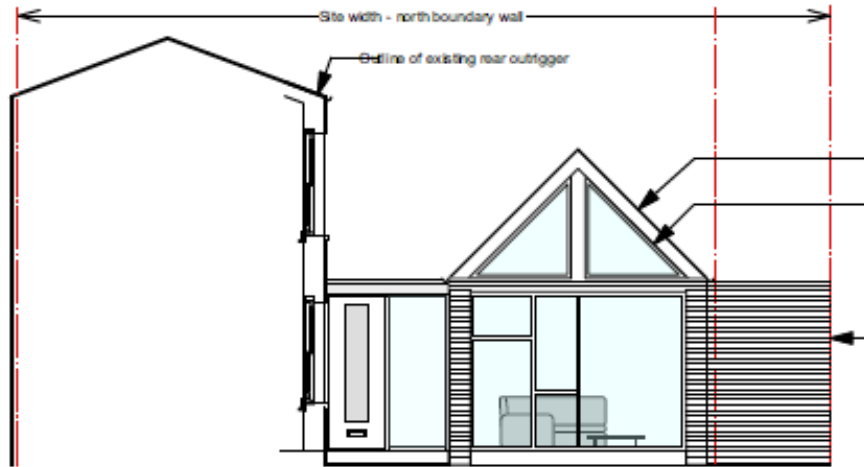
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Tel: 07772 143 910 E: jas@on@mac.com



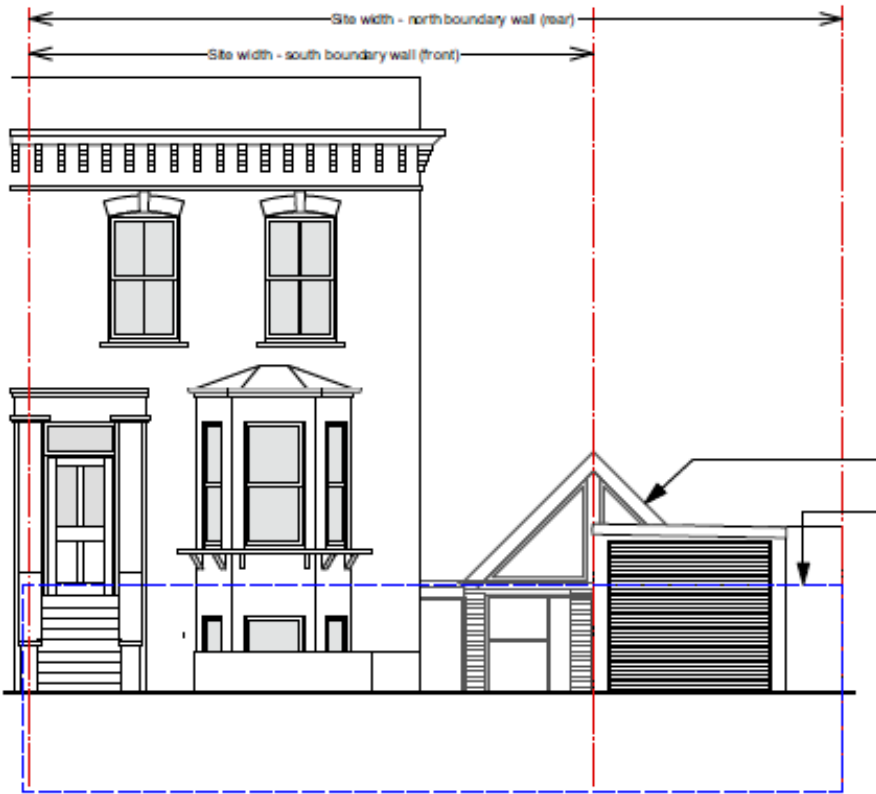
South (front) Elevation A-A as Existing - 1:100



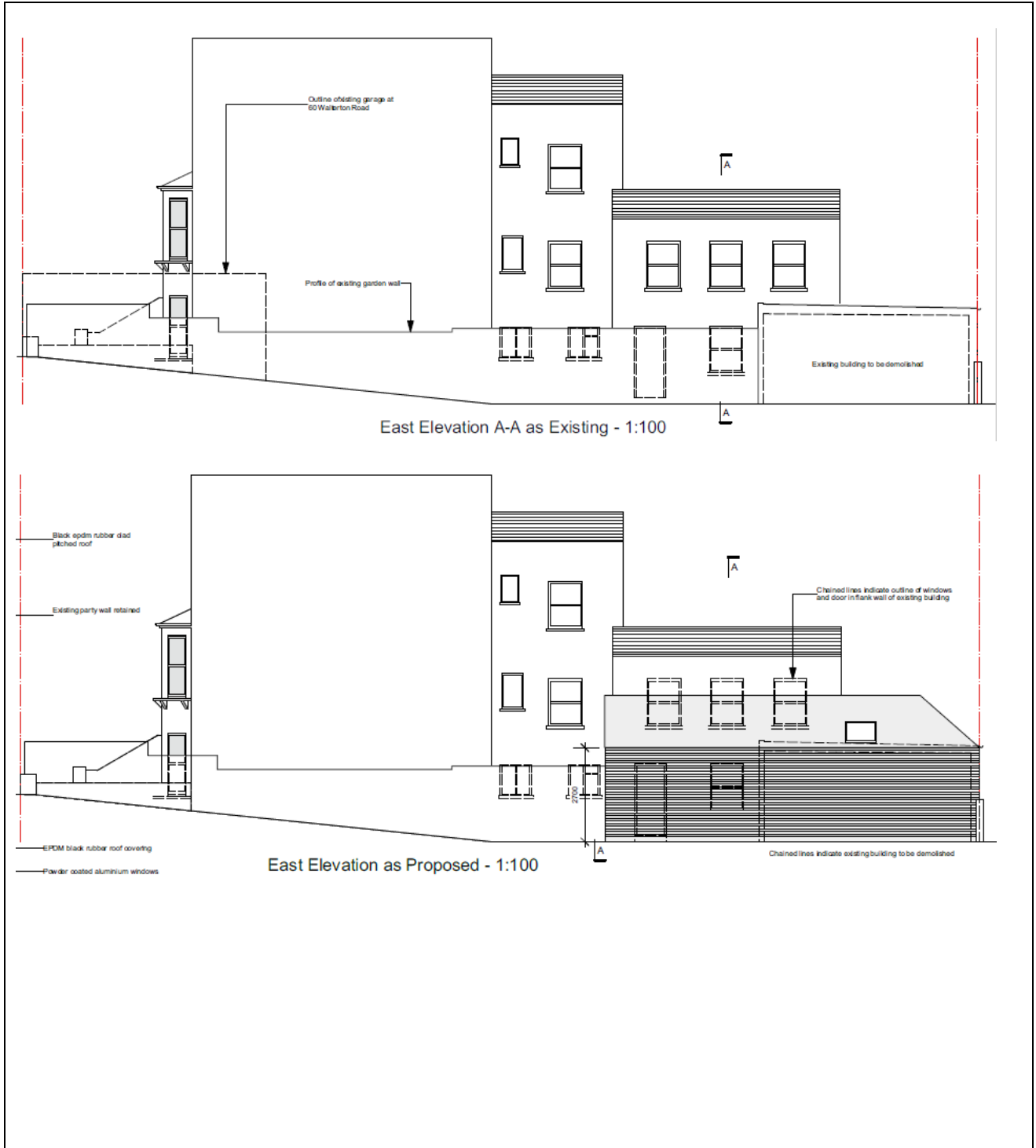
Front Context Elevation as Existing - 1:100



South (front) Elevation A-A as Proposed - 1:100



Front Context Elevation as Existing - 1:100



DRAFT DECISION LETTER

Address: 21A Warlock Road, London, W9 3LP,

Proposal: Demolition of garage and construction of new residential dwelling house (Class C3). (Application is for Outline Planning permission for access, scale and landscaping and with some matters reserved namely appearance and layout).

Plan Nos: 22/036/001; 22/036/002C; 22/036/003B; 22/036/004D; 22/036/005C;

For information only:

22/036/006; Tenancy Agreement dated 30 April 1996; Arboricultural Impact Assessment by Trevor Heaps; BRE Daylight/Sunlight Report by GA Surveyors; Flood Risk Assessment Ref JAS/22/033-FRA; Environment Agency flood maps; Planning Statement by JAS design.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of 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.** You must apply to us for approval of all the following 'reserved matters' in writing:

- A) Layout
- B) Appearance

You must not start work until we have approved in writing what you have sent us. You must then carry out the work in line with what we have approved.

Reason:

The application is for outline planning permission only. We need to be satisfied with the details of the proposal before any development work starts. (R01AA)

- 4 **Prior to the commencement of development** details of the garden, including size, screening and location, shall be provided and agreed by the Local Planning Authority. The garden shall be retained thereafter.

Reason:

In order to provide housing of a suitable quality, to ensure that it does not have a negative impact on adjacent occupiers, and to ensure that its appearance is acceptable, as set out in Policies 7, 12, 38 and 40 of the City Plan 2019-2040 (April 2021)

- 5 You must apply to us for approval of detailed drawings (including roof sections) and a bio-diversity management plan in relation to the provision of a green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 6 **Prior to the commencement of development** details of how the development will reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 7 **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)

- 8 No windows shall be formed within the boundary walls shared with properties on Lydford Road or Walterton Road.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 9 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 Environmental Supplementary Planning Document (February 2022). (R49AB)

- 10 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the new residential unit. (C14ED)

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)

- 11 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the new unit. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). And to make sure that the appearance of the bike store 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).

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

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 13 **Pre Commencement Condition.** You must apply to us for approval of a detailed design and method statement relating to the foundations and all new ground work. You must not start any construction work until we have approved in writing what you have sent us. You must then carry out the work according to the approved design and method statement. (C32AB)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

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 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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

- 3 You are advised that in relation to the building layout, this will need to meet the Nationally Described Space Standards (March 2015).
- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 6 In relation to the garden details required by condition 4, these will need to meet the minimum standards as set out in Policy 12 of the City Plan.
- 7 The arboricultural method statement required by condition 13 will need to account for a slightly larger RPA of 3.8m radius, as well as ensuring site supervision and arboricultural assessment to help with site investigations and subsequent foundation design.