

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Dudley House, North Wharf Road, London, W2 1LE		
Proposal	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/11458/COFUL) for the demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school. NAMELY, to install external LED light fixtures at roof level to illuminate the roof top sports pitch and associated alterations to layout of structures on roof of school block.		
Agent	Child Graddon Lewis		
On behalf of	Westminster City Council		
Registered Number	17/07921/COFUL	Date amended/ completed	4 September 2017
Date Application Received	4 September 2017		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to an unilateral undertaking to secure the planning obligations secured in connection with the previously approved scheme dated 29 April 2016 (RN: 15/11458).

2. If the unilateral undertaking has not been completed by 12 March 2018 then:

a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Strategic Director is authorised to determine and issue such a decision under Delegated Powers, however, if not:

b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application proposes variation of Condition 1 of the planning permission dated 29 April 2016 (RN: 15/11458/COFUL), which permitted the demolition of existing buildings on the site and its redevelopment to provide a new building ranging in height between 7 storeys to 22 storeys to provide between 187 and 197 residential units (Class C3) and a new secondary school. The variation to the approved scheme is namely to allow the installation of external LED lights fixtures at roof level to illuminate the roof top sports pitch and associated alterations to layout of structures on roof of school block.

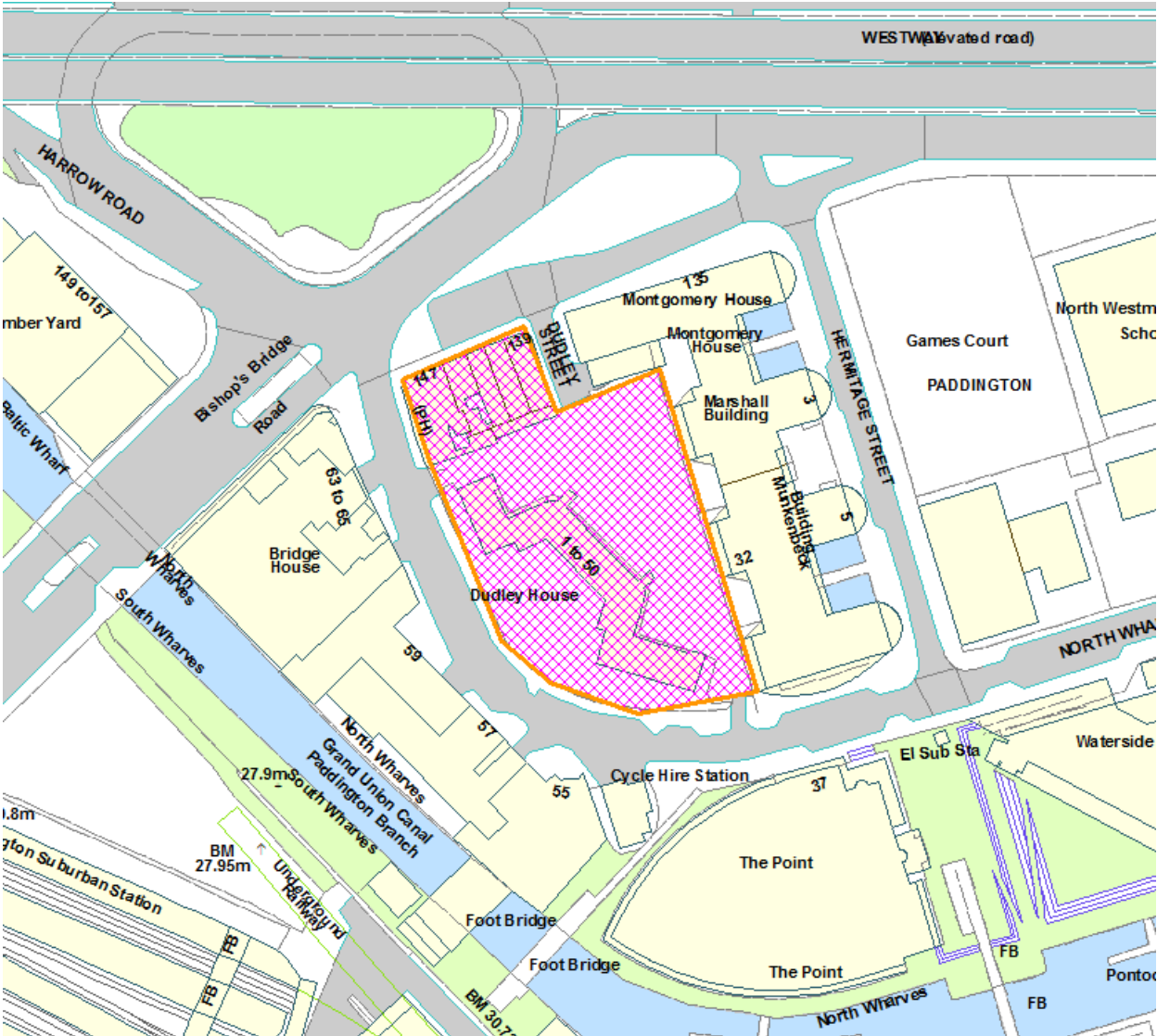
The application has received objection from ## neighbouring residents, principally on light nuisance grounds.

The key issues in this case are:

- The impact on the amenity of neighbouring residents in terms of increased light nuisance.
- The impact of the proposed amendments on the appearance of the building.

The proposed light fixtures would provide targeted lighting to the roof level sports pitch and would have limited light spill and would be used for limited hours (no later than 19.00 hours) and would therefore not cause significant light nuisance to neighbours. Neither the light fixtures or associated alterations to the layout of the roof of the school block would harm the appearance of the previously approved development. As such, the proposed development is considered to be acceptable and in accordance with the relevant policies in the Unitary Development Plan (UDP) adopted in January 2007 and Westminster's City Plan adopted in November 2016. Accordingly, the application is recommended for approval, subject to completion of a unilateral undertaking to secure the previously agreed planning obligations.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from North Wharf Road in October 2017 (works have progressed significantly since).

5. CONSULTATIONS

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Strongly support proposal to provide an extension to the use of necessary sports facilities for inner city school children. Lighting will only be on during darker months until 7pm after which it would cease to cause any possible offence.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No objection provided the lights are shielded so as not to cause light pollution/ disturbance to neighbouring residential properties.

ST. MARYLEBONE SOCIETY

Support proposal provided it does not cause light pollution to neighbouring occupiers.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

CHILDRENS SERVICES

No comment.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

GREATER LONDON AUTHORITY

Amendments do not give rise to any strategic planning issues and therefore authorise the City Council to proceed to determine the application without further reference to the GLA.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 322; No. of Responses: 9.

9 emails from 8 respondents raising all or some of the following issues:

Amenity

- Light pollution/ nuisance to neighbouring residential properties.
- Neighbouring residential properties in Hermitage Street are very close.
- Proposal would encourage late night noise from the activity taking place on the sports pitch.
- Question what the top floor is going to be and what time the lights will be switched off.
- Lights will illuminate neighbouring terraces.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION**6.1 The Application Site**

This application site has been substantially redeveloped already over the last 18 months pursuant to the planning permission granted on 29 April 2016. The concrete frame of the school block at the southern end of the site, to which this application principally relates, has already been completed and the target is to deliver the school building so that it can be used for educational purposes from September 2018.

The site is not located within a conservation area and does not contain any listed buildings. In land use terms it forms part of the Paddington Opportunity Area (POA).

The closest residential properties that could potentially be affected by light spill from the proposed light fittings around the roof level sports pitch are to the east of the site in Hermitage Street. Regard also needs to be had to the residential accommodation under construction on the application site itself and the approved, but as yet unbuilt residential accommodation at Nos.55-65 North Wharf Road to the west of the site.

6.2 Recent Relevant History**6.2.1 Original Planning Permission and Non-Material Amendments****29 April 2016 – 15/11458/COFUL**

Planning permission granted for 'Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access' (Council's Own Development).

10 February 2017 – 16/11613/NMA

Amendments to planning permission dated 29 April 2016 (RN: 15/11458/COFUL) for: Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development). Namely, amendment to Condition 32 to allow the school building to be occupied prior to provision of the photovoltaic panels on the roof of the residential part of the development.

16 May 2017 – 17/01714/NMA

Amendments to planning permission dated 29 April 2016 (RN: 15/11458/COFUL) for: Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development). NAMELY, elevational amendments including addition of brise soleils to three balconies, alterations to rainwater goods serving balconies, introduction of openable windows and concrete upstand to school hall, provision of additional louvres at ground floor level including to UKPN sub-station, amendment to lift overrun finish and alterations to entrance canopy.

12 December 2017 – 17/07934/NMA

Amendments to planning permission dated 29 April 2016 (RN: 15/11458/COFUL) for: Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development). NAMELY, to alter the internal layout of the residential units within the link block between first and sixth floor levels and provision of additional louvres to building facades.

6.2.2 Approval of Details Applications

12 September 2016 – 16/07520/COGADF

Approval of details of revised cladding material (replacement of brick slips with terracotta cladding) pursuant to Condition 42 of planning permission dated 29 April 2016 (RN: 15/11458/COFUL).

26 September 2016 – 16/07260/COGADF

Approval of details of construction management plan pursuant to Condition 3 of planning permission dated 29 April 2016 (RN: 15/11458).

3 November 2016 – 16/09682/ADFULL

Approval of details of secure and weatherproof cycle parking for the retail and church uses pursuant to Condition 18 of planning permission dated 29 April 2016 (RN:15/11458).

4 January 2017 – 16/11964/COGADF

Approval of details of waste and recycling storage within each residential unit and chosen disposal system pursuant to condition 28 parts (a) and (b) of planning permission dated 29 April 2016 (RN: 15/11458/COFUL).

9 February 2017 – 16/12192/COGADF

Approval of details of bird and bat boxes pursuant to Condition 29 of planning permission dated 29 April 2016 (RN: 15/11458/COFUL).

25 September 2017 – 17/06758/COGADF

Approval of details of the detail of the ground floor street facades, retail unit, residential entrance and school; typical windows and doors to the school and residential block; typical balcony details to the residential block; ground floor elevation of the substation facade and entrance; typical bay elevations and ventilation and other services terminations at facade pursuant to Condition 6 parts (b), (c), (d), (e), (i) and (j) of planning permission dated 26 April 2016 (RN: 15/11458).

22 September 2017 – 17/07561/COGADF

Approval of details of facing materials, including glazing, pursuant to condition 5 of planning permission dated 26 April 2016 (RN:15/11458).

25 October 2017 – 17/06737/COGADF

Approval of details of capacity of container storage for waste and recycling from the residential, school and retail uses at ground floor level and clarification of how retail waste and recycling will be collected pursuant to parts (c) and (d) of Condition 28 of planning permission dated 29 April 2016 (RN: 15/11458).

25 October 2017 – 17/08040/COGADF

Approval of details of privacy screening around the perimeter of the first floor roof terrace and between the roof terrace and the first floor flats facing the roof terrace pursuant to Condition 39 of planning permission dated 29 April 2016 (RN: 15/11458).

16 January 2018 – 17/02216/COGADF

Approval of details of landscaping to first floor level roof terrace pursuant to Conditions 8 (partial) and 36 of planning permission dated 29 April 2016 (RN: 15/11458/COFUL).

Currently Under Consideration - 17/11347/COGADF

Application for approval of details of elevations of gates and railings to the rear of the site and to the servicing area pursuant to condition 6 (g) of planning permission dated 24 April 2016 (RN: 15/11458).

7. THE PROPOSAL

The application proposes variation of Condition 1 of the planning permission dated 29 April 2016 (RN: 15/11458/COFUL), which permitted the demolition of existing buildings on the site and its redevelopment to provide a new building ranging in height between 7 storeys to 22 storeys to provide between 187 and 197 residential units (Class C3) and a new secondary school. The variation to the approved scheme is namely to allow the installation of external LED lights fixtures at roof level to illuminate the roof top sports pitch and associated alterations to layout of structures on roof of school block.

This report focuses on the material alterations proposed to the previously approved scheme, which is in an advance stage of construction on site at the current time. The report also considers the acceptability of aspects of the previously approved scheme where the policy context has changed since the scheme was originally approved in April 2016. This is principally in respect of the acceptability of the basement given the adoption of a new basement development policy as part of the amended versions of the City Plan adopted in July and November 2016.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed amendments to the previously approved scheme do not give rise to any significant land use considerations. Whilst Policy S1 in the City Plan was amended in the July 2016 version of the City Plan, the amendments made to this policy have not materially altered the acceptability of this scheme given that it does not include the provision of any Class B1 office floorspace within the POA, which forms part of the Central Activities Area. The proposed development therefore remains consistent with Policies S1, S3 and S34 in the City Plan and the relevant land use policies relating to residential and educational use development within the UDP.

8.2 Townscape and Design

The proposed light fixtures would be attached to the frame of the previously approved netting around the sports pitch at roof level, such that they would not extend significantly above the roof of the building or the high parapets that will surround the roof top area (the parapets range between approximately 1.5m and 2.4m in height). Similarly, the reorganisation of the space at roof level to relocate stores etc. would be set behind these high roof edge parapets. As such, neither the proposed light fixtures or the associated alterations at roof level would harm the appearance of the previously approved building or this part of the City. The proposals would therefore accord with Policies DES1 and DES4 in the UDP and S28 in the City Plan.

8.3 Residential Amenity

As set out in Section 8.2, the light fixtures and associated alterations at roof level would be located at a low level above the level of the roof of the building such that they would have no adverse impact on the amenity of neighbouring residents in terms of loss of light or increased sense of enclosure.

The key consideration in this case is the degree of light spill that would result from the proposed light fittings, with the closest residential windows located to the east of the school building in the rear elevation of the blocks that face Hermitage Street, which are known as Munkenbeck Building (at the southern end of Hermitage Street), Marshall Building (in the centre of Hermitage Street) and Marshall House (at the northern end of Hermitage Street, also facing Harrow Road). Given the school block is to the southern end of the Dudley House site, the most significant impact of the proposed light fixtures would be on occupiers of Munkenbeck Building. This building has rear windows serving habitable rooms on the lower levels that are between 10 and 15 metres from the eastern elevation of the school block. However, on the upper floors above fourth floor level the Munkenbeck Building 'steps back' from the boundary with the school block, such that adjacent to the roof level of the new school building, the nearest windows are approximately 19 metres from the roof edge parapet of the school.

The light fittings proposed, of which there would be 16, are small in scale and would be located at a low level above the surface of the sports pitch. The LED lights to be used will produce targeted light will very low levels of light spill (see image showing light spill in Section 10 of the report). As a consequence, whilst there would be some light spill

from the lighting fixtures, the vast majority of this spill would be contained by the relatively high parapet walls around the roof space. The light spill beyond the roof of the building would be comparatively low and, based on the submitted modelling and having regard to the distance between the school block and Munkenbeck Building, would be expected to be below the 25 lux level that the Institute of Lighting Professionals identify as being the level above which light from external sources starts to become an intrusion in urban areas prior to 11.00pm at night. In this context and as the applicant has confirmed that the lighting fixtures will not be used after 7.00pm each evening, whilst the proposed lighting fixtures would be appreciable from the upper floor windows of properties in Munkenbeck Building, and other residential blocks further from the site to the east and west, the level of light spill from the lighting fixtures would not be so intrusive so as to warrant withholding permission.

A number of objectors raise concern that the installation of the light fixtures will extend the hours during which the sports pitch could cause noise disturbance. However, given the recommended condition to require the lights to be switched off at 7.00pm, it is not considered that permission could be withheld on noise disturbance grounds, particularly as the sports pitch could be used in summer months until much later in the evening without the need for artificial light.

In summary, subject to a condition requiring the lights to be turned off at 7.00pm each evening, the proposed lighting fixtures and associated roof level alterations are acceptable in amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

None relevant.

8.5 Economic Considerations

No economic considerations are applicable for amendments of such limited scale to a previously approved development.

8.6 Access

Lift and stair access to the roof level sports pitch will be provided, as per the approved scheme.

8.7 Other UDP/Westminster Policy Considerations

The previously approved development includes the provision of a basement as part of the comprehensive redevelopment of this site, which was assessed at the time of the original application having regard to the 'Basement Development in Westminster' Supplementary Planning Document adopted in 2014. Since the approval of the previously approved scheme in April 2016, an amended version of the City Plan was adopted in November 2016 that introduces a new basement development policy; namely Policy CM28.1, which builds on and consolidates the controls on basement development that are suggested in the 2014 SPD. The policy sets varying controls on the extent and

design of new basements depending upon the type of development proposed and the location of the site.

Part A sets out the technical documentation that should be provided to demonstrate that the basement proposed is appropriate having regard to the site specific ground conditions, drainage and water environment of the area. Such information accompanied the originally approved application and it is considered that the proposed basement satisfies this part of the policy. Parts B and C of the policy are not applicable within the Paddington Opportunity Area and the proposed basement would be compliant with the requirements of Part D, which relate to the design of basements under or adjacent to the public highway.

Accordingly, the basement forming part of the previously approved development, which it should be noted is already substantially complete on site, remains acceptable and would accord with the subsequently adopted basement development policy CM28.1 in the latest version of the City Plan.

8.8 London Plan

The application does not raise any strategic issues and the GLA have confirmed that they are content for the City Council to determine the application without further referral to them.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

In granting permission for the previously approved scheme the following planning obligations to mitigate the impact of the development were secured via a Unilateral Undertaking from the applicant:

- a) The provision of all of the residential accommodation as intermediate affordable levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.
- b) Provision of lifetime car club membership (25 years) for each residential unit in the development.
- c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).
- d) Provision, monitoring and review of residential, school and church travel plans.
- e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.
- f) Provision of a financial contribution of £5,000 to provide replacement street trees in the vicinity of the application site.
- g) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.
- h) j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.
- i) k) Payment of cost of monitoring the agreement (£500 per head of term).

To ensure the continued delivery of these previously secured planning obligations, it is recommended that if the Sub-Committee resolves to grant permission for the current application, this is subject to completion of an updated Unilateral Undertaking that commits the applicant to providing the above planning obligations in conjunction with the amended scheme that is now proposed.

8.11 Environmental Impact Assessment

The original development was not of sufficient scale to require the undertaking of an Environmental Impact Assessment (EIA) and the amendments proposed do not necessitate the undertaking of an EIA.

The impact of the proposed lights on fauna, such as bats, in the area of the application site has though been considered. However, given the limited number of lights, their position close to roof level and as they are only to be used until 7.00pm, they are not considered to be likely to give rise to any significant adverse impact.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

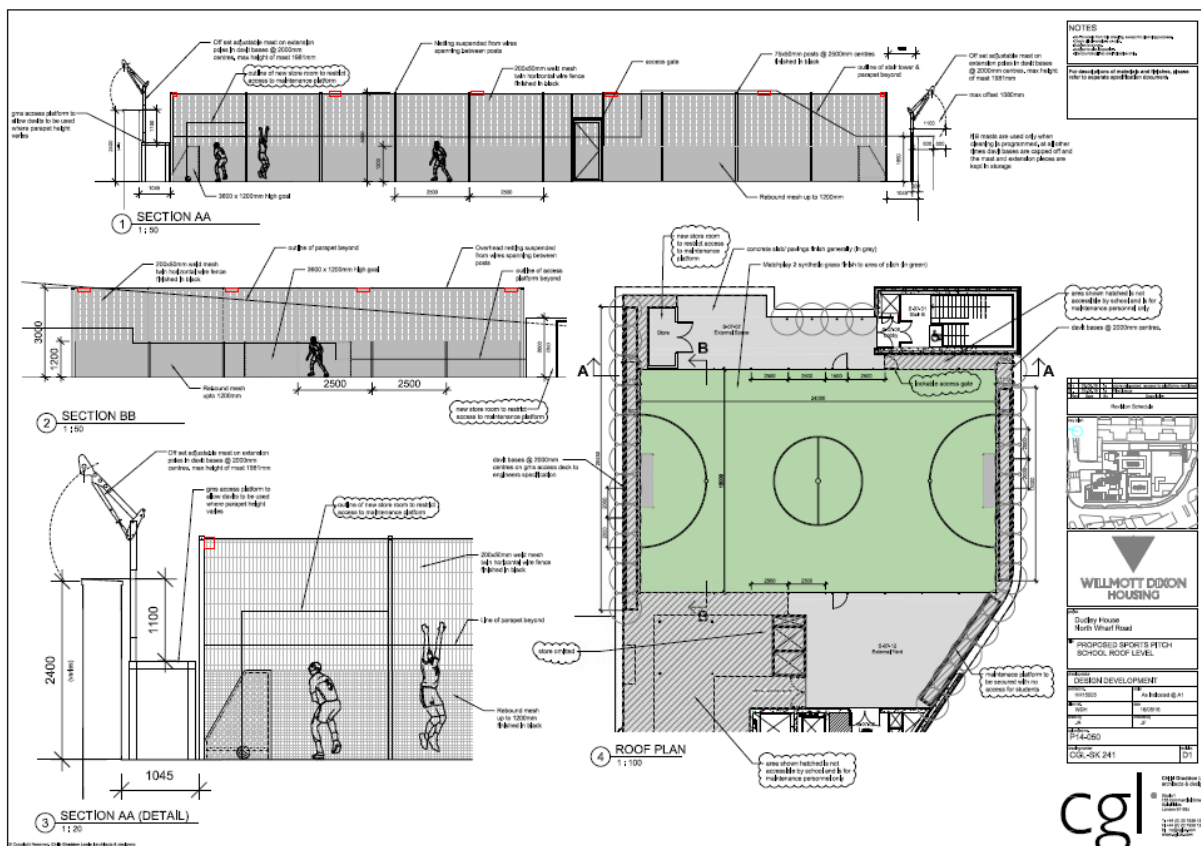
1. Application form

2. Email from the Paddington Waterways & Maida Vale Society dated 13 November 2017.
3. Email from the St. Marylebone Society dated 17 November 2017.
4. Emails from Hyde Park Estate Association dated 29 November 2017 and 12 December 2017.
5. Email from the occupier of Flat 107 Montgomery Court, 135 Harrow Road dated 7 November 2017.
6. Email from the occupier of 903 Montgomery House, 135 Harrow Road dated 10 November 2017
7. Emails (x2) from the occupier of 310 Munkenbeck Building, 5 Hermitage Street dated 12 November 2017
8. Email from the occupier of 402 Munkenbeck Building, 5 Hermitage Street dated 18 November 2017.
9. Email from the occupier of 203 Montgomery House, 135 Harrow Road dated 27 November 2017.
10. Email from the occupier of 1302 Montgomery house, 135 Harrow Road dated 28 November 2017.
11. Email from the occupier of 207 Marshall Building, Hermitage Street dated 7 January 2018.

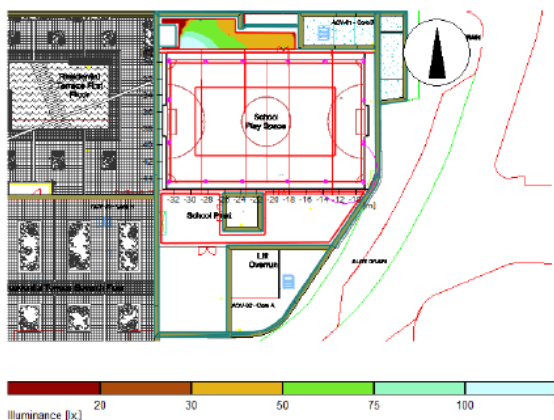
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS

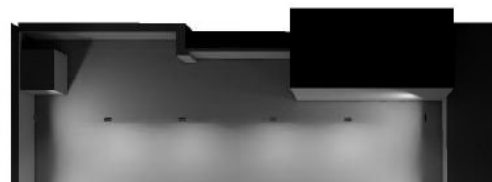


Luminance Distribution – Light Spill North



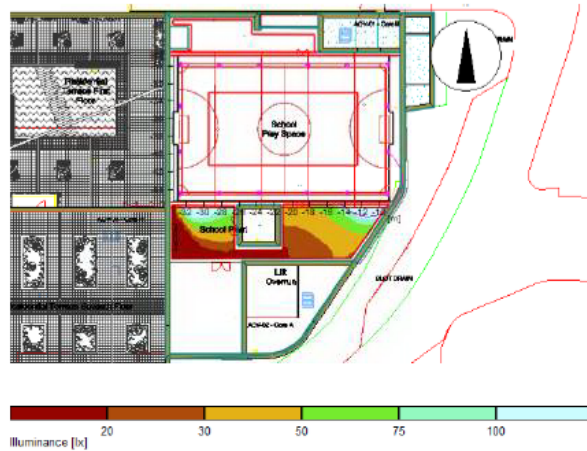
General	Average indirect fraction
Calculation algorithm used	2.97 m
photometric centre height [m]	0.80
Maintenance factor	
Total luminous flux of all lamps	224000 lm
Total power	2240 W
Total power per area (399.77 m ²)	5.60 W/m ²

illuminance		
Average illuminance	Eav	56 lx
Minimum illuminance	Emin	2 lx
Maximum illuminance	Emax	181 lx
Uniformity Uo	Emin/Em	1:25.2 (0.04)



Proposed roof layout and lighting fixture positions drawings (top) and light spill diagram towards Munkenbeck Building (bottom).

Luminance Distribution – Light Spill South

**General**

Calculation algorithm used
photometric centre height, [m]:
Maintenance factor

Average indirect fraction
2.97 m
0.80

Total luminous flux of all lamps
Total power
Total power per area (399.77 m²)

224000 lm
2240 W
5.60 W/m²

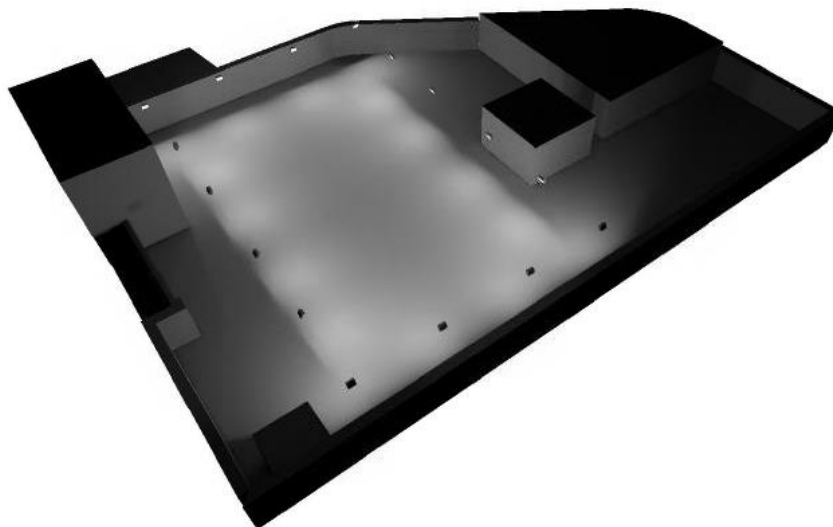
Illuminance

Average illuminance
Minimum illuminance
Maximum illuminance
Uniformity U₀

E_{av} 45 lx
E_{min} 3 lx
E_{max} 189 lx
E_{min}/E_{av} 1:16.6 (0.06)



The below render is to show the model, the fact that the hockey pitch has no fence is because the software does not allow for a fence material so fine that it is practically transparent



Light spill diagram towards 55-65 North Wharf Road (top) and light spill model of roof of school building (bottom).

DRAFT DECISION LETTER

Address: Dudley House, North Wharf Road, London, W2 1LE

Proposal: Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/11458/COFUL) for the demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school. NAMELY, to install external LED floodlights at roof level to illuminate the roof top sports pitch and associated alterations to layout of structures on roof of school block.

Plan Nos: **Drawings and Documents Previously Approved Under RN: 15/11458/COFUL:**
E1F, E2F, E3F, E4F, E5F, E6F, E7F, E8F, CGL-Z1-00-DR-A-10(100)001/P1, CGL-Z1-00-DR-A-10(100)002/P3, CGL-Z1-00-GA-A-11(100)001/P3, CGL-Z1-00-GA-A-11(122)001/P2, CGL-Z2-B1-GA-A-11(2B1)001/P2, CGL-Z1-XX-SE -A-12(100)001/P1, CGL-Z1-XX-SE -A-12(100)002/P1, CGL-Z1-XX-SE -A-12(100)003/P1, CGL-Z1-XX-SE -A-12(100)004/P1, CGL-Z1-XX-SE -A-12(100)005/P1, CGL-Z1-XX-EL-A-13(100)001/P2, CGL-Z1-XX-EL-A-13(100)002/P2, CGL-Z1-XX-EL-A-13(100)003/P2, CGL-Z1-XX-EL-A-13(100)004/P2, CGL-Z1-XX-EL-A-13(100)005/P2, CGL-Z1-XX-EL-A-13(100)006/P2, CGL-Z1-XX-EL-A-13(100)007/P2, CGL-Z1-XX-EL-A-13(100)008/P2, CGL-Z1-XX-EL-A-13(100)009/P2, CGL-Z1-XX-EL-A-13(100)010/P2, CGL-Z1-XX-EL-A-13(100)011/P2, CGL-Z1-XX-EL-A-13(100)012/P2, CGL-Z1-XX-EL-A-13(100)013/P2, CGL-Z1-XX-EL-A-13(100)014/P2, CGL-Z1-XX-EL-A-13(100)015/P2, CGL-Z1-XX-EL-A-13(100)016/P1, CGL-Z1-XX-EL-A-13(100)017/P1, CGL-Z1-XX-EL-A-13(100)018/P1, CGL-Z1-XX-EL-A-13(100)019/P1, CGL-Z1-XX-EL-A-13(100)020/P2, CGL-Z1-XX-EL-A-13(100)021/P2, CGL-Z1-XX-EL-A-13(100)022/P2, CGL-Z1-XX-EL-A-13(100)023/P2, CGL-Z1-XX-EL-A-13(100)024/P1, CGL-Z1-XX-EL-A-13(100)025/P1, CGL-Z1-XX-EL-A-13(100)026/P1, CGL-Z1-XX-EL-A-13(100)027/P1, CGL-Z1-XX-EL-A-13(100)028/P1, CGL-Z3-00-GA-A-11(300)002/P3, CGL-Z4-01-GA-A-11(401)001/P3, CGL-Z4-01-GA-A-11(401)003/P2, CGL-Z6-02-GA-A-11(602)001/P1, CGL-Z6-03-GA-A-11(603)001/P1, CGL-Z6-04-GA-A-11(604)001/P1, CGL-Z6-05-GA-A-11(605)001/P1, CGL-Z6-06-GA-A-11(606)001/P1, CGL-Z6-07-GA-A-11(607)001/P1, CGL-Z6-08-GA-A-11(6RF)001/P1, CGL-Z6-XX-DT-A-11(600)001/P1, CGL-Z6-XX-DT-A-11(600)002/P1, CGL-Z3-00-GA-

11(300)003/P1, Topographical Survey (21391 'Sheet 1'), Design and Access Statement dated October 2015, Planning Statement dated December 2015, Daylight and Sunlight Report dated 29 October 2015, Construction Management Plan dated 28 October 2015, Air Quality Assessment dated October 2015, Transport Assessment dated November 2015, School Travel Plan dated November 2015, Noise Impact Assessment dated October 2015, Archaeological Desk-Based Assessment dated June 2011, Wind Comfort Study dated 26 October 2015, Code for Sustainable Homes Assessment dated 26 October 2016 (Rev.1), BREEAM Assessment dated 28 October 2015 (Rev.1), Energy Statement dated 23 October 2015, Arboricultural Report (ref: JTK/8986/so) and drawings 8968/01 and 8968/02, Preliminary Ecological Assessment dated September 2015, Bat Survey dated September 2015, Phase 2 Geoenvironmental Desk Study Report (October 2015), Structural Report dated October 2015, Baseline Television and Radio Signal Survey and Reception Impact Assessment dated 14/10/15, Impact Assessments on Local Telecommunications Infrastructure and Wireless Communications Networks dated 23/10/15, Refurbishment Survey Report to Specific Areas of 141 Harrow Road (Issue: December 2015), Flood Risk Assessment dated October 2015 (as supplemented by email from WYG (Lisa Skinner) dated 10 March 2016 and Statement of Community Involvement dated 3 November 2015. As Previously Non-Materially Amended by Drawings and Documents Approved Under RN: 16/11613/NMA: Application form dated 7 December 2016.

As Previously Non-Materially Amended by Drawings and Documents Approved Under RN: 17/01714/NMA: CGL-Z1-00-DR-A-10(100)002 Rev.F2; CGL-Z1-XX-EL-A-13(100)001 Rev.F4; CGL-Z1-XX-EL-A-13(100)002 Rev.F5; CGL-Z1-XX-EL-A-13(100)003 Rev.F4; CGL-Z1-XX-EL-A-13(100)004 Rev.F5; CGL-Z1-XX-SE-A-12(100)001 Rev.F4; North, East, Sectional South and West Elevations with use of aluminium and plastic rainwater goods and rainwater pipes omitted marked up; CGL-Z5-XX-DT-A-15(5XX)106 Rev.F1; CGL-Z5-16-DT-A-15(516)100 Rev.F2; CGL-Z3-00-DT-A-15(300)001 Rev.F3; emails from Joe Austin (CGL) dated 12 April 2017 and 9 May 2017.

As Previously Non-Materially Amended by Drawings and Documents Approved Under RN: 17/07934/NMA: CGL-Z1-XX-EL-A-13(1XX)001 Rev.C2, CGL-Z1-XX-EL-A-13(1XX)002 Rev.C2, CGL-Z1-XX-EL-A-13(1XX)003 Rev.C2, CGL-Z6-00-EL-A-13(600)002 Rev.F1, CGL-Z5-01-GA-A-11(501)620 Rev.N1, CGL-Z5-02-GA-A-11(502)621 Rev.N2 and CGL-Z5-03-GA-A-11(503)622 Rev.N2.

As Amended By Drawings and Documents Hereby Approved: 'Standard Lighting Calculation' Report dated 24/07/2017 and CGL-SK 241 Rev.D1.

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must carry out the development in accordance with the construction management plan we approved on 26 September 2016 (RN: 16/07260/COADF), unless you apply to us and we approve an alternative construction management plan prior to commencement of development, including works of demolition. If we approve an alternative construction management plan you must then carry out the development, including any works of demolition, in accordance with the alternative construction management plan we approve.

Reason:

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

- 4 You must install the tree protection measures shown on drawing 8968/02 prior to the commencement of development and you must maintain the tree protection measures throughout the period of construction of the development.

Reason:

To make sure that the trees and shrubs on the site are not damaged by traffic. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31BC)

- 5 Unless you carry out the development in accordance with the facing material samples we approved on 22 September 2017 (RN: 17/07561/COGOADF), 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 6 Unless you carry out the design details required by (b), (c), (d), (e), (i) and (j) in accordance with the details we approved on 25 September 2017 (RN: 17/06758/COGADF), you must apply to us for approval of alternative detailed drawings of those parts of the development. In respect of the other part of this condition, you must apply to us for approval of detailed drawings of the following parts of the development:

- (a) The roof level protective fencing and roof around the roof level play area.
- (b) Typical elevations and sections showing the detail of the ground floor street facades to the church, retail unit, residential entrance and school (at 1:20 or larger).
- (c) Typical windows and doors to the school and residential block including reveal depth and detail (at 1:10 or larger).
- (d) Typical balcony details to the residential block.
- (e) Ground floor elevation of the sub-station facade and entrance (at 1:20 or larger).
- (f) Typical elevation of the railings to the school entrance (at 1:10 or larger).
- (g) Elevations of gates and railings to the rear of the site and to the servicing area (at a scale of 1:20 or larger).
- (i) Typical bay elevations showing structural and cladding joints (at a scale of 1:20 with larger details).
- (j) Details of ventilation and other services terminations at façade.

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 the detailed drawings we have already approved/ those detailed drawings that we approve in future pursuant to this condition. (C26DB)

Reason:

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

- 7 You must apply to us for approval of a scheme of public art as described in the Design and Access Statement. You must not start work on the public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must carry out the scheme of public art that we approve according to the approved details within 6 months of occupation of the school part of the development. You must then maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

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 in DES 7 (A) of our Unitary Development Plan that we

adopted in January 2007. (R37AB)

- 8 (A) You must carry out the landscaping of the first floor level terrace in accordance with the details we approved on 16 January 2018 (RN: 17/02216/COGADF) unless you apply to us and we approve an alternative landscaping scheme for this terrace.

(B) You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme, which includes the landscaping at ground floor level and to the two uppermost roof terraces (details should include details of irrigation to roof terraces, which should be sustainable where possible). The landscaping scheme must include the number, size, species and position of trees and shrubs.

(C) In respect of (A) and (B) above, you must not start work on the relevant part of the development until we have approved what you have sent us if we have not already approved the details. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 9 You must use the unit shown in blue and annotated as 'Church Main Hall' on drawing CGL-Z1-00-GA-A-11(100)001/P1 as a church within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) and for no other use within that Use Class. You must provide the unit and make it ready for occupation prior to the occupation of the residential part of the development.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan that we adopted in November 2016. (R05AB)

- 10 You must only use the unit shown in orange and annotated as 'Retail' on drawing CGL-Z1-00-GA-A-11(100)001/P1 as a Class A1 retail shop, Class A2 financial or professional service or a Class A3 cafe/ restaurant use.

Reason:

To provide an appropriate use at ground floor level within the Paddington Opportunity Area and to protect the privacy and environment of people in neighbouring properties, as set out in S3, S29 and S32 of Westminster's City Plan adopted November 2016 and ENV6 and SS10 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 11 You must only open the unit annotated as 'Retail' on drawing CGL-Z1-00-GA-A-11(100)001/P1 to customers between 07.00 and 23.00 hours daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and S10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must use the part of the development shown in brown/ beige and annotated as 'School' on drawing CGL-Z1-00-GA-A-11(100)001/P1 as a school within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) and for no other use within that Use Class. You must provide the unit and make it ready for occupation prior to the occupation of the residential part of the development.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan that we adopted in November 2016. (R05AB)

- 13 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 14 A Servicing Management Plan (SMP) shall be submitted to and approved by us prior to the occupation of any part of the development. This approved SMP shall be maintained for the life of the development. The SMP should be a practical document for everyday use and should identify process, storage locations, scheduling of deliveries and staffing arrangements as well as how delivery vehicle size will be managed, including how access and use of the servicing area will be managed so that servicing will not be impeded by use of the adjacent rear access to the school building. The SMP should clearly outline how servicing will occur on a day to day basis. The SMP should be developed with the retail and social and community operators and the manager of the residential element of the development.

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary

Development Plan that we adopted in January 2007. (R24AC)

- 16 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 17 You must provide each cycle parking space shown on the approved drawings (as amended by the details required by Condition 18) prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 in the London Plan (with Further Alterations) that was adopted in March 2015.

- 18 You must carry out the development in accordance with the details of secure and weatherproof cycle parking for the church and retail uses we approved on 3 November 2016 (RN: 16/09682/ADFULL), unless you apply to us and we approve detailed drawings showing the alternative provision of secure and weatherproof cycle parking for the church and retail uses. If you apply to us for approval of alternative details, you must not start work on this part of the development until we approve what you send us. You must then carry out the development in accordance with the details that we approve.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 in the London Plan (with Further Alterations) that was adopted in March 2015.

- 19 You must provide at least 11 residential units that are wheelchair adaptable.

Reason:

To ensure the development provides flexible residential accommodation that meets current and future housing need in accordance with Policy S15 in Westminster's City Plan dated November 2016.

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

Reason:

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

development from the intrusion of external noise.

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 22 You must install the mechanical ventilation with heat recovery system with nitrogen dioxide filters fitted to air intakes on all floors below 11th floor level, as specified in the submitted Air Quality Assessment. You must not occupy the relevant part of the development until the aforementioned ventilation system and filters have been fitted to that part of the development. Thereafter you must permanently retain the ventilation system and filters.

Reason:

To prevent overheating and to ensure the occupiers and users of the development are not subjected to poor air quality as set out in Policy ENV5 in the Unitary Development Plan we adopted in January 2007, Policy S31 in Westminster's City Plan that we adopted in November 2016 and Policy 7.14 in the London Plan (with Further Alterations) dated March 2015.

- 23 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a

further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 24 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 25 You must apply to us for approval of details of the kitchen ventilation system to get rid of fumes in respect of the retail unit, which have been identified for possible Class A3 cafe/ restaurant use. The details must include how it will be built and how it will look and its operational noise level. You must not occupy the retail unit for the Class A3 use allowed by this permission until we have approved what you have sent us and you have installed the kitchen ventilation system according to the approved details. (C14BB)

Reason:

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

- 26 No tables and chairs shall be placed outside the ground floor retail unit unless separate permission has been given by the City Council as local planning authority.

Reason:

In order to safeguard the amenities of the residents above and to allow an assessment in the light of the future occupants of the ground floor units, and in the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan that we adopted in November 2016 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 27 The electric car charging points in the basement car park as shown on drawing CGL-Z2-B1-GA-A-11(2B1)001/P1 must be provided prior to occupation of the residential part of the development and thereafter shall be retained.

Reason:

To ensure the development promotes innovative energy technologies and provides parking for electric cars in accordance with Policies 5.8 and 6.13 of the London Plan (with Further Alterations) dated March 2015.

- 28 You must carry out the development in accordance with the details of waste and recycling we approved on 4 January 2017 and 25 October 2017 (RNs: (RN: 16/11964/COGADF and 17/06737/COGADF), unless you apply to us and we approve alternative detailed drawings showing the following amended details of waste and recycling storage, disposal and collection that will:

- (a) Provide waste and recycling storage within each residential unit.
- (b) Ensure that the chosen disposal system from the residential part of the development would not contribute to increased recycling and avoid the potential for contamination of recyclables.
- (c) Demonstrate that the capacity of container storage for waste and recycling from the residential, school and retail uses at ground floor level is sufficient to meet expected demand.
- (d) Provide clarification of how retail waste and recycling will be collected.

If you apply to us for approval of alternative details you must not start work on the relevant parts of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details.

You must clearly mark the stores and make them available at all times to everyone occupying the flats or using the church, school and retail parts of the development. (C14EC)

Reason:

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

we adopted in January 2007. (R14BD)

- 29 You must carry out the development in accordance with the details of bird and bat boxes we approved on 9 February 2017 (RN: 16/12192/COFUL), unless you apply to us and we approve detailed drawings of bird and bat boxes. If you apply to us for approval of alternative details, you must not start work on this part of the development until we approve what you send us. You must install the boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the residential part of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 30 You must provide the energy centre at basement level as shown on drawing CGL-Z2-B1-GA-A-11(2B1)001/P1 prior to the occupation of any part of the development. Thereafter you must maintain the energy centre in the location shown on the aforementioned drawing for the lifetime of the development and operate the energy strategy for the development in accordance with the Energy Statement dated 23 October 2015.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 31 The scheme shall be designed to allow the development to be connected to a district heating system at a later date and you must submit details of this ability to facilitate a future connection to us for approval. You must not occupy the school part of the development until we have approved the details that you send us and you must not occupy the residential part of the development until the development has been built in accordance with the approved details.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 32 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- The photovoltaic panels at roof level on the residential part of the development.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 33 The roof that you install at main roof level, in combination with the photovoltaic panels on the roof of the residential tower, must be a sedum green roof. You must retain the sedum green roof for the lifetime of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 34 You must carry out the development in accordance with the Surface Water Drainage Strategy set out in Section 7 of the Flood Risk Assessment dated October 2015. The measures forming part of the Surface Water Drainage Strategy shall be retained for the lifetime of the development.

Reason:

To provide sustainable urban drainage in accordance with Policy 5.13 in the London Plan (with Further Alterations) dated March 2015.

- 35 The school premises hereby approved shall achieve a BREEAM 'Very Good' rating.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 36 Unless you carry out the development in accordance with the details we approved on 16 January 2018 (RN: 17/02216/COGADF), you must apply to us for approval of details of the landscaping to the first floor communal terrace. You must not start work on this part of the development until we have approved what you send us. You must carry out the development in accordance with the details we have approved/ approve.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 in the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015.

- 37 You must apply to us for approval of full details of a scheme of community use for the school premises. The scheme should include:

- * the type of uses and activities;
- * details of a pricing policy;
- * typical number of users;
- * the exact locations within the school where these are to take place;
- * the opening hours for evening and weekend use throughout the whole year and any plans for use outside of school terms;

* operational details, management responsibilities and a mechanism for review.

You must not occupy the school premises until we approve what you have sent us and you must then operate the community uses in accordance with the details that we have approved, unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To ensure the provision of facilities to meet local community needs as set out in SOC3(A) of our Unitary Development Plan that we adopted in January 2007 and Policy 3.18 in the London Plan (with Further Amendments) published in March 2015.

- 38 You must provide a maximum of 197 residential units, as shown on the drawings hereby approved, and not less than 187 residential units within the building. If the number of units is to be reduced below the maximum number of residential units hereby approved you must apply to us for approval of amended drawings showing the revised layout of the residential accommodation. You must not alter the number of units in the building before we have approved the details that you send us. You must then amend the layout of the residential accommodation in accordance with the amended drawings that we approve.

Reason:

To ensure that the development optimises the delivery of residential accommodation that is of a good standard and provides a range of residential accommodation in terms of unit sizes in accordance with S14 and S15 in Westminster's City Plan as we adopted in November 2016, H5 in the Unitary Development Plan that we adopted in January 2007 and Policy 3.5 in the London Plan (with Further Alterations) published in March 2015.

- 39 Unless you carry out the development in accordance with the details of privacy screening to the first floor communal roof terrace that we approved on 25 October 2017 (RN: 17/08040/COGADF), you must apply to us for approval of detailed drawings showing the privacy screening to be provided around the perimeter of the first floor roof terrace and between the roof terrace and the first floor flats that face directly on to the roof terrace. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

The privacy screens/ barriers that we approve (including the privacy screen/ barrier previously approved) must be installed prior to the occupation of the residential part of the development and thereafter permanently retained. (C26DB)

Reason:

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

- 40 The roof top external school play area hereby approved shall only be used between 07.00 and 19.00 hours daily.

Reason:

To safeguard the amenity of neighbouring residential occupiers from noise disturbance in the

evenings and late at night. This is as set out in S29 and S32 of Westminster's City Plan adopted in November 2016 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 41 You must apply to us for approval of a management plan, which sets out how the arrival and departure of pupils from the school site will be managed so that vehicular and pedestrian congestion on the public highway is minimised. The management plan should include measures to stagger the arrival and departure of pupils from the school and provide full details of any coaches and other vehicular movements expected in connection with the arrival and departure of pupils. You must not occupy the school premises until we have approved the management plan that you submit. You must then operate the school in accordance with the approved management plan unless or until we approve an alternative management plan.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan adopted in November 2016 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 42 Unless you carry out the development in accordance with the details we approved on 12 September 2016 (RN: 16/07520/COGADF), you must apply to us for approval of detailed drawings and a sample panel showing the following alteration(s) to the scheme:

-A revised form of brick construction or cladding to the development.

If you apply for approval of alternative details, you must not start on these parts of the work until we have approved (i) the detailed drawings and (ii) a sample panel of the revised brick construction/ cladding, which also demonstrates (in the event that brick construction is proposed) the bond(s), finish(es), pointing and mortar proposed. You must then carry out the work according to the approved detailed drawings and sample. (C26DB)

Reason:

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

- 43 The lighting fixtures to the roof level sports pitch on the school block shall only be turned on between 08.00 and 19.00 hours daily. At all other times the lighting fixtures must be turned off and the sports pitch not illuminated by artificial means.

Reason:

To prevent late night light nuisance and noise disturbance and to protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 44 This permission must be commenced no later than 26 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 26 April 2016 (RN 15/11458/COFUL) which must be commenced no later than the above date.

Informative(s):

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

- 2 In respect of Condition 3, you are advised that if you chose to submit an alternative construction management plan, it must include the following details (where appropriate):
 - (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 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.
- 7 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. (I54AA)
- 8 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form**

immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

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

Forms can be submitted to CIL@Westminster.gov.uk

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

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 11 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 12 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 phone 020 7641 2642. (I69AA)

- 13 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)

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

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

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

Phone: 020 7641 2000

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

- 15 This permission is governed by a Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990. The Undertaking relates to:
- a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.
 - b) Provision of lifetime car club membership (25 years) for each residential unit in the development.
 - c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).
 - d) Provision, monitoring and review of residential, school and church travel plans.
 - e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.
 - f) Provision of a financial contribution of £5,000 to provide replacement street trees in the vicinity of the application site.
 - g) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.
 - h) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.
 - i) Payment of cost of monitoring the agreement (£500 per head of term).

You are advised that the use of the disabled parking bays within the basement should be prioritised for blue badge holders and those persons living in wheelchair adapted flats within the development.

- 17 TfL request that construction deliveries are made outside of peak hours therefore between 10am and 4pm so that the impact on the adjacent TfL road network is limited.
- 18 TfL recommend that construction vehicles are registered to TfL's Freight Operator Recognition Scheme (FORS) to ensure pedestrian and cyclist safety.
- 19 You are advised to increase the amount of greening throughout the development but particularly on the Harrow Road frontage where possible.
- 20 The flats hereby approved should be managed to avoid overcrowding from small flats accommodating families.

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.