

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	Dev Site At 221-235 Lanark Rd, Land To North Of 235 Lanark Rd And Land At Scottish Towers, Maida Vale, London, W9,		
Proposal	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/11007) for redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting; Namely to change the 6 private 3-bed duplex units at ground and lower ground level into 12x2bedroom units (7x 2bedroom private units and 5x2bedroom intermediate rent units), and associated external alterations.		
Agent	Strutt and Parker		
On behalf of	DOLPHIN SQUARE CHARITABLE TRUSTEE C/O Strutt & Parker		
Registered Number	17/10779/FULL	Date amended/ completed	7 December 2017
Date Application Received	5 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Adjacent to Maida Vale and St John's Wood Conservation Areas.		

1. RECOMMENDATION

1. Grant conditional permission, subject to a Deed of Variation to the legal agreement dated 29 April 2016 to secure the original obligations together with additional on-site affordable housing units as set out below:
 - a) Provision of 5 on-site affordable housing units to be provided as intermediate rent units and made available to eligible households on incomes not exceeding £60,000.

2. If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning 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 it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

In April 2016 planning permission was granted for the redevelopment of the site for mixed use purposes comprising a community sports building and 67 residential units, of which 17 (25%) were to be family sized units. Of these 67 residential units, 44 were to be provided as affordable housing (34 as intermediate rented units and 10 as social rented units). The remaining 23 residential units were proposed as private tenure.

It is now proposed to amend the number and mix of units so that a total of 73 units are now proposed of which 11(15%) are family sized units. The extant permission allows for six 3-bedroom duplex units of private tenure to be located over ground and lower ground levels. These are now proposed as twelve 2-bedroom units. The applicant had on submission of this amendment application proposed all 12 of the units to remain as private tenure. However, it is now proposed that 5 of these 12 units will be secured as affordable housing for intermediate rent and will be made available to eligible households on incomes not exceeding £60,000.

In support of this proposed amendment the applicant states "Current market pressures have meant that the price band of private 3-bedroom units in this part of Westminster are weakening. These market pressures, coupled with the applicant's wish to retain the whole development in their single ownership has meant the applicant needs to reconfigure the mix of private residential units on site. It is important to note that the decision to amend the approved unit mix has not been taken lightly, with alternatives, including letting the 6 x 3-bed duplex units to Westminster workers as affordable accommodation explored, but ultimately demonstrated to be not viable".

The proposal has brought about an objection from Councillor Crockett and a local resident, due to the reduction in the number of family sized units proposed and the consequential impact of the increase in the number of residential units upon demand for car parking. He is concerned that the original permission was granted on the basis of the 17 family sized units proposed and that insufficient evidence has been provided by the applicant to show that the housing market has changed sufficiently to justify this amendment including the provision of only 11 family housing units. He raises further concern that the original permission, notwithstanding the dis-benefits to existing local residents, was granted on the basis of the social utility it would provide and that the applicant is only seeking the amendments for financial self-interest.

The City Council's Housing Manager and Cabinet Member for Housing Councillor Robathan are supportive of the proposed amendment on the basis that 5 of the 12 units will be provided as additional affordable housing units in the form of intermediate rent offered to eligible households on incomes not exceeding £60,000.

It is regrettable that an amendment to the 2016 permission has come forward so soon. However, whilst the objections are acknowledged, given the support set out above, the additional number of affordable housing units now proposed (5no.) is considered to outweigh the reduction in the number of family sized units (6no.) in this particular case and is considered to be acceptable in principle.

Councillor Crocketts' concern that the proposed two bedroom units are more likely to be used for short term lets or but to leave investments, is not considered to provide justification to withhold permission.

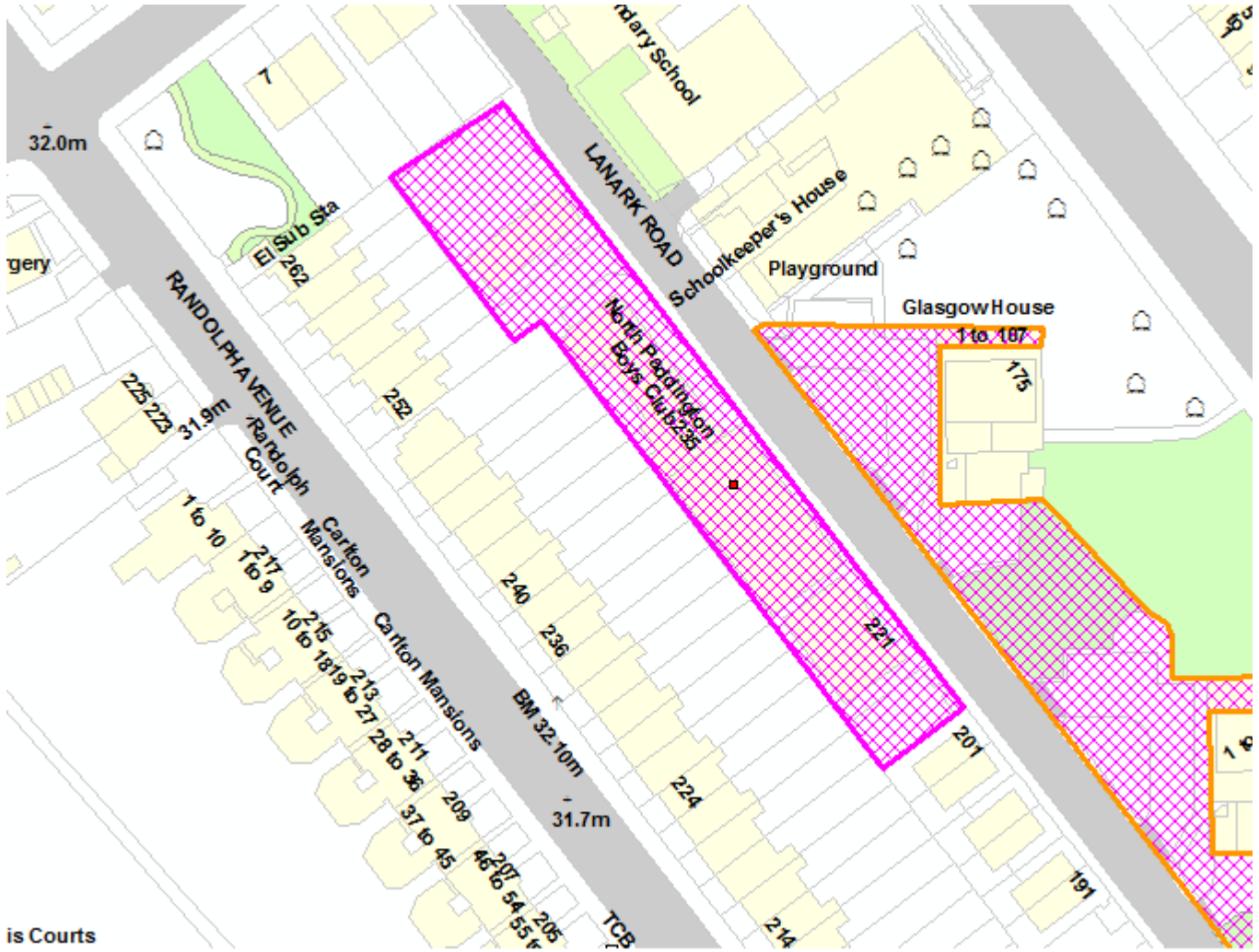
The height, bulk, mass and general appearance and palette of materials of the proposed development would remain as approved. In order to facilitate the change in unit numbers and sizes, some amendments to the approved lower ground and ground floor elevations to the front and rear are proposed. At the front, lower ground floor level new entrance doors are introduced together with alterations to windows. At the rear larger windows are proposed in order that the proposed residential units receive appropriate levels of natural light. The creation of more and/or larger openings at lower ground floor and ground floor levels (mainly affecting the rear), are relatively modest with minimal visual impact and the other amendments to the design are considered to be minimal and satisfy policies DES1, DES5 of our Unitary Development Plan.

Given the nature of the proposed amendments it is not considered that any significant amenity impact would arise. The amendments to the fenestration are at lower ground and ground floor levels and would not be significantly visible from existing residents surrounding the site. Whilst the increase in the number of residential units provided on site would increase by 6 from 67 to 73, given the total number of units proposed it is not considered that the additional comings and goings associated with the additional units would result in any significant detrimental impact on existing residents. Overall the proposed amendments do not result in any significant amenity impact over and above the approved scheme and accordingly policy ENV13 of our UDP and S28 of our City Plan are satisfied.

The approved proposal for 67 residential units proposed 41 off street car parking spaces (0.61 spaces per unit) together with Car Club membership. No change is proposed to this provision for the 73 residential units (0.56 spaces per unit) and the City Council's Highways Planning manager has not raised objection on the basis that car ownership levels indicate that a 73 residential unit development is likely to generate 33 cars and policy TRANS23 is satisfied. The provision of sufficient cycle parking and waste and recycling is maintained in the same areas.

For the reasons set out above, the proposal is recommended favourably. If the recommendation is agreed, then it will be necessary to seek a Deed of Variation of the legal agreement to ensure that the original planning obligations remain secured together with an additional obligation to secure the provision of 5 of the 12 units as affordable housing for intermediate rent to be made available to eligible households on incomes not exceeding £60,000. The original conditions also remain applicable (but amended to reflect the 2016 City Plan), with an additional condition recommended to ensure that the original time limit for implementation of the permission remains as 29 April 2019.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR ROBATHAN - CABINET MEMBER FOR HOUSING

Support. This is on condition that 5 of the 2 bedroom units are provided as intermediate rented housing to be made available to Westminster eligible households with incomes not exceeding £60,000.

COUNCILLOR – MEMBER FOR MAIDA VALE

Object. A highly persuasive factor influencing the original decision of this controversial case was that the development would provide much needed homes for families. Insufficient evidence to show that the housing market has altered sufficiently to justify the proposed amendment. Additional units would create significantly greater pressure on local resources, including parking, than originally permitted. Such flats would also be significantly smaller and lend themselves to use as short term lets and or as buy to leave investments. concerned that the applicant has obtained controversial planning permission on the basis of wider social utility, notwithstanding the dis-benefits to local residents.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No objection. Take neighbours views into consideration.

ST JOHN'S WOOD SOCIETY

Comment, defer to case officer.

HOUSING MANAGER

Support. This is on condition that 5 of the 2 bedroom units are provided as intermediate rented housing to be made available to Westminster eligible households with incomes not exceeding £60,000.

HIGHWAYS PLANNING MANAGER

No objection.

CLEANSING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 927 Total. No of Replies: 1 Objection, 1 comment

- Loss of 3-bedroom family sized units.
- Abuse of planning process for the developer to commit to build 3 bedroom units to now change the rules due to market conditions.
- Have suffered from vibration/shaking within property.
- Residents should be kept up to date with the time scale of this massive project.

PRESS ADVERTISEMENT/SITE NOTICE: Yes

6. BACKGROUND PAPERS

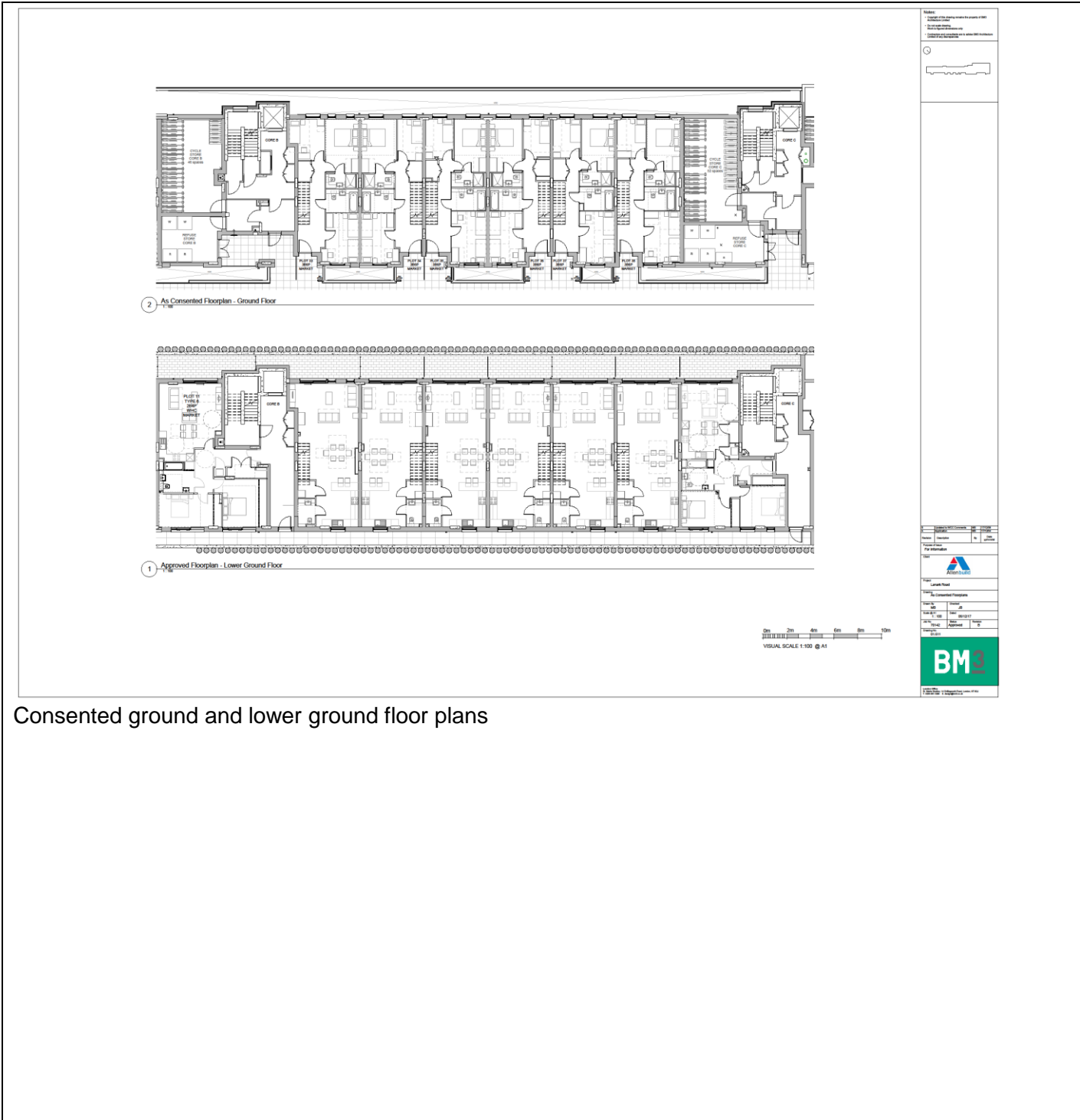
1. Application form
2. Report & minutes of Planning Applications Committee 29.03.2016 & subsequent delegated report. (NB/ Legal agreement and decision notice issued 29.04.2016)

3. Representation from Councillor Robathan (Cabinet Member for Housing) 31.01.2018
4. Representation from Councillor Crockett (Member for Maida Vale) 31.01.2018
5. Memo from Housing Manager 26.01.2018
6. Memo from Highways Planning Manager 08.01.2018
7. Memo from Cleansing Manager 29.12.2018
8. Response from Paddington Waterways & Maida Vale Society, 19.12. 2017
9. Response from St John's Wood Society 18.01.2018
10. Letter from occupier of 220 Randolph Avenue, London, 15.12. 2017
11. Letter from occupier of Flat 3, 220 Randolph Avenue, 17.12. 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

7. KEY DRAWINGS



Consented ground and lower ground floor plans



2 Approved Elevation - Lanark Road



1 Approved Elevation - Randolph Gardens

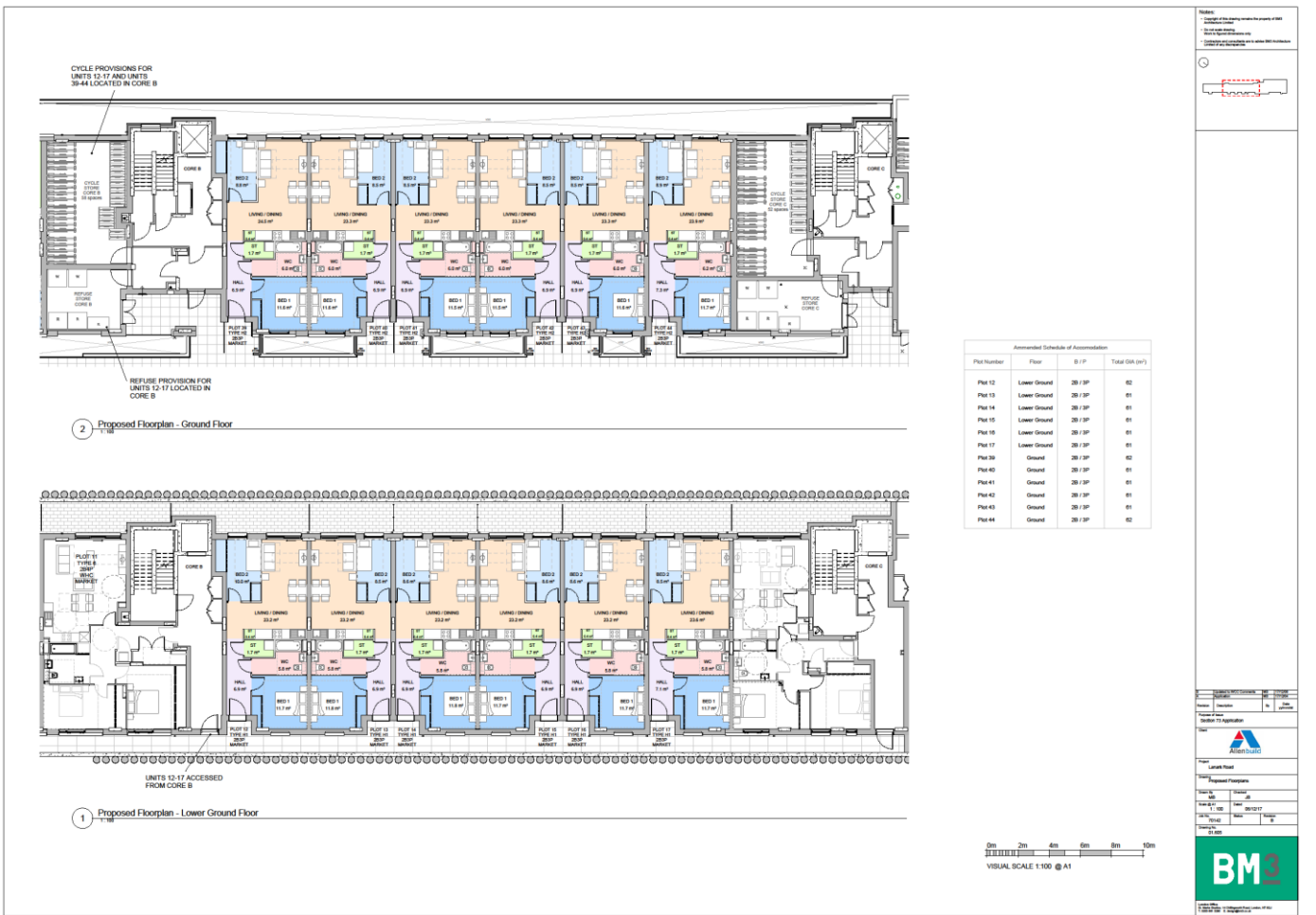
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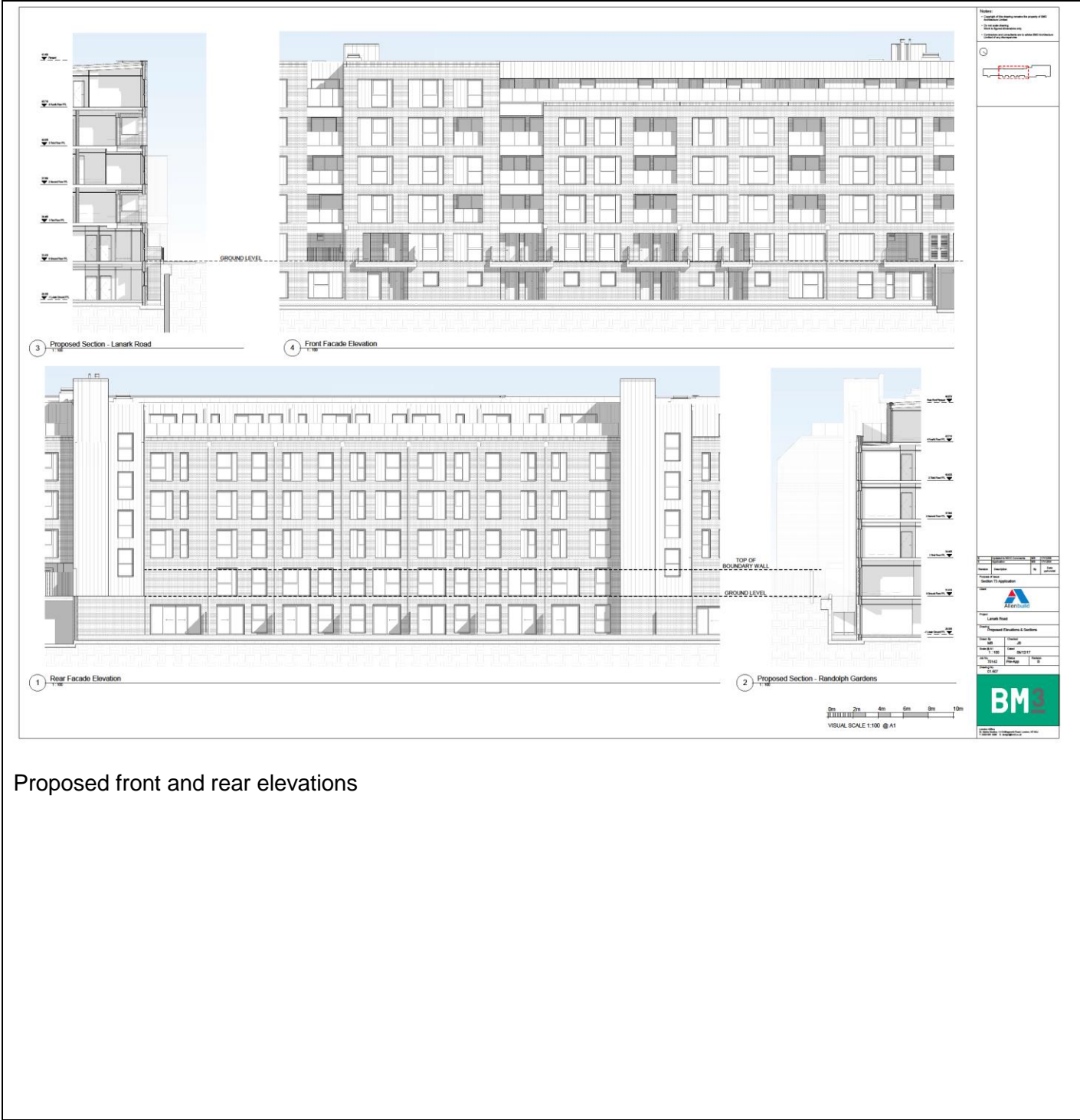
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Client Name	ABCDEF
Project Location	GHIJKL
Project Status	MNOPQR
Project Date	STUVWX
Project Budget	YZABCD
Project Manager	EFGHIJ
Project Engineer	KLMNOP
Project Architect	QRSTUW
Project Designer	XYZABC
Project Date	12/31/2023
Project Scale	1:100
Project Sheet	1 of 10
Project Title	1234567890
Project Author	ABCDEF
Project Date	12/31/2023
Project Scale	1:100
Project Sheet	1 of 10

BM3

Consented front and rear elevations



Proposed ground and lower ground floor plans



Proposed front and rear elevations

DRAFT DECISION LETTER

Address: Dev Site At 221-235 Lanark Rd, Land To North Of 235 Lanark Rd And Land At Scottish Towers, Maida Vale, London, W9,

Proposal: Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/11007) for redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting; Namely to change the 6 private 3-bed duplex units at ground and lower ground level into into 12x2bedroom units (7x 2bedroom private units and 5x2bedroom intermediate rent units), and associated external alterations.

Reference: 17/10779/FULL

Plan Nos: ORIGINAL PLANS AND DOCUMENTS, Planning Statement prepared by Gerald Eve, Design and Access Statement prepared by Cartwright Pickard, Design and Access Statement Refuse Strategy Amendment dated February 2016, Statement of Community Involvement prepared by FTI, Planning Noise Report prepared by AECOM, Operational Management Plan, prepared by Dolphin Living, Daylight and Sunlight Report prepared by EB7, Daylight and Sunlight Addendum Report prepared by EB7 dated January 2016, Transport Statement prepared by Icini Projects, Construction Management Plan prepared by Arcadis and Icini Projects, Environmental Sustainability Benchmarking Report prepared by AECOM, Energy Statement prepared by AECOM (revised dated 12, February 2016), Structural Statement prepared by Price and Myers, Flood Risk Assessment prepared by Price & Myers, Historic Environment Assessment (Archeology) prepared by LA, Arboricultural Impact Assessment Report prepared by Landmark Trees, Landscape Layout (L100 rev Q), Parking note dated prepared by Icini Projects March 2016, Affordable Housing Statement dated 15 January 2016, Letter dated January 2015 NTH/HMU/SRO/J7280,, Landmark Trees additional letter D:\NTH\AIA\Ltrr/01b, Air Quality Report date February 2016 prepared by Air Quality Consultants 0100 A, 0101 A, 0102 B, 0103 B, 0104 A, 0105 A, 0106 A, 0108 A, 0109 B, 0110 A, 0111 B, 0112 B, 0113 B, 0200D, 0201 C, 0202 C, 0203 C, 0204 C, 0205 C, 0600 B, 0601 C, 0602 A, 0603 A, 0604 B, 0605 B, 0700 B, 0800 A, 0801 A, 0802 A, 0803 A, 0804 A, 0805 A, 0806 A, 0807 A, 0808 A, 0809 A, 0810 A, 0811 A, 0812 A, 0813 A, 0814 A, 0815 A, 0816 A, 0817 A, 0818 A, 0819 A, 0820 A, 0821 A, 0822 A, 0823 A, 0824 A, 0825 A, 0826 A, 0827 A, 0828 A, 0829 A, 0830 A, 0831 A
AS PART SUPERSEDED BY 01.603B; 01.604B; 01.605B; 01.606B; 01.607B; 01.608B, Design & Access Statement Addendum by BM3 Architects; Daylight/Sunlight Assessment prepared by EB7; and Transport Statement Addendum

prepared by Icen Projects. Strutt & Parker letter 13.12.2017, (part superseded)
Strutt & Parker email 06.02.2018

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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 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)

- 4 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- a) Revised rear elevation design treatment to introduce greater verticality and order.
- b) Revised elevations and sections (where relevant) to incorporate measures to reduce overlooking and general disturbance to properties to the rear on Randolph Avenue, by removing balconies, terraces and altering fenestration and to the front to reduce potential overlooking to St Georges School.

You must then carry out the work according to the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to protect the privacy and environment of people in neighbouring properties and buildings. This is as set out in S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2016 and ENV6, ENV13, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 6 You must apply to us for approval of details of public art (as set out in your design and access statement) including drawings, materials, samples etc and any other supporting documents as appropriate. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details and you must install the public art in accordance with the details approved prior to occupation, unless we approve an alternative timeframe in writing.

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 an external lighting strategy for the development. This must include drawings (plans and elevations), manufacturers specification, and lighting level details, to show the location, position, appearance (including material) and lighting levels of all external light fixtures, including hours of operation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with the details that we approve.

Reason:

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

- 8 Prior to occupation of the site, you must apply to us for approval of details of suitable security measures for the development. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 9 **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 what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 10 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site at ground and lower ground level that are not covered by buildings, including the parking areas within the curtilage of the Scottish Towers. This should include the number, size, species and position of trees and shrubs and details of any permeable or hard surfacing and ways in which you will improve the environment at the bottom of the Scottish Towers. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is 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. (R30BC)

- 11 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:
- o identification of individual responsibilities and key personnel.
 - o induction and personnel awareness of arboricultural matters.

o supervision schedule, indicating frequency and methods of site visiting and record keeping o procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

(b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. 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. (R31AC)

- 12 You must not use the Class D1/D2 floorspace for any purposes other than those listed on the Page 21 (section 14) of the submitted Design and Access Statement. You must not use it for any other purpose, including any other uses within Class D1 or Class D2 of the Town and County Planning (Use Classes) Order 2015 or any equivalent class in any order that may replace it. (C05AB)

Reason:

Insufficient information has been submitted to demonstrate in land use and amenity terms the acceptability of unrestricted Class D1 and Class D2 uses. In the absence of such information the City Council considers that it would be premature to allow unrestricted Class D1 or D2 within the development. This is in accordance with S3, S29 and S34 in Westminster City Plan: Strategic Policies that we adopted in November 2016 and ENV6 and SOC1 in the Unitary Development Plan that we adopted in January 2007.

- 13 Customers shall not be permitted within the Sports and Community uses buildings before 08:00 or after 22:00 each day.

Reason:

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

- 14 You must apply to us for approval of an operational management plan to show how you will prevent customers who are using the facilities and or arriving at or leaving the Sports and Community buildings, from causing nuisance for people in the area, including people who live within the development and within surrounding buildings. You must not operate the Sports and Community Building until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times that the Sports and Community Building is in operation. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2014 and ENV 6, SOC1 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 15 **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, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

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

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

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

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

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

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 16 All servicing must take place between 07:00 - 21:00 on Monday to Saturday and 07:00 - 19:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 17 (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.

- 18 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the development use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the community/sports use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 19 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.

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 21 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.

- 22 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 inside bedrooms 45 db L Amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

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.

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 22 and 23 of this permission. Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and

mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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.

- 24 You must not occupy the residential properties, until you have provided for our approval, a statement from a suitably qualified engineer to confirm that the Electro Magnetic Frequency (EMF) levels associated with the substation are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2016.

- 25 The external areas associated with the community and sports facilities shall not be used outside the hours of 09:00 - 21:00 and there shall be no live or recorded music played that can be heard within the external areas, at any time.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29, S32 of Westminster's City Plan: Strategic Policies adopted November 2016 and ENV6 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 26 The design of the separating wall should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LfMax in the octave bands of 63 Hz & 125 Hz.

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.

- 27 Before anyone moves into the development, you must provide the separate stores for waste and materials for recycling shown on drawing number 627-CPA-ZZ-GF-DR-A-0200 Rev D. You must clearly mark them and make the respective waste stores available at all times to everyone occupying the residential accommodation and non-residential uses within the development.
(C14 FB)

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)

- 28 Prior to occupation of the development a car parking strategy shall be submitted for approval and shall include:-
- i) A car parking plan to show the location of car parking access arrangements and 87 car parking spaces.
 - ii) Details of the location, appearance (including manufacturers specifications) and operation, of any car park barriers, signal systems etc.
 - iii) Details of the location of 41 unallocated car parking spaces for the residential occupiers of the development.
 - iv) Details of the location of 46 allocated car parking spaces for residents of the Scottish Towers.
 - v) Details of the location of car parking spaces (A minimum of 20%) with access to electric vehicle charging points.
- The car parking and access arrangements shall be provided prior to occupation of the residential part of the development and thereafter be maintained for such use.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 29 You must provide each cycle parking space shown on the approved drawings prior to the occupation of any part of the building. 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 (Table 6.3) of the London Plan 2015.

- 30 Prior to the commencement of this part of the development, you must submit for approval in writing by the City Council, details of (A) the location and appearance of the photo voltaic panels and (B) the CHP. The development shall thereafter be carried out in accordance with these approved details and maintained in situ.

Reason:

To ensure the development achieves carbon reduction through the use of onsite renewable technology, in accordance with S40 in Westminster's City Plan: Strategic Policies that we adopted in November 2016.

- 31 The non residential parts of the development shall achieve BREEAM 'very good' rating of higher (or any such national measure of sustainability for non residential design that replaces that scheme of the same standard). You must not occupy the non - residential units within the buildings until a copy of a Building Research Establishment (or equivalent independent assessment) Final post Construction Stage Assessment and Certification, confirming that the

non-residential building has achieved BREEAM 'Very Good' rating or higher, has been submitted to an approved by us.

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 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

To prevent increased risk of flooding and improve and protect water quality in accordance within Policy S30 in Westminster's City Plan: Strategic Policies that we adopted in November 2016.

- 33 The development shall be carried out in accordance with the Construction Management Plan, by Dolphin Living dated November 2015, unless otherwise agreed in writing by the City Council.

Reason:

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

- 34 (Pre-commencement condition) You must apply to us for approval of amended detailed section drawings as follows;
Drawing 627-CPA-ZZ-ZZ-DR-A-0701 ensuring the scale bar is correct.
Section drawing L600 ensuring it corresponds with the approved ground and lower ground floor plans.
Drawings shall include datum levels for all floors.

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

Reason:

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

- 35 This permission must be commenced no later than 29 April 2019

Reason:

This permission authorises amendments to the original planning permission granted on 29 April 2016 (RN 15/11007/FULL) 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 This site is adjacent to a conservation area. By law you must write and tell us if you want to cut, move or trim any trees. Notwithstanding the proposals to remove trees in adjacent properties, we cannot agree their removal in order to implement the planning permission as the trees are outside the site boundary. You must make a separate section 211 notification (s) at least six weeks prior to removing these trees. You are advised to obtain the permission of the owner of the tree prior to submission to the section 211 notification, and include proposals for replacement with your submission.
- 3 You will need to speak to our Tree Section about proposals to remove tree(s) in the public footways surrounding the site. You will have to pay for the removal and replacement of the trees including all administration, design, supervision costs, and the costs of establishing the trees in the first three years after planting. We will not remove street trees until such time as you have satisfied all pre-commencement conditions and you are in a position to commence the development.
- 4 You should ensure that the details you submit to satisfy the tree protection conditions are prepared in light of construction management agreement, as adequate protection of trees on and adjacent to the site will rely heavily on an appropriate means of construction.
- 5 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.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team
Environmental Health Service

Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads

- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 10 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.
- 11 Condition 15 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.
- Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP
- Phone: 020 7641 3153
(173AB)
- 12 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised.
- 13 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to
- i) Notice of commencement of development (three months prior to commencement).
 - ii) a) Provision of 44 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to the occupation of the market housing units.

- ii) b) Provision of 5 on-site affordable housing units to be provided as intermediate rent units and made available to eligible households on incomes not exceeding £60,000.
- iii) Provision on site of a Community/Sports floor space of a minimum 1,649sqm (GIA) use class D1/D2, and Community facility of a minimum 690sqm (GIA) use class D2, provided by the City Council or a local service provider.
- iv) Provision at a peppercorn rent of the social and community floor space (North Paddington Youth Club and Maida Centre)
- v) Both sports and community floor space to be fitted out to a Category B finish and leased either to the City Council or qualifying tenant prior to the occupation of either the social an community floor space or residential units within the development.
- vi) A financial contribution of £32,000 per annum index linked to be paid to fund all works undertaken by the Environmental Inspectorate in relation to assessment of documents prior demolition phase and the development in respect to the SEMP, monitoring of air quality, dust and noise generated by works until the issue of the certificate of practical completion by the owner to the Council.
- vii) Tree planting contribution of £5000 to replace those lost through the construction of the development in priority as shown on tree investment plan.
- viii) Provision of car club membership (25 years) for 67 residential units.
- ix) Provisions to ensure a minimum of 67 annual parking permits for onsite parking spaces are available to all households in the new development (but for the avoidance of doubt the possession of a parking permit shall not guarantee the availability of a parking space as onsite parking is on an unallocated basis).
- x) Provision of a minimum of 41 onsite parking spaces for new residential development and re provision of a minimum of 40 onsite parking spaces foe existing residents.
- xi) Payment for the cost of highways works necessary to facilitate the development including the reinstatement of pedestrian highway.
- xii) Provision of non-residential part of development in accordance with submitted BREEAM assessments
- xiii) Provision of site wide reduction of Kg/C02 on 2013 Building Regulations of 25%, plus a payment of £113,400 to go toward the Council's Carbon off setting fund.
- xiv) Adherence with the Council's local procurement code
- xv) Provision of costs for monitoring the agreement (£500 per head of term).
- xvi) Provision and management of onsite CCTV
- xvii) Provision of Communal TV aerial.
- xviii) Mitigation measures for television interference
- xix) Demonstration of compliance with Code for construction practice and signing up to the Considerate Constructors Scheme.
- xvii. Set up a Residents Liaison Group which shall be scheduled to meet regularly before, during and after completion of the Development.

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.