

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Former North Westminster Community School, North Wharf Road, London, W2 1LF		
Proposal	Variation of Conditions 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, external alterations to approved hotel, serviced apartments and school building, internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms and serviced apartments increased from 55 to 247, internal alterations to school, and amendment of conditions to allow phased delivery of amended scheme and to amend condition triggers.		
Agent	DP9		
On behalf of	Concierge 3 Limited		
Registered Number	18/03869/FULL	Date amended/ completed	10 May 2018
Date Application Received	10 May 2018		
Historic Building Grade	Unlisted		

Conservation Area

N/A

1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a deed of variation to the original S106 agreement to continue to secure the originally secured planning obligations; namely:
 - i. Notice of commencement of development (three months prior to commencement).
 - ii. Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £873,000 to the affordable housing fund prior to commencement of development.
 - iii. Provision at a peppercorn rent of the social and community floor space (the new primary school premises).
 - iv. A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.
 - v. A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.
 - vi. A financial contribution of £131,541 (index linked) prior to commencement to PATS.
 - vii. A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.
 - viii. A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
 - ix. A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
 - x. Provision of garden space facing North Wharf Road as Public Open Space.
 - xi. Provision of public realm works in accordance with a public realm masterplan.
 - xii. Provision, maintenance and use of and access to the on-site public realm including the landscaped open space.
 - xiii. Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).
 - xiv. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.
 - xv. Provision, maintenance and access to on-site bus drivers toilet facility.
 - xvi. Provision of and adherence to an advertisement and shop front design strategy.
 - xvii. Provision and management of on-site car club spaces.
 - xviii. Provision and periodic review of a site wide travel plan.
 - xix. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.
 - xx. Provision of Harrow Road Traffic Island prior to occupation.
 - xxi. Provision of and adherence to a Servicing Management Strategy.
 - xxii. Provision of on-site space for Mayor's cycle docking station.
 - xxiii. Provision and management of on-site CCTV.
 - xxiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.

- xxv. Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.
 - xxvi. Mitigation measures for television interference.
 - xxvii. Provision of and compliance with a Balcony Management Strategy.
 - xxviii. Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.
 - xxix. Adherence with the Council's Local Procurement Code.
 - xxx. Temporary relocation of North Wharf Road bus stand during construction works and permanent re-provision of bus stand in North Wharf Road at applicant's cost.
 - xxxi. Provision of costs for monitoring of agreement (£500 per head of term).
2. If the deed of variation has not been completed by 3 September 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 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 the proposals are 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.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place. That the Executive Director Growth, Planning and Housing, or other such proper officer of the City Council responsible for planning highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

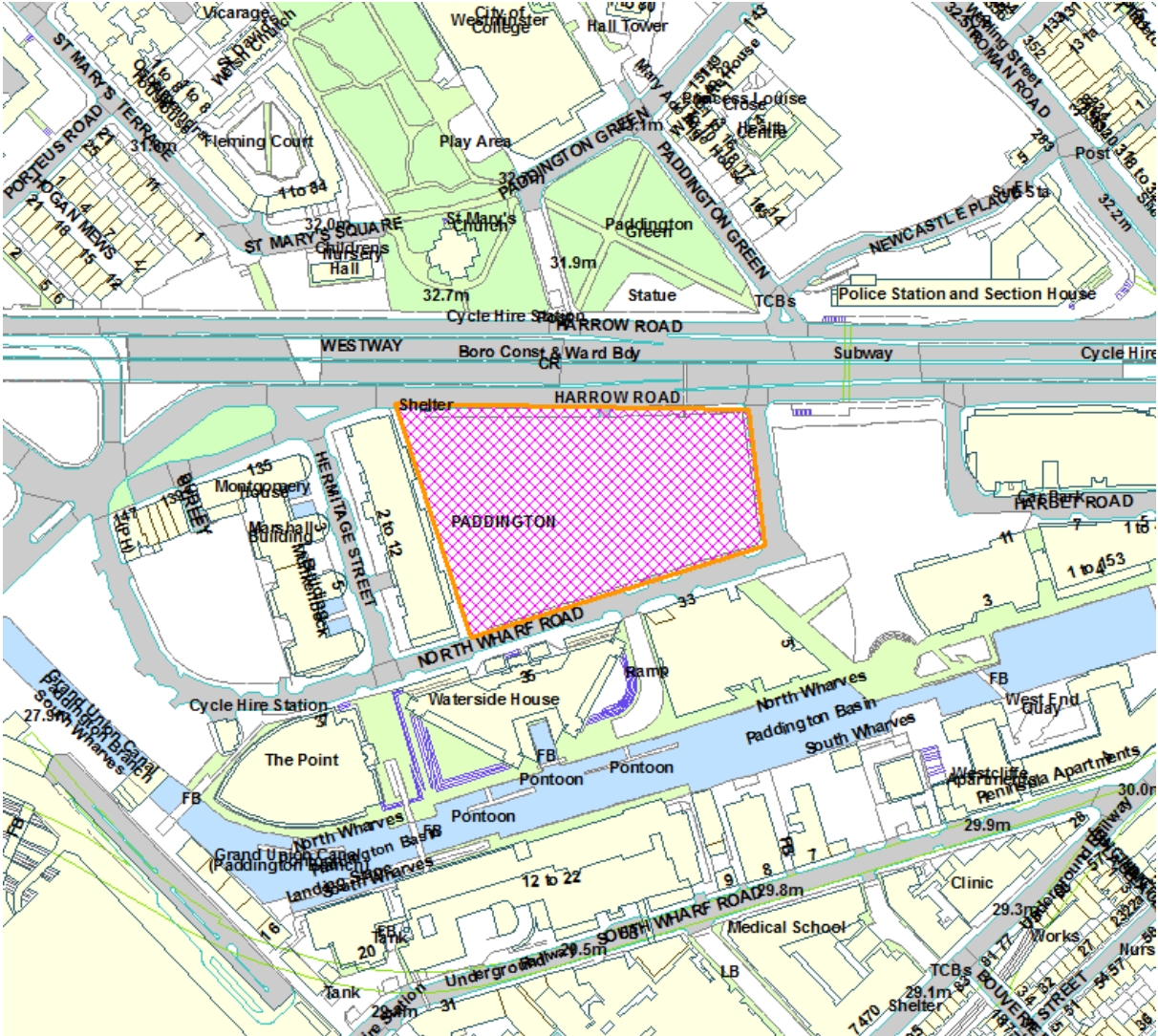
The application seeks permission for the variation of 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for site wide redevelopment of the central and eastern end of the former North Westminster Community School (NWCS) site to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) in buildings ranging between 6 and 20 storeys above ground level.

The current application does not propose any alterations to the residential buildings, with retail and office uses at ground floor level, that are located in the centre of the former NWCS site. The variation and removal of the aforementioned conditions is proposed in order to allow the hotel, serviced apartments and school building to be altered, as set out in the bullet points below, and to allow the building to be delivered in a phased manner following completion and occupation of the residential blocks. The amendments to the approved scheme principally comprise:

- External alterations to external envelope and detailed design of the approved hotel, serviced apartments and school building.
- Internal layout changes to hotel and serviced apartments uses, with the number of hotel rooms increased from 224 to 373 rooms, the number of serviced apartments increased from 55 to 247 and the hotel and serviced apartments floorspace increased from 23,840m² to 26,602m² (+2,762m² GIA)
- Internal alterations to the layout of school building and enlargement of school premises from 1,902m² to 2,519m².
- Amendment of the wording of conditions to allow phased delivery of the amended scheme, including occupation of the residential part of the development prior to completion of the hotel and school building.

Subject to the amended conditions set out in the draft decision letter and the planning obligations, to be secured via a Deed of Variation (as set out in Section 1), the amended scheme is considered to be in accordance with the relevant policies in the London Plan 2015 (as amended), Westminster's City Plan adopted in November 2016 ('the City Plan') and the Unitary Development Plan adopted in January 2007 ('the UDP'). As such, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from north side of the Westway (A40) – site in foreground in front of residential blocks under construction.

5. CONSULTATIONS

GREATER LONDON AUTHORITY

Application does not raise strategic issues. Content that further review and Stage 2 referral are not required.

WARD COUNCILLORS (HYDE PARK)

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection. Construction of a primary school is not viable given the significant number of pupil vacancies at schools in north Westminster. The removal of the condition requiring the delivery of the Class D1 use should remain. The loss of leisure facilities from the hotel is regrettable, as is loss of high level bar and restaurant, which would provide a facility for local people to visit. Significant increase in hotel rooms is likely to cause traffic and pedestrian congestion in the public realm. Consider proposals should be reviewed and a more viable application made.

CHILDRENS SERVICES

Any response to be reported verbally.

CLEANSING MANAGER

Objection. Previously permitted ground and lower ground floor waste stores have not been shown on the submitted drawings. Also no details of whether it is necessary to provide additional waste storage for enlarged hotel.

ENVIRONMENTAL HEALTH

Objection. The air quality assessment should be updated in light of the Mayor of London's 2014 Supplementary Planning Guidance for 'Sustainable Design and Construction' (Section 4.3.14). The SPG sets out that developers have to calculate the emissions from the buildings and transport elements of their developments and compare them to the benchmarks set out in Appendices 5 and 6. This is a separate type of assessment from, and is additional to the main air quality assessment.

HIGHWAYS PLANNING MANAGER

Request additional information to demonstrate that increase in hotel and serviced apartments floorspace and rooms can be serviced via the previously approved service yard and basement level servicing bays. Note that the permission requires a Servicing Management Plan and this should allow this issue to be looked at in more detail if permission is granted. No objection in terms of pick up and drop off at the hotel as the approved scheme includes a coach parking bay on North Wharf Road and many guests will arrive by foot from Paddington. No objection in terms of cycle parking provided it meets the London Plan requirements in terms of ratio of parking spaces to be provided.

LONDON UNDERGROUND

No comment.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT

Any response to be reported verbally.

TRANSPORT FOR LONDON

No objection subject to the number of car parking spaces not being increased from approved scheme and number of cycle parking spaces being amended for the hotel and serviced apartments to comply with the London Plan standards.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 628.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One response raising objection on the following grounds:

- Object to the increase in height of the building. Previously approved height should be more than sufficient.
- Supports development of the area and increase in homes, but ask that more time is provided to consider the proposed amendments.
- Would object if there is any reduction the number of affordable homes built, if work would restrict access for a longer period along North Wharf Road, if there is any reduction in landscaping, or if there would be any reduction or delay to the delivery of the school or removal of conditions around it or affordable homes.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

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

This application comprises the central and eastern sections of the former North Westminster Community School (NWCS) site. The site is bounded to the west by the recently completed residential redevelopment of the western end of the former NWCS site (RN: 16/03602/FULL), to the north by the Westway (A40) and Harrow Road and to the south and east by North Wharf Road. The site is located within the Paddington Opportunity Area (POA) and the North Westminster Economic Development Area. The site does not contain any listed buildings and is not within a conservation area. The grade II listed St. Mary's Church and the Paddington Green Conservation Area lie to the north of the site on the opposite side of the Westway (A40).

Planning permission was originally granted in March 2015 (RN: 13/11045/FULL) for the redevelopment of the site to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) in new buildings ranging between 6 and 20 storeys in height above ground level over a 2 storey basement. The scheme includes the provision of a large predominantly soft landscaped open space accessible to the public from North Wharf Road. A series of minor material and non-material amendments have

subsequently been permitted to the originally approved scheme, but all of these amendments relate to the residential buildings located to the centre of the former NWCS site and not the hotel, serviced apartments and school building to the western end of the site (see full site history in Section 6.2).

The current application does not propose any alterations to the residential buildings and only proposes minor material amendments to the hotel, serviced apartments and school building located at the eastern end of the site.

6.2 Recent Relevant History

13/11045/FULL

Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space.

Application Permitted 11 March 2015

15/04618/NMA

Amendments to planning permission dated 11 March 2015 (RN: 13/11045) for demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space; namely amendments to the extent and layout of the basement floors.

Application Permitted 29 June 2015

15/06697/NMA

Amendments to planning permission dated 11 March 2015 (RN: 13/11045) for demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space; namely amendments to the wording of Conditions 36, 38 and 39 to allow details of the surface water drainage scheme to be submitted and approved prior to commencement of the Upper Basement Floor and to split the required construction management plan and details of construction site access points in to two parts relating to demolition and construction phases, to be submitted and approved prior to commencement and prior to above ground floor slab level respectively.

Application Permitted 16 October 2015

16/12289/FULL

Variation of Condition 1 and removal of Condition 52 of planning permission dated 11 March 2015 (RN: 13/11045/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings.

Application Permitted 22 February 2018

18/04927/NMA

Amendments to planning permission dated 22 February 2018 (RN: 16/12289) for: Variation of Condition 1 and removal of Condition 52 of planning permission dated 11 March 2015 (RN: 13/11045/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, amendments to ground floor layout of Blocks A to D including to locations of entrances and introduce fire lobbies/ corridor, amendments of mix of market residential units and layouts of residential units in Blocks B, C and D, amendments to facade detailing and fenestration of residential blocks and increase in height of Block A by 0.24m.

Application Permitted 10 July 2018

18/04945/NMA

Amendments to planning permission dated 22 February 2018 (RN: 16/12289) for: Variation of Condition 1 and removal of Condition 52 of planning permission dated 11 March 2015 (RN: 13/11045/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, amendment of wording of Conditions 20, 22 and 49 to require the cycle parking and waste and recycling storage to be provided prior to occupation of the relevant parts of the development and to allow the provision of temporary servicing arrangements prior to delivery of the permanent servicing bays at basement and ground level as part of the hotel and school block.

Application Permitted 11 July 2018

7. THE PROPOSAL

The application seeks permission for the variation of 1, 3, 4, 6, 8, 9, 12, 17 and 30 of the planning permission dated 22 February 2018 (RN: 16/12289/FULL) for site wide redevelopment of the central and eastern end of the former North Westminster Community School (NWCS) site to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) in buildings ranging between 6 and 20 storeys above ground level.

The current application does not propose any alterations to the residential buildings, with retail and office uses at ground floor level, that are located in the centre of the former NWCS site. The variation and removal of the aforementioned conditions is proposed in order to allow the following minor material amendments to the hotel and school building at the eastern end of the site and allow this building to be delivered in a phased manner, after completion and occupation of the residential blocks. The amendments proposed comprise:

- External alterations to external envelope and detailed design of the approved hotel, serviced apartments and school building.
- Internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms, the number of serviced apartments

increased from 55 to 247 and the combined Class C1 hotel and serviced apartments floorspace increased from 23,840m² to 26,602m² (+2,762m² GIA)

- Internal alterations to layout of school building and enlargement of school premises from 1,902m² to 2,519m² (+617m² GIA).
- Amendment to wording of conditions to allow phased delivery of the amended scheme, including occupation of the residential part of the development prior to completion of the hotel and school building.

Table 1 – As Approved and As Proposed Floorspace

	Existing GIA (m ²)	Proposed GIA (m ²)	+/-
Market Residential	32,145	32,145	0
Affordable Residential	7,662	7,662	0
Office	448	448	0
Retail	934	934	0
Gym	434	434	0
Hotel and Serviced Apartments	23,840	26,602	+2,762 (+11.5%)
School	1,902	2,519	+617 (+32%)
Basement (Car Parking and Ancillary Floorspace)	15,394	15,394	0
Servicing Yard	1,349	1,349	0
Total	84,107	87,486	+3,379 (+4%)

The amendments proposed are understood to stem from the operational requirements of the intended hotel and serviced apartments operator, which had yet to be identified at the time of the original permission in March 2015. The intended occupier intends to provide the hotel as a 4* hotel, with a focus on bedroom accommodation and less focus than originally intended on ancillary hotel facilities such as dining rooms, ballrooms/ conference spaces and spa and gym facilities.

In addition, in light of the loss of a named occupier of the school premises (this was intended to be the Minerva Academy, which announced its closure earlier in 2018), the applicant is seeking amendments to the S106 agreement, which accompanies the approved scheme and delivers various planning obligations, to allow the occupation of the hotel and serviced apartments in advance of the entering in to a lease for the occupation of the school premises.

The variations to condition that are proposed are set out in Section 8.7.1 and are necessary to allow the phased delivery of the development. The application has been amended during the course of the application to omit initial proposals to vary Conditions 46, 47, 49 and remove Condition 18, as following discussions with officers during the course of the application, it has been established that these conditions do not need to be amended to allow to enable the phased delivery of the development.

The current application proposes amendments to the planning permission granted on 22 February 2018, since which there have been no material changes to the adopted local development plan. Whilst the Mayor of London published a draft new London Plan for consultation in December 2017, the response to the issues raised during the consultation period has yet to be published and the draft new London Plan has yet to be examined in public by an Inspector. Consequently, it is considered to have very little weight for development control purposes at the present time. Whilst the Government published a new NPPF on 24 July 2018, the development plan policies relevant to the current proposal are considered to be in general conformity with the new NPPF (see Section 8.9). In this context, the assessment in this report focuses on the amendments to the previously approved development that are currently proposed and does not provide a full reassessment of all aspects of the approved development, which was found to be compliant with the adopted development plan in February 2018.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The current proposal does not seek to alter the residential component of the originally approved scheme and therefore the scheme does not trigger a requirement for the provision of additional affordable housing provision. The previously approved affordable floorspace will continue to be provided as 64 affordable housing units (27 Intermediate units and 37 Affordable Rent units) within Block A of the residential part of the site.

The amendments currently proposed would increase the size of the Class D1 school premises from 1,902m² to 2,519m² (+617m²). This increase in floorspace for this social and community use is welcomed and accords with Policy SOC1 in the UDP and Policy S34 in the City Plan. The layout of the school premises within the base of the Hotel and Serviced Apartments block to the eastern end of the site has also been amended. As approved it comprised a larger floor area per floor, but was arranged over the two basement levels and between ground and fifth floor level.

The revised school layout, which is supported by the Educational Skills and Funding Agency (ESFA) (see representation in background papers), who describe it as an improved facility for primary school teaching purposes. The revised layout would be arranged over a smaller floor area per floor, but would extend over the two basement floors and between ground and sixth floor level.

The recent loss of the intended named school occupier (the Minerva Academy) is regrettable and work is ongoing by officers to seek to identify an alternative educational occupier for the school premises or, should demand for educational use not exist at the current time, an alternative social and community use occupier or occupiers. In this context, the concerns expressed by the Paddington Waterways and Maida Vale Society in terms of the future occupation of this part of the development is well understood. However, the scope of the current S73 application is confined to the amendments to the original planning permission sought by the applicant. Condition 18 attached to the original permission requires the social and community floorspace to be provided as a primary school and the current application does not propose the removal or variation of this condition. If a primary school occupier cannot be identified, a further S73 application can be made to allow consideration of the planning merits of an alternative use of this

social and community floorspace. It should be noted that the layouts of the school premises, excluding the position of structural elements and the lift and stair core, are indicative at this stage and therefore the floorspace could be relatively easily be reconfigured to suit an alternative social and community use, should the need arise as part of a future S73 application.

In terms of hotel floorspace, the application proposes the enlargement of the approved hotel from 23,840m² to 26,602m² (+2,762m² GIA). This represents an 11.5% increase in hotel floorspace on the application site. The increase in floorspace has been achieved by relatively subtle changes to the design and extent of the building envelope and by making more efficient use of the interior of the approved building. For example, floor to ceiling heights have been reviewed and plant areas rationalised. These amendments, in combination with the omission of many of the ancillary hotel facilities shown in the originally approved scheme (such as gym, ballroom, conference room and restaurant/bar space) and the provision of smaller hotel rooms and serviced apartment would enable the number of bedrooms within the hotel to be increased from 224 to 373 and the number of serviced apartments to be increased from 55 to 247. An ancillary hotel restaurant is still proposed, but has been relocated to basement level and is accessed directly from the hotel lobby at ground floor level.

Policy S23 in the City Plan directs new hotels within the City to the Opportunity Areas, the Core Central Activities Zone, Named Streets, the Knightsbridge Strategic Cultural Area and the North Westminster Economic Development Area (NEWDA). The application site is within two of these areas, the POA and the NWEDA and as such, the principle of a hotel use in this location continues to be acceptable in principle. It should be noted that an application for redevelopment of the neighbouring site on the east side of North Wharf Road at Merchant Square is currently under consideration, which proposes the omission of the approved 7,502m², 95 room hotel on that site in favour of additional residential floorspace, which is also another key policy objective within the POA (RN: 18/05018/FULL). Given this, the provision of additional hotel bedrooms as part of the revised scheme for the former NWCS site would be unlikely to significantly increase the number of hotel bedrooms to be provided with the POA relative to the approved situation. In terms of conferencing facilities and other ancillary hotel facilities, these are already well catered for by the Hilton London Metropole, which is located to the east of the Edgware Road. A further consideration is that the ancillary hotel facilities are not required to be provided as part of the approved scheme and could be omitted in favour of additional hotel bedrooms without the need for further planning permission. In this context, in land use terms, the provision of an enlarged hotel on the former NWCS site is not considered to be objectionable, subject to consideration of the amenity and highway impacts of the proposed use later in this report (see Sections 6.3 and 6.4).

In summary in land use terms, the amendments proposed to the approved scheme are considered to be acceptable and subject to the amended condition recommended, they would accord with Policy SOC1 in the UDP and Policies S3, S23 and S34 in the City Plan.

8.2 Townscape and Design

The approved scheme for the hotel, serviced apartments and school building at the eastern end of the former NWCS site comprised three distinct architectural elements in

order to break down the bulk and mass of what is a large scale building, which would otherwise appear monolithic in scale. The three elements as approved comprise the following:

- a 'hotel block' to the north and north eastern corners of the site, faced in stone cladding with a four storey base and feature golden recess to the northern elevation between 12th and 14th floor levels referred to as 'the golden leaf';
- a 'serviced apartments block' to the south eastern corner of the building, faced predominantly in brick, and;
- a 'school block' located at the base of the serviced apartments block with a distinctive fret cut metal cladding that it is detailed in a way that it is reflective of the differing use of this part of the building.

The proposed scheme seeks to maintain the concept of breaking the building down into three distinct elements and this is largely achieved, although there are aspects of the amended scheme, particularly to the east elevation where the strength of the division between the respective elements of the building has been eroded relative to the approved scheme.

In terms of the footprint of the building, the proposed amendments would not significantly alter the approved scheme, other than to omit the recessed entrances to the hotel and serviced apartments. However, the omission of these recesses would not significantly harm the appearance of the building, which would retain a strong four storey base.

In terms of amendments to height, bulk and massing, the proposed scheme would increase the height of the podium (four storey base of the building by 1.54m from 12.9m to 14.44m, it would increase the height of the northern section of the hotel block by 1.6m from 48.0m to 49.6m and it would increase the tallest part of the hotel block, at the corner of Harrow Road and North Wharf Road by 0.43m from 65.0m to 65.43m. The increases in height proposed are considered to be relatively modest given the overall scale of the previously approved building and the increases in overall height would not give rise to adverse impacts on the appearance of the building in surrounding townscape views, nor would they adversely affect the overall proportions of the building (see also consideration of the detailed design changes to the building later in this section of the report).

The increases in height are proposed in combination with increases in the bulk and mass of the building. The most significant increases to the bulk and mass comprise an extension to the south western elevation of the serviced apartments block between first and third floor levels (over the hotel lobby) and southerly extension of the hotel block, thereby foreshortening the north-south length of the serviced apartments block, particularly in views of the eastern elevation of the building facing the north/ south arm of North Wharf Road.

The extension proposed to the south western elevation of the serviced apartments block would be largely screened in views from outside the application site by the bulk of the approved building and would not detract from the appearance or form of the building in views from the 'Big Tree Street' within the site.

The southerly extension of the hotel block is more contentious in bulk and massing terms as it has the effect of significantly increasing the apparent scale of the hotel block in views of the eastern elevation of the building. However, the proposed scheme does maintain an appreciable off-set in the height of the parapets of the two blocks and, following revision during the course of the application, a shadow gap has been introduced running the full height of the building and this provides a clear division between the between the hotel and serviced apartment blocks, which gives the appreciation of two separate building forms. The effect of these architectural devices is considered to be sufficient to break down the scale of the proposed east elevation.

The proposed scheme introduces a wide range of amendments to the detailed design, many of which are uncontentious and represent evolution of the approved architectural concept and detailed design. The principal amendments to the detailed design of the building are summarised below:

- a) Amendment of the solid to void ratio of the hotel block façade above the four storey base with an increase in the number of floors from 15 to 16 and revision of the window sizes.
- b) Amendment to ground floor facades to all elevations.
- c) Amendment to the 'Golden Leaf' feature to the northern elevation of the hotel block at 12th to 14th floor level.
- d) Revision of approved plant enclosures and provision of additional roof level plant enclosures.
- e) Amendments to form and layout of school block facades, whilst maintaining the approved architectural concept and materials.

Point (a) above represents the most significant and appreciable amendment to the detailed design relative to the approved scheme. The amendments to the internal layout of the building and consequential increase in the number of floors necessitates additional windows in the building facades. At pre-application stage officers raised concerns that this had the effect of cluttering the building facades, particularly to the street facing north and east elevations. The applicant has positively responded to these concerns in the proposed scheme by revising the proportions of the windows, reconsidering the detailing of the windows and their surrounds to the uppermost floors to provide a visual termination to the fenestration and improving the relationship of the windows to the roof parapets by increasing the height of the parapets. In combination these measures combine to ensure that the amendments to the hotel block façade do not weaken the detailed design of this aspect of the approved scheme.

In terms of (b), the amendments to the ground floors of the building are relatively minor in nature and largely consist of reposition of glazing within the base of the hotel block, which remains four storeys in height. The detail of the hotel entrances is unclear from the submitted drawings, but appears to consist of a frame around the entrances and it is recommended that details of these are secured by condition.

The amendments proposed to the 'Golden Leaf' feature (point (c) above) are relatively minor and reflect that the restaurant, swimming pool and associated plant, which were to be provided behind this section of the façade have been replaced by bedrooms. The façade detailing has been amended to be more suited to the use of this space as bedrooms. Whilst the loss of public spaces within the hotel within this feature element of

the façade is to some degree regrettable, this is balanced out by the omission of the approved plant room, which would have run through the middle of the feature at 13th floor level, between the restaurant and swimming pool floors. As such, overall there would not be such an adverse impact on the appearance of this part of the building such as to warrant withholding permission.

The approved scheme included plant rooms/ roof level structures and equipment at 19th floor level to the roof of the serviced apartments block and at main roof level to the tallest element of the hotel block at the north east corner of the site. The proposed scheme proposes a reconfigured plant enclosure on the 19th floor roof and additional lift overruns and plant enclosures on the main roof of the hotel block. A new plant enclosure is proposed on the 15th floor roof located above the lower section of the hotel block facing Harrow Road.

The plant enclosure proposed at 19th floor level is smaller to that approved and although it would in part be closer to the roof edge, overall it would not be more appreciable than the approved plant enclosure on this roof. The lift overruns and plant enclosures to the main roof of the hotel block would only be marginally higher than the roof edge parapets and as such, would not be appreciable in any public views. The new plant enclosure proposed at 15th floor level would be set within planting (it replaces a roof terrace approved at this level in the approved scheme) and this would serve to screen the plant enclosure and ensure it would not harm the overall appearance of the building. It is recommended that conditions are imposed to secure details of the plant enclosure, which should be detailed to match the architecture of the building and to secure details of the planting to be provided around the plant enclosure at 15th floor level.

The amendments to the school facades are principally linked to the internal reconfiguration of the school premises so that it comprises a smaller floor plate, but arranged over 7 rather than 6 floor levels. The detailed design of the school façade remains the same as approved with fret cut metal cladding used in horizontal bands between the glazing to each floor. The amendment to the form and arrangement of the school within the overall building has not harmed the detailed design of the school block, which would continue to hold a prominent location to the southern 'nose' of the building.

In conclusion in design terms, subject to the recommended conditions, the amended scheme for the hotel, serviced apartments and school building is considered to be acceptable. The amended building would not materially alter the impact the scheme has on the setting of the adjacent heritage assets. As such, the proposed development accords with Policies DES1, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The hotel, serviced apartments and school building is located at the eastern end of the former NWCS site and in this location it is currently remote from existing occupied residential accommodation or any other light sensitive uses, with the closest residential building 3 Merchant Square, which is located on the northern edge of Paddington Basin. However, the eastern end of North Wharf Road is undergoing a period of significant

change and it is therefore necessary to consider the potential impact in amenity terms on approved but as yet unbuilt neighbouring buildings and those under construction. In this regard there are two residential buildings to the east on the opposite side of Harbet Road, on the neighbouring Merchant Square site (Buildings 1 and 6, RNs: 10/09756/FULL and 10/09762/FULL), which are permitted and have been commenced on site. To the west the impact on the residential blocks (Blocks A to D) forming part of the approved scheme for redevelopment of the former NWCS site (RN: 16/12289/FULL), which are now at an advance stage of construction, must also be considered.

The approved scheme for this site (including the residential blocks and the hotel, serviced apartments and school block) resulted in material losses of daylight, of varying degrees of severity, to 195 windows within Building 3 and Building 6 at Merchant Square. No material losses were caused to Building 1 as the approved scheme includes a hotel between ground and 9th floor levels. The impact on sunlight as a result of the approved scheme was more limited with only 11 windows within Building 6 at Merchant Square suffering a material loss of sunlight. This extent of impact on daylight and sunlight was found to be acceptable as Policy S3 in the City Plan establishes that redevelopment within the POA is generally of a height and scale greater than in other parts of the city and that replication of this scale of development that has already occurred on other sites within the Opportunity Area is likely to be the appropriate form of development. It was also noted that the delivery of the buildings opposite at Merchant Square, on which the hotel, serviced apartments and school building would have the greatest impact, would have as great, if not greater, impact on the buildings on the application site. Accordingly, the impact in terms of daylight loss would be mutual.

In terms of the impact of the amended scheme, although the current application proposes some increases in height and bulk (as outlined in Section 6.2), the increases proposed are limited having regard to the overall significant height and bulk of the approved scheme. Consequently, the amended scheme would have a negligible additional impact relative to the approved scheme on the level of daylight and sunlight reaching neighbouring built, approved but unbuilt and under construction residential properties. Therefore, the impact in terms of daylight and sunlight loss is likely to remain as set out earlier in this section of the report. Given the location of the site within the POA, this is considered to be consistent with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.2 Sense of Enclosure

The increases in the height and bulk of the amended building now proposed would not significantly increase its height and bulk and therefore it would not materially increase the sense of enclosure felt by the occupiers of neighbouring properties. Accordingly, the proposal is in accordance with Policy ENV13 in the UDP and Policy S29 in the City Plan in terms of this amenity impact.

8.3.3 Overlooking/ Loss of Privacy

The amended scheme now proposed introduces additional windows to the hotel and serviced apartments elements of the building. However, the windows proposed are generally smaller in scale than those previously approved and the site is separated on all sides from its neighbours by surrounding roads and public realm areas. Consequently, the

amended scheme is not considered to give rise to a material increase in overlooking relative to the approved scheme and as such, it would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan in overlooking terms.

8.4 Transportation/ Parking

The Highways Planning Manager is content that the proposed amendments are acceptable in car parking and cycle parking terms, with the latter increased to reflect the requirements of Policy 6.9 in the London Plan. The additional cycle parking is to be secured by condition.

In terms of trip generation and hotel drop offs and collections, the Highways Planning Manager has confirmed that the increase in hotel rooms and serviced apartments proposed would not have a harmful effect on the local highway network given the approved scheme includes a coach drop off on the north/ south arm of North Wharf Road outside the site and as the site is in such close proximity to public transport links at Paddington Station.

In terms of servicing, the Highways Planning Manager has raised concern that the basis on which the applicant has concluded that the previously approved servicing yard at ground floor level and servicing bays at basement level would be sufficient to service the revised hotel and serviced apartment uses, containing more bedrooms/ apartments, is not clear. The applicant has since clarified the basis on which the revised servicing trip generation figures had been arrived at. The amendments to the scheme are projected to generate an additional 4.6 servicing trips relative to the approved scheme and it is considered that the servicing space available is sufficient to accommodate these additional trips, particularly as the servicing areas are to be operated in accordance with a servicing management plan, which will ensure that deliveries and servicing of the various uses across the whole site (including residential, office, retail, hotel, serviced apartment and school uses) will be co-ordinated. Subject to this condition, it is considered that the scheme continues to accord with Policy TRANS20 in the UDP and Policy S42 in the City Plan in terms of servicing.

8.5 Economic Considerations

The economic benefits of the development are welcomed and would accord with Policies S3 and S12 in the City Plan, which seek to ensure that development in the POA and the NWEDA contributes to the economic and social regeneration of these parts of the City.

8.6 Access

The development would be fully accessible to those with disabilities, with level access provided to the amended hotel, serviced apartment and school building. The scheme therefore accords with Policies DES1 and TRANS27 in the UDP and S28 in the City Plan. The hotel and serviced apartments have been designed to accord with Policy 4.5 in the London Plan with 10% (63) of the bedrooms/ apartments being wheelchair accessible.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Variations to Wording of Conditions

In addition to variation of Condition 1, to allow amendment of the previously approved drawings and documents, the applicant proposes amendments to the wording of 8 other conditions. The applicant is seeking to amend the conditions primarily as it is now intended to deliver the development in a phased manner, with the residential blocks, which are already well advanced on site, delivered first, and the hotel, serviced apartments and school block developed as a second phase. The acceptability of the proposed amendments to these conditions is considered in turn in this section. The full wording of the amended conditions can be found in the draft decision letter appended to this report.

Conditions 3, 4, 6, 8 and 9

These five conditions relate to façade detailing, facing materials, cleaning and maintenance equipment, hard and soft landscaping and CCTV. The amendments proposed to these conditions are limited to amended wording to allow details relating to the second phase of the development (the hotel, serviced apartments and school block) to be submitted separately from the details relating to the residential blocks. The amendments to these conditions are not contentious and would not erode the original requirements of these conditions.

Condition 12 (Provision of Play Equipment)

The condition currently requires the play equipment within the public open space to be provided prior to the occupation of any part of the development. The applicant proposes that this trigger is amended to require it to be provided prior to the occupation of the residential accommodation on the site. This amendment is considered to be acceptable given the play equipment is intended to serve the occupants of the residential part of the development.

Condition 17 (Provision of School Premises)

The applicant proposes that Condition 17 is amended so that it refers to the amended layout of the school, which is now between sub-basement and sixth floor levels rather than between sub-basement and fifth floor level. Their suggested amendment to the condition is set out below (additional text suggested underlined) and is not considered to be contentious.

'You must provide and make ready for occupation the primary school accommodation between sub-basement and fifth-sixth floor levels prior to occupation of the hotel and serviced apartments accommodation within the same building.'

Condition 30 (BREEAM Rating of Non-Residential Floorspace)

The proposed amendments to this condition is to enable the BREEAM certificates, demonstrating that a BREEAM 'Excellent' sustainability rating has been achieved for all non-residential parts of the development, to be provided within 3 months of the occupation of the relevant part of the development, rather than prior to occupation. This amendment is considered to be reasonable and will avoid the uses within the development from being unable to be occupied whilst the BREEAM certification process is carried out.

8.7.2 Energy Strategy/ Sustainability

The energy strategy for the hotel, serviced apartments and school building has been reviewed as the mechanical ventilation strategy for the hotel and serviced apartments has been amended to be local to the rooms (decentralised) rather than centralised. The CO2 emission improvements over 2010 Building Regulations achieved by the approved scheme was 34%. The amended scheme for the hotel, serviced apartment and school uses, with revised energy strategy for this part of the development, would achieve a CO2 emission improvement over 2010 Building Regulations of 46.3%. This represents an improvement upon the approved scheme and would comply with Policy 5.2 in the London Plan.

8.7.5 Air Quality

Policy 7.14 in the London Plan requires development to *'be at least 'air quality neutral' and not lead to further deterioration in existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs))'*. Given this requirement and as the whole of Westminster is an AQMA and this site is adjacent to Harrow Road and the Westway (A40), where air quality can be particularly poor, it is considered that the request from Environmental Health for the provision of an updated air quality assessment based on the increased floorspace within the amended development (see Table 1 in Section 7), is necessary and reasonable to ensure compliance with the London Plan policy and Policy S31 in the City Plan. A condition is recommended to secure an updated air quality assessment that demonstrates that the amended scheme would remain air quality neutral as per the originally approved scheme.

8.7.4 Basement Development

No amendments are proposed to size or depth of the approved basement. The only amendments proposed are to the internal layout of the hotel and school elements of the eastern end of the basement floors. Given the lack of immediate residential neighbours and the location of the site within the POA, this is a site where a site wide two storey basement, as previously approved, accords with the Basement Development Policy, CM28.1 in the City Plan.

8.8 London Plan

Given the location of the site within the POA and the scale of development proposed, the development is of strategic significance and the application is referable to the Greater London Authority (GLA). The GLA's response to consultation has yet to be received and will be reported verbally to the committee. Reference is made in the relevant sections of this report to London Plan policies, where they are relevant to the assessment of the proposed development.

8.9 National Policy/Guidance Considerations

Whilst the City Plan and UDP were adopted prior to the recent publication of the latest version of the NPPF on 24 July 2018, paragraph 213 of the latest version of the NPPF states *'...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer*

the policies in the plan to the policies in the Framework, the greater the weight that may be given)'. 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. The proposal has been assessed in light of the recently published NPPF.

8.10 Planning Obligations

The approved scheme for redevelopment of the former NWCS site is subject to a S106 agreement, which secured the planning obligations that are set out below. It is recommended that a deed of variation is entered into in the event the Sub-Committee resolve to grant conditional permission for the current application, to ensure these planning obligations continue to be delivered.

In light of their no longer being a named occupier for the social and community floorspace (the primary school premises), the applicant is seeking amendments to the clause in the legal agreement that requires the provision of this planning obligation. The amendments proposed principally comprise a relaxation of the clause in respect of occupation of the hotel and serviced apartments. As currently drafted, prior to occupation of the hotel and serviced apartments, (i) the social and community floorspace (the primary school premises) must be provided to a 'Category A Finish'; (ii) the owner must give notice to the City Council of the date this fit out is complete; (iii) the owner must have entered into a lease with the Education Funding and Skills Agency, City Council or a Qualifying Tenant; and (iv) the owner must give notice of the date on which the hotel and serviced apartments uses are to be occupied. Given the absence of a named occupier, it is considered to be reasonable to 'decouple' the occupation of the hotel and serviced apartment uses from the requirement to have entered in to a lease for the social and community floorspace. However, it is recommended that other triggers within Schedule 4, Clause 4 of the S106 agreement dated 11 March 2015, relating to the provision of the social and community floorspace, its affordability and the basis on which the lease is offered to the EFSA/ City Council or a qualifying tenant are maintained; albeit with amended drafting to accommodate the material change in circumstances that has occurred since the previous agreement was entered into.

Proposed 'heads of terms' for the deed of variation:

- i. Notice of commencement of development (three months prior to commencement).
- ii. Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £873,000 to the affordable housing fund prior to commencement of development.
- iii. Provision at a peppercorn rent of the social and community floorspace (the new primary school premises) (with amended drafting as referenced in the preceding paragraph).
- iv. A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.
- v. A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.
- vi. A financial contribution of £131,541 (index linked) prior to commencement to PATS.

- vii. A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.
- viii. A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
- ix. A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (four year construction period assumed by contribution not limited to this time period).
- x. Provision of garden space facing North Wharf Road as Public Open Space.
- xi. Provision of public realm works in accordance with a public realm masterplan.
- xii. Provision, maintenance and use of and access to the on-site public realm including the landscaped open space.
- xiii. Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).
- xiv. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.
- xv. Provision, maintenance and access to on-site bus driver's toilet facility.
- xvi. Provision of and adherence to an advertisement and shop front design strategy.
- xvii. Provision and management of on-site car club spaces.
- xviii. Provision and periodic review of a site wide travel plan.
- xix. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.
- xx. Provision of Harrow Road Traffic Island prior to occupation.
- xxi. Provision of and adherence to a Servicing Management Strategy.
- xxii. Provision of on-site space for a Mayor's cycle docking station.
- xxiii. Provision and management of on-site CCTV.
- xxiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
- xxv. Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.
- xxvi. Mitigation measures for television interference.
- xxvii. Provision of and compliance with a Balcony Management Strategy.
- xxviii. Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.
- xxix. Adherence with the Council's Local Procurement Code.
- xxx. Temporary relocation of North Wharf Road bus stand during construction works and permanent re-provision of bus stand in North Wharf Road at applicant's cost.
- xxxi. Provision of costs for monitoring of agreement (£500 per head of term).

It should be noted that some of the obligations listed above have already been delivered on commencement of development and where this is the case it may not be necessary for them to be included in the deed of variation to accompany the current application (for example where financial contributions have already been paid in full).

The originally approved scheme was determined in 2015, prior to the adoption of Westminster's CIL on 1 May 2016. Therefore, the approved scheme is only liable to pay the Mayor's CIL, which was adopted in 2012. The current S73 application proposes the creation of an additional 2,762m² of hotel/ serviced apartments (Class C1) floorspace and this uplift in floorspace would be liable for both Mayoral and Westminster CIL. The additional hotel floorspace proposed is estimated to generate an additional Mayoral CIL payment of is £199,409 and a Westminster CIL payment of £492,268.

8.11 Environmental Impact Assessment

The originally approved scheme was of a scale that required the submission of an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact) Regulations 2011. The applicant's Environmental Statement (ES) assessed the environmental impact of the development and this was independently assessed on behalf of the City Council. This assessment identified a number of areas where mitigation of the effects of the development was necessary and a number of conditions attached to the approved scheme and measures secured via the S106 agreement serve to deliver appropriate mitigation measures.

The applicant has submitted an addendum to the original Environmental Statement with the current application, which considers the environmental impact that may be caused by the amendments to the approved scheme that are currently proposed. The addendum document concludes that the amendments proposed would have a negligible impact on the environmental impacts arising from the approved scheme. The information submitted (with the previously approved scheme and the current S73 application) is deemed to be adequate to assess the significant effects of the development on the environment and therefore the application accords with the requirements of Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Having regard to the scope of the amendments that are proposed, the findings of the addendum report are considered to be accurate and officers concur that the amended development would not, with the exception of air quality (see Section 6.10) have a greater environmental impact than the approved development, provided the previously secured mitigation measures continue to be provided. These are to be secured by the recommended conditions (see draft decision letter appended to this report) and via the deed of variation to the original S106 agreement (see Section 6.10). In respect of air quality impact, an additional condition is recommended to ensure the amended scheme remains air quality neutral.

8.12 Other Issues

None relevant.

(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 nbarratt@westminster.gov.uk .

9. KEY DRAWINGS



Approved and as proposed ground floor level with hotel and serviced apartments receptions and school premises to southern tip of building.

CONSENTED SCHEME



PROPOSED SCHEME



Approved and as proposed 5th floor showing hotel and serviced apartments and school to southern tip of building.

CONSENTED SCHEME

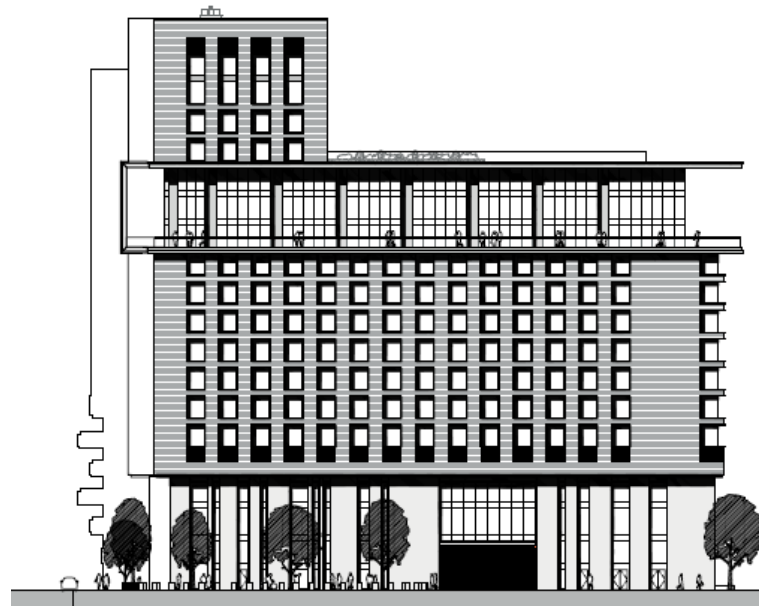


PROPOSED SCHEME

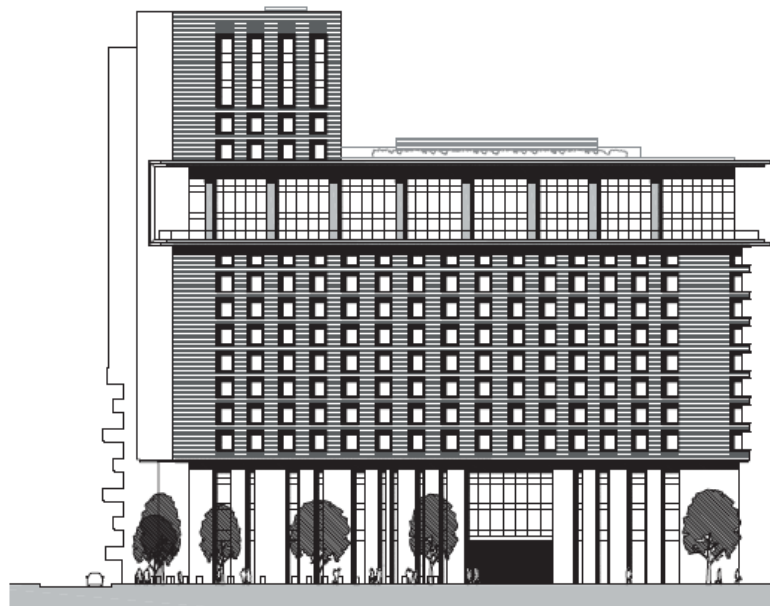


Typical approved and as proposed upper floor level with hotel and serviced apartments.

CONSENTED SCHEME



PROPOSED SCHEME



Approved and as proposed north elevation.

CONSENTED SCHEME

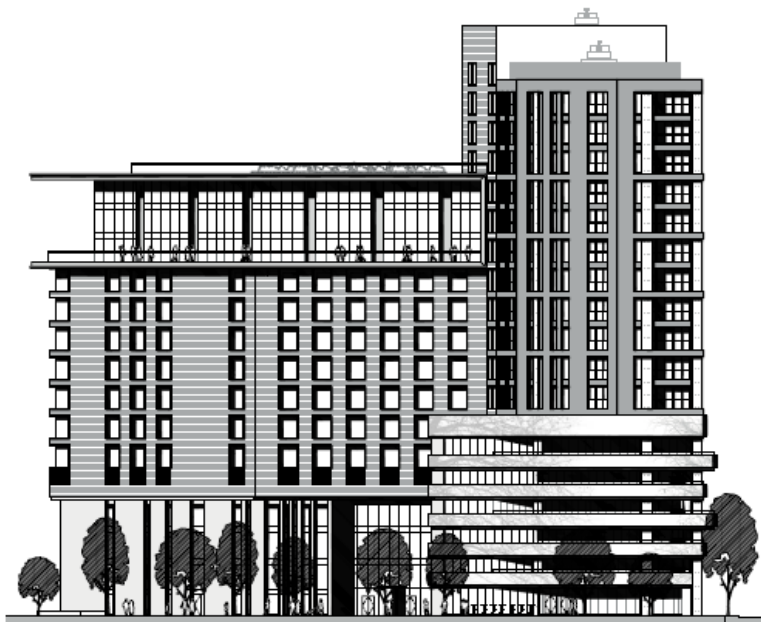


PROPOSED SCHEME

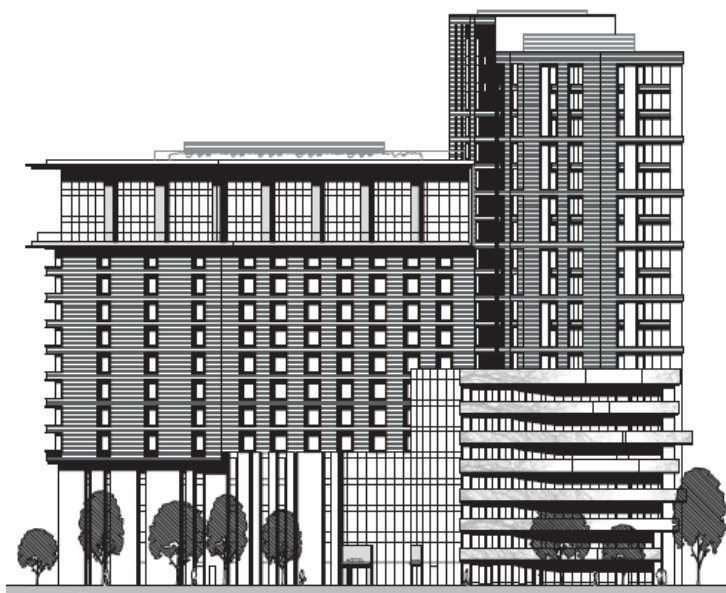


Approved and as proposed east elevations.

CONSENTED SCHEME

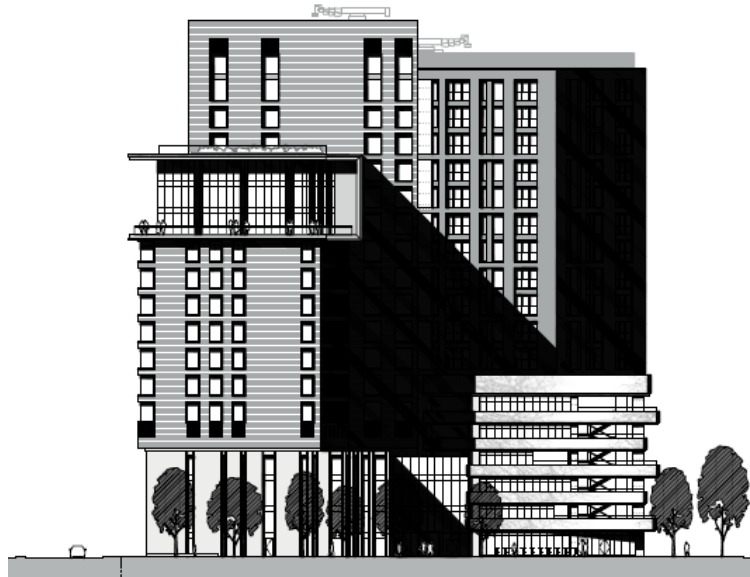


PROPOSED SCHEME

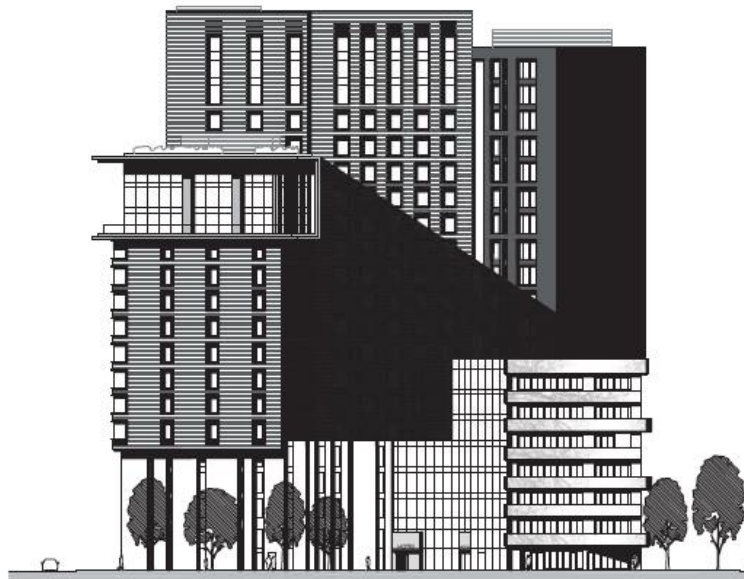


Approved and as proposed south elevation.

CONSENTED SCHEME



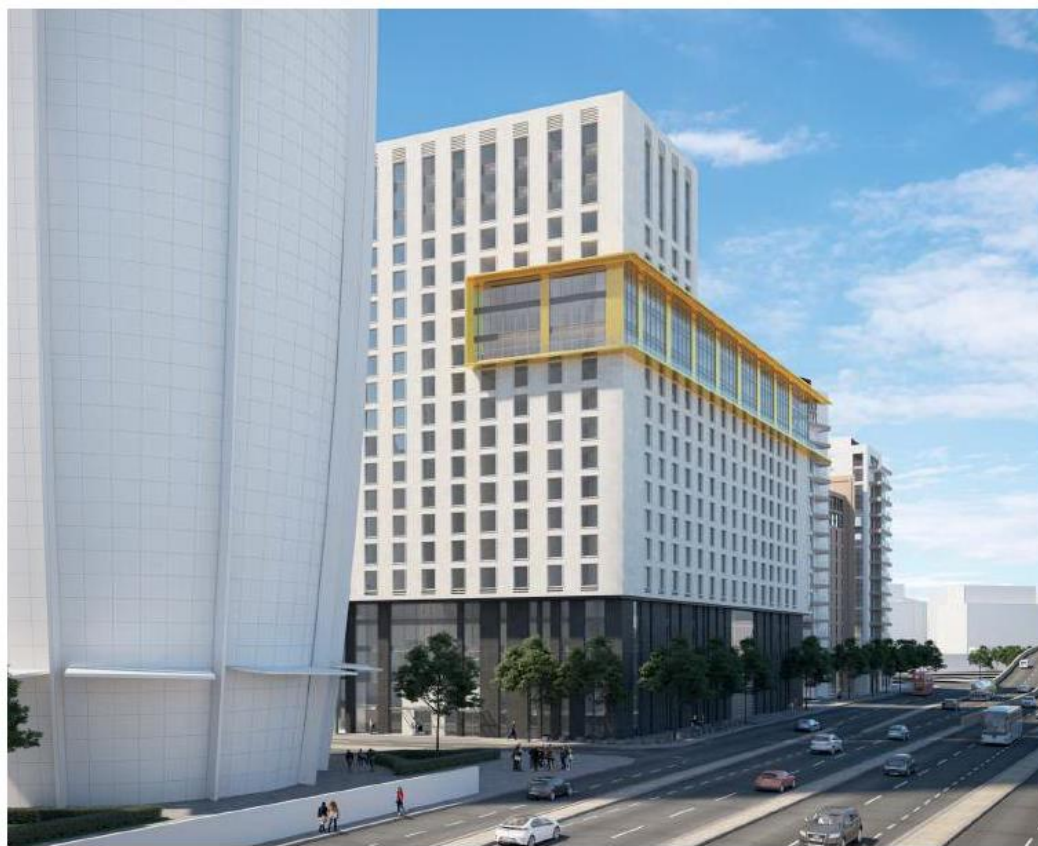
PROPOSED SCHEME



Approved and as proposed west elevations.



CONSENTED SCHEME



PROPOSED SCHEME

Approved and as proposed CGIs of north and east elevations.



CONSENTED SCHEME



PROPOSED SCHEME

Approved and as proposed CGIs of north and west elevations.



Approved and as proposed south elevations.

DRAFT DECISION LETTER

Address: North Westminster Community School , North Wharf Road, London, W2 1LF

Proposal: Variation of Conditions 1, 3, 4, 6, 8, 9, 12, 17 and 30 of planning permission dated 22 February 2018 (RN: 16/12289/FULL) for: Demolition of existing buildings to the centre and eastern end of the site and redevelopment comprising erection of buildings of between six and 20 storeys in height to provide 335 residential units (Class C3), a hotel and serviced apartments (Class C1), offices (Class B1), gym (Class D2), retail (Class A1/A3) and a primary school (Class D1) with associated landscaping and open space, highways works, off street ground floor service bay and two storey basement to provide car, cycle and motorcycle parking and ancillary servicing space. Namely, to provide a second servicing bay accessed from the approved vehicular entrance in North Wharf Road, alterations to the car and cycle parking layout, relocation of substation from basement to ground floor level, amendment to the layout and quantum of ground floor commercial spaces (Classes A1, A3, B1 and D2), raising of the height of the gym block to accommodate second floor, amendment of gym block west facade alignment and detailing, amendments to landscaping including a revision to the locations of trees and planters, amendment of residential layouts including alteration to the mix of the market residential flats, facade amendments including the insertion of additional windows, balcony detailing and introduction of window mullions, introduction of balconies at Levels 18 and 19 to Block C to replace winter gardens and minor increases in the height of the buildings. NAMELY, external alterations to approved hotel, serviced apartments and school building, internal layout changes to hotel and serviced apartments with the number of hotel rooms increased from 224 to 373 rooms and serviced apartments increased from 55 to 247, internal alterations to school, and amendment of conditions to allow phased delivery of amended scheme and to amend condition triggers.

Plan Nos: **DRAWINGS AND DOCUMENTS ORIGINALLY APPROVED UNDER RN: 13/11045/FULL:** A2313 90/P4, A2313 110/P2, A2313 120/P1, A2313 121/P2, A2313 200/P18, A2313 201/P17, A2313 202/P20, A2313 203/P16, A2313 204/P15, A2313 205/P15, A2313 206/P12, A2313 207/P15, A2313 212/P15, A2313 213/P16, A2313 236/P8, A2313 237/P8, A2313 238/P8, A2313 214/P15, A2313 235/P8, A2313 215/P15, A2313 216/P13, A2313 217/P13, A2313 218/P13, A2313 219/P13, A2313 220/P13, A2313 221/P13, A2313 222/P13, A2313 234/P15, A2313 300/P6, A2313 301/P6, A2313 302/P6, A2313 303/P7, A2313 304/P6, A2313 305/P6, A2313 306/P3, A2313 454/P2, A2313 400/P5, A2313 401/P5, A2313 402/P5, A2313 403/P5, A2313 404/P5, A2313 405/P5, A2313 406/P6, A2313 407/P6, A2313 408/P6, A2313 409/P6, A2313 410/P6, A2313 411/P6, A2313 500/P2, A2313 501/P2, A2313 502/P2, A2313 503/P2, A2313 504/P2, A2313 505/P3, A2313 506/P3, A2313 507/P3, A2313 508/P1, C491/D105/I, C491/D502/D, C491/D504, C491/D910/C, C491/D911/C, C491/D912, Planning Statement (Oct 2014), Design and Access Statement (Ref: A2313 3-1-4P1) as amended by Design and Access Statement Addendum (28 Mar 2014), Affordable Housing Statement (Oct 2013) Energy Statement (Mar 2014 - Rev.3), Sustainability Statement dated Oct 2013 (Rev.B - 13/05/14), Culture and Placemaking Strategy (Oct 2013), Statement of Community Involvement (Oct 2013), Transport Assessment (Oct 2013), Flood Risk Assessment Addendum Report (Jan 2014 - Issue 2), Lighting

Concept Report (17-10-2013), 'Civil and Structural Engineers Contribution to D&A Report' (Oct 2013) (for information only), Environmental Statement Vol.1 Replacement Non Technical Summary (April 2014), Environmental Statement Vol.2 Main Text (Oct 2013), Environmental Statement Vol.3 Townscape (Oct 2013), Built Heritage & Visual Impact (Oct 2013), Environmental Statement Vol.4 Technical Appendices (Oct 2013), Environmental Statement Vol.5 Environmental Statement Addendum (April 2014), ARUP Transportation Note dated 10 July 2014, and letters from DP9 dated 18 March 2014, 19 May 2014, 4 June 2014 and 19 June 2014 and attached documents.

AS AMENDED BY DRAWINGS AND DOCUMENTS APPROVED UNDER RN:

16/12289/FULL: INR B2 DR A (05)1000 B, INR B1 DR A (05)1001 B, INR 00 DR A (05)1002 C, INR 01 DR A (05)1003 D, IR 02 DR A (05)1004 B, IR 03 DR A (05)1005 B, IR 04 DR A (05)1006 B, IR 05 DR A (05)1007 B, IR 06 DR A (05)1008 B, IR 07 DR A (05)1009 B, IR 08 DR A (05)1010 B, IR 09 DR A (05)1011 B, IR 10 DR A (05)1012 B, IR 11 DR A (05)1013 B, IR 12 DR A (05)1014 B, IR 13 DR A (05)1015 B, IR 14 DR A (05)1016 B, IR 15 DR A (05)1017 B, IR 16 DR A (05)1018 B, IR 17 DR A (05)1019 B, IR 18 DR A (05)1020 B, IR 19 DR A (05)1021 B, IR 20 DR A (05)1022 B, IR 21 DR A (05)1023 B, IR ZZ DR A (05)1032 A, IR ZZ DR A (05)1033 A, IR ZZ DR A (05)1034 A, IR ZZ DR A (05)1035 A, IR ZZ DR A (05)1036 A, IR ZZ DR A (05)1037 A, IR ZZ DR A (05)1038 A, IR ZZ DR A (05)1039 A, EX ZZ DR A (05)1060 B, EX ZZ DR A (05)1061 B, EX ZZ DR A (05)1062 B, EX ZZ DR A (05)1063 B, EX ZZ DR A (05)1064 B, EX ZZ DR A (05)1065 B, EX ZZ DR A (05)1066 B, EX ZZ DR A (05)1067 B, EX ZZ DR A (05)1068 A, EX ZZ DR A (05)1069 B, Planning Addendum document dated 21.07.167 (Rev.C), letter from Montagu Evans dated 23 December 2016 and email from Montagu Evans dated 30 June 2017.

AS FURTHER AMENDED BY DRAWINGS AND DOCUMENTS HEREBY

APPROVED: HOT B2 DR A (05)120, HOT B1 DR A (05)121, HOT00 DR A (05)122 A, HOT0M DR A (05)123 A, HOT01 DR A (05)124 A, HOT02 DR A (05)125 B, HOT03 DR A (05)126 B, HOT04 DR A (05)127 B, HOT05 DR A (05)128 B, HOT06 DR A (05)129 B, HOT07 DR A (05)130 B, HOT08 DR A (05)131 B, HOT09 DR A (05)132 B, HOT10 DR A (05)133 B, HOT11 DR A (05)134 B, HOT12 DR A (05)135 B, HOT13 DR A (05)136 B, HOT14 DR A (05)137 B, HOT15 DR A (05)138 B, HOT16 DR A (05)139 B, HOT17 DR A (05)140 B, HOT18 DR A (05)141 B, HOT19 DR A (05)142 B, HOT20 DR A (05)143 B, HOT ZZ DR A (05)160, HOT ZZ DR A (05)161, HOT ZZ DR A (05)162, HOT ZZ DR (05) 180 A, HOT ZZ DR (05) 181 B, HOT ZZ DR (05) 182 A HOT ZZ DR (05) 183 A, Hotel and School Planning Addendum dated 8 May 2018, Transport Statement dated 19 April 2018 (Rev.01), Planning Statement dated May 2018, Sustainability - Section 73 Energy Strategy Addendum dated 3 May 2018 (Rev.01), letter from Ramboll dated 4 May 2018, letter from BVP dated 19 April 2018, letter from DP9 dated 4 May 2018, Schedule of Proposed Areas, Acoustics - Section 73 Acoustic Report dated 4 May 2018 (Rev.01) and letter from the Education Funding Agency dated 21 March 2018. Email from DP9 dated 24 July 2018.

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 apply to us for approval of samples of the facing materials you will use for each phase, including glazing, and elevations and roof plans annotated to show where the materials are to be located, unless the materials you will use are those which we have already approved on 28 February 2017 and 8 June 2017 and 10 May 2018 (RNs: 16/12233/ADFULL, 17/01813/ADFULL and 18/02836/ADFULL) for use in the construction of the residential parts of the development. You must not start any work on parts of the development for which we have not already approved the facing materials until we have approved the samples that you send 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 You must apply to us for approval of detailed drawings at an appropriate scale (unless the scale is specifically specified below) of the following parts of the development:

(a) Typical details of all proposed shopfronts to retail units (ground and first floors at a scale of 1:50 including large scale detail elevations and sections at a scale of 1:10).

(b) Typical details of all office facades (ground and first floors at a scale of 1:50 including large

scale detail elevations and sections at a scale of 1:10).

(b) Typical details of all hotel facades (ground and first floors at a scale of 1:50 including large scale detail elevations and sections at a scale of 1:10).

(c) Typical details of the school facades (ground and first floors at a scale of 1:50 including large scale detail elevations and sections at a scale of 1:10).

(d) The roof level plant enclosures to all roof levels on the hotel, serviced apartments and school building, including associated details of planting and landscaping to 15th floor level.

(e) The vehicular entrance to the basement car park.

(f) Residential entrances and associated canopies.

(g) Large vent to end of landscaped mound (plan, elevation and section at 1:20).

(h) Gates and railings forming the boundary to the landscaped public open space along North Wharf Road.

You must not start 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.

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 You must apply to us for approval of detailed drawings of any cleaning and maintenance equipment to be fixed to the building within each phase, including on roofs, unless in the case of the residential blocks A and B you carry out the development in accordance with the details approved on 7 June 2018 (RN: 18/03427/ADFULL). 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 these details.

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 7 You must apply to us for approval of details (including drawings, samples and any other supporting documents as appropriate) of the public art to be provided in the locations indicated in the Culture and Placemaking Strategy dated October 2013. 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 we approved prior to occupation, unless we approve an alternative timeframe in writing.

Reason:

To make sure that the appearance of the development 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 that we adopted in November 2016 and DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site within each phase at ground level that are not covered by buildings, which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant phase of landscaping until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the relevant phase of the development (or within any other time limit we agree to in writing).

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)

- 9 You must apply to us for approval of strategy for installation (providing the location, position, lighting level (lighting only) and camera coverage/ light splay), detailed drawings and manufacturers specifications of all external light fixtures and externally mounted CCTV cameras within each phase. 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 10 You must apply to us for approval of detailed drawings of the hard landscaping and paving to the public realm areas, including street furniture, at a scale of 1:50, including details and cross sections at a scale of 1:10. 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 these 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. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in

January 2007. (R26CD)

- 11 You must apply to us for approval of samples of the paving and other materials, including planters and other street furniture not required by other conditions of this approval, for the public realm areas. 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 using the materials that we approve. (C26BB)

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 12 You must apply to us for approval of detailed drawings of the proposed play equipment/features shown on drawing C491/D105 Rev.I that are to be provided in the public open space/garden area. 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 and install the play equipment we approve prior to the occupation of the residential units within the development, unless we agree an alternative timeframe in writing.

Reason:

To ensure the provision of appropriate children's play provision so that the proposed development accords with Policy S35 in Westminster's City Plan adopted in November 2016 and Policies H10 and SOC 6 in the Unitary Development Plan we adopted in January 2007.

- 13 The retail units hereby approved shall be occupied as retail shops falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), except for the unit annotated 'Commercial Unit C A1 & A3' on drawing 16066_PDA_INR_00_DR_A_05-1002 C which may be occupied as a Class A1 retail shop and/ or a Class A3 cafe or restaurant use.

Reason:

Insufficient information has been submitted to demonstrate in amenity terms the acceptability of unrestricted Class A3 use. In the absence of such information the City Council considers that it would be premature to confer unrestricted Class A3 use on these parts of the development. This is in accordance with S3, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and TACE 8 and TACE 9 in the Unitary Development Plan that we adopted in January 2007.

- 14 If the south eastern most retail unit is occupied for Class A3 purposes the use shall not commence until full details of means of ventilation for the extraction and dispersal of cooking smells (including details of its method of construction and appearance, hours of use and noise attenuation methods) have been submitted to and agreed by us in writing. The accommodation and mechanical plant shall not be occupied/ operated otherwise than in accordance with the details thus approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S31 and S32 in Westminster's City Plan that we adopted in November 2016 and ENV6, ENV7 and DES5 of the Unitary Development Plan that we adopted in January 2007. (R14AB)

- 15 Customers shall not be permitted within the Class A1 retail shop premises before 07.00 or after 23.00 each day. (C12AD)

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 SS8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 Customers shall not be permitted within the Class A3 cafe or restaurant premises before 09.00 or after 00.00 on Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 23.00 on Sundays, bank holidays and public holidays. (C12BD)

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 TACE9 and SS8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 You must provide the main structural elements with capped services ready for fit out of mechanical and electrical finishes together with floors, ceiling lighting, ventilation and power for the primary school accommodation between sub-basement and sixth floor levels prior to occupation of the hotel and serviced apartments accommodation within the same building.

Reason:

To ensure that the replacement social and community floorspace is provided in accordance with S3 and S34 in Westminster's City Plan that we adopted in November 2016 and SOC1, SOC2 and SOC3 in the Unitary Development Plan that we adopted in January 2007.

- 18 You must use the Class D1 school premises within the hotel and serviced apartments building only as a primary school. You must not use it for any other purpose, including any 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). (C05AB)

Reason:

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

- 19 You must provide not less than 203 of the car parking spaces shown on drawings 16066_PDA_INR_B2_DR_A_05-1000 B and 16066_PDA_INR_B1_DR_A_05-1001 B for the

residential occupiers of this development and each of these car parking spaces shall only be used for the parking of the private vehicles of people living in the residential part of this development. The remaining car parking spaces at basement level shall only be used by hotel and serviced apartment guests requiring disabled parking. (C22BA)

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)

- 20 You must provide each cycle parking space shown on the approved drawings for each part of the development prior to occupation of the relevant part of the development. Thereafter, the cycle parking spaces must be retained and the space used for no other purposes without the prior written consent on 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.

- 21 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)

- 22 Before anyone moves into each part of the development, you must provide the separate stores for waste and materials for recycling for the relevant part of the development, as shown on drawing numbers HOT B2 DR A (05) 120 and HOT B1 DR A (05) 121. You must clearly mark them and make the respective waste stores available at all times to everyone occupying the residential accommodation and other non-residential accommodation within the development.

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)

- 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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 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. (R48AA)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 27 You must carry out the development in accordance with the overheating and cooling strategy, including installation of mechanical ventilation with heat recovery system to each flat, set out in the submitted Environmental Noise Survey and Building Facade Requirements report dated 22 October 2013 (Rev.'Final') (contained with Volume 4 of the ES).

Reason:

To improve the energy efficiency of the development and ensure the building provides an acceptable internal living environment in accordance with S28 and S29 in Westminster's City Plan that we adopted in November 2016 and 5.9 in the London Plan (March 2016).

- 28 The residential flats hereby approved shall achieve Level 4 of the Code for Sustainable Homes or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 or higher shall be submitted to and approved by us within three months of occupation of the residential parts of the development.

If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the residential part of the development has achieved Code for Sustainable Homes Level 4 or higher then you must also submit a remediation strategy and a timetable for

carrying out the remedial works necessary to achieve Code for Sustainable Homes Level 4 or higher. You must carry out any remedial works that are required in accordance with the strategy and timetable that we approve.

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)

- 29 The development must score both available credits under the Code for Sustainable Homes Ene7: Low or Zero Carbon Technologies.

Reason:

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

- 30 The non-residential parts of the development within each phase shall achieve BREEAM "excellent" rating or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that the non-residential parts of the development within each phase have achieved a BREEAM "excellent" rating or higher shall be submitted to and approved by us within three months of occupation of the non-residential parts of the development within that phase.

If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the non-residential parts of the development within that phase have achieved a BREEAM "excellent" rating or higher then you must also submit a remediation strategy and a timetable for carrying out the remedial works necessary to achieve a BREEAM "excellent" rating or higher. You must carry out any remedial works that are required for the relevant phase of the development in accordance with the strategy and timetable that we approve.

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 You must carry out the development in accordance with the details of bird and bat boxes that we approved on 2 October 2017 (RN: 17/04613/ADFULL) and the bird and bat boxes must be installed prior to occupation of the development. This is unless or until we approve alternative bird and bat box details. If we approve alternative bird and bat box details, you must then carry out the development in accordance with the alternative details we approve prior to occupation 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)

- 32 You must apply to us for approval of detailed drawings (including a manufacturer's specification if appropriate) and a management plan for the proposed biodiverse (green and brown) roof over the gym accommodation, unless you carry out the development in accordance with the details we approved on 6 June 2018 (RN: 18/01740/ADFULL). You must not install the biodiverse roof until we have approved what you have sent us. You must then carry out the works in accordance with the details we approve and permanently maintain the biodiverse roofs in accordance with the approved management plan, unless otherwise agreed by us in writing.

Reason:

To increase 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. (R43FB)

- 33 You must apply to us for approval of details of the following parts of the development: drawings and schedules showing the tree and shrub planting to the balcony and roof terrace planters. 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 planting according to these approved drawings and schedules and you must install the planting to the balconies and roof terraces prior to occupation of each of the flats that the balconies/ roof terraces serve. (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 and S38 of Westminster's City Plan adopted November 2016 and DES 1, DES 5, DES 6 and ENV 4 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 34 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.

- Photovoltaic panels at roof level shown on the drawings hereby approved.

You must not remove any of these features, unless we have given you our permission in writing. (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)

- 35 No tables and chairs shall be placed outside of the 'retail' (Classes A1 or A3) premises hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosure around tables and chairs or sun shades that you propose to place within the hard or

soft landscaping comprising the public realm. You must not place the table and chairs or associated structures outside the 'retail' premises until we have approved what you have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of neighbouring residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S32 and CS41 in Westminster's City Plan that we adopted in November 2016 and DES1, ENV6 and TRANS3 in the Unitary Development Plan we adopted in January 2007.

- 36 You must carry out the development in accordance with the detailed surface water drainage scheme for the site that we approved on 30 March 2017 (RN: 17/00910/ADFULL), unless or until we approve in writing an alternative surface water drainage scheme, which must include a restriction in run-off of 50% and surface water storage on site as outlined in the Flood Risk Assessment submitted under RN: 13/11045/FULL). The drainage scheme that we have approved shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

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

- 37 You must carry out the development in accordance with the contaminated land remediation strategy (Phases 1 to 3) that we approved on 1 December 2015 (RN: 15/09738/ADFULL). Within 3 months of the completion of the development you must apply to us for approval of a Phase 4: Validation report, which summarises the action you have taken during the development to prevent and avoid land contamination and what action you will take in the future, if appropriate.

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)

- 38 (a) You must carry out the demolition and basement works in accordance with the locations of vehicular and pedestrian access on to the site during demolition and basement works that we approved on 15 January 2016 (RN: 15/10946/ADFULL) unless or until we approve in writing alternative locations of vehicular and pedestrian access on to the site during demolition and basement works. Thereafter the demolition and basement works shall be carried out in accordance with the alternative locations of vehicular and pedestrian access on to the site during demolition and basement works that we approve.

(b) You must carry out the construction works above ground floor slab level in accordance with the locations of vehicular and pedestrian access on to the site during construction works above ground floor slab level that we approved on 9 February 2017 (RN: 16/10898/ADFULL) unless or

until we approve in writing alternative locations of vehicular and pedestrian access on to the site during construction works above ground floor slab level. Thereafter the construction works above ground floor slab level shall be carried out in accordance with the alternative locations of vehicular and pedestrian access on to the site that we approve.

Reason:

To protect the environment of residents and the area generally and to prevent disruption to the local highway network as set out in S29 of Westminster's City Plan that we adopted in November 2016 and STRA 25, TRANS 2, TRAN 3, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 39 (a) You must carry out the demolition and basement works in accordance with the construction management plan we approved on 15 January 2016 (RN: 15/10946/ADFULL) unless or until we approve in writing an alternative construction management plan for these parts of the works. Thereafter the demolition and basement works shall be carried out in accordance with the alternative locations of vehicular and pedestrian access on to the site during demolition and basement works that we approve.

(b) You must carry out the construction works above ground floor slab level in accordance with the construction management plan we approved on 9 February 2017 (RN: 16/10898/ADFULL) unless or until we approve in writing an alternative construction management plan for these parts of the works. Thereafter the construction works above ground floor slab level shall be carried out in accordance with the alternative construction management plan that 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. (R21HB)

- 40 You must provide the two way vehicular ramp to basement level as shown on drawings HOT B1 DR A (05) 121 and HOT 00 DR A (05) 122 prior to occupation of the first residential flat and thereafter you must maintain the ramp in accordance with the approved drawing.

Reason:

To ensure the provision of vehicular parking at basement level in accordance with Policy TRANS23 in the Unitary Development Plan we adopted in January 2007.

- 41 You must carry out the development in accordance with the Landscape and Habitat Management Plan we approved on 2 October 2017 (RN: 17/04613/ADFULL) unless or until we approve an alternative Landscape and Habitat Management Plan. If we approve an alternative Landscape and Habitat Management Plan, you must then carry out the development with the alternative management plan we approve.

Reason:

To ensure that the development provides habitats to replace those lost through demolition of the existing buildings and landscaping and to encourage biodiversity on site in accordance with Policy S38 in Westminster's City Plan that we adopted in November 2013 and Policy ENV17 in the Unitary Development Plan we adopted in January 2007.

- 42 You must carry out the development in accordance with the tree protection measures we approved on 24 November 2015 (RN: 15/09339/ADFULL), unless or until we approve in writing alternative tree protection measures for the trees you are keeping (as listed in Section 6.5 of the Arboricultural Implications Assessment and Arboricultural Method Statement (October 2013) and as shown on drawing 602). If we approval alternative tree protection measures, thereafter you must protect the trees in accordance with the measures we approve for the remainder of the construction period.

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)

- 43 You must provide the double height ground floor office and retail units in the form shown on the drawings hereby approved and you must not insert mezzanine floors into these units.

Reason:

To ensure that the development is acceptable in land use terms and to prevent harm to the amenity of neighbouring residents within the development. This is as set out in S1 S3, S20, 21, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and ENV6 and SS10 in our Unitary Development Plan that we adopted in January 2007.

- 44 You must use the Class D2 gym premises only as a gym. You must not use it for any other purpose, including any within Class D2 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). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV6 and TRANS21-26 of our Unitary Development Plan that we adopted in January 2007 and S3, S29, S32 and S41 of Westminster's City Plan that we adopted in November 2016. (R05AB)

- 45 Customers shall not be permitted within the Class D2 gym premises before 06:00 or after 23:00 each day. (C12AD)

Reason:

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

- 46 Before you begin to use the new school premises, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

(a) A comprehensive survey of all users of the school;

- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the school;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 47 All rooms and areas of the primary school hereby approved that are to be used for teaching shall be constructed so that they are compliant with Building Bulletin 93, Acoustic Design of Schools, published in 2003.

Reason:

To ensure that the school premises provide an acceptable teaching environment in accordance with ENV6 in the Unitary Development Plan that we adopted in January 2007 and S32 in Westminster's City Plan that we adopted in November 2016.

- 48 (A) You must carry out the development in accordance with the written scheme of archaeological investigation that we approved on 10 December 2015 (RN: 15/10116/ADFULL) unless or until we approve in writing an alternative written scheme of archaeological investigation. Thereafter the development shall be carried out in accordance with the alternative written scheme of archaeological investigation that we approve.

(B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Due to the proximity of the site to the Paddington and Lillestone Villages Area of Special Archaeological Priority, heritage assets of archaeological interest are expected to survive on the site and it is therefore necessary to secure the provision of appropriate archaeological investigation, including the publication of results. This is in accordance with S25 in Westminster's City Plan that we adopted in November 2016.

- 49 (A) You must apply to us for approval of details of temporary servicing arrangements to be

implemented in advance of the completion of the permanent servicing yard and basement level servicing bays that are to be delivered as part of the hotel, serviced apartments and school block. You must not occupy the development until we have approved what you have sent us. You must then service any parts of the development occupied in advance of the occupation of the hotel, serviced apartments and school uses in accordance with the temporary servicing arrangements we agree in writing.

(B) Prior to occupation of the hotel, serviced apartments and school block, you must provide the permanent servicing arrangements for the development; namely, the ground floor service yard and basement level servicing bays as shown on drawings HOT B1 DR A (05) 121 and HOT a00 DR A (05) 122 A. Thereafter you must retain the service yard for the purpose of servicing all residential, commercial and other uses within the development and you must cease the servicing of the development via the temporary servicing arrangements that we approve under (A).

Reason:

To ensure that the development is appropriately serviced in accordance with S42 in Westminster's City Plan that we adopted in November 2016 and TRANS20 in the Unitary Development Plan we adopted in January 2007.

- 50 The loading bays within the ground floor service yard shown on drawing 16066_PDA_INR_00_DR_A_05-1002 C shall be maintained with a clearance height of 4.5 metres above each loading bay.

Reason:

To ensure that the development is appropriately serviced in accordance with S42 in Westminster's City Plan that we adopted in November 2016 and TRANS20 in the Unitary Development Plan we adopted in January 2007.

- 51 You must carry out the development in accordance with the bat investigation report we approved on 10 December 2015 (RN: 15/10116/ADFULL).

Reason:

To ensure that the existing buildings and trees identified as having potential for use as bat roosts are not demolished prior to reinspection. This is in accordance with S38 in Westminster's City Plan that we adopted in November 2016 and ENV17 in our Unitary Plan that we adopted in January 2007.

- 52 You must apply to us for approval of a revised air quality assessment that demonstrates that the development would have a neutral or better effect on air quality. You must submit the revised air quality assessment within 4 months of the date of this decision letter and you must carry out the development in accordance with the revised air quality assessment that we approve.

Reason:

To ensure the development has a neutral or better impact on air quality within the Westminster Air Quality Management Area in accordance with Policy S31 in Westminster's City Plan that we adopted in November 2016 and Policy 7.14 in the London Plan (March 2016).

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 permission is governed by a deed of variation dated the same date as this decision letter 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 (3 months prior to commencement).
 - ii. Provision of 64 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to occupation of more than 50% of the market housing units and a financial contribution of £863,000 to the Affordable Housing Fund prior to commencement of development.
 - iii. Provision at a pepper corn rent of the social and community floorspace (the new primary school premises).
 - iv. A financial contribution of £599,423 (index linked) prior to commencement towards the Social and Community Fund.
 - v. A financial contribution of £836,448 (index linked) prior to commencement towards the Education Fund.
 - vi. A financial contribution of £131,541 (index linked) prior to commencement to PATS.
 - vii. A financial contribution of £457,329 (index linked) prior to commencement towards PATEMS.
 - viii. A financial contribution of £22k pa for period of construction works to the Environmental Inspectorate to monitor construction impacts (4 year construction period assumed by contribution not limited to this time period).
 - ix. A financial contribution of £6k pa for period of construction works to the Environmental Sciences Team to monitor construction impacts (4 year construction period assumed by contribution not limited to this time period).
 - x. Provision of garden space facing North Wharf Road as Public Open Space.
 - xi. Provision of public realm works in accordance with a public realm masterplan.
 - xii. Provision, maintenance and use of and access to the on-site public realm.
 - xiii. Provision of car club memberships (25 years) for 64 residential units (the affordable housing units).
 - xiv. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis and provision of affordable housing parking at nil cost.
 - xv. Provision, maintenance and access to on-site bus driver's toilet facility.
 - xvi. Provision of and adherence to an advertisement and shop front design strategy.
 - xvii. Provision and management of on-site car club spaces.

- xxviii. Provision and periodic review of a site wide travel plan.
- xix. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road and Harrow Road.
- xx. Provision of Harrow Road Traffic Island prior to occupation.
- xxi. Provision of and adherence to a Servicing Management Strategy.
- xxii. Provision of on-site space for Mayor's cycle docking station.
- xxiii. Provision and management of on-site CCTV.
- xxiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
- xxv. Demonstration of compliance with the Code of Construction Practice and signing up to the Considerate Constructors Scheme.
- xxvi. Mitigation measures for television interference.
- xxvii. Provision of and compliance with a Balcony Management Strategy.
- xxviii. Provision of development in full accordance with submitted Code for Sustainable Homes and BREEAM assessments.
- xxix. Adherence with the Council's Local Procurement Code.
- xxx. Provision of costs for monitoring of agreement (£500 per head of term).

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 4 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)

- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 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)
- 7 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)

- 8 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 9 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)

- 10 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.

- 11 You are advised that Thames Water request that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 12 You are advised that Thames Water have advised that no impact piling should take place until a piling method statement (detailing the 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 or sewerage infrastructure, and the programme for the works) has been provided to and agreed with the water or sewerage undertaker. This is because the proposed works will be in close proximity to underground water and sewerage utility infrastructure and piling has the potential to impact on local underground water and sewerage utility infrastructure. You should contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
- 13 You are advised that the Environment Agency require the submission of the following details in respect of Condition 36 attached to this decision letter:
- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in

network calculations and it should also show invert and cover levels of manholes., b)
Confirmation of the critical storm duration.

c) Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.

e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Please contact Environment Agency Planning Advisor Jane Wilkin on 020 3263 8052 for further advice on this matter.

- 14 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 15 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.
- 16 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 17 For further advice on the requirements of Condition 49 (Archaeological Investigation) you should contact Archaeological Adviser Sandy Kidd of English Heritage's Greater London Archaeological Advisory Service on 020 7973 3215 or by email at sandy.kidd@english-heritage.org.uk.

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.

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