

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	10 Duchess Street, London, W1G 9AB		
Proposal	Variation of conditions 12, 14, 15, and 22 of planning permission dated 25 July 2015 (RN: 15/06130/FULL) for the 'use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres within existing window openings in east elevation and internal alterations' - NAMELY, to allow the reduction of the number of teachers at the entrance from 2 to 1, to extend the age range of pupils by including the 'senior' years from the junior school at 36 Portland Place, increase the number of pupils from 175 to a maximum of 210, extending the time the school is used in evenings, Saturdays and outside term time, and allowing a corresponding increase in the hours that plant serving the louvres can be used.		
Agent	Osel Architecture		
On behalf of	Ms Faulkner		
Registered Number	18/06463/FULL	Date amended/ completed	1 August 2018
Date Application Received	1 August 2018		
Historic Building Grade	Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission was granted in November 2015 for the use of the building as a school (for a temporary period of 16 years). It is occupied by L'Ecole Internationale Franco-Anglaise (EIFA), an independent, international school providing English-French bilingual education. The school caters for students aged 18 months to 18 years old, across two sites: the junior school is nearby at 36 Portland Place and 10 Duchess Street is used as the senior school.

The original application for the school had given rise to approximately 40 objections, mostly from local residents in the adjacent mansion block immediately to the west, 2 Mansfield Street, concerned about the potential noise and disruption caused by school pupils and

traffic generation. The application was approved by the Planning Applications Sub-Committee, subject to a number of safeguarding conditions. The school opened in April 2016 and they currently have 106 pupils (The current permission allows for up to 175.) It should be noted that the junior school at 36 Portland Place, which was permitted in March 2013, is not subject to any restrictions on opening hours nor capacity.

Conditions to be varied:

Permission is now sought to vary some of the conditions, in the light of experience as to how the school has been operating. The school has undertaken its own consultation with the local community prior to submitting the current application. The relevant conditions which they seek to amend are as follows:

Condition 12 – required that the use be carried out in accordance with a student management plan, in particular there must be a minimum of two teachers outside the premises 30 minutes before the school day commences and 30 minutes after the school day ends. The school now wishes to reduce the number of teachers at the entrance from two to one, arguing this is unnecessary as there is a long period from 8.00am to 8.40am that allows for a staggered flow of pupils. Therefore, there is never a rush of pupils arriving and blocking the pavement in the morning. The opening time of 8.00am will remain, so that pupils shouldn't need to wait outside. As well as having one teacher, there is also a member of staff at the reception just inside the entrance. Even with the younger pupils that permission is being sought for (see below), one teacher at the door is considered to be sufficient.

Condition 14 – restricts the use of the property only as a secondary school. They would now like to include the 'senior' years of the junior school, to allow better use of Duchess House and their junior school at Portland Place. The current age range is 12 – 18 years and they would like to extend this to 8 – 18 years.

Condition 15 – states there will be a maximum of 175 school children allowed on the premises, between the hours of 07.45 hours and 17.30 hours, Mondays to Fridays only, during term times, and not at all on Saturdays, Sundays, Bank Holidays and other public holidays outside term time.

The school would now like to increase the maximum number of pupils to 210, to allow the current junior years to progress as a cohort up through the school. 10 Duchess Street has 10 classrooms, each of which can hold a maximum of 20 pupils, plus a music room which can hold 10 pupils - a potential maximum of 210 pupils. Although there are only 106 pupils at the moment, there is expected to be a gradual increase and they would like the option of allowing a maximum capacity.

The school has sought advice to find out if the building will require additional fire safety measures. The fire consultants reviewed the building and its current fire strategy and confirmed that increasing to 210 pupils is within the remit of the current fire strategy and no additional safety measures are required. It is understood that no school is allowed to open until a full OFSTED inspection is conducted prior to opening, together with the Fire Brigade,

building control and Health and Safety consultants inspections and certification. Risk assessments and fire risk assessments are conducted by professional consultants every year. The school is confident that it meets all relevant regulations.

Information submitted by the school shows that 49% of the pupils walk/cycle to the school, 20% use public transport, 18% use the school mini bus and only 13% arrive by car/taxi/car pool. This information is based on the current 106 pupils, and shows that 87% of pupils travel by sustainable modes. The statistics are reinforced by the school's knowledge that the majority of their pupils live locally within Westminster. It is believed that based on the above statistics and the implemented travel management plan and monitoring, these figures will not change much even with an increase in the number students.

The school also wishes to extend the time the building can be used in the evenings, on Saturday mornings and during the half terms and summer vacations. Examples of the likely uses for extending the buildings hours include the following:

Weekdays until 21.00 hours:

- Parents Evenings by year group rather than the whole school;
- Educational seminars;
- Exam students extended work/tuition (one on one extra lessons);
- Language courses for parents and adults.

Saturdays 08.00-13.00:

- Greater use of current specialised facilities for small learning groups, especially Information and communications technology (ICT) coding, language work;
- Open morning (once a term);

Summer & Half terms:

- Day revision courses.
- One-week day time holiday club.

They would also like the opportunity to use the building occasionally for local social and community events, such as those involving the Marylebone Association.

Condition 22 – Extending the time the building can be used will require extending plant use during those times.

Assessment:

The above amendments are all considered to be acceptable. There have been no complaints about how the school has operated: even one of the objectors to the current application comments that *"it was the group's [2 Mansfield Street Residents' Association] pleasure to report after two years of the success of the scheme in the area and that there was little if any impact on residents in terms of noise, rubbish and traffic from pupils, parents or staff"*. The increase of 35 pupils is small and the overall number of 210 is considered to be modest. Similarly it is not considered unreasonable to allow extended use of the building

during weekday evenings, Saturday mornings and school holidays, within reasonable limitations to safeguard residential amenity. It is therefore proposed to amend condition 15 to allow the following opening times:

- During term times, between 07.45 hours and 21.00 hours, Mondays to Fridays and between 08.00 – 13.00 hours on Saturdays;
- During half terms, between 07.45 and 18.00 hours Mondays to Fridays only; and
- During the school's summer vacation/holiday, between 07.45 and 18.00 hours Monday to Friday only, for a period of up to three weeks,
- and not at all on Sundays, Bank Holidays and other public holidays.

The school is a social and community facility and they would like to occasionally use the building for local community uses, as well as purely educational activities, during the extended hours being sought. Council policy S34 of the City Plan (Social and community infrastructure) protects and encourages such uses, subject to adequate safeguards, specifically stating that "*new social and community facilities will be encouraged throughout Westminster*". The National Planning Policy Framework (NPPF, 2018) also states that

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should ... give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications", and

"make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision...".

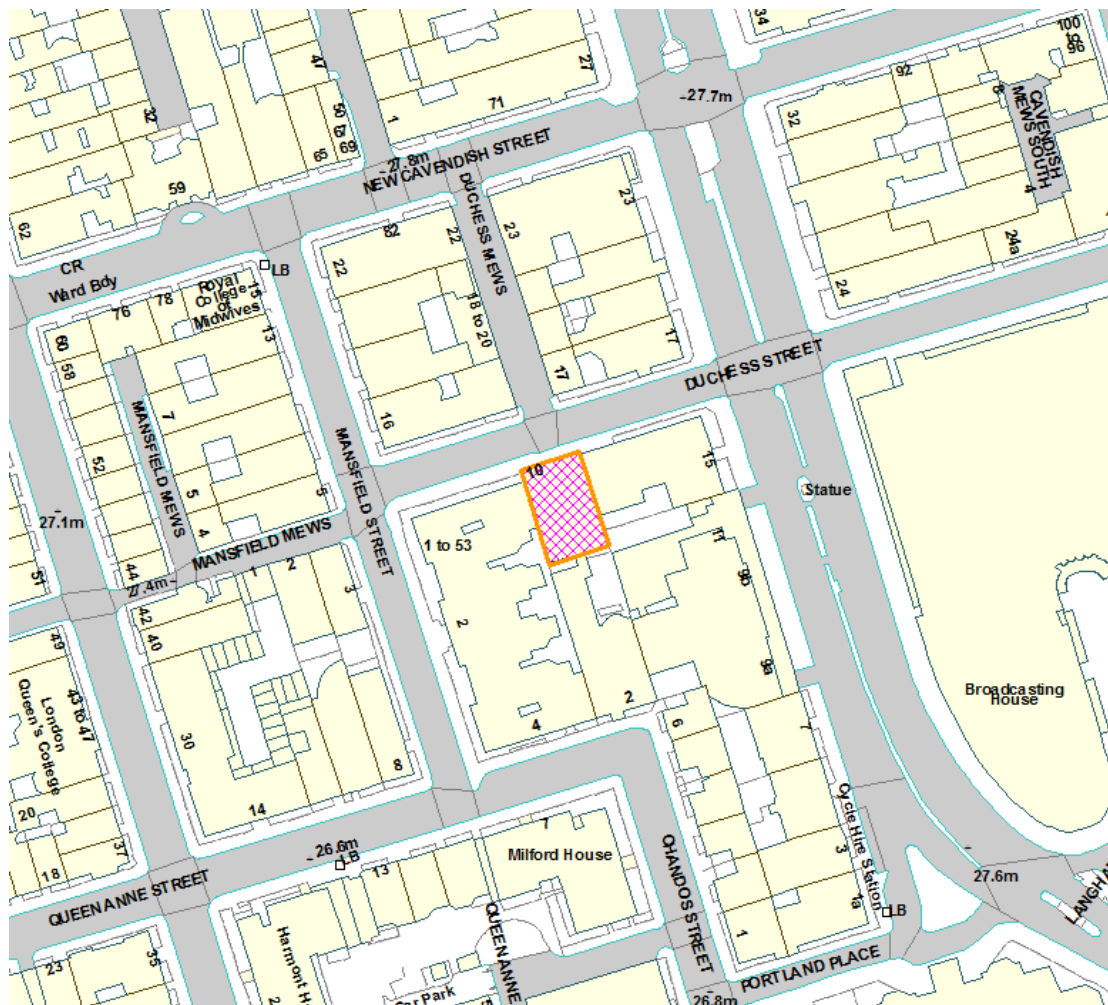
Subject to separate community uses being limited, it is considered that these would be ancillary to the main use of the building as a school (and would fall within Class D1 anyway).

There have been a number of representations in support of the proposals, presumably from parents of pupils at the school. The majority are residents within Westminster. However, there have also been two objections from residents in the mansion block next door, concerned about the increase in the number of pupils, the reduction in teachers at the entrance, and the use of the school by businesses during the extended hours in the evening. As the school has been operating for two years, the requirement for two teachers at the entrance has been tested and found to be excessive and so long as there is at least one teacher supervising the children, this would appear to be acceptable. As commented above, the increase in pupils is considered to be modest.

With regard to use of the school by businesses during the extended hours, the school has confirmed that this is not their intention. Whilst it may be used for occasional community events, this is considered to comply with Council policy S 34, that encourages facilities for social and community activities.

One objector refers to new louvres being proposed, thinking these are necessary to accommodate the increased capacity. However, this is a reference to the original planning application, the description of which did include two louvres (which have been installed). The applicant has confirmed that no new external works are proposed. Extending the operating hours of the plant to accommodate the extended opening hours of the building is considered to be acceptable in principle. However, an additional condition requires the submission of a supplementary acoustic report, demonstrating that the plant will comply with the noise limitations specified by UDP policy ENV 7, during these extended hours.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION - No response to date.

HIGHWAYS PLANNING - No objection.

PROJECTS OFFICER (WASTE) - No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 94; No. of replies: 42:
40 in support of the proposals;

two objections - one or both on the grounds of the increase in the number of pupils, the reduction in teachers at the entrance, the use of the school by businesses during the extended hours in the evening;

one objector mistakenly believes there are new louvres being proposed as part of the increased capacity - however, no additional works are proposed [2 No. louvres were part of the original planning application].

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is a grade II listed building that lies in the Central Activities Zone and the Harley Street Conservation Area.

6.2 Recent Relevant History

15/06130/FULL

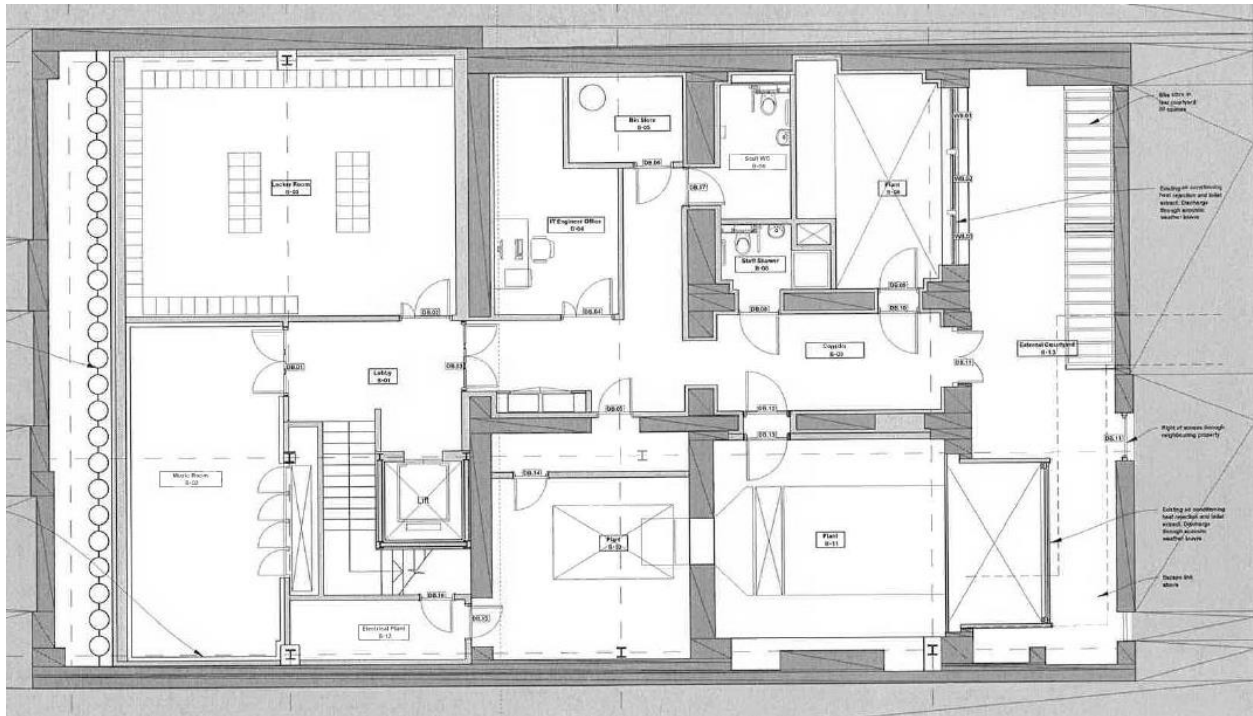
November 2015 – permission granted for use of the building for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres [for air inlet and air discharge] within existing window openings in east elevation and internal alterations.

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

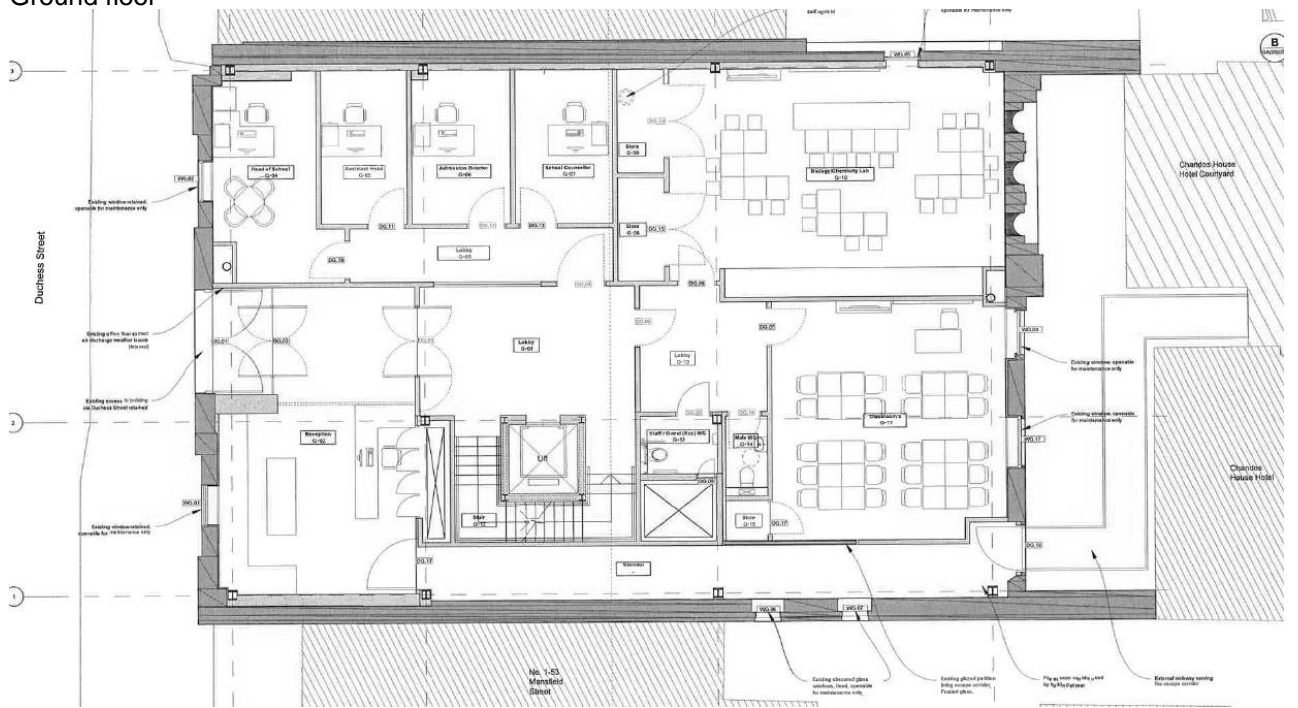
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

7. KEY DRAWINGS

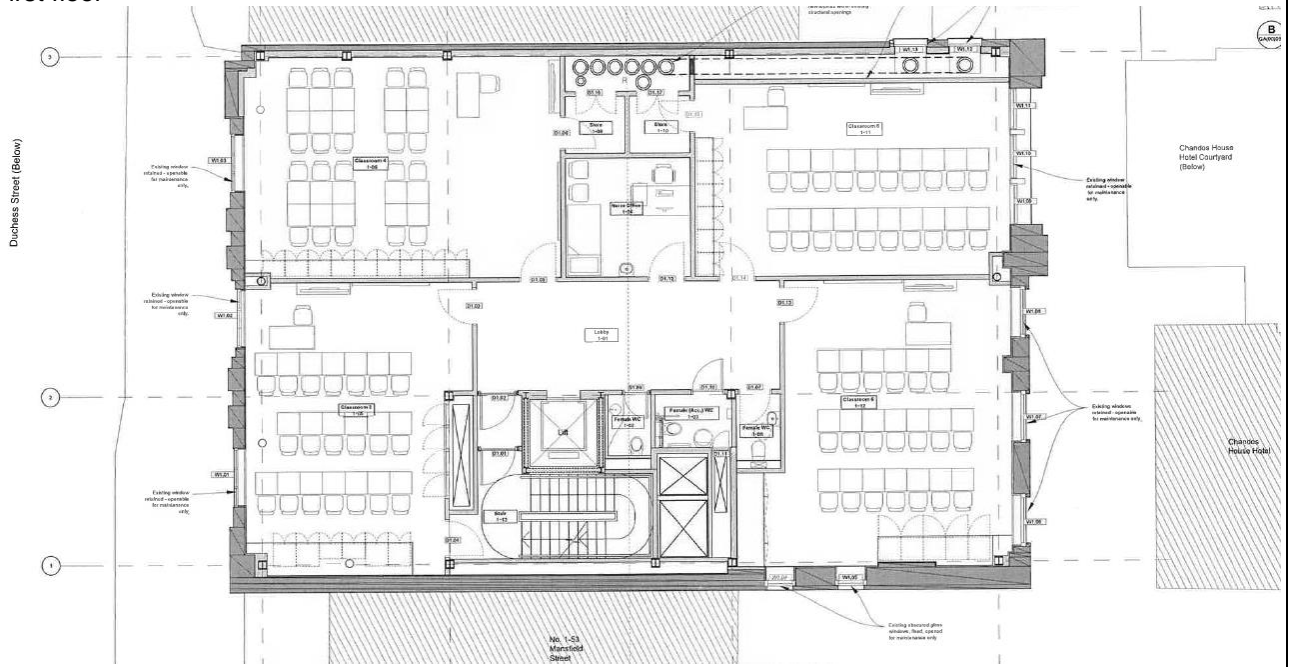
[Plans of the layout from the original application]
Basement



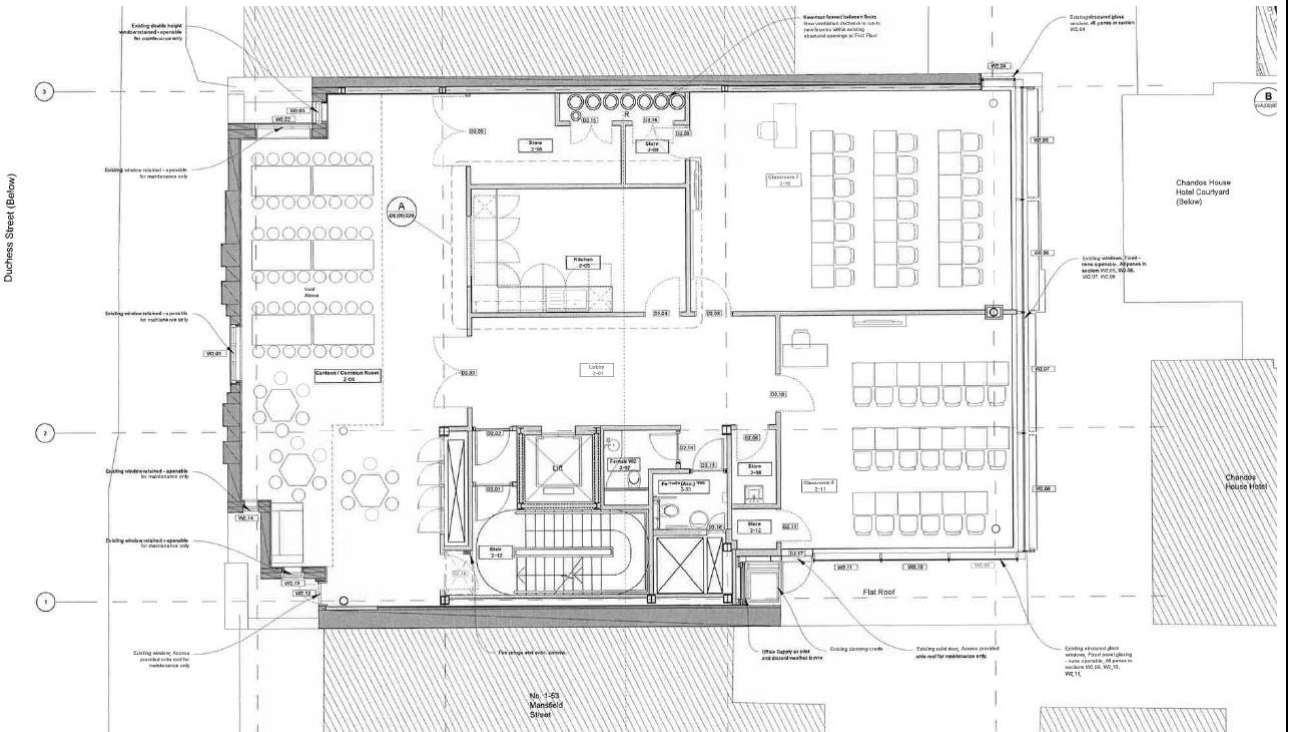
Ground floor



First floor



Second floor



DRAFT DECISION LETTER

Address: 10 Duchess Street, London, W1G 9AB

Proposal: Variation of Conditions 12, 14, 15, and 22 of planning permission dated 25 July 2015 (RN: 15/06130/FULL) for, 'Use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres within existing window openings in east elevation and internal alterations' - NAMELY, to allow the reduction of the number of teachers at the entrance from two to one, to extend the age range of pupils by including the 'senior' years from the junior school at 36 Portland Place, increase the number of pupils from 175 to a maximum of 210, extending the time the school is used in evenings, Saturdays and outside term time, and allowing a corresponding increase in the hours that plant serving the louvres can be used.

Reference: 18/06463/FULL

Plan Nos: Location plan

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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.Noisy work must not take place outside these hours. (C11AA)

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. (R11AC),

- 3 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)

- 4 You must provide a minimum of 20 cycle parking spaces in the rear courtyard as shown on the approved drawings, prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 of the Further Alterations to the London Plan March 2015.

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 6 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)

- 7 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)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 9 You must provide the waste store shown on drawing GA (00) 002 Rev P6 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the school. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 10 The use hereby approved must be implemented in accordance with the 'School Travel Plan' dated July 2015 (reference M14107-02E STO). At the end of the first, third and fifth school years, following the commencement of the use, 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, especially in relation to cycle parking and whether further measures are required if demand exceeds spaces available. After the fifth year you must submit reports to the Council monitoring the effectiveness of School Travel Plan every three years, including details of any remedial measures which are required, such measures to be implemented within three months of the Council's approval of the monitoring report.

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.

- 11 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 12 The educational use hereby approved must be carried out in full accordance with the EIFA 'Student Management Plan' dated July 2015. There must be a minimum of one teacher outside the premises 30 minutes before the school day commences and 30 minutes after the school day ends, and as far as reasonably practicable students walking to Regents Park during school time shall do so via Portland Place.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 All windows to the school shall be kept closed when there are students on the premises, and any existing windows or areas of glazing with obscure glass shall have that obscure glass retained.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must use the property only as a school for pupils between the ages of 8 - 18 years old (including ancillary educational activities for pupils and parents). You can also use it for social and community functions within Class D1 a maximum of once a week (during the hours specified in condition 15). 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).

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 15 There shall be a maximum of 210 school children allowed on the premises at any one time. The school can be used for teaching and ancillary educational activities and social and community functions within Class D1, between the following hours: , , During term times, between 07.45 hours and 21.00 hours, Mondays to Fridays and between 08.00 - 13.00 hours on Saturdays;, During half terms, between 07.45 and 18.00 hours Mondays to Fridays only; and, During the school's summer vacation/holiday, between 07.45 and 18.00 hours Monday to Friday only, for a period of up to three weeks, , , and not at all on Sundays, Bank Holidays and other public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 16 Apart from the parking and retrieval of cycles, the rear courtyard (nor the flat roof at rear second floor level) shall be used at any time except for maintenance purposes or in the event of an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 17 Apart from arrival and departure at the beginning and end of the school day, when leaving and returning on supervised visits off-site and in the event of an emergency or fire drill practice, students must remain within the premises, including at lunch times.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 18 Apart from the collection of rubbish, all servicing must take place between 09.00 and 16.00 hours on Monday to Friday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.
- Reason:
To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)
- 19 The building must be used in accordance with the details approved by the City Council as local planning authority on 12 April 2016 under reference 16/02750/ADFULL, or in accordance with any other alternative sound insulation works to the basement music room as submitted to and approved by the City Council.
- 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 adjoining buildings from noise and vibration from the development.
- 20 Within three months of the start of the first school term, you must apply to us for approval of details of a supplementary acoustic report demonstrating that the premises are sufficiently insulated to comply with the Council's noise criteria as set out in Condition 5 of this permission, or including details of remedial measures that are required to ensure compliance. In the event that additional insulation remedial measures are required, they must be implemented within three months of the Council's approval of the supplementary acoustic report, with written confirmation of this within one month of completion of the remedial measures. At the end of the first, third and fifth school years, following the commencement of the use, you must apply to us for approval of reports monitoring the effectiveness of the sound insulation and setting out any changes you propose to make to the Plan to overcome any identified problems, which again must be implemented within three months of the Council's approval of those details, with written confirmation provided within one month of completion of those measures. After that you must submit reports monitoring the effectiveness of the sound insulation every three years, including details of any remedial measures which are required, such measures to be implemented within three months of the Council's approval of the monitoring report.
- Reason:
To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)
- 21 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 22 The new plant/machinery serving the new louvres on the eastern flank elevation hereby permitted shall not be operated except between 07.30 and 21.30 hours, Mondays to Fridays and between 07.30 and 13.30 hours on Saturdays.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 23 The school must be operated in accordance with the details approved by the City Council as local planning authority on 23 March 2016 under reference 16/00523/ADFULL for the Community Liaison Panel/Residents' Liaison Group, or in accordance with any other alternative community liaison proposals as submitted to and approved by the City Council.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 8 of this permission during the extended hours the plant is allowed to operate as set out in condition 22. You must not use the plant for these extended hours until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

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 Under condition 11 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor

equipment. If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts.

- 3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)
- 4 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 5 The Council would welcome any encouragement and advice that you can give to the pupils and their parents/carers or others driving them to use the main roads rather than the residential side streets to get to School and when they leave for home. You are reminded of the need to ensure that when students are taken to Regents Park during school time the route should be along Portland Place and Park Crescent, as shown in Appendix A of the Student Management Plan.
- 6 Your attention is drawn to conditions 10 and 20, both of which require the submission of details at the end of the third and fifth years that the school has operated.

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.