

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Dudley House, North Wharf Road, London, W2 1LE,		
Proposal	Demolition of existing buildings at Nos.139-147 Harrow Road and Dudley House and proposed redevelopment ranging in height from 7 storeys to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access (Council's Own Development).		
Agent	WYG Planning		
On behalf of	Westminster City Council		
Registered Number	15/11458/COFUL	Date amended/ completed	7 December 2015
Date Application Received	24 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

1. Subject to the concurrence of the Mayor of London, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to an unilateral obligation to secure the following planning obligations:
 - a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.
 - b) Provision of lifetime car club membership (25 years) for each residential unit in the development.
 - c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).
 - d) Provision, monitoring and review of residential, school and church travel plans.
 - e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.
 - f) Provision of a financial contribution of £5,000 (index linked) to provide replacement street trees

in the vicinity of the application site.

- g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site.
 - h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works).
 - i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.
 - j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.
 - k) Payment of cost of monitoring the agreement (£500 per head of term).
2. If the unilateral undertaking has not been completed by 30 April 2016 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.

2. SUMMARY

This planning application for Council's Own Development involves the demolition of Dudley House and the existing buildings at Nos.139-147 Harrow Road in connection with the comprehensive redevelopment of the site to provide between 187 and 197 residential units (Class C3), a new secondary school (Class D1), a replacement church (Class D1) and a retail unit (flexible Class A1/A2/A3 use) within a new building ranging between 7 and 22 storeys.

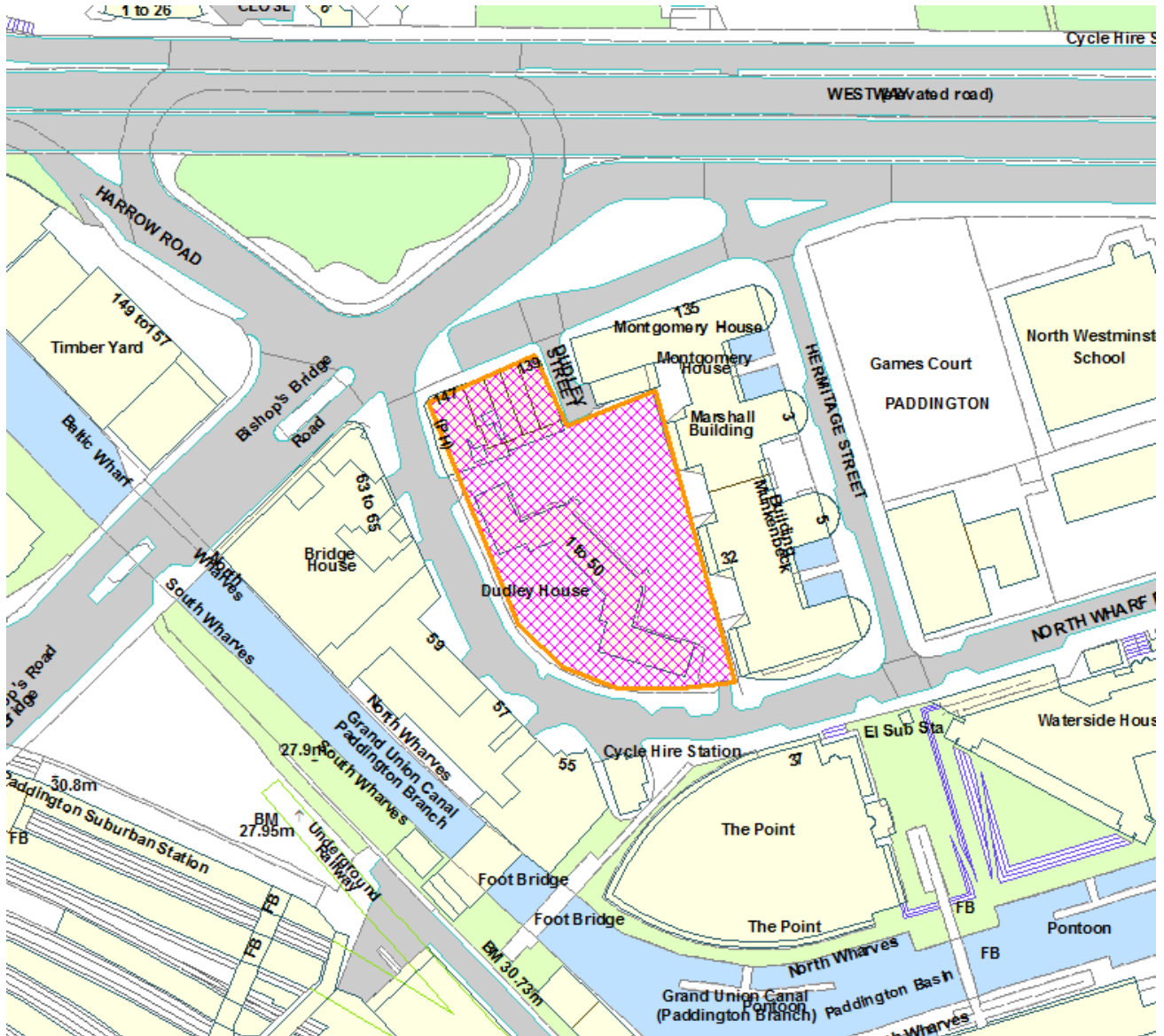
The site does not contain any listed buildings and is not located in a conservation area. The site is located within the Paddington Opportunity Area (POA).

The key issues in this case are:

- the acceptability of the proposal in land use terms and compliance with the Council's affordable housing policy;
- the quality of the residential accommodation that would be provided;
- the acceptability of providing a new secondary school in this location;
- the acceptability of the replacement building in design terms, particularly in terms of its height, bulk and detailed design;
- the impact on the amenity of neighbouring residents and the adjoining site at 55-65 North Wharf Road, which has an extant permission for a mixed residential and commercial redevelopment;
- the acceptability of the proposed car parking and access arrangements.

For the detailed reasons set out in this report the proposed development is considered to be acceptable and in accordance with the relevant policies in the UDP and City Plan, with the exception of the affordable housing mix and tenure, which are considered to be acceptable due to the provision of a wholly affordable housing scheme that is designed to meet identified intermediate affordable housing need. As such, it is recommended permission is granted subject to the conditions set out in the draft decision letter and completion of a unilateral undertaking to secure planning obligations as set out in the recommendation. If Committee agree to grant conditional permission, this application will need to be referred back to the Mayor of London for his concurrence that permission may be granted in accordance with the Committee's resolution.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of site from Harrow Road Gyratory (top) and from North Wharf Road (bottom).

5. CONSULTATIONS

GREATER LONDON AUTHORITY (GLA)

Application does not yet comply with the London Plan, but guidance provided to set out how concerns can be remedied. Main conclusions are:

- Support provision of school but ask that community use of the facilities are confirmed.
- Re-provision of a church on the site is supported.
- Fully intermediate affordable housing is supported, but applicant should provide further explanation in response to London Plan Policy 3.11, including details of assumed rents.
- Significant concerns about the quality of some of the residential units.
- Public benefit of the scheme outweighs the loss of un-designated heritage assets on the site.
- Number of cores in the building should be increased, the number of dual aspect units increased, an increase in the quality of the micro units and confirmation of internal floor to ceiling heights. The security of the school should be considered further and the blank frontage along North Wharf Road reduced.
- Number of wheelchair adaptable units should be increased.
- Further details of Air Quality Neutral Assessment are required prior to Stage 2 referral to the Mayor.
- Impact on bus services should be assessed and mitigated. Advice provided on car and cycle parking. Contribution of £189,000 sought for a new 27 docking point cycle hire docking station.
- Ask for details of how the site can be connected to a district heating network in the Paddington Basin Area to be provided.

COUNCILLOR COX

Concerned that application should be reported to committee on 8 March 2016 as a delay would be 'a big problem' for staff and pupils of the Marylebone Boys School.

COUNCILLOR ARZYSANOW

Passed on concerns from resident regarding TV interference and reflective road noise.

WARD COUNCILLORS (CHURCH STREET, HYDE PARK AND LITTLE VENICE WARDS)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Objection. All street level elevation should be small retail and/ or small business units or church or school frontage. School should extend one floor or more above ground level. There should be a cornice point about 7 floors up with set back to higher floors. Balconies should be omitted and roof gardens provided instead. Insufficient shared space. Loss of rear street through the site is 'disastrous' and creates 'ready made vandal space'. Pavement space around the scheme would be a 'windswept ghetto'.

PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)

Concern regarding increase in height from 14 storeys in approved scheme to 19 or 22 storeys with increased massing in proposed scheme; the public realm on the Harrow Road frontage of the site; and the loss of the existing public house.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Supportive of principle of application subject to: (1) lack of outdoor space for school; (2) school should have priority use of the layby if its sports strategy is to be achieved; (3) consideration needs to be given to pedestrian flow and whether a crossing and patrol/ traffic calming is required across North Wharf Road; (4) area of pavement outside school entrance needs to be able to accommodate a surge of pupils unless end of school day is staggered; (5) evacuation strategy for the school needs to be established; (6) dark brick to school may make it feel overbearing/ austere/ uninspiring given lack of outside space; (7) lack of soft landscaping is a missed opportunity; (8) must be confirmed that intermediate affordable housing will remain as such and will not be converted to market housing after a short period; (9) micro units are very small and unsustainable and should be omitted from the scheme.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection. Excessively height and bulky building relative to approved scheme. Proposal would detract from the setting of Paddington Station in viewpoint 7. Adverse impact on character of adjacent conservation areas in viewpoints 11, 12 and 16-18. Concerned that there is no guarantee that neighbouring approved developments that are as yet unbuilt will be delivered in the form currently approved and can therefore not be relied upon when considering setting. Proposal is overdevelopment of the site and this isn't outweighed by provision of school. Regret the loss of the pub and doubt there are nearby alternatives in the vicinity. £250,000 should be provided for public realm improvements outside the site in Harrow Road. Review of parking should be carried out in North Wharf Road at applicants expense and improvements made to the footpath and carriageway. Public art should be provided.

ST MARYLEBONE SOCIETY

Support proposal for more affordable housing and location of Marylebone Boys School on this site. However, not clear what is meant by '100% intermediate affordable' housing in terms of affordability for average working person. Agree there is a need for more housing for people to live and work in the area. Regret loss of remaining fragment of small historic buildings at corner of Harrow Road and North Wharf Road.

ARBORICULTURAL MANAGER

Significant quantity of buildings are being accommodated on site at the expense of a worthwhile amount of space for effective tree planting and other forms of soft landscaping. Not convinced that planting shown on flat roof areas is sufficient and ask that the scheme is revisited to provide substantive tree planting and landscaping.

BUILDING CONTROL

Any response to be reported verbally.

CANAL AND RIVER TRUST

No objection in principle. Request a financial contribution of £25,000 towards towpath improvements to off set increased use of canal side walkways by users and occupiers of the development.

CHILDREN'S SERVICES

Support proposals for a 4 form entry secondary school.

CHURCH STREET LARP

Any response to be reported verbally.

CLEANSING MANAGER

Concern about the use of chutes transport recycling to basement level. Under counter waste storage needs to be provided in each residential unit. Capacity and number of refuse storage for residential communal use, school and retail units is not specified. An area is needed to store bulky waste.

DESIGNING OUT CRIME OFFICER

No objection. Advises that he has met with the architects in June 2015 and provided advice on Secure By Design. Recommended that the facade of the building is designed to incorporate blast protection measures, including laminated glass. Minutes of meeting with the applicant's architect are provided.

ENVIRONMENT AGENCY

No comment.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

GO GREEN PROGRAMME MANAGER

Any response to be reported verbally.

GREAT WESTERN RAILWAY (FIRST)

No objection, but ask that the impact on the movement of taxi traffic into and out of Paddington Station is taken in to account when determining the application.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Supports application. Welcomes 197 homes for intermediate (sub market) rent affordable housing. In view of the scheme being wholly intermediate affordable it is supported despite not providing a mixture of social and intermediate housing. The Council will provide funding from the Affordable Housing Fund (AHF) to part fund the development costs of the scheme and to ensure the homes are provided as affordable housing. Should a proportion of the homes provided not be used as affordable housing in the future, a proportion of the AHF contribution will be required to be repaid. Accept micro units given these comprise a small proportion of the overall number of units and also have low weekly rental values. Guidance provided on the rent levels proposed, which will be affordable to individuals with

a gross annual income between £21,250 to £29,500. Information provided on existing intermediate housing demand by income band and household composition.

HIGHWAYS PLANNING MANAGER

Objection. Insufficient off-street car parking is proposed for the residential element of the scheme and this would increase pressure on on-street parking in the vicinity which already exceeded the level of serious deficiency. Lifetime (25 year) car club membership should be provided for all units within the development to mitigate parking shortfall. Applicant has not address the loss of existing residential parking on the site (reduced from 55 to 32 spaces). Cycle parking for the church and retail uses are insufficient. Off-street servicing is welcomed in Dudley Street, but further details of the management of the servicing bay are required. Loss of on-street parking to provide coach drop off is objectionable due to existing pressure on on-street parking. Notes that a separate Traffic Management Order would be required to remove existing parking bays. Areas of land between the existing back edge of the pavement and the building line should be dedicated as public highway to maintain footpath width. No objection in terms of other cycle parking, electric charging points, non-residential parking and trip generation. Conditions and informatives recommended. Recommend that legal agreement secures highway works, provision of residential parking on an unallocated basis, provision of car club membership and dedication of highway.

HISTORIC ENGLAND

Any response to be reported verbally.

HOUSING SERVICES (CHURCH STREET REGENERATION)

Any response to be reported verbally.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)

Any response to be reported verbally.

PADDINGTON BID

Any response to be reported verbally.

THAMES WATER

Any response to be reported verbally.

TRANSPORT FOR LONDON

Basement car park ramp location is not objectionable. Would support a reduction in the number of residential car parking spaces proposed. Note that 20% of car parking spaces should be provided with an electric charging point. Residents should be prevented from obtaining residents parking permits. Applicant should investigate if a car club bay should be provided on site. Residential and school cycle parking provision is compliance with the London Plan. Provision of coach parking on the highway should not be at expense of Blue Badge parking. Changing, showering and storage facilities should be indicated for staff of the Church and retail units. Identify that they would want to work with the school to ensure there is sufficient bus capacity. School and residential travel plans should be secured via the legal agreement. A school management plan should include transport related management issues. Request financial contribution of £189,000 for a new 27 docking point cycle docking station, with the location to be agreed with the City Council or alternatively enlargement of an existing docking station or more frequent emptying/ filling of

the existing docking stations. Servicing should be carried out outside of school hours to limit disturbance. The construction management plan submitted should be secured by condition. Disappointed that construction loading and unloading will be carried out on street. Request that deliveries during construction are made outside of peak hours.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2717.

Total No. of replies: 16.

No. of objections: 16.

No. in support: 0.

16 emails/ letters received raising objection on all or some of the following grounds:

Land Use

- Support redevelopment of area and provision of more housing and schools, but current application is 'mission creep' in height and design terms.
- Lack of retail space being replaced and resultant lack of space for locals to meet up in. Bad for community spirit.
- Inappropriate location for an 840 pupil school.
- Question need for a church when typically church congregations are falling.

Design

- Object to 22 storeys.
- Development is too high and building would be disproportionate with its surroundings.
- Overdevelopment to the point that tall buildings form a solid wall along the Paddington Basin area. Undesirable to extend this architectural blight further.
- 7 storey plus element facing Harrow Road is too high. No need for more than 3 storeys for school/ church and retail units to this frontage.
- Unnecessary for current scheme to exceed 14 storeys as approved and other buildings in the vicinity.
- Higher elevation will detract from the uniformity of the Basin area.
- Precedent for further taller buildings.
- Development should be consistent with others in the area in terms of design.
- Design is 'hideously ugly'.
- Paddington Basin is being 'walled' by increasingly tall development.
- Building will dominate historic canal side, garden and canal basin landscape.

Amenity

- Loss of daylight and sunlight to neighbouring residential properties.
- Building should be reduced in height and bulk moved away from neighbouring buildings to reduce loss of light.
- Facades should be constructed in light colour brick to maximise reflected light.
- Loss of privacy to neighbouring residential properties.
- Noise disturbance from school use.
- Increased noise disturbance to properties to the north from reflected road noise from A40 and A404.
- Main tower will block views from neighbouring properties.

Highways/ Parking

- Visitor parking will be reduced for local residents. Basement resident's car park will not help much.
- Additional traffic and pollution in North Wharf Road.
- Junction with Harrow Road is already dangerous and congested and will be worsened by provision of school.
- School drop offs and collections by car cannot be accommodated in North Wharf Road.
- School traffic will block North Wharf Road and this will have knock on effects for the Harrow Road Gyratory.
- School will cause traffic and pedestrian problems.
- Increased traffic in Hermitage Street.

Other Issues

- Narrow streets between buildings create wind tunnels.
- Adverse impact on digital terrestrial television signals and no mitigation proposed.
- Noise and disturbance from construction works.
- Unsuitable site for a school given high pollution levels.

ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The majority of the application site comprises Dudley House, which is a 1930's Council owned block of flats which is located off North Wharf Road. This five storey block of which part has a hipped roof with dormers comprises of 50 flats. The existing building provides 11x1 bed flats, 25x2 bed flats and 14x3 bed flats. There is a small landscaped area and young children's play area at the front of the building facing onto North Wharf Road, and a large off -street surface car parking area for 55 cars to the rear which is accessed from North Wharf Road. The access into the flats is from the car park at the rear.

The application site also includes the terrace of properties to the north known as Nos.139-147 Harrow Road includes a café (Class A3) at No.139, a church (Class D1) at No.141, the former Paddington First Recruitment Centre offices (a nil planning use) at Nos.143-145, and the Dudley Arms Public House (Class A4) at No. 147. These terraced Victorian properties are two and three storeys high. The buildings are now vacant, with the exception of the church.

The wider site comprising Dudley House and Nos.139-147 Harrow Road is the subject of a Compulsory Purchase Order (CPO), which was made by the City Council on 19 June 2013. Following objections to the CPO a Public Inquiry was held in January 2014. The Secretary of State for Communities and Local Government subsequently confirmed the Order on 31 July 2014. Since that date the whole of the site has been transferred to the City Council as compensation packages have been agreed with remaining land owners. As a result vacant possession of the site has now been secured and demolition of Dudley House is due to commence in late March 2016 pursuant to the prior approval issued on 22 July 2015 (15/05753/APAD).

None of the existing buildings on the site are listed, nor are they located within a conservation area. The application site falls within the Paddington Opportunity Area (POA) as designated in Westminster's City Plan: Strategic Policies (the City Plan).

The adjoining properties include a substantial block of flats to the east known as Montgomery House, the Marshall Building and the Munkenbeck Building. These buildings contain a mix of private and affordable housing with a 15 storey tower to the north dropping down to five storeys at the southern end. To the west are the existing offices at Nos.55-65 North Wharf Road, which are the subject of an extant permission for mixed residential and commercial redevelopment in two buildings, the higher of which rises to 17 storeys (71m) at its highest point. It is understood that this application is likely to be implemented in 2016.

To the north of the application site is the elevated A40 Westway which forms part of Transport for London Road Network (TLRN) and Harrow Road, which also forms part of both the TLRN and the Strategic Road Network (SRN). The site is located in close proximity to Paddington Station to the west and the Edgware Road underground stations (Bakerloo and Circle and Hammersmith and City Lines) to the east.

6.2 Recent Relevant History

Planning Brief

A material consideration in the determination of this application is the adopted planning brief prepared for this site issued in October 2009, which replaced an earlier 2002 planning brief.

Dudley House, 84 North Wharf Road

There have been a number of planning decisions relating to this block, the following are of relevance to the determination of this planning application.

Permission granted on 12 June 2003 for Council's Own Development for alterations to the rear car parking area to create additional parking spaces and relocation of the children's play area to the North Wharf Road frontage.

Prior approval decision issued on 22 July 2015 approving the demolition of Dudley House under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (15/05753/APAD).

No.139 Harrow Road

Advertisement consent refused in 1999 for a hoarding.

No.141 Harrow Road

The building is in use by the Central Pentecostal Church. Permission was granted at the Planning Applications Committee on 21 January 2016 for variation of Condition 8 of planning permission dated 5 November 2013 (RN 13/08537) for redevelopment of a site at 27 Tresham Crescent, NW8 to allow the second and third floors of the premises to be used by the Pentecostal Church for a temporary period not exceeding four years during the redevelopment of the Dudley House and neighbouring Harrow Road properties site (15/09502/COFUL).

Nos.143-145 Harrow Road

Permission granted on 22 August 2006 for the use as job brokerage for Paddington First. This permission restricted the use to job brokerage and no other user within Class A2 and was personal to Paddington First. Given the property is now vacant, it has a 'nil' planning use. In 2002 permission was granted for alterations and extension at ground floor at No. 145, new shopfronts to Nos.143 and 145, use of ground floor, and first and second floors of No. 143 as a temporary marketing suite for Paddington Basin. This permission was limited for five years.

No.149 Harrow Road

There have been a number of planning permissions for the placing of tables and chairs on the public highway outside the public house with the last permission granted in 2007.

Whole Site (Dudley House and Harrow Road Properties)

Screening Opinion issued on 5 July 2011 confirming that the proposed redevelopment of Dudley House and Nos.139-147 Harrow Road did not require an Environmental Impact Assessment (EIA), as the proposal would not result in significant environmental impacts.

Planning permission was granted on 30 March 2012 for demolition of Dudley House and Nos.139-147 Harrow Road; erection of five storey building fronting Harrow Road, a 14 storey tower and six storey building fronting North Wharf Road, comprising a total of 88 residential units (38 affordable and 50 private residential units); ground floor (Class D1) social and community use; flexible ground floor active frontage (Class A1-A3 and A4); basement car parking, provision of shared amenity space, play area and landscaping (Council's Own Development) (11/06435/COFUL),

7. THE PROPOSAL

This planning application for Council's Own Development involves the demolition of Dudley House and the existing buildings at Nos.139-147 Harrow Road in connection with the comprehensive redevelopment of the site to provide between 187 and 197 residential units (Class C3), a new secondary school (Class D1), a replacement church (Class D1) and a retail unit (flexible Class A1/A2/A3 use).

The proposed residential accommodation would all be provided as intermediate sub-market rent affordable housing, comprising a mix of studios, one bedroom flats and two bedroom flats (21 x Studio units, 42 x 1 bedroom flats and 38 x 2 bedroom flats). A mix of private and communal terraces are proposed to provide amenity space for future residents. 32 car parking spaces are proposed, including 11 disabled spaces, at basement level to serve the residential units. 22 motorcycle spaces are also proposed within the basement.

The proposed school premises would be located to the southern end of the site and are intended for occupation by the Marylebone Boy's School and the applicant's aim is to provide the school element of the scheme so that is ready for occupation by the start of the 2017-18 academic year.

The proposed church premises at ground floor facing Harrow Road have been designed to allow the existing Pentecostal Church at No.141 Harrow Road to be accommodated on the site following redevelopment.

The proposed new buildings vary in height with 7 storey residential and school blocks facing North Wharf Road and a 22 storey residential tower with the church and retail uses at ground floor level at the junction of North Wharf Road with the Harrow Road Gyratory.

Cycle parking is proposed at basement and ground floor levels for all of the land uses. Servicing is proposed at the rear at ground floor level within the site accessed from Dudley Street.

The application has been amended in response to concerns raised in the Mayor of London's Stage 1 response and in response to issues raised by officers. The principal areas of amendment concern the mix and quality of the residential units and the detailed design of the scheme. Where relevant the amendments that have been made have been identified in this report.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Non Residential Uses (Secondary School, Church and Retail Unit)

Policy CS3 in the City Plan seeks a range and mix of uses in the Paddington Opportunity Area (POA), including a range of offices, a significant proportion of housing and other uses to support the economic and social regeneration of the area, including retail, social and community facilities, entertainment and arts/cultural uses. In this context, the proposed Class D1 secondary school and church uses, and the proposed retail unit, would provide for a mix of uses in combination with the residential accommodation on the upper floors that is compliant with Policy S3.

Table 1: Existing and Proposed Non-Residential Floorspace on application site.

Existing Non-Residential Floorspace	Existing GIA (m2)	Proposed GIA (m2)	Difference +/-
A1, A2, A3	175	130	-45
A4	570	0	-570
Nil Use (former personal Class A2 use)	332	0	-332
D1	158	7,440	+7,282
Total	1,235	7,570	+6,335

The retention of the church use within the scheme is welcomed and addresses the policy requirement set out in SOC1 in the UDP and S34 in the City Plan for this existing community use on the site to be re-provided as part of any redevelopment scheme. The

church use is to be accommodated at the base of the tower element of the scheme. In this location it would provide much more accessible, modern accommodation for the church relative to its existing accommodation at No.141 Harrow Road. The proposed church unit would have a floor area of 197m² (GIA), which represents an increase in floor area of approximately 39m² relative to the church's existing premises. No response has been received from the church during the consultation exercise. A condition is recommended to ensure that the church unit is used only as a church and not as an alternative Class D1 use that may have a harmful impact on residential amenity or the operation of the local highway network.

The existing units facing the Harrow Road frontage are not within a protected shopping frontage, and currently there are no Class A1 shops. However, the frontage contains a café, a church (as discussed in the preceding paragraph), a vacant Class A2 office, which now has a nil planning use and a public house. In terms of the retail uses, the proposed redevelopment would see a reduction in the retail floorspace re-provided, principally to enable the provision of a school to the southern end of the site. The Class A1-A4 floorspace on the site would be reduced from 745m² (GIA) (excluding the nil use) to 130m², provided in a single unit at the base of the tower element of the scheme. The applicant is seeking flexibility in terms of its future use so that it can be used for Class A1, A2, or A3 use. This flexibility is not considered to be objectionable in this location and would ensure that the relatively isolated retail unit has a high probability of remaining occupied to provide a vibrant and active frontage at the prominent corner of North Wharf Road and Harrow Road. The loss of the existing public house, as noted by the South East Bayswater Residents Association, without replacement is regrettable. However, the wider public benefit of the scheme in terms of social and community floorspace provision and the provision of a wholly affordable housing scheme are considered to outweigh the loss of the public house.

The ground floor retail unit could be used as an entertainment use (i.e. as a Class A3 café/restaurant), but would not be a large entertainment use. Therefore it needs to be considered under Policy TACE 8 in the adopted UDP. Given its limited size and location, it is not considered that the proposed use would have an adverse effect on amenity, character or function of the area, or traffic subject to conditions. Given there is residential accommodation proposed above, it is recommended that the closing time in respect of the ground floor retail unit should be no later than 23.00 hours in order to safeguard the amenity of neighbouring residents. The opening hours of the retail unit, the provision of tables and chairs outside the unit and the provision of kitchen extraction equipment are to be controlled by conditions.

The proposed secondary school premises at the southern end of the site is intended for occupation by Marylebone Boys School, which is currently housed in temporary accommodation outside the City on Kilburn High Road in the London Borough of Brent. The provision of premises for the school on this site is supported by Councillor Cox, Children's Services and the St. Marylebone Society. The school premises proposed, which include external playspace at roof level, have been design in conjunction with Marylebone Boys School to ensure that the facility will meet their particular educational needs. In this context the concerns expressed by the Paddington Waterways and Maida Vale Society in respect of the limited outdoor playspace proposed cannot be supported as a ground on which to withhold permission.

The proposed school accommodation would comprise classrooms and other teaching spaces in a seven storey block with a double height sports hall at basement and ground level, dry gym above and roof level external play area. Servicing areas and cycling parking for the school are proposed to the rear, along with a secondary entrance for pupils. It is intended that the school will provide 120 student places per year group. The provision of this new educational facility is welcomed and its provision is in accordance with Policy SOC1 in the UDP and Policy S34 in the City Plan. A condition is recommended to secure details of public use of the school facilities outside of teaching hours in accordance with Policy SOC3 in the UDP and to address the concern on this ground raised by the Mayor.

A further condition is recommended in respect of both the school and the church premises to ensure that these social and community uses are provided prior to the occupation of the residential element of the proposed development.

6.1.2 Residential Use

The provision of a significant quantum of residential accommodation on this site accords with Policy H3 in the UDP and S3 in the City Plan, which specifically encourages residential delivery as part of mixed use redevelopment schemes within the POA. Dudley House formerly provided 4,072m² (GIA) of residential floorspace, arranged as 50 flats of a range of sizes. The proposed scheme would increase the residential floorspace on the site to 11,813m² (GIA) and provide between 187 and 197 flats. The proposed development does not contain residential units of excessive size and it would optimise the residential use of this site in accordance with S14 in the City Plan.

The density of the scheme is 1,056 habitable rooms per hectare (hrh)/ 488 units per hectare (uh). Whilst this is well above the density range for this part of the City under Policy H11 in the UDP (between 250 and 500 hrh), it is within the density range set out in Policy 3.4 of the London Plan, which sets density ranges based on transport accessibility. The density ranges for this location in the London Plan are between 140 and 405 uh and between 650 and 1,100 hrh. Given the general compliance with the upper density threshold set by the more recently adopted London Plan policy (adopted in 2015), the density proposed is considered to be acceptable and reflective of the efficient use of the site to provide residential accommodation that meets housing need (see following paragraph). However, density levels are only a guide to the acceptability of a development and must be considered with regard to other design and amenity considerations, which are set out elsewhere in this report.

The applicant proposes the delivery of between 187 and 197 residential units (Class C3); depending upon the finalisation of the mix and layout of the units (i.e. it may be necessary and reasonable to make minor amendments to the size and number of the units within the scheme to respond to evolution of affordable housing demand). This approach is considered to be acceptable on a scheme of this scale and provides the applicant with flexibility in terms of meeting housing need at the point of delivery of the scheme, whilst ensuring that a significant number of units would be delivered to meet overall housing demand within the City. A condition is recommended requiring details of the amended residential layouts should the number of units proposed be reduced below 197 units, which is the number currently shown on the submitted drawings.

The scheme proposes to deliver all of the units as intermediate affordable housing units provided on a sub-market rent basis to persons on the City Council's intermediate affordable housing waiting list. Whilst the delivery of a wholly affordable scheme is welcomed, the scheme fails to deliver the 60:40 social/ intermediate affordable tenure split set out in Policy S16 of the City Plan (including the Interim Guidance Note on Affordable Housing – November 2013) and the London Plan. However, it is evident that the scheme has been designed to respond to the identified demand for intermediate affordable housing, both in terms of income levels to which the flats would be affordable and household size (see evidence of demand provided in the Head of Affordable and Private Sector Housing's memo dated 26 February 2016 in the background papers). In this context, the provision of a wholly intermediate affordable scheme, comprised entirely of smaller units (i.e. studios, one and two bedroom flats – see Table 2), with all the units provided for sub-market rent, is considered acceptable as it will deliver housing that will be affordable and of suitable size for the largest possible proportion of persons on the City Council's current intermediate affordable waiting list. However, this justification for departure from the normal policy expectation for affordable housing in terms of the mix and tenure of housing to be provided can only be reasonably accepted in planning terms if all of the units are provided as intermediate affordable housing in perpetuity. As such, it is recommended that the provision of the residential accommodation as intermediate affordable housing, in accordance with the affordability criteria set out in the Head of Affordable and Private Sector Housing's memo, is secured via the unilateral undertaking accompanying the development.

Table 2: Amended Residential Mix by Number of Bedrooms/ Bedspaces

Type	Area (m2)	1st	2nd - 5th	6th	7th	8th -16th	17th	18th - 21st	Total	%
1 bed/ 1 person (studio)	37	2	3	2	2	2	1	1	41	21
1 bed/ 2 person	50	9	9	7	2	2	2	2	82	42
2 bed/ 4 person	70	3	3	4	4	4	3	3	74	38
Per Floor		14	15	13	8	8	6	6		
Total		14	60	13	8	72	6	24	197	

The number and mix of units proposed is set out Table 2 and the mix has been amended in response to the Mayor's concerns regarding the quality of accommodation provided by initially proposed scheme. The Mayor's concerns principally related to the provision of 10 poorly lit 'micro' units (i.e. units that would have been smaller than the London Plan's minimum standards and those set by the 'Nationally Described Space Standard'), the provision of a high number of units accessed single core between first and seventh floor levels, the low daylight levels received by the living areas in some of the larger flats and the limited number of wheelchair adaptable units.

In terms of the 'micro' units, these very small units were also of concern to officers and the Paddington Waterways and Maida Vale Society and they have been omitted from the scheme and the layouts between first to sixth floor levels amended to ensure that all of the units in the scheme are compliant with the London Plan's minimum standards and those set by the 'Nationally Described Space Standards' (2015).

The Mayor has asked that an additional residential core is provided for the residential accommodation between first and seventh floor levels to reduce the number of residential units at these levels that are served by a single core with a long corridor across the full extent of the residential part of the development. Following further discussion between GLA officers and the applicant, it is understood that they have accepted that a second core cannot be provided. The applicant has provided a compromise position by increasing the level of natural light within the corridor on each floor by providing windows to either end of the corridor. It is considered that this is an acceptable solution that addresses the Mayor's concerns without undermining the affordability of the residential accommodation within the development by having to provide a second core.

The Mayor has expressed concerns that the quality of the accommodation would be relatively poor in some units where the living rooms and kitchens would be set back from the building façade behind balconies that sit within the external envelope of the building (i.e. where balconies do not project from the façade). The applicants have addressed the Mayor's concerns in this regard by reconfiguring these units so that the bedroom and living spaces have been 'flipped'. This enables the living spaces to benefit from windows that are at the outer face of the building envelope, rather than being set back behind recessed balconies, thereby ensuring they will receive more daylight. It is considered that this has resolved the Mayor's concerns in this regard.

As initially submitted the residential accommodation proposed provided only 2% of units as units that could be adapted for use by wheelchair users. Following amendment the number of wheelchair adaptable units has been increased from 4 (2%) to 11 (6%). Whilst this still falls below the 10% set out in the draft Minor Alterations to the London Plan and is regrettable, it is considered that on balance this improvement is sufficient to overcome the initial concern on this ground. A condition is recommended to ensure the provision of the 11 wheelchair adaptable units.

The application includes three communal terrace areas for residents at first, seventh and seventeenth floor levels. The shadowing study submitted demonstrates that first floor terrace will receive sunlight in summer months and would therefore provide a desirable external amenity space. The terraces on the higher floors would be likely to receive more sunlight throughout the year due to their elevated positions.

The lower two terraces are to be partially landscaped using planters and the first floor terrace is proposed to include informal play provision for young children. This is welcomed and this limited on-site play provision is considered to be acceptable given that the scheme is primarily designed to provide smaller accommodation for single people, couples and co-habiting pairs on the City Council's intermediate affordable housing waiting list. As a result, the child yield for the development is calculated to be only 9, with 6 under five. Details of the landscaping of these terraces and the play provision to be provided as part of the first floor terrace are to be secured by condition. The condition will also ensure the provision of the play provision.

The scheme will create an uplift of between 137 and 147 residential units on the site and Policy H10(B) in the UDP requires large residential developments (over 50 units) to provide the provision of a social and community facility on site. In this case this requirement is fulfilled by the provision of a new school and church premises.

6.1.3 Land Use Summary

In conclusion the land use mix proposed is acceptable and appropriate for this location within the POA in accordance with Policy S3 in the City Plan. The development optimises the residential use of the site in accordance with Policy S15, provides a significant quantum of affordable housing that meets housing need and delivers social and community uses that are specifically designed to meet the needs of identified end users in accordance with Policies H10 and SOC1 in the UDP and S34 in the City Plan.

8.2 Townscape and Design

The site lies outside a conservation area and there are no listed buildings in the immediate vicinity. The Bayswater Conservation Area lies to the south and west (its boundary approximately 65 metres to the south-west), and the Paddington Green Conservation Area and the Maida Vale Conservation Area lie to the north, with their boundaries on the north side of the Westway (A40). All of these surrounding conservation areas contain listed buildings, with the closest to the application site including the grade II* listed Church of St Mary (Paddington Green), the grade II* former British Rail Maintenance Depot and the grade I Paddington Station (in the Bayswater Conservation Area).

The site comprises Dudley House, which is a 1930's block of flats. It is a brick built building, occupying an irregular plan form and is part 5 and part 6 storeys tall. Also at the northern end of the site is a remnant of earlier three-storey Victorian terraced properties facing Harrow Road, including at the corner of North Wharf Road and Harrow Road, the former Dudley Arms public house.

The surrounding townscape is of a mixed and largely modern character and is also one where further change is likely to occur in the very near future, as permitted schemes are implemented. Immediately to the east of the site are the residential blocks of Montgomery House, Munkenbeck and Marshall Buildings. Completed in 2004, this group of four linked pavilion blocks rise to 15 storeys at the northern end. Immediately to the west of the application site is the site of 55-65 North Wharf Road, where redevelopment has been approved and where works to demolish the existing buildings on the site have commenced. This will feature a 15 storey office block with plant rooms above (totalling 17 storeys) at the northern end of the site and a 13 storey residential block at the southern end of the site. To the south of the application site are the modern buildings which face onto Paddington Basin, with The Point (completed 2002) at 9-10 office storeys being the closest to the application site. To the north the application site is truncated from the more historic townscapes of Paddington Green and Maida Vale by the Westway (A40).

The proposal would include the demolition of all of the buildings on the site. This extent of demolition was previously accepted in the 2012 permission. For much the same reasons, as those set out in the committee report for that earlier permission, while the Victorian buildings and to a lesser degree Dudley House have some architectural and historic interest. Their small scale and fine detail is overwhelmed to some extent by their larger neighbours and this significantly diminishes the contribution they make to this area. It is not considered that they play such a significant role in the local townscape (as it now exists and proposed) to warrant their retention and protection.

The replacement development will comprise two main elements: a residential component and a secondary school component. The residential component will comprise a 22 storey tower and a 7 storey block; and the school will be a 7 storey block, occupying the southern part of the site.

In terms of the height of the proposed development, which is one of the key concerns identified by objectors, the applicant has undertaken some views analysis to demonstrate the townscape visual impact. From this it is clear that the development has perhaps its greatest impact in views from the north, notably from around Paddington Green and from the Little Venice area of Maida Vale. However, in the emerging context of recently completed and permitted schemes, the proposed height, while substantial is comparable with the northern part of 55-65 North Wharf Road and does not result in a more harmful impact, than that already created by the recent developments. It is considered regrettable that some reduction in height could not be achieved to allow a better transition in scale between Montgomery House and the new commercial building at 55-65 North Wharf Road, although it is acknowledged that a step in the tower at 17th floor level, makes some reference to this building up in height.

Both principal elements of the scheme will have a brick-slip cladding system as the primary facing material, although some distinction in brick type is proposed to distinguish the school block and the residential parts.

The tower will feature a framework of expressed vertical and horizontal elements which will create a layered grid. There will also be recessed panels of brickwork and metal infill panels associated with the glazing system. All of these elements will help to breakdown the massing and add depth to the facades. Recessed balconies are proposed for the north and west facades, with projecting balconies on the other two sides.

The school will feature linear strips of windows to the upper floors and the ground floor will have a recessed entrance and, in part, will feature a contrasting facing material to the brick elsewhere. The school elevation to North Wharf Road has been amended to introduce full height glazing to the school meeting rooms and double height sports hall to provide a more active frontage to what was initially a relatively blank street façade and this amendment is welcomed.

The proposed materials and detailed design of the component parts are at the lower end of acceptability, with form and function taking precedence over aesthetic design quality and proven durability. The use of applied brick slips to an insulated base and a powder-coated aluminium secondary material, would not in most cases meet the City Council's aspiration to deliver high quality new development, although it is acknowledged that the benefits that the scheme delivers in terms of housing and educational provision are mitigating factors in accepting a more pragmatic design. It is certainly the case that the site lies within a context of modern development which allows some flexibility of design and independence of form. However the use of brick slips in particular, remains a concern and it is suggested that an amending condition is imposed which seeks to secure a more traditional cladding system and brick facing (see Condition 42 on the draft decision letter). A study of the brick slip system preferred by the applicant has been provided on behalf of the applicant and this is provided in the background papers for the Committee's information.

Overall, taking into account the benefits delivered by the scheme, and the scale and design of the emerging townscape in the immediate vicinity, and with the suggested conditions, the proposal is considered acceptable in design terms and would accord 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

The need to safeguard the amenities of adjoining residents has dictated the overall design approach for this proposed development and was cited as one of the constraints in the adopted planning brief. The adjoining development in Hermitage Street known as 'Paddington Walk' (comprising the Munkenbeck and Marshall Buildings and Montgomery House) contains a large number of windows and terraces which are sited very close to the site boundary, and their light is further restricted by the large overhangs and balconies. As a result many of these windows already receive exceptionally low levels of daylight and sunlight. Objections have been received from a number of residents in these adjoining blocks on grounds of loss of daylight and sunlight.

The applicant has tested all of the windows in Montgomery House and the Munkenbeck and Marshall Buildings that face onto the application site using the Building Research Establishment's (BRE) Guidance 'Site Layout Planning for Daylight and Sunlight' (2011). The BRE Guidelines identify that where a window experiences a reduction in daylight in excess of the 20% using the vertical sky component (VSC) method of assessment, the loss will be likely to be noticeable to the occupant of the flat that the window serves. The submitted assessment identifies that 127 (34%) windows serving habitable rooms would not suffer a material loss of daylight, 51 (14%) windows would suffer a 20-30% loss of daylight, 23 would suffer a 30-40% loss of daylight and 164 (45%) would suffer a loss of daylight in excess of 40% of their existing VSC value.

The Munkenbeck and Marshall Buildings to the east and the south east comprise of three elements, and these are built on or very near to the boundary of Dudley House. In terms of the relationship with Dudley House, these buildings are not considered to be 'good neighbours', as they are not significantly set back from the boundary of the adjoining site and take more than their fair share of light (i.e. they are reliant upon much smaller development on neighbouring sites to maintain the daylight levels currently experienced). Existing daylighting levels are very low in some cases, particularly on the lower floors and therefore any reduction in daylight, however small, will be expressed as a high percentage loss. It is recognised that a number of the windows in the Munkenbeck and Marshall Buildings will experience losses that are high in percentage terms. However, these blocks are not 'good neighbours' and the worst affected windows would be located beneath balconies and overhangs, which severely limit the access of these windows to natural light. It is therefore considered that the BRE guidelines need to be applied with flexibility in this instance.

The impact on flats in Munkenbeck and Marshall Buildings would be greatest between ground and fourth floor levels where they extend out to the western edge of the adjoining site and have a significant number of windows immediately behind the site boundary with the application site, or set back only marginally from it. In addition, as noted in the preceding paragraph, many of the windows to the lower floors are also oversailed by

balconies or terraces above. As a result of the form and design of these neighbouring building, a loss of daylight to all of the habitable windows in 35 flats between ground and fourth floor levels would be caused. Three of the affected flats would be at ground floor level, 9 of the flats would be at first floor level, 9 at second floor level, 7 at third floor level and 7 at fourth floor level. A further 24 flats would have windows that would suffer a material loss of daylight; however, the flats would either have other habitable rooms that were not served by windows that would be materially affected or the window(s) affected serve a dual aspect room where the room is also daylit by a second unaffected window in another elevation.

Montgomery House to the northern end of the adjoining 'Paddington Walk' site comprises a 15 storey tower, with the western end of the tower in close proximity to the 22 storey tower proposed as part of the application scheme. As a result, windows in the western end of Montgomery House would suffer a material loss of daylight. However, the number of flats that would suffer material losses of daylight to all of their windows serving habitable rooms would be limited to 5 units at first, second and third floor levels. This is because the internal arrangement of the western end of Montgomery House on most of the floors provides dual aspect flats with habitable rooms that would not be materially affected by the development to the north and south facades. Therefore whilst a further 24 flats would suffer a material loss of daylight to one or more of their habitable rooms, they would retain an unaffected habitable room (often their living room), which is located to the north or south elevation.

The applicant has also assessed the impact of the development on the approved, but as yet unbuilt, residential building forming part of the site at Nos.55-65 North Wharf Road opposite the site to the west, across North Wharf Road. The proposed scheme would result in a material loss of daylight of between 20-60% of current VSC levels to the street facing eastern elevation of this neighbouring building. However, despite these large percentage losses the residual VSC values would generally remain good for an inner London location such as this and as such, the impact on this neighbouring residential building, which has yet to be built, is considered to be acceptable in terms of daylight loss.

In summary, in areas of established townscape across the City, the material losses of daylight that would be caused by this proposal would normally fail to accord with Policy S28 in the City Plan and ENV13 in the UDP. However, in this case the site is within the POA where adopted policy envisages the provision of denser development to ensure the delivery of a significant quantum of new residential and commercial floorspace, along with supporting shops and local services. Furthermore, it is important to consider the impact on the amenity of neighbouring residents in the wider context of the benefits arising from the scheme. In this case it is precisely this wider context, namely the significant provision of affordable residential accommodation and social and community floorspace, along with the location of the site within the POA, which is considered to justify the material loss of daylight to windows to the buildings opposite the site to the east and west.

8.3.2 Sunlight

A large number of the windows in Montgomery House and the Munkenbeck and Marshall Buildings facing the application site also face within 90 degrees of due south and therefore these windows must be assessed to demonstrate the impact the proposed development would have on them in terms sunlight loss. The BRE Guidelines focus protection from

sunlight loss on main living rooms and advises that sunlight to kitchens and bedrooms is less important. Nevertheless the applicant has assessed the sunlight loss to all habitable rooms facing within 90 degrees of due south. The BRE Guidelines advise that windows that receive more than one quarter of annual probably sunlight (APSH), including 5% of APSH in the winter months between 21 September and 21 March should receive enough sunlight to be considered to be well sunlit.

Of the 311 windows assessed by the applicant 57% already do not achieve the level of sunlight above which the BRE Guidelines suggest that a room would be well sunlit. 26% of the windows receive less than 10% of APSH and in a limited number of cases, such as some of the windows in the Munkenbeck and Marshall Building, the windows receive 0% of APSH at present. It is clear therefore that the form and design of the neighbouring buildings already has an adverse impact on the sunlight levels reaching windows in these neighbouring buildings.

The proposed development would reduce the number of windows that would achieve the BRE Guidelines in terms of sunlight provision to 48%. A large number of the windows which would suffer a material reduction in sunlight would though be bedrooms rather than living rooms. As such, overall whilst the proposed development would have a material impact on sunlight levels to windows serving living rooms in Montgomery House and the Munkenbeck and Marshall Buildings, the impact would not be so significant as to warrant withholding permission. The degree of sunlight loss would be exacerbated by the unneighbourly form of the neighbouring buildings and in many cases their poor existing sunlighting levels, which results in higher percentage losses than would otherwise be the case.

As per the daylighting analysis, the wider planning benefits of the scheme and the location of the site within the POA, where larger scale development is actively encouraged, are also material considerations which support more a more flexible approach to sunlight protection than would be the case in a more established area of townscape.

8.3.3 Sense of Enclosure

It is recognised that there will be an increase in the sense of enclosure to adjoining residents in Montgomery House and Munkenbeck and Marshall Buildings. The worst affected windows are in the lower floors of the Munkenbeck and Marshall Buildings (up to fourth floor level) and in the western end elevation of Montgomery House.

In terms of Montgomery House, the windows in the west elevation would be located between 18 to 22 metres from the eastern side elevation of the 22 storey tower. As such, whilst the sense of enclosure would be increase in the view from all of the windows in this façade, sufficient distance would be provided to ensure that the sense of enclosure caused would not be so significant so as to warrant refusal of permission. A further consideration is that most of these windows serve bedrooms and most of the flats at the western end of Montgomery House have living rooms to the south and north elevations, facing away from the proposed 22 storey tower.

In respect of the Munkenbeck and Marshall Buildings, a large number of windows are located at the boundary with the application site or close to it. However, the proposed school building would be 10 metres from the nearest neighbouring windows and this part

of the scheme would only extend along the southern most part of the site, such that windows adjacent to the bulk of the school building would retain greater outlook at more oblique angles to the north and south. The residential part of the proposed scheme above ground floor level would be set back 28 metres from the nearest neighbouring windows in the Munkenbeck and Marshall Buildings and at this distance, whilst this part of development would alter the view, it would not cause a materially increased sense of enclosure.

The approved, but unbuilt residential building at Nos.55-65 North Wharf Road would be located across North Wharf Road to the south west of the application site. Given the separation distance afforded by North Wharf Road, the proposed development would not significantly enclose these as yet unbuilt residential windows.

Concerns have been raised on the ground that the development will obstruct views; however, existing private views from neighbouring properties cannot be afford protection.

In conclusion in sense of enclosure terms the proposal complies with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.3.4 Privacy

In general, the proposed new buildings are located a good distance away from the neighbouring flats in Montgomery House and the Munkenbeck and Marshall Buildings and therefore whilst private residential terraces are proposed on the upper floors, the proposed development would not result in any material loss of amenity as a result of overlooking.

A large communal terrace is proposed at first floor level and this has the potential to cause overlooking to neighbouring windows in Montgomery House and the Munkenbeck and Marshall Buildings. However, details of screening to the perimeter of the terrace are to be secured by condition to prevent overlooking occurring. Details of screening between the first floor communal terrace and the flats within the development that open directly on to the terrace are also to be secured by condition.

Further communal terraces are proposed at 7th and 17th floor levels, but at these heights and in the locations proposed, it is not considered that these larger terraces would cause significant overlooking.

The proposed school building includes a roof top play area, but this will be enclosed by a high parapet wall, which would prevent overlooking occurring to neighbouring residential windows.

Subject to the recommended condition the proposed development is acceptable in privacy terms and would comply with Policy S29 in the City Plan and Policy ENV13 in the UDP.

8.3.5 Noise

This site is located next to busy main roads and concerns have been raised regarding the suitability of site for the provision of residential accommodation and the potential for

development to cause reflected traffic noise to residential accommodation on the north side of the Westway and Harrow Road.

In terms of reflective road traffic noise, in this location the site is set back from neighbouring residential properties on the north side of the Westway and Harrow Road owing to the Harrow Road Gyratory. As such, the development, whilst tall, would be set away from the faster moving traffic on the Westway and would be at least 95 metres from the nearest residential properties to the north. As such, it is not considered that the proposed development would result in increased reflected noise to residents on the other side of the Westway and Harrow Road.

Neighbouring residents have expressed concern regarding noise from the school use on the site, which includes a roof top external play area. However, whilst this would result in some appreciable noise, this would be for limited periods during the school day and not at un-neighbourly times of day such as in the evening or at night. As such, whilst it is accepted that there will be a change in the noise environment for neighbouring occupiers, this would not amount to a ground on which to withhold permission. A condition is recommended to prevent the use of the roof top play area of the school between 07.00 and 19.00 hours daily.

The proposed development will require the installation of mechanical plant and this will be largely located within the basement of the development, with some additional school specific plant located at roof level on the roof of the school set behind a high parapet within a plant enclosure. Conditions are recommended to control the operational noise level of the mechanical plant that is installed so that it operates below the existing background noise level in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

With regard to internal noise levels for future occupiers of the development, the scheme has been designed to include an external envelope that will provide sufficient noise attenuation to ensure that the internal noise levels within the respective elements of the development accord with adopted policies. In particular, the residential accommodation is to incorporate mechanical ventilation with heat recovery so that whilst windows can be opened, occupiers are not reliant on opening windows in what is a noise external environment. A condition is recommended to ensure that the development accords with noise policies ENV6 and ENV7 in the UDP and S32 in the City Plan in terms of external noise and noise insulation between the respective uses within the development.

8.4 Transportation/Parking

The applicant has submitted a Transport Assessment with the application. This site benefits from a high level of accessibility with good public transport links and has a Public Transport Accessibility Level (PTAL) score of 6b. The transportation and parking impacts of the development are considered in the following sections of the report.

8.4.1 Increased Trip Generation and Impact on the Road Network/ Public Transport

The Mayor, TfL and the Highways Planning Manager are satisfied that the proposed number of trips associated with the social and community, retail and residential uses can be accommodated on the existing road and London Underground network. TfL and the

Mayor ask that the applicant liaise with TfL to ensure that the potential impact on local bus networks of the new school and replacement church can be understood and mitigated if necessary.

Neighbouring residents have expressed concerns regarding the potential for the proposed school to cause significantly increased congestion in North Wharf Road and Hermitage Street and the Paddington Waterways and Maida Vale Society are concerned that the pavement outside school entrance needs to be large enough to accommodate a surge of pupils at the end of school hours unless end of school day is staggered. The Highways Planning Manager is content that the provision of a school in this location would not have a significant adverse impact on the operation or safety of the highway. A layby is to be provided to allow coaches to pull in to allow pupils to alight, thereby reducing the impact of such vehicles on the flow of the highway. In terms of pupils entering and leaving the school, there will be a significant paved area immediately outside the front entrance and a second rear exit is proposed to enable the flow of pupils in and out of the school to be split, lessening the pressure on each entrance. It is understood that the school will provide pre-school and after school clubs that will stagger the flow of pupils to and from the building. A management plan is understood to have been developed to seek to manage pupils arriving at and leaving the premises and a condition is recommended requiring this to be submitted and approved prior to occupation of the school premises. As such, the concerns expressed by the Paddington Waterways and Maida Vale Society cannot be supported.

The Paddington Waterways and Maida Vale Society also question whether a crossing and/ or crossing patrol is required across North Wharf Road outside the school. Given North Wharf Road has a relatively low traffic flow, it is not considered that is necessary or reasonable to require the provision of a crossing or crossing patrol as part of any permission. Should provision of a crossing patrol become necessary this can be agreed between the school and the City Council as local highway authority, if the need arises

TfL do not object to the submitted Construction Management Plan (CMP) in terms of the impact it would have on the local highway network, which includes part of the TfL Strategic Road Network. A condition, as sought by TfL, is recommended requiring the development to be carried out in accordance with the submitted CMP.

8.4.2 Car Parking

No parking is proposed for the school, church and retail uses and this is not considered to be objectionable and this approach is supported by TfL and the Highways Planning Manager.

A total of 32 car parking spaces are proposed for the residential flats accessed from North Wharf Road at the southern end of the site via a two way ramp. TfL consider that the residential parking proposed is excessive given this site is highly accessible by public transport. However, the Highways Planning Manager objects to the level of parking due to the loss of existing residential parking on the site coupled with the low ratio of parking spaces to residential units proposed (0.16 spaces per unit). The Highways Planning Manager is concerned that this will add to pressure on on-street parking as the development would potentially generate up to 71 additional cars based on Hyde Park

Ward car ownership levels of 36%. On street parking occupancy levels have already reached 78% during daytime hours and 63% at night.

In this case; notwithstanding the Highways Planning Managers objection, given the tenure and relatively small size of the units proposed, it is considered that the level of off-street residential parking proposed is acceptable as the car ownership levels that will be experienced are likely to be lower than average. In addition, the applicant has undertaken to provide lifetime (25 year) car club membership for each residential unit. Furthermore, the on-site car parking is to be provided on an unallocated basis to ensure the highest possible usage of these spaces. The unallocated parking and car club membership are to be secured via the unilateral undertaking.

Within the basement 20% of the car parking spaces will be provided with electric charging points, with a further 20% being capable of being converted to provide electric charging in the future. This level of provision is acceptable and in accordance with London Plan policy. A condition is recommended to secure this provision.

The number of disabled parking spaces has been increased following amendment to comprise 11 spaces (i.e. the same number of disabled spaces as there are wheelchair adaptable units following amendment of the residential accommodation). Following this amendment this level of provision is considered to be acceptable and the concerns expressed by TfL and the Mayor have been largely addressed.

8.4.3 Cycle Parking

The scheme includes the provision of 276 cycle parking spaces for the residential units within the basement and this level of provision accords with the relevant London Plan policy and is acceptable.

The school will be provided with 32 parking spaces for staff and 154 spaces for pupils and this level of secure and weatherproof cycle parking well exceeds the level of provision required by the London Plan. The cycle parking for the school is provided to the rear of the site adjacent to the secondary entrance to the school.

A condition is recommended to secure the residential and school cycle parking as proposed in the submitted scheme.

The Highways Planning Manager notes that no weatherproof and secure cycle parking is proposed for the church or the retail unit. TfL are concerned that changing and showering facilities should be indicated for staff of the church and retail units. A condition is recommended showing such provision within the development (i.e. cycle storage should not on the public highway/ on the private forecourt); albeit, given the nature of the church use, it is not considered that dedicated showering and changing facilities are required in association with this use.

8.4.4 Servicing

Policy TRANS 20 in the UDP and Policy S42 in the City Plan require the provision of on-site servicing and this will be provided to the rear, accessed from Dudley Street. In principle the Highways Planning Manager does not object to the proposed arrangement,

but he has concerns about the need to prevent the use of the servicing bay at the beginning and end of the school day and how the gates to this area will be managed to prevent obstruction. A condition is recommended to secure a servicing management plan, which identifies how the servicing area will be managed to ensure there is not a conflict between the operation of the school and the operation of the servicing area serving both the school and other uses within the development.

The proposed school requires a coach drop off and collection facility and this is proposed in the form of a layby that can accommodate two coaches on North Wharf Road. The coach layby is required to allow for several coach movements per day, principally in relation to off-site sports activities. The provision of the coach layby would result in the loss of five residents bays currently in the same location. However, these can be reprovided elsewhere on the east side of North Wharf Road as the existing entrance to Dudley House would be removed as part of the development. The provision of the amended highway layout will need to be provided at the applicant's cost and full details of the highway works and their provision will need to be secured via the unilateral undertaking accompanying the scheme.

8.4.5 Highway Works

The proposed development involves significant amendment to the relationship of the building on this site to the public highway and as set out in 8.4.4, the layout of the public highway itself will need to be amended to accommodate the requirements of the development in terms of servicing and parking. The alignment of the proposed building will also necessitate dedication of new highway land along North Wharf Road to ensure sufficient width of footpath would be maintained. Amendments to on-street parking and highway layout will necessitate Traffic Management Orders. These highway alterations and works will need to be secured via the unilateral undertaking.

The South East Bayswater Residents Association (SEBRA) and PRACT suggest that £250,000 should be provided for public realm improvements outside the site in Harrow Road. However, the provision of wholesale relandscaping of the highway land outside the site in Harrow Road is not necessary to make the development acceptable in public realm terms. Accordingly it would not be reasonable to require a financial contribution of the scale suggested by SEBRA and PRACT. As per the previously approved scheme, it is recommended that the highway works required in connection with the scheme include the provision of works to improve the public realm in Harrow Road outside the site; however, this would be limited to renewal of the existing highway arrangement and would not provide for more extensive hard and soft relandscaping.

The Mayor is seeking a financial contribution of £189,000 to enable the provision of a new 27 docking point cycle hire docking station (or alternatively enlargement of the existing docking stations) in the vicinity to mitigate the impact of this and other forthcoming developments in this part of the POA. The applicant has agreed to the provision of this contribution and it is to be secured via the unilateral undertaking.

8.5.6 Travel Plan

A travel plan has been submitted in respect of the proposed school use and this is welcomed by TfL and Mayor. They request that a travel plan is also produced for the

residential and church uses within the development and that the travel plans are secured, monitored and reviewed via the unilateral undertaking.

8.5 Economic Considerations

It is recognised that redevelopment of the site may result in the temporary displacement of existing jobs (which has already occurred due to the vacation of the site pursuant to the CPO), but this will be compensated by the employment opportunities generated during construction and jobs will be created in the replacement retail and social and community units within the scheme.

8.6 Access

All parts of the new building will have step free access at ground floor level with lift access in each core. In addition, 11 disabled parking bays are being provided in the basement car park. The Mayor has asked that these are allocated to blue badge holders, but this is considered to be a management function and not a matter that can reasonably be controlled by the City Council as local planning authority. An informative is recommended to advise the applicant that blue badge holders should be prioritised when allocating the disabled parking bays. Overall the scheme is considered to comply with Policy DES1 in the adopted UDP and Policy S28 in the City Plan in terms of accessibility.

The adaptability of the residential accommodation itself for future use by wheelchair users is dealt with in Section 6.1 of this report and the provision of disabled parking is considered in Section 6.4.

8.7 Other UDP/ Westminster City Plan Policy Considerations

8.7.1 Archaeology

The views of Historic England are awaited. This site is located outside the area of special archaeological priority for the Paddington and Lilestone villages, and therefore it is unlikely that this site has any significant archaeological potential.

8.7.2 Air Quality

Whilst an air quality assessment has been carried out and submitted with the application, the Mayor is concerned that the submitted assessment does not include emissions from increases in traffic movements associated with the development. Given this, and as the assessment does not assess the development using the 'air quality neutral' assessment for building and traffic emissions, required by Policy 7.14 in the London Plan, further information on the air quality impact of the development is required. The applicant is in the process of re-assessing the impact of the development to address the Mayor's concerns and this will be reported to the Committee verbally.

In terms of the air quality for future residents and users of the development (i.e. users of the school and church), mitigation measures will be required on the lower floors of the building between ground and 10th floors as they are closest to the poor air quality along the Westway (A40) and Harrow Road. It is proposed to provide mechanical ventilations with treatment filters that would prevent exposure of future residents to nitrogen dioxide levels

that exceed the annual mean standard for nitrogen dioxide. A condition is recommended to ensure the proposed mechanical ventilation and filtration system is installed prior to the occupation of the relevant part of the development.

8.7.3 Contaminated Land

The applicant's Geoenvironmental Report identifies that adjoining sites were historically used for fuel storage and there is therefore a minimal risk of 'migration' of hydrocarbons. However, given the proposed redevelopment scheme comprises site wide excavation with any contaminated soil removed from the site the risk to future occupier, end users and construction workers from contaminated land is low and, subject to the comments of Environmental Health, mitigation beyond that contained within the proposed development is not required.

8.7.4 Extract Ventilation for the Retail Unit

The scheme includes a full height kitchen extract flue that would terminate at roof level so as to remove all cooking odours should the retail unit be used for Class A3 restaurant or café purposes. This would avoid odour nuisance to residents of the development and neighbouring buildings in accordance with Policy ENV5 in the UDP and S29 and S31 in the City Plan.

8.7.5 Flood Risk

A Flood Risk Assessment has been undertaken in respect of this proposal which concludes that this area is within Flood Zone 1 and therefore has a low risk of flooding.

The proposed development incorporates sustainable drainage measures in the form of run off tanks to attenuate water flow in to the sewerage system. A condition is recommended to secure these sustainable urban drainage measures, which accord with S30 in the City Plan and Policy 5.13 in the London Plan.

Surface water flooding has been recorded in North Wharf Road, but detailed mapping demonstrates that this has not occurred on or immediately adjacent to the application site. As such, it is not considered that additional measures are necessary as part of this development to deal with this issue.

The Mayor has also questioned why a green roof cannot be provided in combination with photovoltaic panels at roof level and whether planting on terraces could be used to maximise water attenuation. A condition is recommended requiring the provision of a green roof at main roof level and the details of irrigation will be sought as part of the landscaping details to be secured by condition in respect of the roof terraces.

8.7.7 Waste and Recycling

The Cleansing Manager has raised concern at the proposed use of a tri-separator chute system for waste and recycling. His concerns relate to the potential for the recycling disposed of using such a system to become contaminated, thus reducing the level of recycling from buildings using such a system. The applicant is seeking to address this concern and their response will be reported verbally to the Committee.

The Cleansing Manager has also sought confirmation of the waste and recycling storage to be provided within each flat and the capacity of the waste and recycling storage containers and bulk storage for the residential, school and retail uses. The applicant has clarified that under sink waste and recycling storage is to be provided for each flat and clarification of the main waste and recycling storage has been provided. The Cleansing Managers further comments on the additional information provided will be reported verbally. A condition is recommended to reserve details of the waste and recycling storage facilities and disposal system should this matter not have been fully resolved prior to the committee meeting.

8.7.8 Tables and Chairs on the Highway

A condition is proposed to restrict the future placing of tables and chairs on the private forecourt of the ground floor retail unit given the proximity of the residential flats above.

8.8 London Plan

The application is referable to the Mayor given it is a development over 30 metres in height. The Mayor has advised in his 'Stage 1' response received on 25 February 2016 (see background papers) that as initially submitted (i.e. prior to amendments referred to elsewhere in this report), the application does not comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

The applicant has met with GLA officers to discuss their key concerns in respect of the quality of accommodation and the quality of the proposed facing materials. Any formal views of the Mayor on the amended scheme will be reported verbally to Committee.

If Committee resolve to grant permission for the redevelopment, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The planning obligations are considered to be compliant with the policy requirements set out in the adopted City Plan, the UDP and the Planning Obligations SPG (2008). In arriving at the recommended package of planning obligations as set out in the Community Infrastructure Regulations 2010 (as amended), they must be a) necessary to make the development acceptable in planning terms; b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.

If Committee is minded to grant permission, a unilateral undertaking will be required to secure the heads of terms set out in the recommendation. The heads of terms to be sought are as follows:

- a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.**

As set out in Section 6.1 it is necessary for all of the residential accommodation within the development to be provided as intermediate affordable sub-market rent units to justify the departure from adopted policy in terms of the mix of units and the tenure split. The affordability should also be set to justify the mix of smaller studio, one bedroom and two bedroom units.

- b) Provision of lifetime car club membership (25 years) for each residential unit in the development.**

Given the shortfall in on-site residential car parking within the development it is necessary for the increased pressure on on-street parking to be mitigated by the provision of one membership per residential unit for a period of not less than 25 years.

- c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).**

Given the shortfall in on-site residential parking the provision of the spaces proposed on an unallocated basis will ensure the maximum usage of the spaces available; thereby limiting the impact of the development on the availability of on-street parking.

- d) Provision, monitoring and review of residential, school and church travel plans.**

As requested by the Mayor, the travel plans aim to reduce the reliance on private vehicles and promote other transport modes.

- e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.**

The development is reliant on the proposed amendments to the public highway to provide school servicing and relocated residents on-street parking. The dedication of highway land is required to ensure an acceptable width of footway is provided along the east side of North Wharf Road.

- f) Provision of a financial contribution of £5,000 (index linked) to provide replacement street trees in the vicinity of the application site.**

Contribution required to mitigate the loss of four street trees and one tree on the application site which are to be lost as part of the development.

- g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site.**

As requested by the Mayor, this contribution would contribute to limiting car use in relation to the development thereby lessening pressure on on-street residents parking.

h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works).

The proposed development triggers a requirement under the 'Planning Obligations' SPG (2008) to provide a contribution to open space provision and the site is located within an area defined in the City Plan as being deficient in open space. In this context the financial contribution requested by the Canal and River Trust to enable improvement of the canal side towpath in the vicinity of the site is considered to be necessary and reasonable and would ensure that the development contributes to improvements to the Blue Ribbon Network, which forms an important part of the available open space available to future residents and users of the development in this part of the City.

i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.

This contribution will allow for monitoring of the development site during construction by the Environmental Inspectorate and Environmental Sciences to ensure that the impact of construction on neighbouring residents and the local highway network will be limited. The value of this contribution will be confirmed following the receipt of comments from these consultees.

j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.

As set out in section 8.11.1, the clause will maximise the opportunity for the formation of a district heat or power network within the POA. This clause is consistent with similar requirements imposed on other developments in this part of the basin and was imposed in granting permission for the 2012 scheme for redevelopment of this site.

k) Payment of cost of monitoring the agreement (£500 per head of term).

To fund the Section 106 Monitoring Officer to monitor the agreement to ensure that the applicant complies with the undertakings they have given.

8.11 Environmental Impact Assessment

The City Council previously issued a screening opinion in respect of the redevelopment scheme approved in March 2012 (11/06435/COFUL) and that concluded that the previously approved scheme would not have such significant environmental effects to require an Environmental Impact Assessment (EIA). Since the determination of the previously approved scheme the thresholds, above which an EIA may be required in respect of Urban Development Projects, have been relaxed by virtue of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

The proposed development, though larger than previously approved, would not include more than 1 hectare of non-residential urban development; would not provide more than 150 additional residential units; nor does the overall area of the development exceed 5 hectares.

This proposal does though include the construction of a tall building comprising 22 storeys and therefore its environmental impacts, nevertheless need to be examined. In this case, the key issues are the impact on the amenities of the flats in neighbouring the site to the east facing Harrow Road and Hermitage Street and impact on the townscape, and these matters have been dealt with in detail earlier in this report. It is not considered that a 22 storey tower element, at the corner of Harrow Road and North Wharf Road, would have adverse impacts on the microclimate and wind conditions. These impacts have been modelled and assessed by the applicant and these assessments do not identify any significant concerns in respect of the environment at the base of the building in these regards.

8.11.1 Sustainability

The residential element of the new development has been designed to achieve Code Level 4 of the Code for Sustainable Homes, as per the previously approved scheme for this site. The non-residential elements, which primarily comprises the new school premises, are to achieve a BREEAM 'Very Good' rating.

The building has been designed with passive cooling measures such as solar control glazing, external shading and brise soleils. The passive measures reduce demand for energy as well as avoiding overheating of the building. The proposed energy strategy is based on the provision of a combined heat and power (CHP) system in combination with photovoltaic panels at roof level of the tower element of the building, which would serve the whole development. The strategy indicates that the building's total annual carbon dioxide emissions will achieve a 40% improvement upon the maximum emissions rates permitted by the Building Regulations.

This proposed energy strategy accords with Policy 5.2 of the London Plan and Policies S39 and S40 in the City Plan. However, the Mayor considers that the provision of the CHP system should be delayed to enable further exploration of connection to a district heat network, with only gas boilers provided in the interim for a period of 5 years. The applicants have though explored the availability of existing district heat networks and the potential to assist in the establishment of a new district heat network; however, there is neither an existing network available, nor have they been able to attract a partner with which to establish a district heat network.

In this context, whilst it is regrettable that the scheme will not deliver a district heat network at the point of completion, it is considered to be unreasonable to require the installation of temporary gas boilers for a 5 year period pending the potential establishment of a communal heat network in that time period elsewhere in the POA. As per the approved scheme it is recommended that the unilateral undertaking accompanying the scheme obliges the developer to enter further discussions with adjoining sites to seek to form a heat and/or power network, but does not require continued discussion necessitating the installation of interim gas boilers. The applicants have confirmed that the scheme will be

designed with the ability to connect to a district heating system in the future and this can be secured by condition.

8.11.2 Biodiversity

This site is located within an area of wildlife deficiency as identified in the City Plan and the nearby Paddington Basin is part of the Blue Ribbon Network in the London Plan and City Plan.

It is accepted that the existing site has very limited habitat and therefore its redevelopment will have a negligible impact on local ecology. The proposed landscaping to the communal roof terraces and to the edges of the site offers the opportunity to ensure that there would be no material worsening of the existing environment. Conditions are recommended to secure hard and soft landscaping, plus the provision of bird and bat boxes to provide mitigation for the reduced landscaping to be provided on the redeveloped site.

The proposal would result in the loss of four street trees and one tree on the application site, with no provision for replacement planting on the site. Whilst the Arboricultural Manager does not object to the loss of these unprotected trees, it is recommended that his concerns regard the lack of replacement tree planting and landscaping on the site are addressed by provision of a financial contribution of £5,000 to allow for replacement tree planting around the site in the public highway in North Wharf Road and Harrow Road. This is to be secured as part of the unilateral undertaking accompanying the scheme.

The applicant has submitted a bat assessment which concludes that whilst bats were recorded foraging in the vicinity of the site during surveys in 2015, there is no direct evidence of roosting bats in the existing Victorian buildings on the site or Dudley House at present. An informative is recommended to remind the applicant that bats are a protected species and should be protected in the unlikely event that they are discovered during demolition or construction works.

The impact on birds and bats, which typically use canals and waterways to navigate and forage for food can be mitigated by a condition requiring the provision of bird and bat boxes as part of the development.

8.12 Other Issues

8.12.1 Construction Impact

Concerns have been expressed regarding the potential impact of construction works in terms of noise and disturbance. A detailed construction management plan (CMP) has been submitted and this sets out how the impacts of construction, such as control of dust and impact of deliveries/ collections on the highway are to be controlled so as to minimise the impact on neighbouring residents and the operation of the local highway network. The submitted CMP conforms with the best practice set out in Appendix 2 of the 'Basement Development in Westminster' SPD (2014). A condition is recommended to ensure the development is carried out in accordance with the CMP and to control the hours of work to Monday to Friday between 08.00 and 18.00 and between 08.00 and 13.00 on Saturdays. An additional restriction is recommended preventing any noisy works of excavation Saturdays mornings.

TfL have requested that construction deliveries are limited during peak times and an informative is recommended to draw this request to the applicants attention.

8.12.2 Telecommunications /TV Interference

A desk top study has been undertaken to assess the possible impacts to radio and microwave link services as a result of the proposed development given the proposed 22 storey tower. No potential impacts have been identified and it is considered that the development will have a neutral effect on existing wireless and radio communication services.

Another desk top survey has been undertaken to assess any possible impacts on broadcast services in the area. This report concludes that the proposal will have no impact on the reception of digital satellite television services or FM radio. As such, the proposed development is considered to have a neutral impact and no further mitigation measures are necessary at this time.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from the Greater London Authority dated 25 February 2016.
3. Email from Councillor Arzymanow dated 15 January 2016 and response from case officer.
4. Email from Councillor Cox dated 28 January 2016.
5. Email from the St. Marylebone Society dated 13 January 2016.
6. Email from the Notting Hill East Neighbourhood Forum dated 15 January 2016.
7. Email from Paddington Residents' Active Concern on Transport dated 8 February 2016.
8. Letter from the South East Bayswater Residents Association dated 26 February 2016.
9. Letter from the Paddington Waterways and Maida Vale Society dated 4 March 2016.
10. Memo from Children's Services dated 22 December 2015.
11. Email from the Environment Agency dated 29 December 2015.
12. Email from the Designing Out Crime Officer dated 5 January 2016.
13. Letter from Transport for London dated 8 January 2016.
14. Memo from the Cleansing Manager dated 8 January 2016.
15. Memo from the Highways Planning Manager dated 14 January 2016.
16. Letter from the Canal and River Trust dated 15 January 2016.
17. Letter from First on behalf of Great Western Railway dated 22 January 2016.
18. Memo from the Arboricultural Manager dated 10 February 2016.
19. Memo from the Head of Affordable and Private Sector Housing dated 25 February 2016.
20. Letter from occupier of 11 St Mary's Terrace dated 24 December 2015.
21. Letter from occupier of 135 Harrow Road dated 25 December 2015.
22. Letter from occupier of 21 St Mary's Terrace dated 30 December 2015.
23. Letter from occupier of 38 Bark Place dated 30 December 2015.
24. Letter from occupier of Flat 313 Munkenbeck Building, 5 Hermitage Street, dated 1 January 2016.
25. Letter from occupier of Flat 37, 5 Harbet Road, dated 4 January 2016.

26. Letter from occupier of Ground Floor Flat, 13 St Marys Terrace dated 6 January 2016.
27. Letter from occupier of 202 John Aird Court dated 6 January 2016.
28. Letter from occupier of 36 John Aird Court dated 6 January 2016.
29. Letter from occupier of Apartment 108, 135 Harrow Road dated 8 January 2016.
30. Letter from occupier of Flat 407, Montgomery House, 135, Harrow Road dated 8 January 2016.
31. Letter from occupier of Flat 307 Montgomery Court, 135 Harrow Road dated 8 January 2016.
32. Letter from occupier of Apartment 108, 135 Harrow Road dated 10 January 2016.
33. Letter from occupier of Apartment 3, Munkenbeck Building, 5 Hermitage Street, dated 13 January 2016.
34. Letter from occupier of 98 Westbourne Terrace, London dated 28 January 2016.
35. Letter from occupier of 128 John Aird Court, Porteus Road dated 31 January 2016.
36. Applicant's study of proposed 'Gebrik' brick slip cladding system.

Selected relevant drawings

Relevant photomontages and existing and proposed plans, elevations and sections.

(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 AMANDA COULSON ON 020 7641 2875 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS





Proposed North (Harrow Road) Elevation



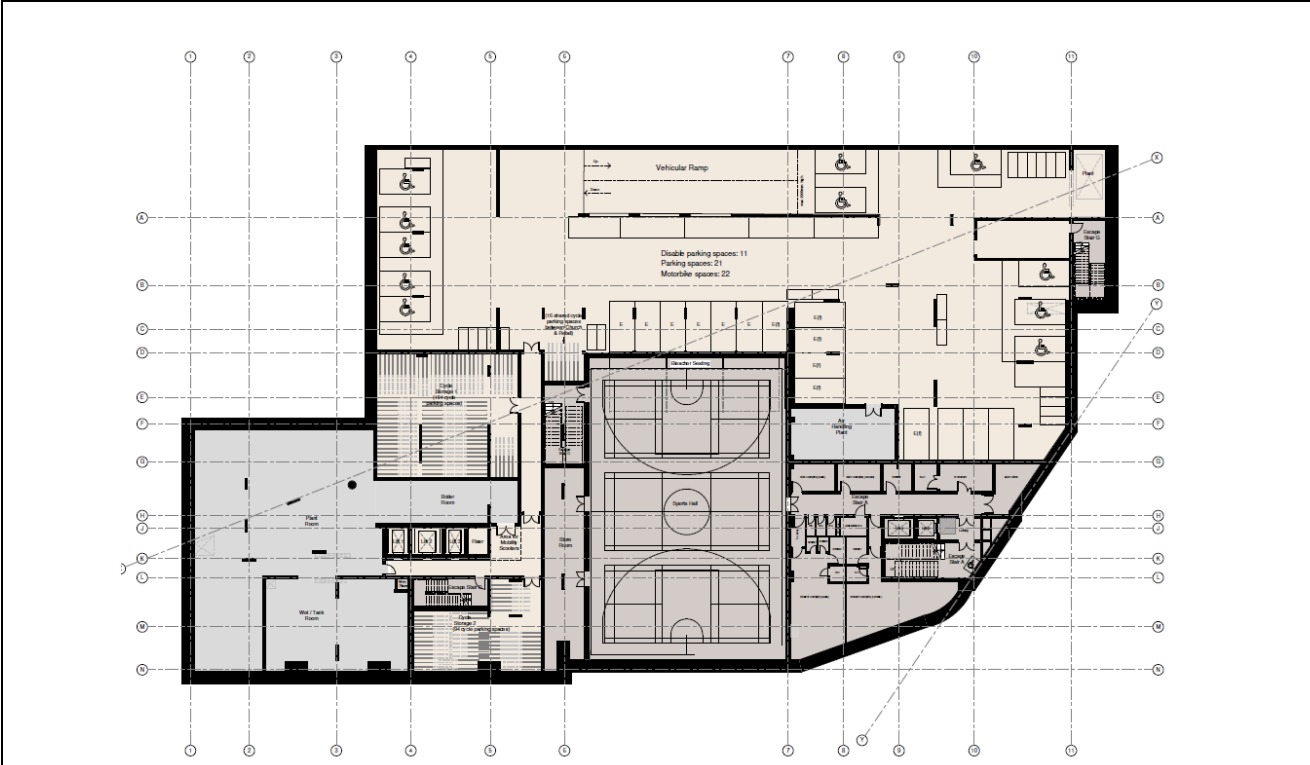
Proposed West (North Wharf Road) Elevation



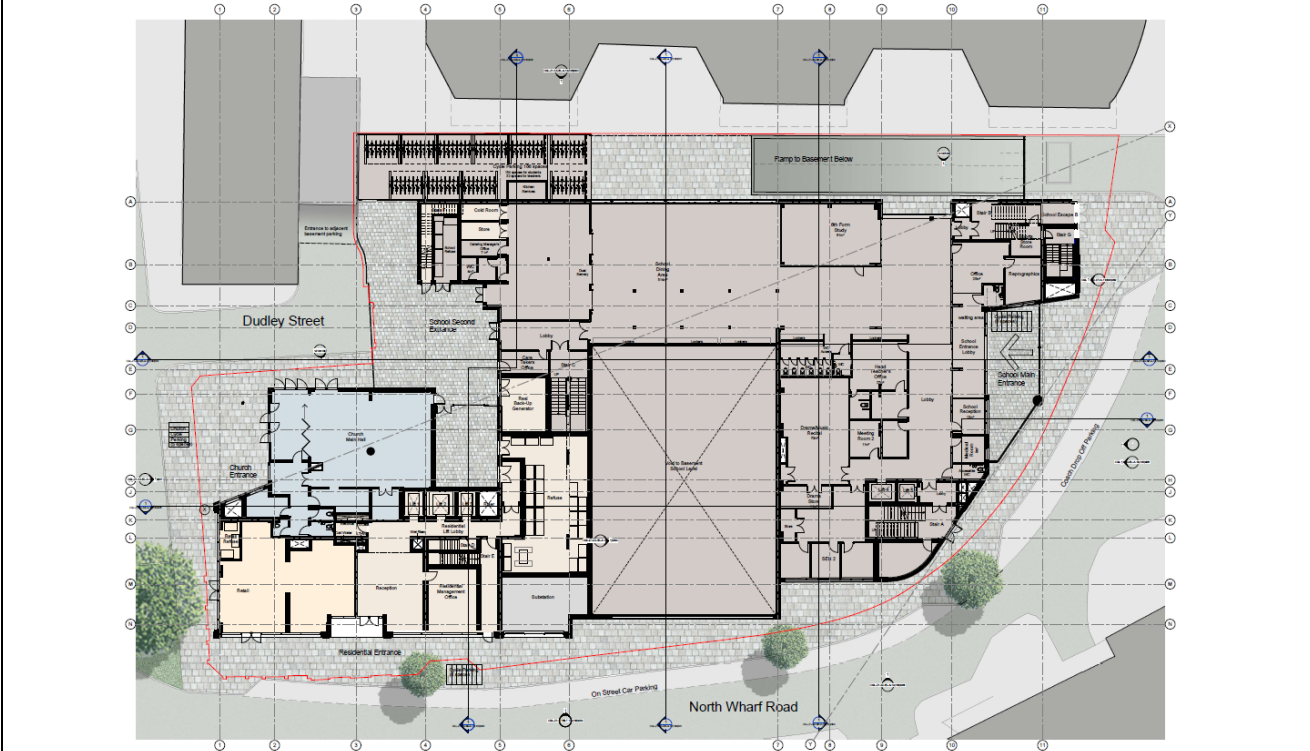
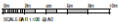
Proposed South (North Wharf Road) Elevation



Proposed East (rear) Elevation



1 PROPOSED BASEMENT PLAN
1:100



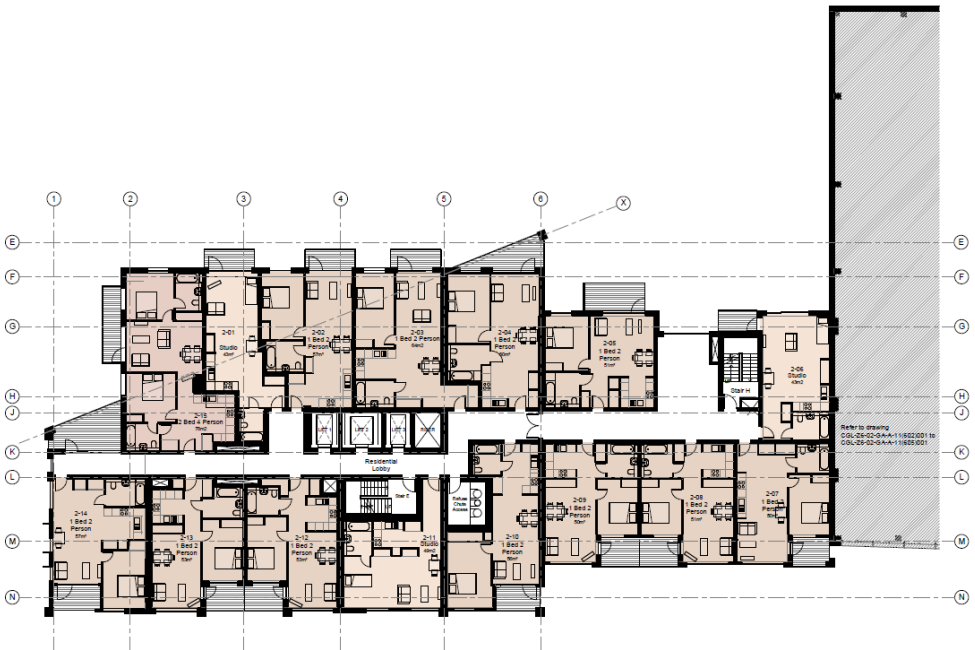
1 GROUND FLOOR PLAN
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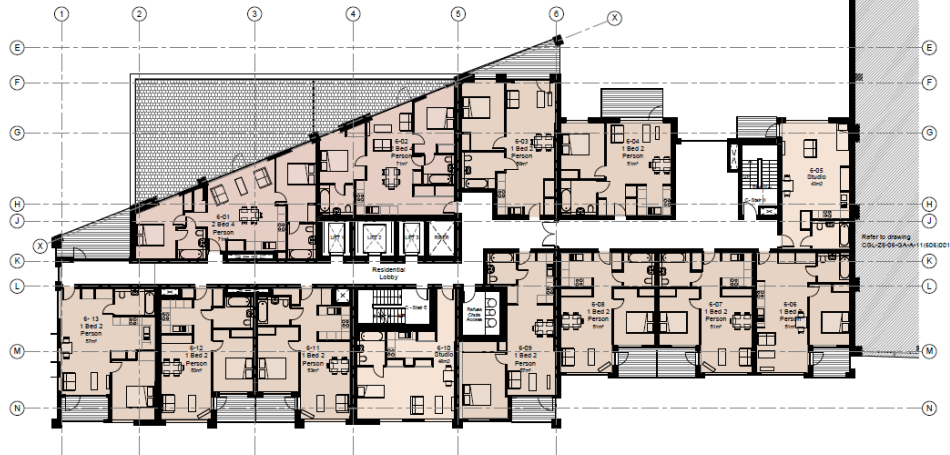
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SCALE BAR 1:200 @ A2

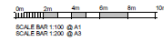


RESIDENTIAL SECOND - FIFTH FLOOR
PLAN
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SCALE BAR 1:100 @ A1
SCALE BAR 1:200 @ A2

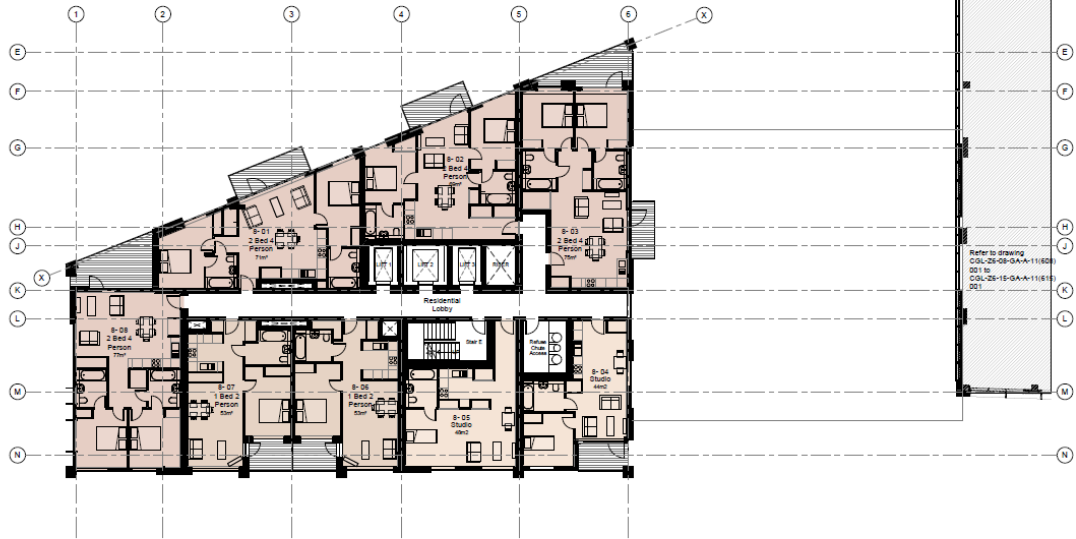


① RESIDENTIAL SIXTH FLOOR PLAN
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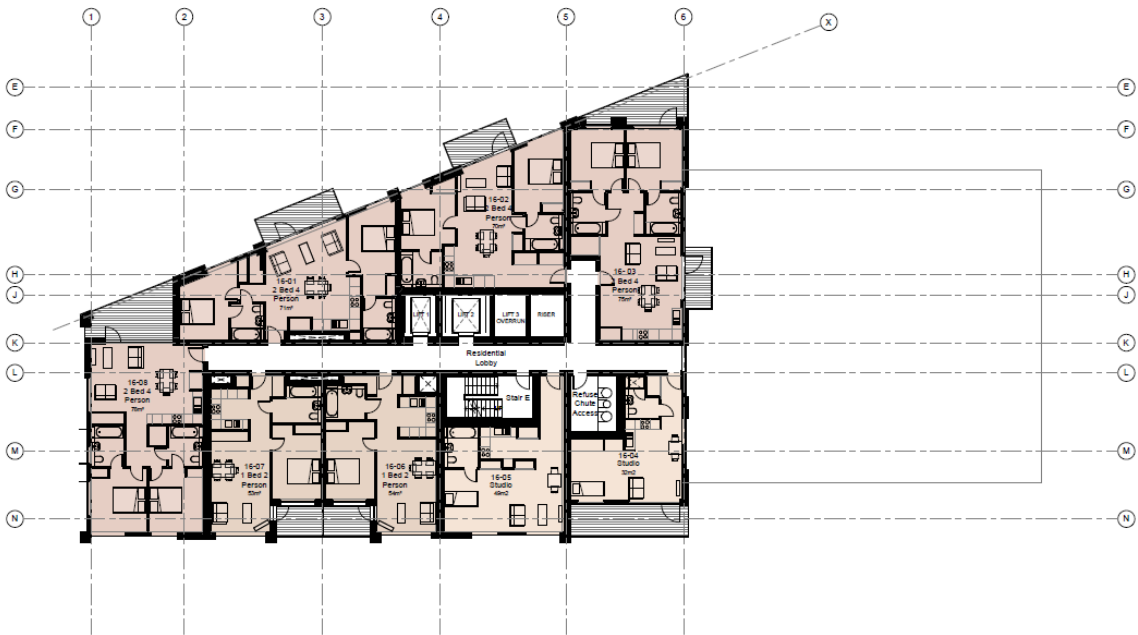


① RESIDENTIAL SEVENTH FLOOR PLAN
1:100





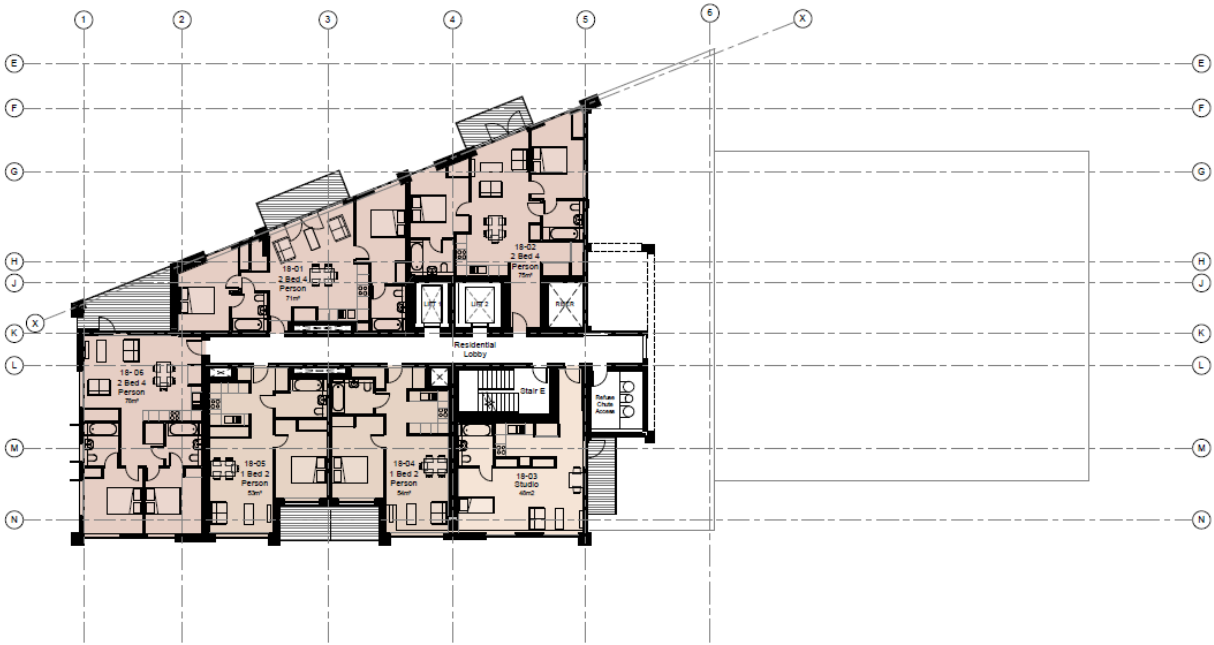
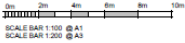
① EIGHTH - FIFTEENTH FLOOR PLAN
1:100



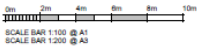
① RESIDENTIAL SIXTEENTH FLOOR PLAN
1:100



1 SEVENTEENTH FLOOR PLAN
1:100



1 EIGHTEENTH - TWENTY FIRST FLOOR PLAN
1:100





1 PROPOSED ROOF PLAN
1:200

0m 2m 4m 6m 8m 10m
SCALE BAR 1:100 @ A1
SCALE BAR 1:200 @ A3

DRAFT DECISION LETTER

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

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

Plan Nos: E1F, E2F, E3F, E4F, E5F, E6F, E7F, E8F, CGL-Z1-00-DR-A-10(100)001/P1, CGL-Z1-00-DR-A-10(100)002/P3, CGL-Z1-00-GA-A-11(100)001/P3, CGL-Z1-00-GA-A-11(122)001/P2, CGL-Z2-B1-GA-A-11(2B1)001/P2, CGL-Z1-XX-SE -A-12(100)001/P1, CGL-Z1-XX-SE -A-12(100)002/P1, CGL-Z1-XX-SE -A-12(100)003/P1, CGL-Z1-XX-SE -A-12(100)004/P1, CGL-Z1-XX-SE -A-12(100)005/P1, CGL-Z1-XX-EL-A-13(100)001/P2, CGL-Z1-XX-EL-A-13(100)002/P2, CGL-Z1-XX-EL-A-13(100)003/P2, CGL-Z1-XX-EL-A-13(100)004/P2, CGL-Z1-XX-EL-A-13(100)005/P2, CGL-Z1-XX-EL-A-13(100)006/P2, CGL-Z3-00-GA-A-11(300)001/P3, CGL-Z4-01-GA-A-11(401)002/P3, CGL-Z5-02-GA-A-11(502)001/P3, CGL-Z5-06-GA-A-11(506)001/P3, CGL-Z5-07-GA-A-11(507)001/P2, CGL-Z5-08-GA-A-11(508)001/P2, CGL-Z5-16-GA-A-11(516)001/P2, CGL-Z5-17-GA-A-11(517)001/P2, CGL-Z5-18-GA-A-11(518)001/P2, CGL-Z5-22-GA-A-11(5RF)001/P1, CGL-Z5-XX-DT-A-11(500)001/P1, CGL-Z5-XX-DT-A-11(500)002/P1, CGL-Z5-XX-DT-A-11(500)003/P1, CGL-Z5-XX-DT-A-11(500)004/P1, CGL-Z5-XX-DT-A-11(500)005/P1, CGL-Z5-XX-DT-A-11(500)006/P1, CGL-Z5-00-GA-A-11(500)001/P1, CGL-Z5-00-GA-A-11(500)002/P1, CGL-Z5-00-GA-A-11(500)003/P2, CGL-Z5-00-GA-A-11(500)004/P2, CGL-Z5-00-GA-A-11(500)005/P2, CGL-Z5-00-GA-A-11(500)006/P2, CGL-Z5-00-GA-A-11(500)007/P2, CGL-Z5-00-GA-A-11(500)008/P2, CGL-Z5-00-GA-A-11(500)009/P2, CGL-Z5-00-GA-A-11(500)010/P2, CGL-Z5-00-GA-A-11(500)011/P2, CGL-Z5-00-GA-A-11(500)012/P2, CGL-Z5-00-GA-A-11(500)013/P2, CGL-Z5-00-GA-A-11(500)014/P2, CGL-Z5-00-GA-A-11(500)015/P2, CGL-Z5-00-GA-A-11(500)016/P1, CGL-Z5-00-GA-A-11(500)017/P1, CGL-Z5-00-GA-A-11(500)018/P1, CGL-Z5-00-GA-A-11(500)019/P2, CGL-Z5-00-GA-A-11(500)020/P2, CGL-Z5-00-GA-A-11(500)021/P2, CGL-Z5-00-GA-A-11(500)022/P2, CGL-Z5-00-GA-A-11(500)023/P1, CGL-Z5-00-GA-A-11(500)024/P1, CGL-Z5-00-GA-A-11(500)025/P1, CGL-Z5-00-GA-A-11(500)026/P1, CGL-Z5-00-GA-A-11(500)027/P1, CGL-Z5-00-GA-A-11(500)028/P1, CGL-Z3-00-GA-A-11(300)002/P3, CGL-Z4-01-GA-A-11(401)001/P3, GL-Z4-01-GA-A-11(401)003/P2, CGL-Z6-02-GA-A-11(602)001/P1, CGL-Z6-03-GA-A-11(603)001/P1, CGL-Z6-04-GA-A-11(604)001/P1, CGL-Z6-05-GA-A-11(605)001/P1, CGL-Z6-06-GA-A-11(606)001/P1, CGL-Z6-07-GA-A-11(607)001/P1, CGL-Z6-08-GA-A-11(6RF)001/P1, CGL-Z6-XX-DT-A-11(600)001/P1, CGL-Z6-XX-DT-A-11(600)002/P1, CGL-Z3-00-GA-A-11(300)003/P1, Topographical Survey (21391 'Sheet 1'), Design and Access Statement dated October 2015,

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

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 residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must carry out the development including any works of demolition, in accordance with the submitted construction management plan prepared by Willmott Dixon dated 28 October 2015 unless you apply to us and we approve an alternative construction management plan prior to commencement of development, including works of demolition. If we approve an alternative construction management plan you must then carry out the development, including any works of demolition, in accordance with the alternative construction management plan we approve.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To make sure that the trees and shrubs on the site are not damaged by traffic. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31BC)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

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

(j) Details of ventilation and other services terminations at façade.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme, which includes the landscaping at ground floor level and to the three roof terraces (details should include details of irrigation to roof terraces, which should be sustainable where possible). The landscaping scheme must include the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

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

Reason:

To provide an appropriate use at ground floor level within the Paddington Opportunity Area and to protect the privacy and environment of people in neighbouring properties, as set out in S3, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV6 and SS10 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and S10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007 and S34 in Westminster's City Plan: Strategic Policies that we adopted in November 2013. (R05AB)

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

manager of the residential element of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

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

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

Reason:

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

- 18 You must apply to us for approval of detailed drawings showing the provision of secure and weatherproof cycle parking for the church and retail uses. The retail cycle parking should also include details of showering and changing facilities. You must not start work on this part of the development until we approve what you send us. You must then carry out the development in accordance with the details that we approve.

Reason:

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

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

Reason:

To ensure the development provides flexible residential accommodation that meets current and future housing need in accordance with Policy S15 in Westminster's City Plan: Strategic Policies dated November 2013.

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

Reason:

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

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

Reason:

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

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

Reason:

To prevent overheating and to ensure the occupiers and users of the development are not subjected to poor air quality as set out in Policy ENV5 in the Unitary Development Plan we adopted in January 2007, Policy S31 in Westminster's City Plan: Strategic Policies that we adopted in November 2013 and Policy 7.14 in the London Plan (with Further Alterations) dated March 2015.

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

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

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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

Reason:

In order to safeguard the amenities of the residents above and to allow an assessment in the light of the future occupants of the ground floor units, and in the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

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

Reason:

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

- 28 Notwithstanding the waste and recycling storage and disposal mechanism shown on the drawings hereby approved, you must apply to us for approval of amended details of waste and recycling storage, disposal and collection that will:

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

You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the flats or using the church, school and retail parts of the development. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 29 You must apply to us for approval of detailed drawings indicating the location, number and type of bird and bat boxes to be incorporated within the development. You must then install these boxes on the development in accordance with the details we approved. The boxes shall be installed prior to the occupation of the residential part of the development.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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

- The photovoltaic panels at roof level on the residential and school parts of the development.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

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

Reason:

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

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 36 You must apply to us for approval of details of the children's playspace/ equipment to be provided as part of the landscaping to the first floor communal terrace. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the details we approve and you must not occupy the residential part of the development until the playspace/ equipment has been installed.

Reason:

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

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

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

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

Reason:

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

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

Reason:

To ensure that the development optimises the delivery of residential accommodation that is of a good standard and provides a range of residential accommodation in terms of unit sizes in accordance with S14 and S15 in Westminster's City Plan: Strategic Policies that we adopted in November 2013, H5 in the Unitary Development Plan that we adopted in January 2007 and Policy 3.5 in the London Plan (with Further Alterations) published in March 2015.

- 39 You must apply to us for approval of detailed drawings showing the privacy screening to be provided around the perimeter of the first floor roof terrace and between the roof terrace and the first floor flats that face directly on to the roof terrace. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. The privacy screens/ barriers that we approve must be installed prior to the occupation of the residential part of the development and thereafter permanently retained. (C26DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

To safeguard the amenity of neighbouring residential occupiers from noise disturbance in the evenings and late at night. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 42 Notwithstanding the brick slip panel system shown on the drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: A revised form of brick construction to all parts of the development which avoids the use of brick slips. You must not start on these parts of the work until we have approved a sample panel of the revised construction, which also demonstrates, bond(s), finish(es), pointing and mortar. You must then carry out the work according to the approved sample. You must then carry out the work according to these detailed drawings and sample. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 In respect of Condition 3, you are advised that if you chose to submit an alternative construction management plan, it must include the following details (where appropriate):
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 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 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 8 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. (154AA)
- 9 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:
- Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 10 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 11 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 12 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.

- 13 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 14 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)
- 15 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)

- 16 This permission is governed by a Unilateral Undertaking from the applicant under Section 106 of the Town and Country Planning Act 1990. The Undertaking relates to:

- a) The provision of all of the residential accommodation as intermediate affordable housing units at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 25 February 2016.
 - b) Provision of lifetime car club membership (25 years) for each residential unit in the development.
 - c) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat).
 - d) Provision, monitoring and review of residential, school and church travel plans.
 - e) Payment of all costs associated with the highway works in North Wharf Road, including dedication of new highway and improvements to the area outside the site fronting Harrow Road, with the residential part of the development not to be occupied until these works are in place.
 - f) Provision of a financial contribution of £5,000 to provide replacement street trees in the vicinity of the application site.
 - g) Provision of a financial contribution of £189,000 (index linked) towards provision of an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site.
 - h) Provision of a financial contribution of £25,000 (index linked) towards improvements to the public open space adjacent to the canal basin (i.e. towpath improvement works).
 - i) Compliance with the Council's Code of Construction Practice and a contribution of £15,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction.
 - j) Developer undertaking to enter discussions with adjoining sites to form a heat and/or power network.
 - k) Payment of cost of monitoring the agreement (£500 per head of term).
- 17 You are advised that the use of the disabled parking bays within the basement should be prioritised for blue badge holders and those persons living in wheelchair adapted flats within the development.
- 18 TfL request that construction deliveries are made outside of peak hours therefore between 10am and 4pm so that the impact on the adjacent TfL road network is limited.
- 19 TfL recommend that construction vehicles are registered to TfL's Freight Operator Recognition Scheme (FORS) to ensure pedestrian and cyclist safety.