

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 December 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Former North Westminster Community School, North Wharf Road, London, W2 1LF</b>		
<b>Proposal</b>	<p><b>Application 1 (16/03602/FULL)</b> Variation of Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL), which varied Condition 1 and removed Condition 45 of planning permission dated 30 December 2013 (RN: 12/11911) for redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2), provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation; namely, to replacement the originally approved limestone cladding with reconstituted stone cladding.</p> <p><b>Application 2 (16/03068/MOD106)</b> To enter into a new S106 Agreement in conjunction with RN: 16/03602/FULL to replace that dated 30 December 2013 (as varied by Deed of Variation dated 14 August 2015), which would include (i) variation of Affordable Business Space and Social and Community Floorspace clauses, including to extend the date by which these parts of the development must be fitted out for occupation by a Qualifying Tenant; (ii) deletion of the Public Open Space clause; deletion of clauses requiring submission of post completion certification that the development meets the necessary Code for Sustainable Homes and BREEAM levels; and amendments to the upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16).</p>		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Taylor Wimpey Central London		
<b>Registered Number</b>	16/03602/FULL & 16/03068/MOD106	<b>Date amended/ completed</b>	11 May 2016
<b>Date Application Received</b>	21 April 2016		

<b>Historic Building Grade</b>	Unlisted
<b>Conservation Area</b>	N/A

## 1. RECOMMENDATION

1. Grant conditional permission for Application 1, subject to completion of an S106 agreement to secure an additional financial contribution to the Affordable Housing Fund of £845,888.
2. Agree under Application 2 to complete a new S106 agreement to replace that dated 30 December 2013 (as varied by Deed of Variation dated 14 August 2015) and modify the previously secured package of planning obligations, as set out in the description of development for Application 2, to ensure that the heads of terms set out below are delivered in conjunction with the varied development:
  - i. Development of an advertisement and shop front design strategy.
  - ii. Provision and affordability of affordable business floorspace.
  - iii. Provision and affordability of social and community floorspace (including fit-out to a 'Category B' finish).
  - iv. Provision of public realm works in accordance with a public realm masterplan.
  - v. Provision, maintenance and use of and access to the on-site public realm.
  - vi. A financial contribution of £53,247 (index linked) to PATS.
  - vii. Provision and management of on-site car club spaces.
  - viii. Provision of car club memberships (25 years) for 27 residential units (the affordable housing units).
  - ix. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis.
  - x. A financial contribution of £56,000 (£28k pa - assuming 2yr build programme) to the Environmental Inspectorate/ Environmental Sciences.
  - xi. Provision and management of CCTV.
  - xii. Provision of costs for monitoring of agreement (£500 per head of term).
  - xiii. Adherence with the Council's Local Procurement Code.
  - xiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
  - xv. Mitigation measures for television interference.
  - xvi. Provision of 27 on-site affordable housing units to the tenure and mix set out in the committee report and to the Council's standard affordability criteria.
  - xvii. Provision and periodic review of a site wide travel plan.
  - xviii. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road, Harrow Road and Hermitage Street, including the carrying out of the agreed alterations to the highway along Hermitage Street.
  - xix. Dedication of the new highway along the east side of Hermitage Street.
  - xx. Provision of and compliance with a Balcony Management Strategy.
  - xxi. A financial contribution of £845,888 to the Affordable Housing Fund (to be paid on completion of the S106 agreement).
3. If the S106 planning obligation has not been completed by 31 January 2017 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

Application 1 seeks permission to vary Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL) (itself a Section 73 application that varied conditions imposed on the original permission dated 31 December 2013 - RN: 12/11911) for the comprehensive redevelopment of the western end of the former North Westminster Community School site to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2). The amendment sought by Application 1 is to allow replacement of the approved limestone cladding to the tower elements of the building with reconstituted stone cladding.

In tandem with Application 1, Application 2 proposes the modification of the S106 agreement dated 14 August 2015, which secures planning obligations arising from the redevelopment of this site. The applicant proposes that the existing S106 agreement is replaced by a new S106 agreement, which does not bind the freeholder of the land as the freeholder is understood to be unwilling to be a signatory to a deed of variation of the original S106 agreement. The new agreement would include the following principal modifications to the original agreement:

- (i) The Affordable Business Space and Social and Community Floorspace clauses would be varied, principally to extend the date by which these parts of the development must be fitted out for occupation by a Qualifying Tenant;
- (ii) The clause to require delivery of a public open space would be deleted as the public open space will be delivered by the Site 2 development (RN: 13/11045/FULL) to the eastern end of the former North Westminster Community School site;
- (iii) The clauses requiring submission of post completion certification that the development meets the necessary Code for Sustainable Homes and BREEAM levels are to be deleted as they replicate the requirement of the conditions;
- (iv) The upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16) are to be amended so they are consistent with the development as shown in the approved drawings.

The key issues in this case are:

- The impact of the proposed reconstituted stone cladding on the appearance of the building and this part of the City.
- The impact of the change in facing materials on the viability of the development and its ability to provide affordable housing.
- That the entering into a new S106 agreement, which does not bind the freeholder of the land, and the modifications to the previously secured planning obligations, would not result

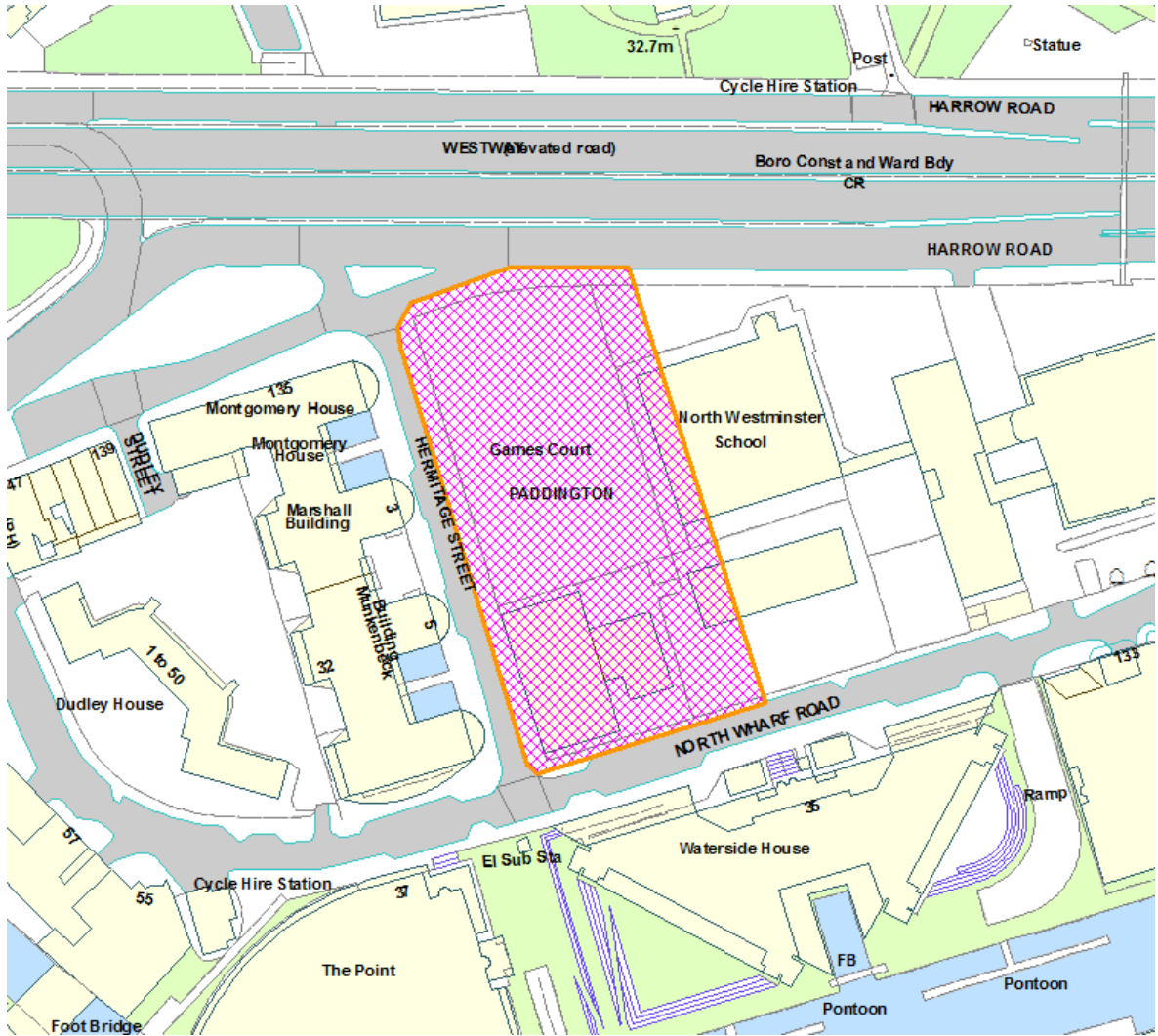
in the loss or weakening of the previously secured planning obligations, which are necessary to make the development acceptable.

In respect of Application 1, the use of reconstituted stone in this location outside a conservation area is acceptable, subject to the provision of an additional £845,888 to the Affordable Housing Fund due to the improved viability of the development as a result of using this cheaper cladding material.

In respect of Application 2, for the detailed reasons set out in this report, it is considered that there are exceptional circumstances in this case to justify entering into a new S106 agreement to secure the planning obligations arising from the development that does not bind the freehold owner of the site. In terms of the modifications to the S106 agreement that are proposed, the principal matter is the modifications proposed to the Affordable Business Space and Social and Community Floorspace clauses, which would extend the period for fit out of this floorspace. This is acceptable in principle on the proviso that the Qualifying Tenant's investment partner enters into a long lease or completes an agreement to lease the Affordable Business Space and Social and Community Floorspace prior to the completion of the new S106 agreement, as this would ensure the Affordable Business Space and Social and Community Floorspace would be fitted out to a specification and finish that is to the Qualifying Tenant's satisfaction and which will meet their particular end user requirements.

The other modifications to the original S106 agreement are either procedural, and reflect the need to amend and update the heads of terms to allow a new S106 to be entered into that excludes the freehold owner, or are otherwise uncontentious for the reasons set out later in this report.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Hermitage Street (front) elevation (top) and rear elevation seen from North Wharf Road (bottom).

## 5. CONSULTATIONS

### 5.1.1 Application 1 – S73 Application to Vary Condition 1

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 89

Total No. of replies: 0

No. of objections: 0

No. in support: 0

ADVERTISEMENT/ SITE NOTICE: Yes.

### 5.1.2 Application 2 – Modification of S106 Agreement

No consultations required.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application comprises the western end of the former North Westminster Community School site. The site has been split into two development plots ('Site 1' and 'Site 2'). The 'Site 2' plot comprises the eastern end of the former North Westminster Community School site. This application relates to Site 1. The relevant planning history for both plots are set out in Section 6.2.

The site is located within the Paddington Opportunity Area (POA), the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). The site does not contain any listed buildings and it is not located within a conservation area.

### 6.2 Recent Relevant History

#### 6.2.1 The Application Site - 'Site 1' Eastern End of Former NWCS Site

##### 16/10548/NMA

Non-Material Amendments application that seeks deletion of Conditions 16 (which requires provision of Affordable Business Space prior to occupation of 50% of market units) and Condition 43 (which requires provision of the Social and Community Floorspace prior to occupation of 50% of the residential units) of the planning permission dated 14 August 2015 (RN: 14/09037).

Application currently under consideration.

##### 14/09037/FULL

Variation of Condition 1 and removal of Condition 45 of planning permission dated 30 December 2013 (RN: 12/11911) for redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to

provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2), provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation; namely, to relocate the electricity sub-station from basement to ground floor level with associated reduction in retail floorspace at ground floor level and alterations to the building facade, realignment of basement wall to plant room/ energy centre and remove requirement for a deed of variation to the S106 agreement dated 30 December 2013 to incorporate the non-material amendments to the scheme approved on 2 September 2014 (14/03611/NMA).

Application Permitted 14 August 2015

#### 12/11911/FULL

Redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2). Provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation.

Application Permitted 30 December 2013

### **6.2.2 'Site 2' – Western End of Former NWCS Site**

#### 13/11045/FULL

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

Application Permitted 11 March 2015

## **7. THE PROPOSAL**

Application 1 seeks permission to vary Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL) (itself a S73 application that varied conditions imposed on the original permission dated 31 December 2013 - RN: 12/11911) for the comprehensive redevelopment of the western end of the former North Westminster Community School site to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2). The amendment sought by Application 1 is to allow replacement of the approved limestone cladding to the tower elements of the building with reconstituted stone cladding.

In tandem with Application 1, Application 2 proposes the modification of the S106 agreement dated 14 August 2015, which secures planning obligations arising from the



redevelopment of this site. The applicant proposes that the existing S106 agreement is replaced by a new S106 agreement, which does not bind the freeholder of the land as the freeholder is understood to be unwilling to be a signatory to a deed of variation of the original S106 agreement. The new agreement would include the following modifications to the original agreement, of which the amendments to the Affordable Business Space and Social and Community Floorspace clauses are most significant and these are considered in detail in Section 8.10 of this report:

- The Affordable Business Space and Social and Community Floorspace clauses would be varied, principally to extend the date by which these parts of the development must be fitted out for occupation by a Qualifying Tenant;
- The clause to require delivery of a public open space would be deleted as this will be provided as part of the Site 2 development (RN: 13/11045/FULL);
- The clauses requiring submission of post completion certification that the development meets the necessary Code for Sustainable Homes and BREEAM levels are to be deleted as they replicate the requirement of the conditions;
- The upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16) are to be amended so they are consistent with the development as shown in the approved drawings.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The amendments to the S106 agreement in respect of the Affordable Business Space and Social and Community Floorspace at ground and first floor levels would not alter the lawful uses of these parts of the development as Class B1 office floorspace and Class D1/ D2 floorspace respectively.

### **8.2 Townscape and Design**

The proposed reconstituted stone facing material has a more uniform appearance when compared to typical limestone cladding and as a result has a more clinical and manufactured appearance. However, in this location within the Paddington Opportunity Area, set among other large modern buildings of similarly crisp detailing, this is not an unacceptable characteristic. The colouration of reconstituted stone proposed is not dissimilar to limestone and therefore the overall appearance of the architectural composition is not significantly altered, particularly in longer views. As such, in design terms, the proposed replacement of limestone with a reconstituted stone cladding is acceptable in this instance and would be in accordance with S28 in the City Plan and DES1 in the UDP.

### **8.3 Residential Amenity**

The amendment to the facing materials proposed by Application 1 has no impact on the amenity of neighbouring residents.

### **8.4 Transportation/ Parking**

Not relevant to the determination of these applications.

## **8.5 Economic Considerations**

Any relevant economic considerations are set out in Section 6.10 of this report.

## **8.6 Access**

The amendment to the facing materials proposed by Application 1 has no impact on access to the development.

## **8.7 Other UDP/Westminster Policy Considerations**

None relevant.

## **8.8 London Plan**

This application raises no strategic issues.

## **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**

### **8.10.1 Amended Cladding Material – Viability Impact (Application 1)**

Application 1 proposes the use of reconstituted stone cladding to the facades of the building and this would be a cheaper cladding material than the Limestone specified during the course of the original planning application. As a result, the viability of the development has been reassessed. The applicant's viability assessment set out that the amendment to the cladding material would enable the development to provide an additional financial contribution to the Affordable Housing Fund of between £206k and £742k. This assessment was independently reviewed for the City Council by Lambert Smith Hampton. Their independent review concluded that the viability of the scheme would be improved such that the development could provide a higher addition contribution to the Affordable Housing Fund of £845,880. The applicant has subsequently accepted the higher Affordable Housing Fund contribution recommended by the independent review. It is therefore recommended that the additional contribution to the Affordable Housing Fund is secured as part of the new S106 agreement referred to in Section 8.10.2.

### **8.10.2 Requirement for a New S106 Agreement (Application 2)**

The applicant (Taylor Wimpey Central London) is the long head leaseholder of the part of the application site on which the building has been constructed (they have a 997 year lease). The applicant has advised that despite their best efforts to negotiate with the freeholder of the site, they have been unable to persuade the freehold owner to be a signatory to any further deeds of variations to the original S106 agreement for this development dated 30 December 2013 (as previously varied on 14 August 2015), to which the freeholder is a signatory. It is apparent therefore that this commercial relationship has

broken down to the extent that it is necessary and reasonable to consider alternative means to secure the additional planning obligation set out in Section 8.10.1 (i.e. the additional financial contribution to the Affordable Housing Fund) and the modifications to the original planning obligations set out in 8.10.3.

In this case, with the exception of a clause that seeks to ensure the land to the rear of the new building becomes part of an enlarged public open space, including land within the 'Site 2' development site (13/11045/FULL), all the other planning obligations can be secured using a new S106 agreement that binds the applicant's land ownership only and excludes the freehold owner.

In terms of the enlarged public open space, this is to be provided on land at the centre of the former North Westminster Community School site, part of which would be outside of the 'Site 1' planning application boundary, to which the current applications relate. For this reason a clause was included in the original 'Site 1' S106 agreement, requiring the developer to remove any boundary walls and fences and include the land within the curtilage of the 'Site 1' development as part of the enlarged public open space.

Subsequent to the completion of original S106 agreement, the redevelopment scheme for 'Site 2' was approved in 2015 (13/11045/FULL) and the application site for the 'Site 2' development includes all of the land that is to be used to provide the enlarged public open space. A clause within the S106 agreement for the 'Site 2' development requires the provision of this area as public open space and therefore the clause to be omitted from the new S106 agreement for 'Site 1' development is redundant in any event. As such, this clause can be omitted from the new 'Site 1' S106 agreement without the loss of this key planning obligation arising from the wider redevelopment of the former North Westminster Community School site.

Additionally, where planning obligations in the original S106 agreement dated 30 December 2013 (as previously varied on 14 August 2015) comprised financial contributions to various funds, and these have already been paid, these will not be replicated in the new S106 agreement as these obligations have already been met by the applicant. For the avoidance of doubt the following obligations have been excluded from the new S106 agreement for this reason:

- A financial contribution of £141,377 (index linked) towards the Social and Community Fund.
- A financial contribution of £363,394 (index linked) towards the Education Fund.
- A financial contribution of £72,609 (index linked) towards PATEMS.

All three financial contributions above were paid with indexation on 22 February 2016.

The other modifications proposed to the original S106 agreement in the new S106 agreement go beyond those that are procedurally required to enter into a new S106 agreement excluding the Freehold owner and these are considered in Section 8.10.3.

### **8.10.3 Modification of S106 Head s of Terms (Application 2)**

In addition to the procedural amendments set out in Section 8.10.2 that are required to enable the original S106 agreement to be replaced by a new S106 agreement that

excludes the Freehold owner, the applicant is also seeking a number of modifications to the clauses within the original S106 agreement. These are set out in turn in this section of the report. However, it should be noted that negotiations on the content of the new S106 agreement are on-going, particularly in respect of the Affordable Business Space and Social and Community Floorspace clauses. Therefore should there be further amendment to these clauses from that set out below, the further amendments will be reported verbally to the Committee.

#### Affordable Business Space and Social and Community Floorspace

The proposed modifications to the original S106 agreement of principal importance are the amendments to the Affordable Business Space (ABS) and Social and Community Floorspace (SCF) clauses. The basic requirements of the original S106 agreement in terms of the provision of these on-site planning obligations are as set out below:

##### *Affordable Business Space*

- Floorspace must be provided to Category A fit out to the City Council's written satisfaction prior to occupation of 50% of market residential units
- An 80 year lease must be given to the City Council or a Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease to be 40% market value.

##### *Social and Community Floorspace*

- Floorspace must provided to Category B fit out to the City Council's written satisfaction prior to occupation of 50% of market residential floorspace.
- An 80 year lease must be given to the City Council or a Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease is to be provided at a pepper corn rent.

The applicant has advised that they cannot provide the ABS and SCF in accordance with the requirements above, as the market residential accommodation is due to be occupied in late January 2017/ early February 2017 and work on ground and first floors of the building, where the ABS and SCF are to be provided (see plans in Section 10), has not advanced significantly on site to date.

In light of the difficulties the applicant has in providing the ABS and SCF by the specified time in the original S106 agreement, the applicant has been in extended discussions with the nominated Qualifying Tenant for future occupation of the ABS and SCF, which is the Hub Paddington to try to reach agreement on a mutually agreeable compromise on the delivery of the ABS and SCF.

Hub Paddington is proposed to be a joint venture between the City Council and its chosen investment partner, which will provide affordable business space and training and skills space pursuant to the aims and aspirations of City for All programme. Amongst other aims and objectives, the Hub space would support start-up businesses, support residents with entrepreneurial aspirations and provide a purpose built training centre, much like the existing Hub Westminster located in New Zealand House.

The negotiations between the applicant and the Qualifying Tenant have focused on giving the Qualifying Tenant greater control over the fit out of the ABS and SCF in return for

removal/ relaxation of the link to the occupation of the market residential units. The product of the negotiations between the applicant and the Qualifying Tenant, which have latterly also included Development Planning officers are as set out below:

*Affordable Business Space*

- Floorspace to be provided to shell and core by 28 February 2017.
- Floorspace must be provided to Category A fit out within 11 months of completion of shell and core works.
- An 80 year lease must be given to the Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease to be 40% market value.

*Social and Community Floorspace*

- Floorspace to be provided to shell and core by 28 February 2017.
- Floorspace must be provided to Category B fit out within 11 months of completion of the shell and core works.
- An 80 year lease must be given to the City Council or a Qualifying Tenant prior to occupation of 50% of the market residential units.
- The 80 year lease is to be provided at a pepper corn rent.

In addition to the headline modifications to the clauses themselves (as above), the applicant has undertaken to agree to lease the ABS and SCF (on a 997 year lease) to a property company operated by the Hub Paddington investment partner prior to completion of the new S106 agreement. This would allow the fit out of the ABS and SCF floorspace to be carried out by the Qualifying Tenant's preferred partner, rather than by Taylor Wimpey (the applicant), and this in turn would give the Qualifying Tenant greater comfort that the quality and specification of the fit out works would be to their satisfaction and meet their particular end user requirements and that the fit out would be delivered to a deadline of their choosing.

This undertaking by the applicant, which gives the Qualifying Tenant significantly enhanced confidence in the likely success of the Hub Paddington project is therefore key to the acceptability of the amended ABS and SCF clauses. It would also make the property company operated by the Hub Paddington investment partner a signatory to the new S106 agreement as they would have an interest in the land bound by the new agreement.

In conclusion on the ABS and SCF clauses, the amendments to the clauses that are proposed, which would remove the linkages between fit out of the ABS and SCF and occupation of the market residential units, are acceptable, but only on the basis that the property company that is operated by the investment partner in Hub Paddington becomes the long leaseholder of/ has an agreement to lease the ABS and SCF floorspace prior to completion of the new S106 agreement.

Code for Sustainable Homes and BREEAM

The clauses requiring the completion of the development in accordance with Code for Sustainable Homes Level 4 and a BREEAM 'Excellent' rating duplicate the requirements of Conditions 29, 30 and 31 (see conditions in the draft decision letter appended to this report) and therefore it is not necessary for these requirements to also be included in the

S106 agreement. For this reason it is reasonable to omit these clauses from the new S106 agreement.

### Basement Level Car Parking and Energy Centre Plans

The upper and lower basement car parking plans (Plans 2 and 3) and energy centre plans (Plans 15 and 16) included in the S106 agreement are proposed to be amended so they are consistent with the development as shown in the approved drawings, which have previously been amended by a number of non-material amendment applications. This modification to the S106 agreement effectively allows the basement plans in the agreement to 'catch up' with the most up to date approved layout of the basement floors and does not have any practical consequences in terms of previously secured planning obligations.

#### **8.11 Environmental Impact Assessment**

The scope of the applications does not necessitate an Environmental Impact Assessment.

#### **8.12 Other Issues**

None relevant.

### **9. BACKGROUND PAPERS**

1. Application form.

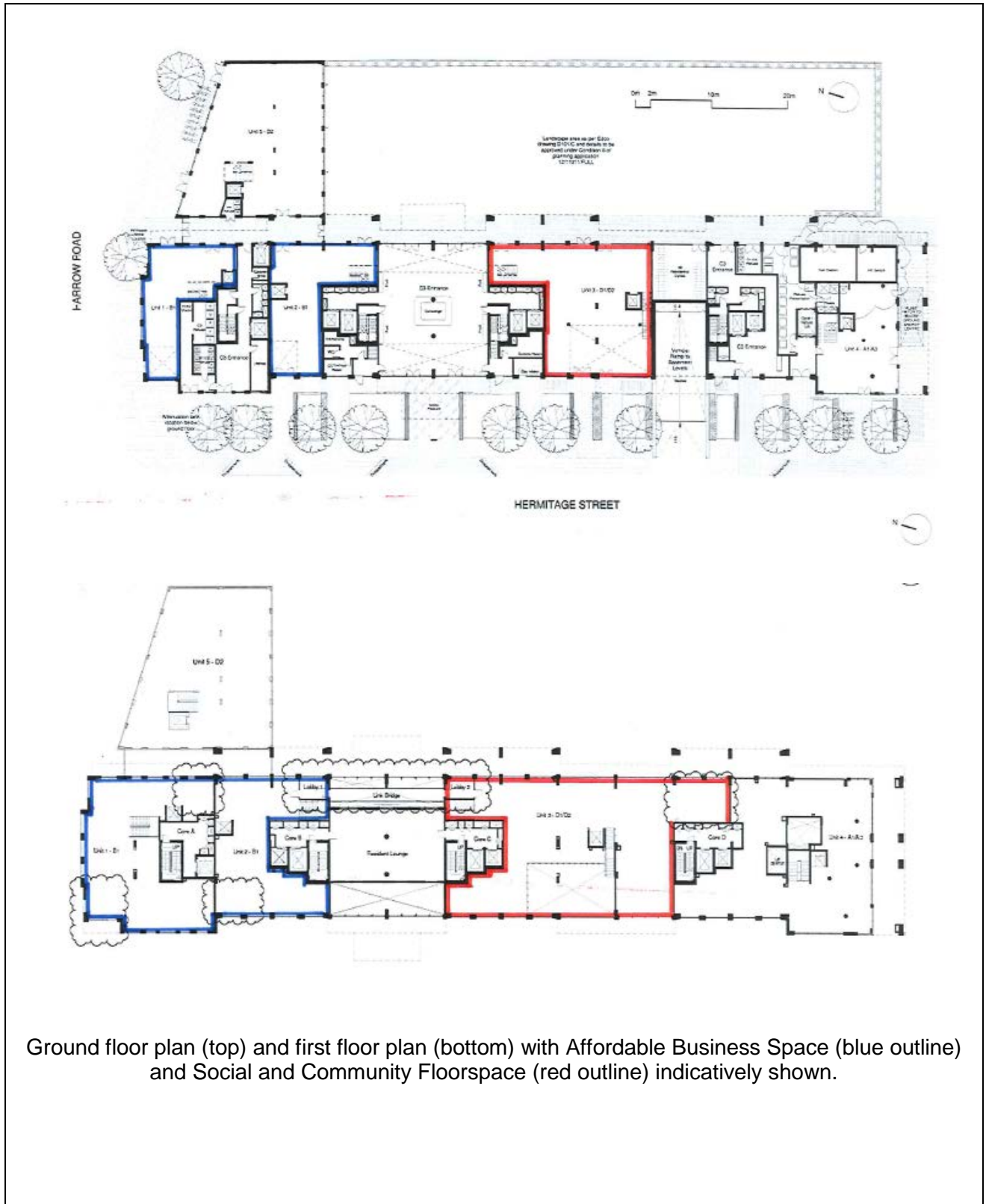
#### **Selected relevant drawings**

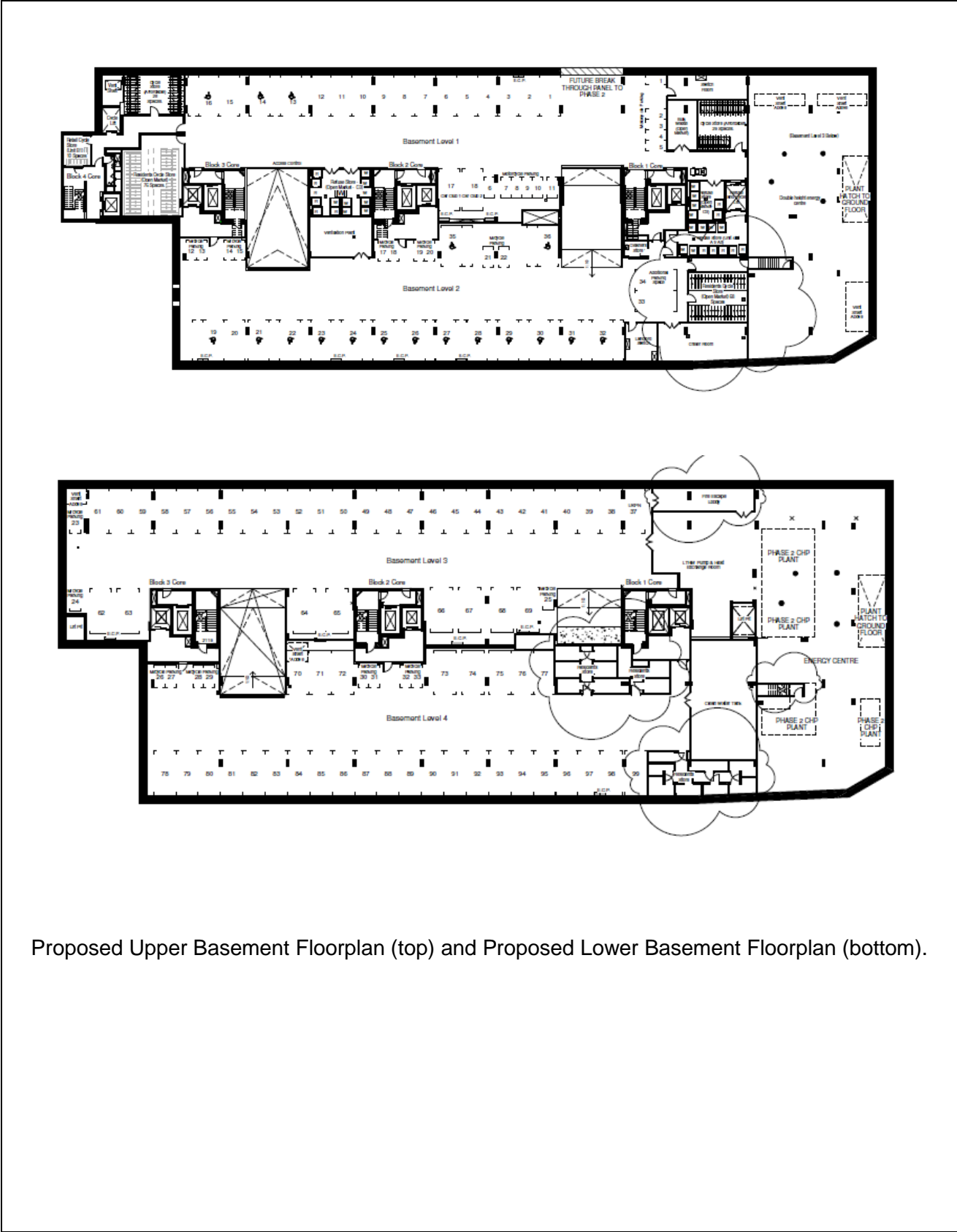
Proposed plans and elevations.

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

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

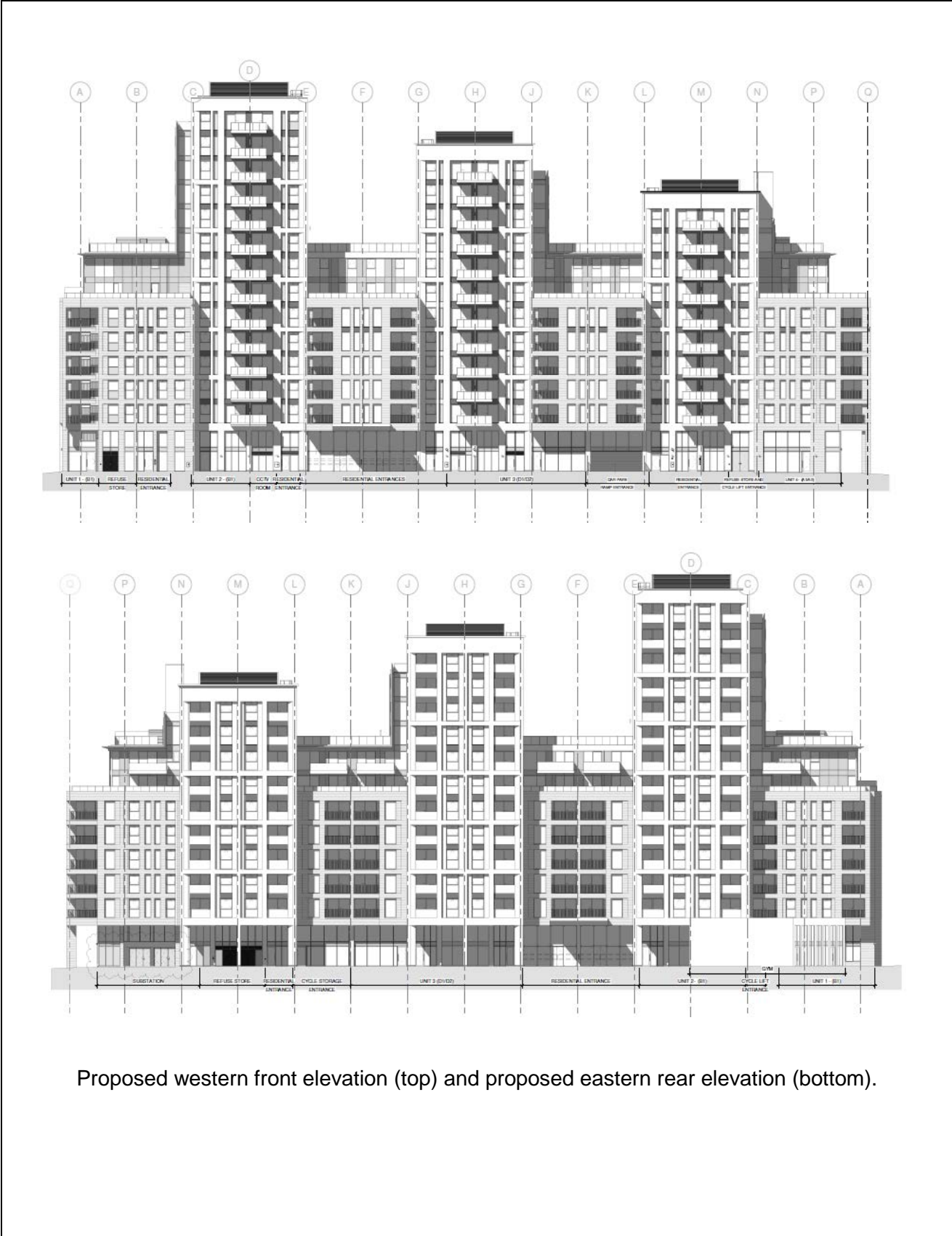
## 10. KEY DRAWINGS



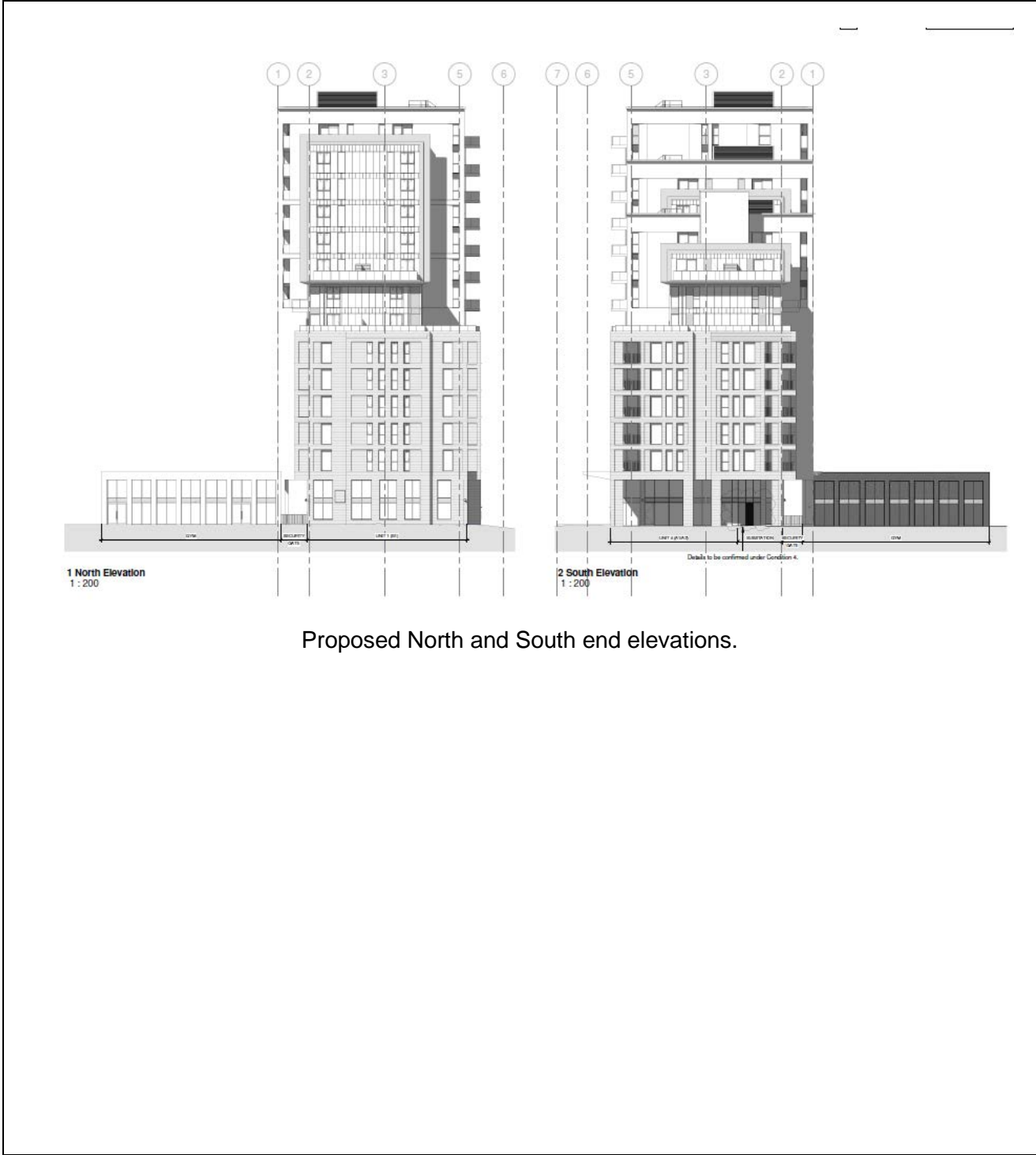


Proposed Upper Basement Floorplan (top) and Proposed Lower Basement Floorplan (bottom).





Proposed western front elevation (top) and proposed eastern rear elevation (bottom).



**DRAFT DECISION LETTER**

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

**Proposal:** Variation of Condition 1 of planning permission dated 14 August 2015 (RN: 14/09037/FULL) for the variation of Condition 1 and removal of Condition 45 of planning permission dated 30 December 2013 (RN: 12/11911) for redevelopment of the western end of the former school site by erection of a building ranging between two and 15 storeys in height to provide 150 residential units (Class C3), affordable business accommodation (Class B1), social and community space (Class D1/D2), retail units (Class A1/ Class A3) and a gym (Class D2), provision of public open space, public realm and landscaped area, highways works including widening of Hermitage Street to accommodate two way vehicular traffic, new vehicular and pedestrian accesses and two storey basement to provide vehicular and cycle parking, energy centre and ancillary servicing accommodation; namely, to relocate the electricity sub-station from basement to ground floor level with associated reduction in retail floorspace at ground floor level and alterations to the building facade, realignment of basement wall to plant room/ energy centre and remove requirement for a deed of variation to the S106 agreement dated 30 December 2013 to incorporate the non-material amendments to the scheme approved on 2 September 2014 (14/03611/NMA). NAMELY, to vary the approved drawing numbers to allow the replacement of the approved limestone facing material with reconstituted stone.

**Reference:** 16/03602/FULL

**Plan Nos:** NWG/PDA/A31/ALL/DET/SL/020805, Powell Dobson Architects External Reconstituted Stone Cladding brochure dated 20.04.2016 and letter from DP9 dated 20 April 2016. Previously approved drawings and supporting documents as listed on decision letters dated 14 August 2015 (14/09037/FULL) and 30 December 2013 (12/11911/FULL), as amended by preceding drawings and documents listed on this decision letter.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only;

\* between 08.00 and 18.00 Monday to Friday;

- \* between 08.00 and 13.00 on Saturday; and,
- \* not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 Excluding the reconstituted stone hereby approved, unless you carry out the development in accordance with the facing materials we approved on 8 February 2016 and 6 July 2016 (RNs: 15/09252/ADFULL and 16/03660/ADFULL) you must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 Unless you carry out the development in accordance with the details we approved on 4 November 2016 (RN: 15/09096/ADFULL) pursuant to parts (a), (b), (d) and (e) of the condition, you must apply to us for approval of detailed drawings at a scale of 1:50 (at ground and first floor level), including large scale detail elevations and sections at a scale of 1:10 of the following parts of the development: , (a) Typical details of all proposed shopfronts to retail units., (b) Typical details of all social and community use and affordable business use facades., (c) Typical details of all gym facades., (d) The vehicular entrance ramp and associated retaining walls and building entrance., (e) Residential entrances and associated canopies (where proposed)., , You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

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

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

Reason:

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

- 6 Unless you carry out the development in accordance with the details we approved on 28 June 2016 (RN: 14/09037/FULL), you must apply to us for approval of detailed drawings of any cleaning and maintenance equipment to be fixed to the building, including on roofs. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

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

- 7 You must carry out the development in accordance with the details of public art that we approved on 4 November 2016 (RN: 16/08944/ADFULL).

Reason:

To make sure that the appearance of the development is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan that we adopted in November 2016 and DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 Unless the development is carried out in accordance with the details of landscaping we approved on 17 October 2016 (RN: 15/11526/ADFULL), you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site at ground level that are not covered by buildings, which includes the number, size, species and position of trees and shrubs. You must not start work until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan that we adopted in November 2016 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 9 Unless you carry out the development in accordance with the details of lighting and CCTV cameras that we approved on 4 October 2016 (RN: 16/08238/ADFULL), you must apply to us for approval of a strategy for installation (providing the location, position, lighting level (lighting only) and camera coverage/ light splay), detailed drawings and manufacturers specifications of all external light fixtures and externally mounted CCTV cameras. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with the details that we approve.

Reason:

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

- 10 Unless the development is carried out in accordance with the details of landscaping we approved on 17 October 2016 (RN: 15/11526/ADFULL), you must apply to us for approval of detailed drawings of the hard

landscaping and paving to the public realm areas, including street furniture, at a scale of 1:50, including details and cross sections at a scale of 1:10. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

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

- 11 Unless the development is carried out in accordance with the samples of paving and other landscaping materials we approved on 17 October 2016 (RN: 15/11526/ADFULL), you must apply to us for approval of samples of the paving and other materials, including planters and other street furniture not required by other conditions of this approval, for the public realm areas. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work using the materials that we approve. (C26BB)

Reason:

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

- 12 You must apply to us for approval of detailed drawings of the proposed play equipment/ features to be provided in the public open space/ garden area to the rear of the development. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings and install the play equipment we approve prior to the occupation of the development.

Reason:

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

- 13 The 'retail' accommodation at ground and first floor level shall only be occupied by uses falling within Classes A1 or A3 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), details of which, including its location and floor area, a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

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

- 14 If any of the 'retail' accommodation hereby permitted is to be occupied for Class A3 purposes the use(s) shall not commence until full details of means of ventilation for the extraction and dispersal of cooking smells (including details of its method of construction and appearance, hours of use and noise attenuation methods) have been submitted to and agreed by us in writing. The accommodation and mechanical plant

shall not be occupied/ operated otherwise than in accordance with the details thus approved.

Reason:

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

- 15 Not more than 50% of the 'retail' floorspace within the development shall be occupied by uses falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it).

Reason:

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

- 16 You must provide and make ready for occupation the social and community floorspace at ground and first floor levels prior to occupation of not more than 50% of the market residential flats in the buildings, which are those residential units contained within Blocks 1, 2 and 3 on the approved drawings.

Reason:

To ensure that the replacement social and community floorspace is provided in accordance with S3 and S34 in Westminster's City Plan that we adopted in November 2016 and SOC1, SOC2, SOC3 and SOC4 in the Unitary Development Plan that we adopted in January 2007.

- 17 The social and community floorspace at ground and first floor levels shall only be occupied by uses falling within Classes D1 and D2 of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it), details of which, including a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

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

- 18 You must provide each car parking space shown on drawings A (05)200 Rev.C and A (05)201 Rev.C and each car parking space shall only be used for the parking of the private vehicles of people living in the residential part of this development.

Reason:

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

- 19 You must provide the two car parking space annotated as 'Car Club 1 and Car Club 2' on drawing A (05)201 Rev.C and these spaces shall only be used for the parking of car club vehicles and for no other purpose.

Reason:

To provide car club parking spaces for people living in and using the development and to encourage more sustainable modes of transport in accordance with Policy S41 in Westminster's City Plan that we adopted in November 2016. (R22AB)

- 20 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

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

Reason:

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

- 22 Before anyone moves into the development, you must provide the separate stores for waste and materials for recycling shown on drawing numbers A (05)200 Rev.C, A (05)201 Rev.C and 00 A (05)202 Rev.D. You must clearly mark them and make the respective waste stores available at all times to everyone occupying the residential accommodation and other non-residential accommodation within the development.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

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

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

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



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

Reason:

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

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

Reason:

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

- 25 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.

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the

development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 27 You must provide the double height Energy Centre at basement level in the location shown on drawings A (05)200 Rev.C and A (05)201 Rev.C and as set out in the Energy Statement dated November 2012 prior to occupation of any of the residential or non-residential parts of the development. Thereafter you must maintain the Energy Centre in the location shown on the approved drawings and energy statement.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28 and S39 in Westminster's City Plan that we adopted in November 2016 and Policies 5.2, 5.3 and 5.6 in the London Plan 2015 (FALP - as amended).

- 28 You must carry out the development in accordance with the overheating and cooling strategy, including installation of mechanical ventilation with heat recovery system to each flat, set out in the submitted Environmental Noise Survey and Building Facade Requirements report (Rev.5) (contained with Volume 4A of the ES). Thereafter you must permanently maintain the mechanical ventilation system with heat recovery to each flat in accordance with the approved strategy and you must not remove it.

Reason:

To improve the energy efficiency of the development and ensure the building provides an acceptable internal living environment in accordance with S28 and S29 in Westminster's City Plan that we adopted in November 2016 and 5.9 in the London Plan 2015 (FALP - as amended October 2013).

- 29 The dwellings shall achieve Level 4 of the Code for Sustainable Homes or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 or higher shall be submitted to us for our approval within three months of occupation of the residential parts of the development. , , If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the residential part of the development has achieved Code for Sustainable Homes Level 4 or higher then you must also submit a remediation strategy and a timetable for carrying out the remedial works necessary to achieve Code for Sustainable Homes Level 4 or higher. You must carry out any remedial works that are required in accordance with the strategy and timetable that we approve.

Reason:

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

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

Reason:

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

- 31 The non-residential parts of the building shall achieve a BREEAM 'Excellent' rating or higher (or any such national measure of sustainability for house design that replaces that scheme of the same standard). A copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post

Construction Stage Assessment and Certification, confirming that the non-residential parts of the building have achieved BREEAM 'Excellent' rating or higher shall be submitted to us for our approval within three months of occupation of the non-residential parts of the development. , , If the submitted Final Post Construction Stage Assessment and Certification do not demonstrate that the residential part of the development has achieved BREEAM 'Excellent' or higher then you must also submit a remediation strategy and a timetable for carrying out the remedial works necessary to achieve BREEAM 'Excellent' or higher. You must carry out any remedial works that are required in accordance with the strategy and timetable that we approve.

Reason:

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

- 32 Unless you carry out the development in accordance with the details of bird and bat boxes we approved on 3 November 2015 (RN: 15/09464/ADFULL), you must apply to us for approval of detailed drawings indicating the location and number of bird and bat boxes within the landscaping of the development hereby approved. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the works in accordance with the details we approve prior to the occupation of the building.

Reason:

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

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 34 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , - Photovoltaic panels at roof level., , You must not remove any of these features, unless we have given you our permission in writing. (C44AA)

Reason:

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

- 35 No tables and chairs shall be placed outside of the 'retail' (Classes A1 or A3) premises hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures such as enclosure around tables and chairs or sun shades that you propose to place within the hard or soft landscaping comprising the public realm. You must not place the table and chairs or associated structures outside the 'retail' premises until we have approved what you

have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of neighbouring residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S32 and S41 in Westminster's City Plan that we adopted in November 2016 and DES1, ENV6 and TRANS3 in the Unitary Development Plan we adopted in January 2007.

- 36 You must carry out the development in accordance with the surface water drainage scheme for the site that we previously approved on 26 March 2013 (RN: 14/01044/ADFULL). You must carry out the development in accordance with the details that we previously approved, unless you apply to us and we approve in writing an alternative surface water drainage scheme. If we approve an alternative surface water drainage scheme you must then carry out the development in accordance with that alternative scheme.

Reason:

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

- 37 You must carry out the development in accordance with the Phase 1 (Desktop Study), Phase 2 (Site Investigation) and Phase 3 (Remediation Strategy) Contaminated Land reports that we previously approved on 24 April 2014 (RN: 14/00955/ADFULL).

Within 6 months of completion of the development you must apply for approval of a Phase 4: 'Validation report', which summarises the action you have taken during the development and what action you will take in the future. You must then carry out remedial works that may be required in accordance with the Phase 4: 'Validation report' that we approve. (C18AA)

Reason:

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

- 38 You must carry out the development in accordance with the demolition and construction vehicular and pedestrian site accesses that we previously approved on 4 March 2016 (RN: 15/11290/ADFULL), unless you apply to us and we approve alternative demolition and construction vehicular and pedestrian site accesses. If we approve alternative demolition and construction vehicular and pedestrian site accesses, you must then carry out the development in accordance with these amended site accesses.

Reason:

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

- 39 You must carry out the development in accordance with the Construction Management Statement that we previously approved on 4 March 2016 (RN: 15/11290/ADFULL), unless an alternative Construction Management Statement for the development is submitted to and approved in writing by us. If we approve an alternative Construction Management Statement, you must then carry out the development with the amended Construction Management Statement.

Reason:

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

- 40 You must provide the two way vehicular ramp to basement level as shown on drawing 00 A (05)202 Rev.D prior to occupation of the first residential flat and thereafter you must maintain the ramp in accordance with the approved drawing.

Reason:

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

- 41 Unless you carry out the development in accordance with the details of landscape and habitat management we approved on 14 October 2016 (RN: 16/06414/ADFULL), you must apply to us for approval of an Landscape and Habitat Management Plan, which must include provision of details of the habitats to be provided and maintained within the landscaped open space and other public realm areas. You must not commence work on the landscaped open space or any other public realm areas until we have approved what you send us. You must then carry out and maintain the landscaping and public realm works in accordance with the approved Landscape and Habitat Management Plan.

Reason:

To ensure that the development provides habitats to replace those loss through demolition of the existing buildings and landscaping and to encourage biodiversity on site in accordance with Policy S38 in Westminster's City Plan that we adopted in November 2016 and Policy ENV17 in the Unitary Development Plan we adopted in January 2007.

- 42 You must carry out the development in accordance with the the tree protection measures we previously approved on 26 March 2014 (RN: 14/01044/ADFULL) unless you must apply to us for approval of alternative ways in which you will protect the trees which you are keeping, as shown on drawings 601\_TS01 and 602\_TS02AIA. If you apply for approval of alternative tree protection measures to those previously approved, you must not carry out the development in accordance with the alternative tree protection measures until we have approved them in writing.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 43 You must provide and make ready for occupation the affordable business space floorspace at ground and first floor levels prior to occupation of not more than 50% of the market residential flats in the buildings, which are those residential units contained within Blocks 1, 2 and 3 on the approved drawings.

Reason:

To ensure the provision of affordable business space within the Paddington Opportunity Area in accordance with Policy S3 in Westminster's City Plan that we adopted in November 2016.

- 44 You must not erect any extensions or otherwise enlarge the building hereby approved above the roof of the ground and first floor level 'gym' (annotated as 'D2') shown on drawings 00 A (05)202 Rev.D, 01 A (05)203

and 02 A (05)204.

**Reason:**

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 of Westminster's City Plan that we adopted in November 2016 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: ,
  - i. Development of an advertisement and shop front design strategy.
  - ii. Provision and affordability of affordable business floorspace.
  - iii. Provision and affordability of social and community floorspace (including fit-out to a 'Category B' finish).
  - iv. Provision of public realm works in accordance with a public realm masterplan.
  - v. Provision, maintenance and use of and access to the on-site public realm.
  - vi. A financial contribution of £53,247 (index linked) to PATS.
  - vii. Provision and management of on-site car club spaces.
  - viii. Provision of car club memberships (25 years) for 27 residential units (the affordable housing units).
  - ix. Provision and management of on-site car parking including 25% of spaces to be provided on an 'un-allocated' basis.
  - x. A financial contribution of £56,000 (£28k pa - assuming 2yr build programme) to the Environmental Inspectorate/ Environmental Sciences.
  - xi. Provision and management of CCTV.
  - xii. Provision of costs for monitoring of agreement (£500 per head of term).
  - xiii. Adherence with the Council's Local Procurement Code.
  - xiv. Developer undertaking to enter into discussions with adjoining sites to form a heat and/ or power network.
  - xv. Mitigation measures for television interference.
  - xvi. Provision of 27 on-site affordable housing units to the tenure and mix set out in the committee report and to the Council's standard affordability criteria.
  - xvii. Provision and periodic review of a site wide travel plan.

- xviii. Provision of public highway enhancement works, required for the development to occur, in North Wharf Road, Harrow Road and Hermitage Street, including the carrying out of the agreed alterations to the highway along Hermitage Street.
  - xix. Dedication of the new highway along the east side of Hermitage Street.
  - xx. Provision of and compliance with a Balcony Management Strategy.
  - xxi. A financial contribution of £845,888 to the Affordable Housing Fund (to be paid on completion of the S106 agreement).
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.