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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12th November 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Queen's Park	
Subject of Report	Wilberforce Primary School, Beethoven Street, London, W10 4LB		
Proposal	Part a) proposed demolition of block b and c of Wilberforce Primary School following their relocation to block a. Part b) proposed new build special school in place of blocks b and c to accommodate the relocation of St Marylebone CE Bridge School, together with associated access, parking and landscaping works.		
Agent	Resolution Planning		
On behalf of	Westminster City Council		
Registered Number	19/05978/COFUL	Date amended/completed 9 August 2019	
Date Application Received	30 July 2019		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

2. SUMMARY

The Wilberforce Academy site has a D1 Education use class, the existing buildings are not listed and lie outside of a designated conservation area. The existing buildings on-site comprise an 1890's Victorian School of four stories to the north of the site and a single storey 1960's buildings to the south of the site. The school is under capacity by 271 pupils.

Permission is sought to demolish the existing single storey buildings on the south of the site, divide the site and erect a new three storey school building to the south of the site to house The St Marylebone CE Bridge School. There are associated works to the new school grounds and to the street furniture at the new entrance to the site on Herries Street.

The application has attracted one objection from a neighbouring resident on the grounds of loss of light to properties on Herries Street to the north of the sight and light pollution. One neutral comment has been received raising light pollution from the existing school.

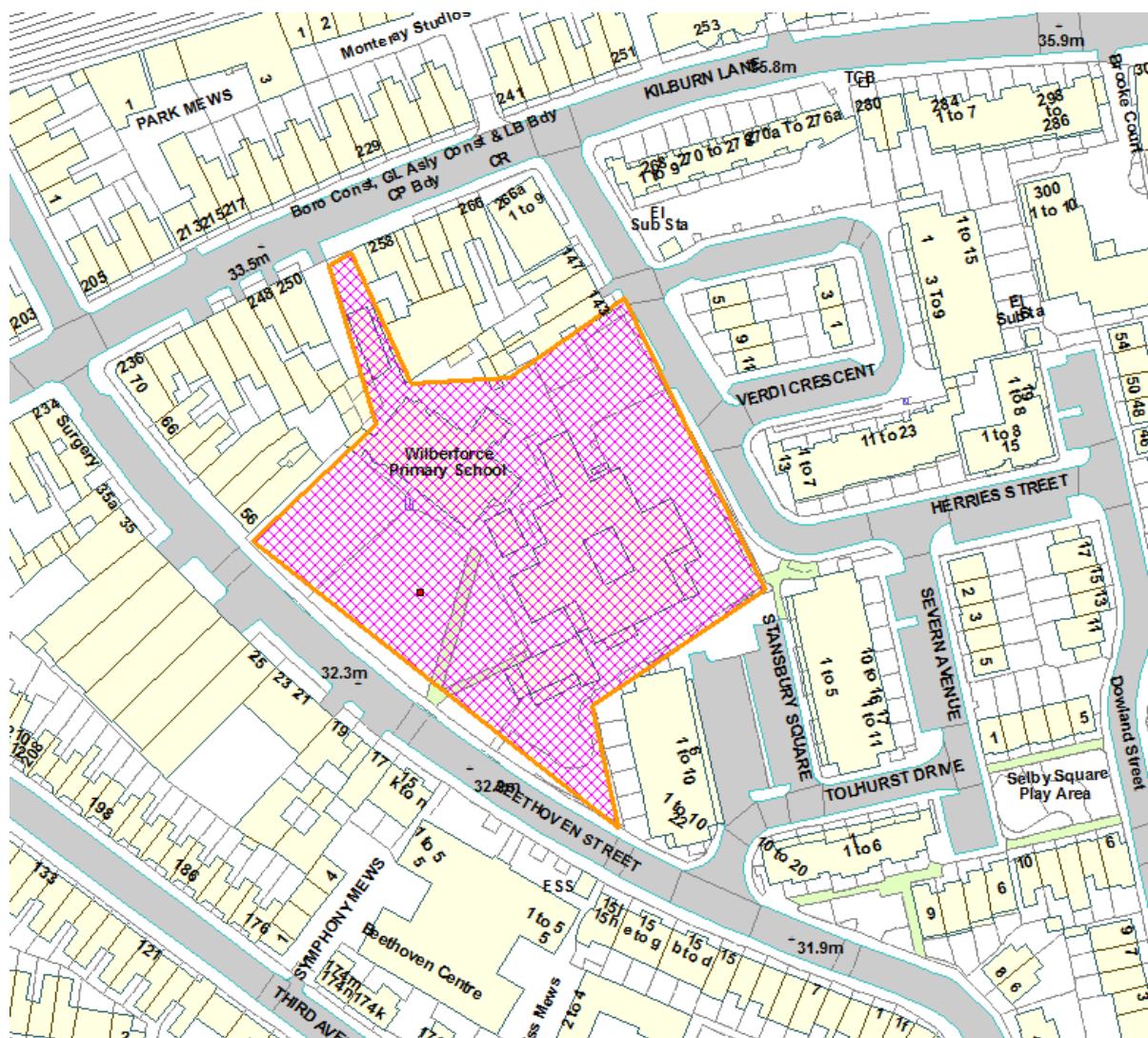
The key issues are:

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- Reduction in the capacity of the existing Wilberforce School and relocation of the St Marylebone CE Bridge School; and
- Loss of daylight/sunlight.

The proposed works deliver a new purpose built school and are in accordance with the relevant Unitary Development Plan and City Plan policies and therefore considered acceptable. The works are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Image of the site clearly showing the victorian board school, 1960's single story building and relationship to neighbouring flats



North Elevation of flats facing Beethoven Street



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View of the site and flats on Stansbury Square from Herries Street



North East part of the site



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View of the 1960's single storey school as existing



View of the south west corner of the site and flats facing Beethoven Street



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5. CONSULTATIONS

WARD COUNCILLORS FOR QUEENS PARK: Any response to be reported verbally

QUEEN'S PARK COMMUNITY COUNCIL:

QPCC Advise they have no objection to this proposal

HIGHWAYS PLANNING MANAGER:

No off-street parking is provided on site. However, as the site is in a controlled parking zone the impact of the proposal on parking levels is expected to be minimal.

Given the nature of the proposal it is considered that the servicing requirements are unlikely to increase significantly or have a significant adverse impact on the surrounding public highway.

Cycle parking required and to be secured by condition.

CHILDREN'S SERVICES:

Children's Services is strongly in support of this project.

WASTE PROJECT OFFICER:

The drawings submitted are not in line with the council recycling and waste storage requirements. Applicant will need to confirm the bin capacities for the storage of residual waste, food waste and recyclable materials for the development. The bin storage area and the bins should be indicated on the drawing and marked "R", "O" and "W". This matter could be addressed by condition (C14EC)

ENVIRONMENTAL HEALTH OFFICER:

No objection, subject to condition controlling plant noise.

ARBORICULTURAL MANAGER: Following revisions to the Arbroicultural Impact Assessment, advise that they raise no objection to the works subject to conditions to secure a protection method statement and replanting.

ADJOINING OWNERS/OCCUPIERS:

No consulted: 719

No responses: 2

One neutral comment which raises light pollution from the existing school and questions if it will be controlled from the new school.

One letter of objection on the grounds that the new building will impact light of a residential building to the north of the site and that the building would increase light shining through the night.

SITE/PRESS:

Yes

6. BACKGROUND INFORMATION

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6.1 The Application Site

The school (Use Class D1) occupies a large site on the east side of Beethoven Street. The site lies outside a conservation area and none of the school buildings are listed. The grade II listed Beethoven Centre (formerly the Beethoven Street School) lies on the opposite side of Beethoven Street. The largest and oldest building on the site is the three storey stock brick 'Block A' which is towards the northern end of the site. This building dates from 1889 and was built as a Church of England School. The other buildings on the site, Blocks B & C, lie to the south and are low-rise, mainly single storey flat-roofed buildings which date from c1970.

The existing school is a single form of entry primary school which has a surplus capacity of 271 places. The site is currently accessed from Beethoven Street to the south east and Harries Street to the north east. The site lies within a predominantly residential setting.

6.2 Recent Relevant History

19/02905/FULL

Demolition of external store buildings and kitchen extension and erection of new extension of the existing Victorian school building including a raised play deck and canopy to the south west side, new rooftop lift overrun, ventilation extract and boiler flues reconfigured external escape stair, new ramped entrance and associated alterations.
Under Consideration

7. THE PROPOSAL

The proposed works are to demolish the existing single story 1960's school building on the east of the existing Wilberforce School site to allow the division of the site. Erection of a new part two, part three storey school building with associated outdoor play areas and retention of nature area on the south east of the site to facilitate the relocation of the Marylebone CE Bridge School from the existing Third Avenue site is also proposed.

The proposed development will provide a special education needs (SEN) Free School for the secondary education of 11 – 16 year old pupils with speech, language and communication needs, predominantly for residents of the City of Westminster.

Table 1: Floor Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (D1 Education)	1132	2117	1045
Total	1132	2117	1045

8. DETAILED CONSIDERATIONS

8.1 Land Use

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Education facilities have a D1 use Class and are classed as community facilities in both the Unitary Development Plan (UDP) and The City Plan. The relevant policies are therefore SOC 1 (Community Facilities in General), SOC 3 (Education Facilities) of the UDP and S34 (Social and Community Infrastructure) of the City Plan.

Policies S34 and SOC1 seek the protection of existing social and community floorspace. Both policies indicate floorspace that is lost should be reconfigured, reused or replaced with adequate community and social uses.

Policy SOC 3 supports the provision of new educational facilities and encourages the use of education al facilities outside of teaching hours.

8.1.1 Reduction in the capacity of Wilberforce academy

The capacity of the Wilberforce Academy is 420 pupils. The existing actual roll is 149 leaving a surplus of 271. The proposed works would decant all of the existing pupils the existing school into block A, the Victorian four storey building. A separate planning application (RN: 19/02905/FULL) has been submitted for an extension and upgrading of existing facilities to accommodate all of the existing pupils which is acceptable in principle.

The School Organisation and Investment Strategy 2018 was produced by Westminster City Council and provides details of projected pupil numbers across the borough over the next five years. Wilberforce School is in Planning Area 1 The report demonstrates an existing 17.5% surplus across the Planning Area 1 for primary school places.

Wilberforce is currently operating as a 1FE with temporary caps on the entry Published Admission Numbers. There are no year groups with more than 30 pupils on roll. If the Academy were to permanently reduce to a 1FE (as is the intention), the surplus in this area is reduced to 9.8%. This is considered by the LA to be a reasonable surplus to allow for in-year mobility and any child yield that may derive from new housing in the borough or in neighbouring Brent.

The reduction in the capacity at Wilberforce is supported by the Children's Services team. The use of the site will remain as D1 Education. The use of the site to relocate the St Marylebone CE Bridge School is in accordance with policy S34 which states that social and community floorspace that is lost should be reconfigured or upgraded to meet identified needs in accordance with the City Council's School Organisation and Investment Strategy 2018.

8.1.2 Proposed school

The use class of the proposed school remains as D1 Education and is therefore acceptable in principle. The new school will house St Marylebone Bridge SEN School which is currently located on Third Avenue, the existing site is unsuitable for redevelopment and has limited out door space.

The new school will accommodate up to 90 pupils aged 11 – 16 whose primary needs are related to their Speech, Language and Communication.

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The internal space of the school is in accordance with the Department of Education guidelines. The external areas fall short of the guidelines. However, given the space limitations of developing new schools within inner London and the lack of external space at the existing school on Third Avenue the external space provision is considered acceptable by both the Department for Education who have approved the new school and the City Council.

The school has space to incorporate a breakfast club and after school activities in accordance with SOC 3 of the UDP.

8.1.3 Land Use summary

The new school allows the relocation of an existing school which requires a larger site and a more efficient use of the existing Wilberforce School site. The reduction in capacity of the existing Wilberforce School and the new St Marylebone Bridge SEN School are in accordance with the SOC 1, SOC 3 of the UDP and S24 of the City Plan. The works are therefore acceptable on Land Use grounds.

8.2 Townscape and Design

The school occupies a large site on the east side of Beethoven Street. The site lies outside a conservation area and none of the school buildings are listed. The grade II listed Beethoven Centre (formerly the Beethoven Street School) lies on the opposite side of Beethoven Street. The largest and oldest building on the site is the three storey stock brick 'Block A' which is towards the northern end of the site. This building dates from 1889 and was built as a Church of England School. The other buildings on the site, Blocks B & C, lie to the south and are low-rise, mainly single storey flat-roofed buildings which date from c1970.

When originally built, the 1889 school was surrounded by Victorian terraced housing, but much of this has been cleared away, with landscaped and play space around the school taking its place. In terms of the wider townscape context, this is quite mixed in character, with elements of the original Victorian townscape surviving to the north and west (facing onto Kilburn Lane and Beethoven Street). To the south and east the former Victorian buildings have largely been cleared away and were replaced in the 1960s & 70s with the Mozart Estate – a large area of council-built housing.

The townscape is low-rise, with the prevailing building heights in the region of 2-4 storey both in terms of the Victorian buildings as well as the post-war developments. The architecture is varied, albeit brick is the prevailing facing-material.

The proposal involves demolishing the single storey post-war school buildings and replacing them with a new 3-storey school block which will be for St Marylebone Bridge School. The old Victorian school building will be retained as the Wilberforce Primary School and the two school sites will have a clearly defined boundary and have separate access points.

The proposed new building will be orientated to align with the southern boundary of the site and will be in the form of a large rectilinear block. The north-eastern end of the

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building is shown as stepping down to two storeys in height, with the roof above this element used as a screened plant area. The large flat roof of the 3-storey element will feature PV panels.

The primary facing material will be brick and predominantly a London yellow stock brick which is ubiquitous to the area. The two-storey element which is where the main entrance is located will feature a bronzed metal cladding with inverted seam to the upper, oversailing storey and the plant screen will similarly be in a bronzed metal, which will be perforated. The brickwork will be embellished with a dentil pattern to various architectural elements, notably window bays and a ground floor band above the window heads. A feature green slip detail will also be used to elements of the facades, notably the south-west facing elevation. A lightweight canopy above ground floor level will run around three sides and it along with other metal elements such as window frames, doors, downpipes and brickwork borders will be in a bronzed metal finish.

Other elements of the development will include boundary fencing and railings and smaller structures, notably a sub-station, a greenhouse and cycle and scooter stores. The principle of demolishing the existing school buildings and their replacement with a new 3-storey school is acceptable in design terms. The buildings that are to be demolished make no real contribution to the local townscape; and the height of the replacement building would respond appropriately to the surrounding townscape context successfully complementing the scale of the Victorian Primary School to the north and the post-war blocks of flats to the south.

The proposed facing materials are of a good quality and are responsive to the wider townscape, while the attention to detailing in the brickwork and the embellishment provided by the green brick cladding, introduce elements of distinction and visual interest.

Overall the proposal is considered acceptable in design terms introducing a contemporary building which is respectful of its townscape context, while at the same time providing a confident new building, which will enhance the local area. In terms of the impact of the new school building on the grade II listed Beethoven Centre, while the two will be capable of being viewed at the same time when in Beethoven Street and will lie opposite one another, the new building will still be set well away from the street edge and will in no way adversely affect the setting of the listed building.

The scheme would accord with the Council's design policies, specifically DES 1, DES 4 and DES 10 of the UDP; and S25 and S28 of the City Plan; as well as Chapter 12 of the NPPF.

8.3 Residential Amenity

Two neighbour comments have been received. Both raise the issue of light pollution from the existing and proposed building and one comment raises an objection on the potential loss of daylight/sunlight for properties to the north of the site on Herries Street. Given the distance between the objectors property and the new school there would not be a loss of light greater exceeding BRE guidelines. The relevant policies in terms of assessment of the amenity impact of the proposed development are Policies ENV6, ENV7 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

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Policies ENV13 in the UDP and S29 in the City Plan set out the amenity protections afforded more generally to existing occupiers and seeks to ensure that where there is an opportunity, new development enhance the residential environment of surrounding properties. With particular regard to the impact on daylight and sunlight, Policy ENV13 sets out that material losses of daylight and sunlight will normally be unacceptable: “The City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.”

Paragraph 9.229 in the UDP sets out how the City Council will assess the impact of development on daylight and sunlight levels received by surrounding light sensitive uses (including the habitable rooms) and confirms that the impact of development should be assessed using the Building Research Establishment’s (BRE) Guidelines ‘Site layout planning for daylight and sunlight’, the most recent version of which was published in 2011. Paragraph 9.229 concludes as follows:

“The City Council will normally aim to ensure that there is a predominantly daylit appearance for habitable rooms to residential buildings. Therefore, minimum daylight values are normally unacceptable. There are many residential properties in Westminster which fall well below the recommendations made in the BRE document. In these situations, where principle habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss of light unacceptable.”

In terms of increased sense of enclosure and increased overlooking, Policy ENV13 states that:

“Developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.”

8.3.1 Sunlight and Daylight

Daylight

As above, Policy ENV13 in the UDP sets out that the impact of development on light sensitive uses should be assessed using the BRE Guidelines. The Guidelines specify two principal methods of assessment to establish the degree of impact a development is likely to have on neighbouring windows. These are the Vertical Sky Component (VSC) and No Sky Line (NSL) methods of assessment. The VSC method of assessment considers the potential for daylight within a room by calculating the angle of vertical sky visible at the centre of each of the windows serving the residential buildings which look towards the site.

A material loss of daylight, which may be visible to the occupier of the room served by the affected window will occur using the VSC method of assessment where the resultant VSC level below 27% and is less than 0.8 times its former value.

Using the NSL method of assessment, a material loss of daylight which may be noticeable to occupiers of the room served by the affected window(s) would occur where

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the area of the working plane within the room (0.85m above ground level), which can receive skylight, is reduced to less than 0.8 times its former value.

The BRE Guidelines set out that the diffuse daylight received by an existing building may be adversely affected where either of the above test (VSC and NSL) have been exceeded.

The daylight/sunlight report submitted with the application documents highlights two neighbouring residential properties to the south west of the site which would incur losses greater than BRE guidance. Window 1206 serves a ground and first floor maisonette in the western block of flats in Stansbury Square. This window faces Beethoven Street and would have a retained VSC of 22.20%, or 0.66 of its former value. Window 1218 serves a ground and first floor maisonette in the eastern block in Stanbury Square, facing Stanbury Square, the window would have a retained VSC of 10.89% or 0.67 of its former value. Both windows sit below significant overhangs significantly reducing the existing VSC levels of both windows.

The supporting text of the BRE guidelines indicates they should be used flexibly, notably in urban environments. The guidelines also recognise that overhangs/balconies can have a detrimental impact on light and recommend that where overhangs are present an assessment is carried out with the overhang removed to determine whether it is the existing overhang or new building causing windows to experience low VSC levels.

Window 1206 is a large window and while the loss of VSC is greater than 0.2 of the existing value, due to the size of the window it is likely the room would retain adequate daylight.

For window 1218 an assessment has been carried out to determine the loss at the site with and without existing overhang. The existing VSC for the window with the overhang is 16.47, almost half of what it would be without the overhang. With the overhang removed the VSC at the site would be acceptable, indicating it is the presence of the overhang and not the proposed school which is the reason for the low levels of VSC at the window.

Given the presence of existing overhangs for both windows and the size of the window, on balance it is considered that the reductions in VSC are not a reason for the refusal of the application.

Sunlight

The BRE Guidelines establishes the Annual Probable Sunlight Hours (APSH) method of assessment as the appropriate methodology for assessing the impact of proposed development on levels of sunlight reaching neighbouring windows. APSH considers any surrounding windows serving habitable accommodation that faces within 90 degrees of due south of the development.

The daylight/sunlight report highlights that there is one residential window which will incur a reduction in sunlight greater than considered acceptable in the guidelines. Window 1218 serves a ground and first floor maisonette in the eastern block in Stansbury Square, facing onto Stanbury Square. The window would experience 0.7 of its previous value which is marginally below the 0.8 recommended by the BRE guidance.

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However, the supporting text of the BRE guidelines indicates they should be used flexibly, notably in urban environments.

There have been no objection from the flats on Stanbury Square. Given the proposed building is for a school which is in accordance with the City Council's wider education strategy and will deliver public benefits, on balance it is not considered the reduction in sunlight for a single flat is considered as a reason for refusal of the application.

8.3.2 Sense of Enclosure

The new building is set at least 14 meters away from the closest residential windows which are at the northern end of the blocks of flats on Stansbury Square and the proposed building is not set directly in front of the flats which are located to the south east of the new school. Additionally, the most affected flats at ground floor level have overhangs restricting the views out of the ground floor windows. Given the positioning of the proposed school and the distance between the new building and the existing flats it is not considered that the works would result in a significantly increased sense of enclosure for the neighbouring residential buildings.

8.3.3 Privacy

The north elevation of the closest block to the new school houses the communal steps for the building and not any residential windows. The closest residential windows to the new building are 14.5 meters. Sight lines between the residential windows and the school would be at oblique angles. Due to the location of the fenestration on the new building and the position and distance of the surrounding residential buildings there would not be an increase in overlooking towards neighbouring residential properties.

The grounds surrounding the proposed school are currently in use as out doors play area for a school with a capacity of 420 pupils. The proposed school has a capacity of 90 pupils and the potential noise and disturbance is therefore less than the existing.

The works are considered in accordance with ENV 6 and ENV 13 of the UDP and S29 of the City Plan and therefore considered acceptable on amenity grounds.

8.4 Transportation/Parking

The site does not include any on-site parking. However the Highways Planning Manager has stated that due to the parking controls in place in the surrounding streets and the limited number of new staff the impact of the proposal on parking levels and trip generation in the area is expected to be minimal.

Some of the pupils attending the school will arrive and leave by minibus which is arranged through a private company and there is therefore no requirement for the minibuses to be stored on site.

Pupils will be dropped off and collected from the front gates of the school on Herries Street. There are no designated bays and the minibuses will pull up on the double yellow lines at the front of the building. The highways manager has raised no objection to the

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arrangements but has stated the works will require works to the street furniture on Herries Street which can be secured through a Grampian condition.

A revised version of the Travel Plan has been approved by the Road Safety Officer and a condition is recommended to secure compliance with this Travel Plan.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed school has level access at the entrance from Heeries Street and at the entrance to the building. Internally the school has level access on the ground floor and a lift to the upper floors.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

The Environmental Health Officer has raised no objection to the inclusion of plant on the roof of the two-storey part of the building to the north east of the site. A condition has been added to the permission to ensure that plant operating will not exceed WHO guidelines as specified in the acoustic report provided with the application.

8.7.2 Refuse /Recycling

The proposed site plan includes an area to the north of the site for refuse and recycling storage. The Waste Projects Manager has commented that the details are not in accordance with the City Council's recycling and waste storage requirements. As recommended by the Waste Projects Manager a condition has been added to the permission to secure details of the refuse and recycling storage.

8.7.3 Trees

The Arboriculture Manager has raised no objection subject to conditions following revisions to the Arboricultural Impact Assessment (AIA) provided with the application documents.

A pre commencement condition requiring tree protection methods to be submitted and approved has been added to the permission with the agreement of the applicant alongside conditions to secure the details of replanting.

8.7.4 Biodiversity

Policies S37 and S38 seek to ensure that development protects and where possible enhance Westminster blue ribbon network, bio diversity and green infrastructure.

The applicant has provided a bat roost survey report with the application. The report states there are no bat roosts in building three. The report goes on to state that there is a

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low risk of bats roosting in building two (the large single-story block). The low risk rating is based on parts of the building not being surveyed due to health and safety risks on site.

The report states there was no indication of bats roosting in the building but as part of the building was not surveyed it remains low risk. An emerging survey to be carried out between May and August was recommended, however not undertaken. The report further states the surrounding area is unlikely to be attractive to bats due to the residential blocks and lighting.

Conditions are proposed to ensure that the areas identified in the bat survey report are dismantled by hand and that details of bat boxes are submitted to the council. Subject to this condition, the proposed development accords with policies S37 and S38 of the City Plan.

8.7.5 Sustainability

An energy report has been submitted with the application providing details of the performance of the development against the Carbon Dioxide (CO2) emissions and overheating criteria set out in Chapter 5 of The London Plan (March 2016) and Westminster's Planning Policy S40 of the City Plan.

The building improves upon building regulation CO2 emission targets through fabric and building service efficiencies alone. The addition of a heat pump, and a Photovoltaic (PV) installation on the roof of the building further reduce the development's CO2 emissions by 56% over Part L 2013 regulations. This figure includes for 20% reduction of carbon emissions from on-site renewable energy generation to satisfy the Westminster Planning Policy S40.

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.8 London Plan

This application raises no strategic issues.

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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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to a tree protection condition and the City Council's Code of Construction Practice. The applicant has agreed to the imposition of the condition.

8.10 Planning Obligations

A Grampian condition has been added to the permission to secure works to the highway at the entrance to the school on Herries Street.

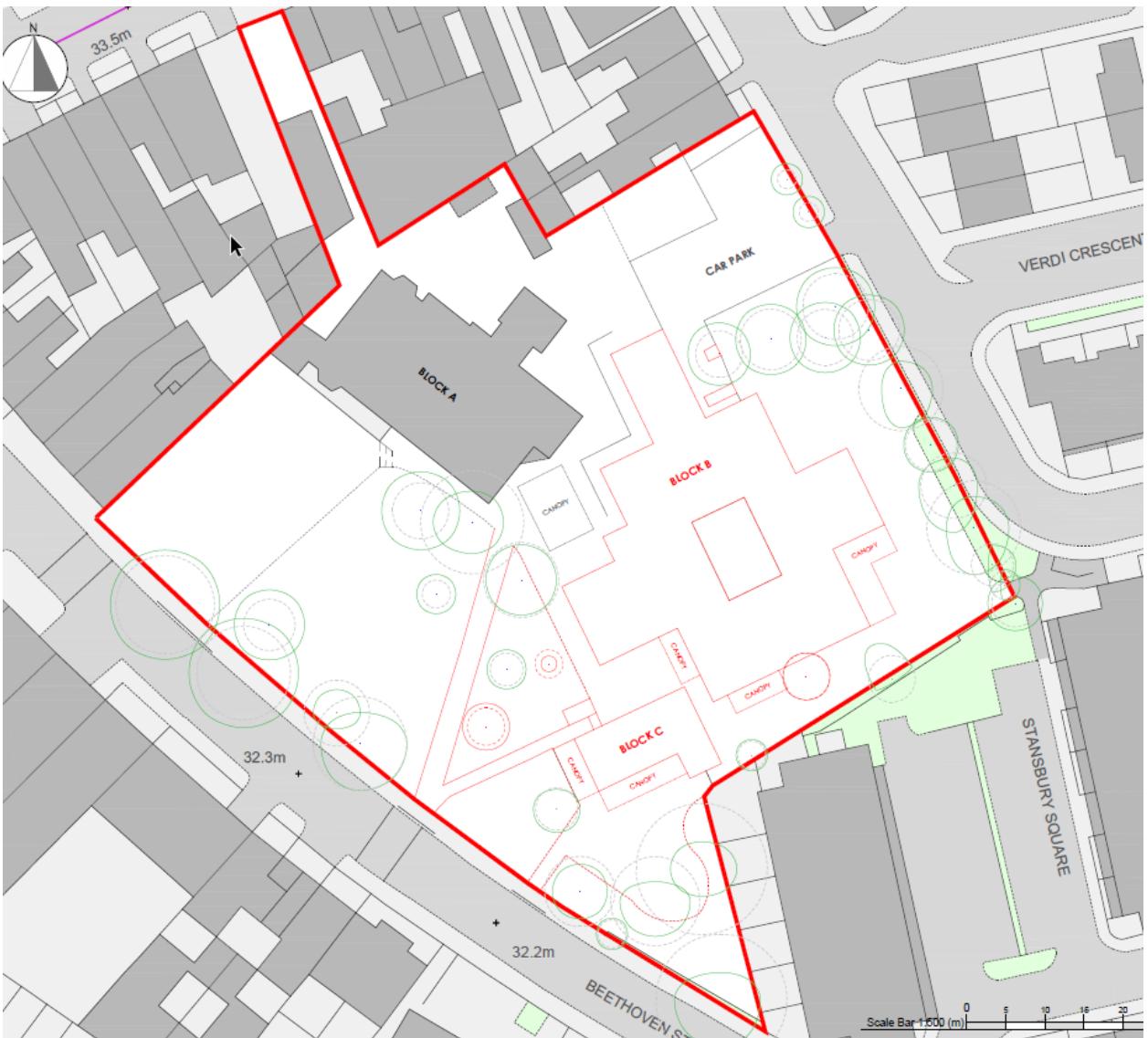
This development is not Westminster or Mayoral CIL liable.

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

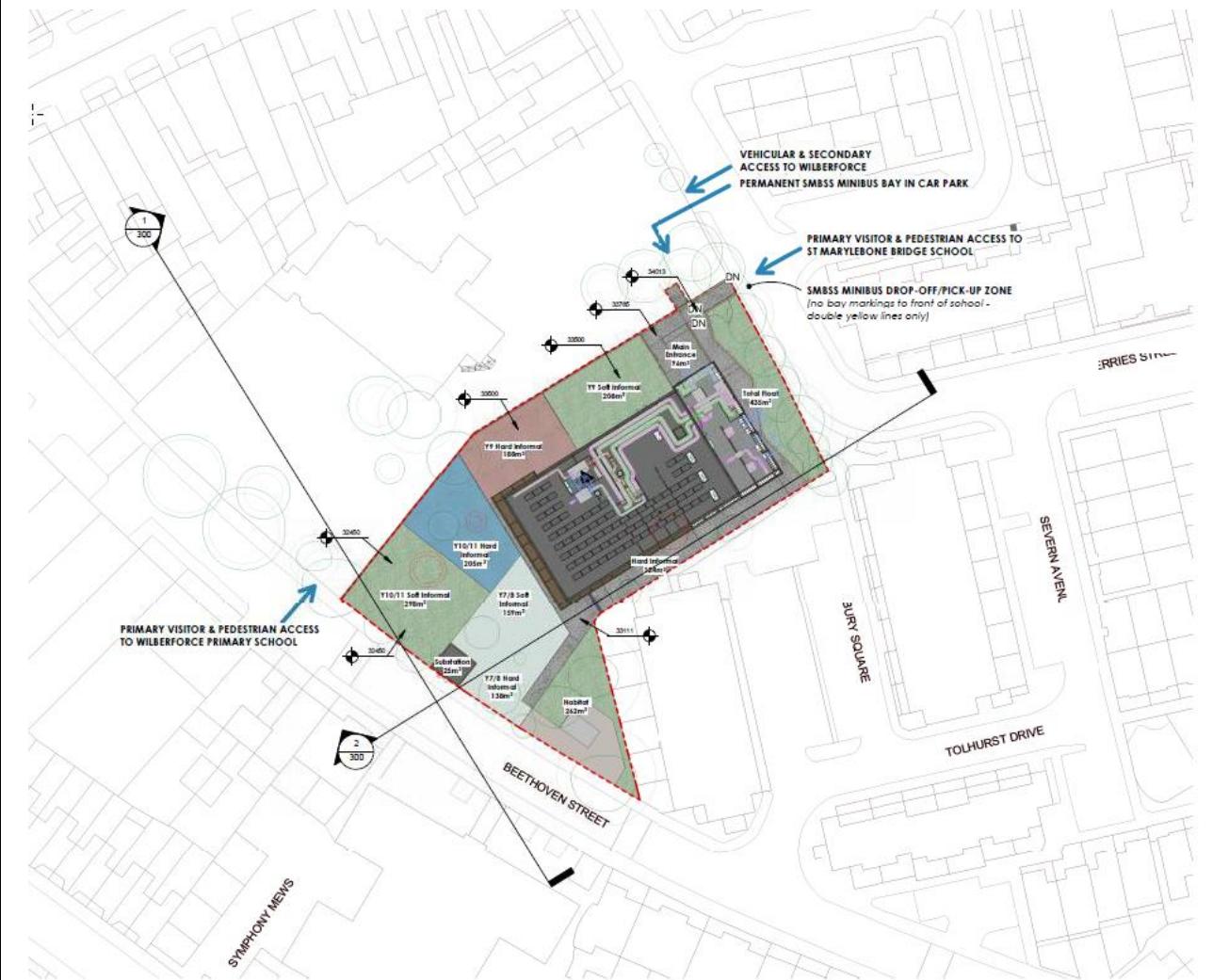
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MAX JONES BY EMAIL AT mjones@westminster.gov.uk

9. KEY DRAWINGS

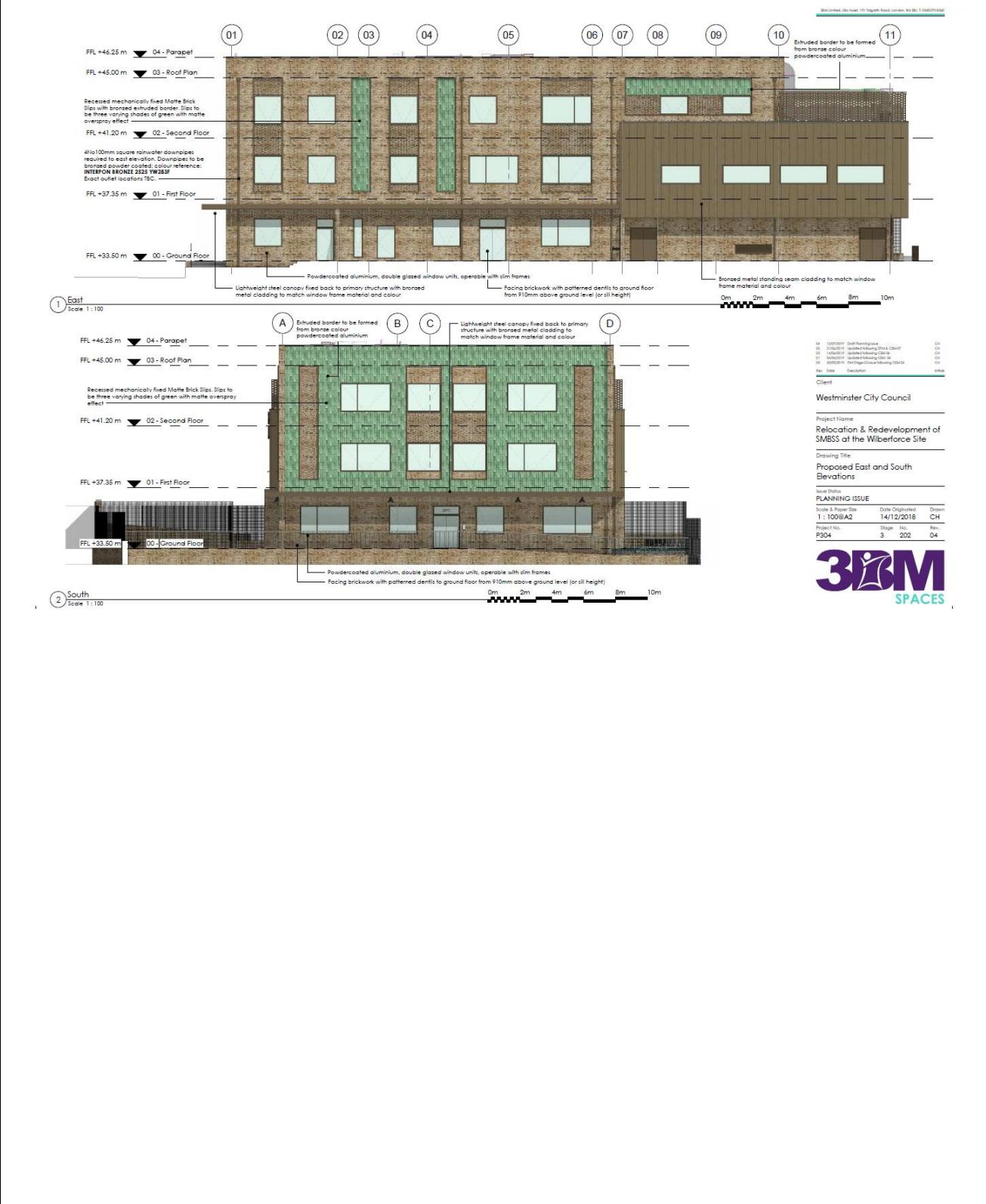
Existing site plan with blocks to be demolished in Red.



Proposed Site Plan for the new school



Proposed east and south elevation



Proposed north and west elevations



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DRAFT DECISION LETTER

Address: Wilberforce Primary School , Beethoven Street, London, W10 4LB

Proposal: Part a) proposed demolition of block b and c of Wilberforce Primary School following their relocation to block a. Part b) proposed new build special school in place of blocks b and c to accommodate the relocation of St Marleybone CE Bridge School, together with associated access, parking and landscaping works.

Reference: 19/05978/COFUL

Plan Nos: 000 Rev 00, 001 Rev 00, 204, 004 Rev 00, 710 Rev 01, 003 Rev 00, 802, 301 Rev 4, 202 Rev 04, 205, 206, 207, 208, 103 Rev 05, 102 Rev 05, 105 Rev 05, 104 Rev 05, 100 Rev 00, 300, 201 Rev 04, Rev 203 Rev 04, 002 Rev 00, 005 Rev 00, 803,
For information only, 710 Rev 01, 711 Rev 01, 712 Rev 01, 713 rev 01, 702 Rev 03,

Case Officer: Max Jones **Direct Tel. No.** 020 7641 1861

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample.

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 The external ductwork between main roof level and lower section of roof on the north-east side of the new school building shall be finished to match the prevailing metalwork colour and maintained in that colour.

Reason:

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

- 6 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings and all proposed fencing/railings. 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 according to these approved drawings within 12 months of completing the development (or within any other time limit we agree to in writing).

Reason:

To make sure that the appearance of the development is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 or both of our Unitary Development Plan that we adopted in January 2007.

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7 You must apply to us for approval of full details of the following parts of the development:

- i) External doors and windows;
- ii) The appearance and location of any movement joints within the brickwork;
- iii) The new green house.

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 approved details.

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 (November 2016) and DES 1 and DES 4 or both of our Unitary Development Plan that we adopted in January 2007.

8 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 or both of our Unitary Development Plan that we adopted in January 2007.

9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part 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 using the school. (C14EC)

Reason:

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

10 (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.

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

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

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

Reason:

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

- 11 You must submit details of the transplantation of trees T9, T11 and T18 for our approval. You must include a methodology for transplanting the trees and a programme of aftercare to ensure their successful reestablishment. You must also include a plan showing the new tree locations and a schedule of timings for lifting and replanting the trees. You then undertake the relocation and aftercare of these trees according to the approved details. If you remove any of the trees T9, T11 and T18 or find that they are dying, severely damaged or diseased within 5

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years of planting them,, you must replace them with trees of a similar size and species.

Reason:

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

- 12 You must provide details of a new tree to replace tree T13, to include the size, species, location and programme of aftercare. 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 planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove the replacement tree or find that it is dying, severely damaged or diseased within 5 years of planting it, you must replace it with a tree of a similar size and species.

Reason:

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

- 13 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing . You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

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)

- 14 During works, any removal of roofing materials (including shingles and lead flashing),soffits and wood cladding shall be undertaken carefully by hand to address the risk of bats being present at the time of works. The removal of higher risk features (e.g. raised lead flashing and wooden shingles) will be supervised by a bat ecologist.

If at any time a bat or signs of bats are encountered, works shall halt immediately, and a licenced bat worker shall be contacted to determine how best to proceed and you will need the agreement of the City Council as the local planning authority in consultation with Natural England before works start again on site.

Reason:

To protect and 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. (R43CB)

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- 15 You must apply to us for approval of details of secure cycle storage for the school. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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 (R22FA)

- 16 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 17 The St Marylebone Bridge School must operate in accordance with Revision C of the Travel Plan as listed in the approved documents.

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

Reason:

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

18

You must not use any part of the development until we have approved appropriate

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arrangements to secure the following:

- a) Highway works in Herries Street to relocate the existing metal barrier to outside of the new school entrance.

In the case of each of the above, you must include in the arrangement details of when you will carry out the works, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in school of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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, neighbourhood plan (where relevant), 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 HIGHWAYS LICENSING:, 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.

CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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BUILDING REGULATIONS: You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 With reference to condition 16 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 4 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 5 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

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6 Thames water comments

Waste Comments

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Supplementary Comments

wastewater: We require the drainage strategy to specify the point(s) of connection and peak discharge rates into the public sewer system for foul and surface water. We require demonstration of how the surface water disposal hierarchy has been implemented for the site and why connection to the combined sewer is the preferred option. Surface Water should be addressed in accordance with the London Plan 5.13 (5l/s/ha) and we expect a significant reduction from current peak discharge rates.

Please note: the full text for informatics 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.