

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18th February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Little Venice	
Subject of Report	Ark Paddington Green Primary Academy, Crompton Street, London, W2 1ND,		
Proposal	Erection of a single storey building on the north west of the site, relocation of the main entrance, remodelling of the ground and upper floors of the main building and associated landscaping and cycle storage improvements.		
Agent	Lambert Smith Hampton		
On behalf of	3BM Education Partners/Westminster City Council		
Registered Number	18/08946/COFUL	Date amended/ completed	29 October 2018
Date Application Received	19 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	Partly within Maida Vale and Paddington Green Conservation Areas and partly outside conservation area.		

1. RECOMMENDATION

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

2. SUMMARY

Permission is sought for the erection of a single storey building on the north west of the site to house a new nursery, alterations to the front entrance and access ramp, additional cycle storage, the removal and replanting of 2 x trees and the planting of a green wall along the south west boundary of the site

The new building is on the site of the existing temporary buildings and surrounding overgrowth behind them and existing hard standing. During the course of the application revised drawings and details were submitted to confirm the number of trees being removed/retained and the travel plan for the additional number of pupils attending the site. The application forms part of strategic approach to create a single form of entry school across the two school sites of The Ark Paddington Green and The Ark King Solomon.

The application received 26 neighbour letters of objection to the initial consultation. Following revised drawings and details being submitted, a re-consultation of neighbours was carried out which

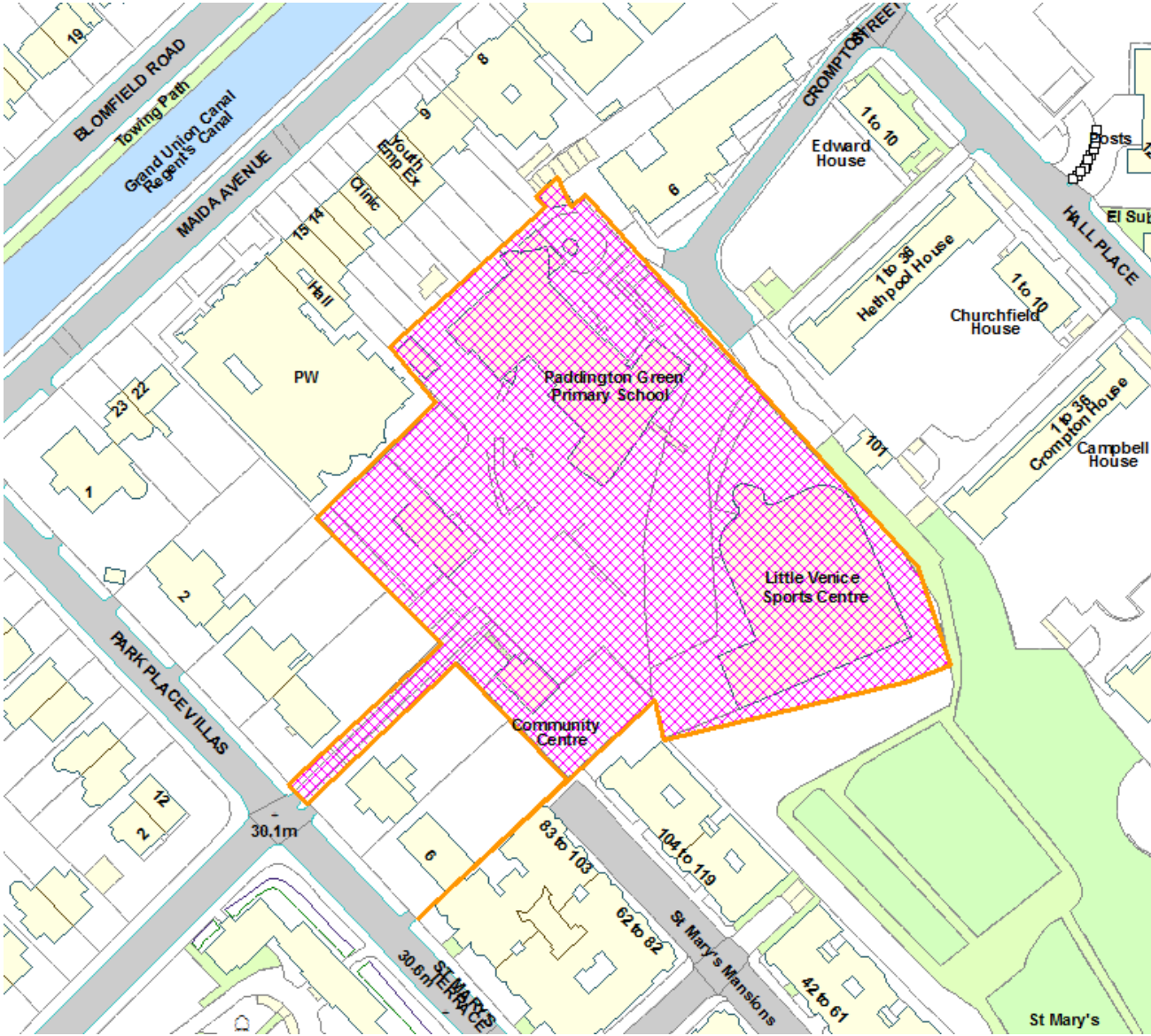
attracted 2 neighbour objections and one letter of support. Objection has also been received from the neighbouring Paddington Catholic Apostolic Church and Cllr Caplan.

The key issues are:

- The impact of the proposed development on the setting of the Paddington Catholic Apostolic Church
- The impact of the proposed development on the trees on the site.
- The impact of the proposed development on the parking and traffic on the surrounding streets, particularly Park Place Villas.

The proposed development is considered acceptable in land use, design, trees and highways grounds, subject to the recommended conditions, it is considered to comply with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

View from the Paddington Green Playgrounds towards the existing temporary buildings and Paddington Catholic Apostolic Church



View from Padding Green School Playground of temporary buildings trees at boundary with Park Place Villas and rear of properties on Park Place Villas



View of the boundary between the application site and Park Place Villas



5. CONSULTATIONS

ORIGINAL CONSULATION- CONSULTATION RESPONSES TO THE FIRST ROUND OF CONSULTATION

WARD COUNCILLORS FOR LITTLE VENICE:

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objection.

ARBORICULTURAL MANAGER

objection to the loss of the loss of the sycamore tree. Concerns were also raised regarding the impact of the works on the remaining trees on the site. A condition to secure a tree protection method statement recommended.

HIGHWAYS PLANNING TEAM:

No objection subject to conditions, following the submission of a travel plan and statement.

WASTE PROJECT OFFICER:

No objection subject to conditions

ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

CHILDREN'S SERVICES:

Support the provision of additional education floor space.

HISTORIC ENGLAND:

No objection, defer to conservation officer.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 186

No. of responses: 1 letter of support received and 24 letters of objection received on one or more of the following grounds:

OBJECTIONS:

Land use

- Over development of the school site
- Overcrowding

Design

- Height of the proposed building
- Appearance of the proposed building is not appropriate in this location
- The impact of the proposed building on the setting of the listed church adjacent to the site
- Harm to conservation area
- Potential harm to the churches foundations

Amenity

- Increased noise for the residents of Park Place Villas

Other

- Loss of trees
- Park Place Villas entrance not suited to additional children arriving at the school
- Loss of railings to the Park Place Villas entrance
- Harm to environment of bats
- No arboriculture report has been submitted
- Increased congestion and parking pressure on Park Place Villas and surrounding streets
- Noise and disturbance during the building works
- Air pollution harm from the loss of trees
- MUGA would cause noise and disturbance
- Loss of trees would harm the birds and wildlife that live amongst them

RECONSULTATION - CONSULTATION RESPONSES TO REVISED DRAWINGS, TREES DETAILS AND TRAVEL PLAN:

No. Consulted: 186

No. of replies: 4 objections have been received on one or more of the following grounds:

Design

- Harm to the conservation area from loss of trees
- Proposed building not in keeping with the surrounding area
- Harm to the setting of a listed building
- Height

Amenity

- Increased noise pollution from people arriving from the park place villas entrance and from pupils playing outside at the boundary between the school and houses on Park Place Villas

Other

- Traffic and pollution from the increased car journeys
- Loss of trees and woodland
- Lack of arboriculture report

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The school site lies within two conservation areas (Paddington Green Conservation Area – within which the main school buildings are sited; and Maida Vale Conservation Area – within which the school access road off Park Place Villas is located) However, the area in which works are to be carried out as part of this application falls within an island of

land which lies outside a conservation area. Immediately to the north west of the site lies the grade I listed Catholic Apostolic Church; and the grade II listed Victorian villas within Park Place Villas.

The original school building is an unlisted London Board School from the late nineteenth century and is a typical example of its type built in stock brick with red brick dressings in a Queen Anne Revival style. The whole site has a D1 Educational use class. There are pedestrian entrances to the site from Crompton Street to the north east which is the existing main entrance and Park Place Villas to the south west which provides vehicular and pedestrian access. There are several mature trees at the south west and north west boundaries of the site.

6.2 Recent Relevant History

04/03662/COFUL

Erection of two portacabins in school grounds measuring 18m x 9.6m and 17m x 2.4m to provide additional classroom and toilets facilities for a temporary period of two years.

(Council's Own Development)

Application Permitted 22 July 2004

05/02781/COFUL

Extension to existing primary school comprising of ground, first and second floors accommodating hall, kitchen, four classrooms and associated teaching space.

Application Permitted 16 June 2005

08/10361/COFUL

Retention of a portacabin in the grounds of the school until Sep 2010.

Application Withdrawn 10 February 2009

15/09704/FULL

Retention of Portacabin on the south-west side of Paddington Green Primary School for a temporary period of 5 years.

Application Withdrawn 5 February 2016

18/06007/COFUL

Widening of existing ramp and installation of a new ramp and access doors.

Application Permitted 19 November 2018

19/01727/COFUL

Variation of condition 1 of planning permission dated 19 November 2018 (RN: 18/06007/COFUL) for the widening of existing ramp and installation of a new ramp and access doors. NAMELY, to vary the approved drawing numbers to allow alterations to the front elevation on the main school building.

Application Permitted 25 April 2019

7. THE PROPOSAL

Planning permission is sought to provide additional accommodation on the site within a new building together with various alterations. The proposal comprises of the following key elements:

- Single storey building (632m²) with green roof to provide new nursery for 140 pupils between 2- 4 years old.
- Green screen
- Relocation of main entrance
- Remodelling of ground and upper floors of main building
- Associated landscaping and cycle storage.

8. DETAILED CONSIDERATIONS

8.1 Land Use

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 educational facilities outside of teaching hours.

Proposed school

The site has had temporary buildings on it for 10 years which have provided additional classroom space for the school on a temporary basis. The temporary buildings have not been used for the last few years and have fallen into a state of disrepair leading to complaints to the City Council's planning enforcement team regarding their appearance.

The new building will include the site of the temporary buildings and some of the surrounding space. The use class of the proposed early years and nursery school is D1 Education and is therefore acceptable in principle. The new nursery will house approximately 140 pupils aged between 2 - 4 and 13 staff. The proposals form part of a wider set of works to create an Ark Academy single form of entry school across the Paddington Green site and the King Solomon site.

The new building will accommodate up to 90 children aged 3 - 4 and up to 50 children aged 2 – 3 as part of an early years and nursery school. The internal space of the school is in accordance with the Department of Education guidelines.

The proposed works to the main school building to upgrade the entrance and some windows and doors are not contentious on land use grounds.

The site has an existing use class of D1 and the temporary buildings that will be replaced were used as class rooms. The additional or replacement and new educational floorspace is in accordance with policies SOC1, SOC3 of the UDP and S34 of the City plan which seek to encourage the upgrading of exiting and provision of new educational floorspace. The proposal is therefore considered acceptable on land use grounds.

8.2 Townscape and Design

The school site lies within two conservation areas (Paddington Green Conservation Area within which the main school buildings are sited; and Maida Vale Conservation Area – within which the school access road off Park Place Villas is located) but it also includes an island of land which lies outside a conservation area. Other designated heritage assets to note within the immediate vicinity are the grade I listed Catholic Apostolic Church immediately to the north west; and the grade II listed Victorian villas within Park Place Villas.

The original school building is an unlisted London Board School from the late nineteenth century and is a typical example of its type in stock brick with red brick dressings in a Queen Anne Revival style. It has a large modern extension to the south added in the 2000s. The land to the south-west of the school which now forms part of the school (playground, entry point and temporary classroom structure) was originally a separate plot of land, occupied in the nineteenth century and first half of the twentieth century by a large, detached property known as Park Place Gardens.

The main component of the proposed scheme is a new freestanding single storey nursery building to the west of the existing school building occupying the site of a single storey temporary classroom building and part of the playing area. This new building would largely be located within the island of land that lies outside the conservation area, it will in reality be two buildings, but they are linked together and are designed to appear as a single structure.

The size, footprint and detailed design of the proposed new building(s) is considered acceptable in design terms, appropriately taking account of its townscape context and the surrounding heritage assets. The two tone brickwork appropriately references the main school building, albeit in a contemporary fashion. Given the low scale of the new building, its roof will become an important 5th elevation and the selection of a green roof is considered acceptable in this context.

A number of objections have been made raising design, townscape and heritage impact issues, notably a detailed assessment submitted on behalf of the Trustees of the Catholic Apostolic Church. Certainly, the application site is a sensitive one being in and close to conservation areas and with listed buildings in the immediate vicinity. As such it is important to consider the statutory duties as well as the policy framework.

Legislation and Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act indicates that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

In terms of the NPPF the key considerations are addressed in Chapter 16 with paragraphs 193-196 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise the two conservation areas and the nearby listed buildings.

Policies S25 and S28 of our City Plan are strategic policies which recognise the importance of Westminster’s historic townscape and the need to conserve it and require exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of our UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.
Impact on Setting of Listed Buildings

The Catholic Apostolic Church

The grade I listed Catholic Apostolic Church has the highest grade of listing and is closest to the application site. The church was built in 1894 and was designed by John Loughborough Pearson in a Victorian Gothic style. It is principally faced in red brick, but with ashlar dressings on all sides. The church has a cruciform plan and is aligned north-west/south-east, with its front façade respecting the building line along Maida Avenue. The church replaced an earlier group of Victorian houses, which had long garden plots and the location of these former property boundaries dictated the orientation and layout of the church.

The front façade of the church facing onto Maida Avenue (liturgical West end) is the most embellished with a deeply recessed central section containing two large four-light windows with Geometric tracery. Either side of the arched recess are the nave walls which rise to stone octagonal turrets with spirelets. There is also a decorative stone arcade beneath the gable running between the turrets. This façade is a prominent townscape feature appreciable from Maida Avenue, Blomfield Road and the Regent’s Canal and makes a significant contribution to the Maida Vale Conservation Area. However, Pearson’s design for the exterior did not focus attention solely on this west

end and the design quality and attention to detail was carried round the whole building, with the transept gables echoing the west front, with Geometric tracery, albeit a reduce use of stone dressing, reflecting the secondary status of these parts. The south-east, liturgical east end features an apsidal chancel with tall lancet clerestory windows, with a lower roofed ambulatory and side chapels.

These other sides of the church, while unquestionably of high architectural quality, have a lesser townscape contribution than the west end, albeit the south-west (liturgical south) facing side does have townscape presence, viewed from the north (Maida Avenue, the canal and Blomfield Road) and the west (Park Place Villas). The chancel end has the least townscape presence largely being visible from private viewpoints, including from the school playground.

The other townscape element of the church to note is the central rooftop fleche (slender spire), which is at the intersection of the nave and transepts and is easily the tallest part of the church and thus a landmark element in wider views.

Setting is the surroundings in which a heritage asset is experienced and its importance lies in what it contributes to the significance of the heritage asset, or the ability to appreciate that significance. In the case of the church it is a building which was introduced into an existing townscape, with many of the properties in Maida Avenue and Park Place Villas preceding it. Furthermore, its layout and to a degree its size was constrained by the available site within which to build it. Thus, its setting is one where it is experienced sitting amidst other, mainly residential buildings. In some cases these surrounding buildings pre-date the church and in some cases these buildings obscure views of the church, for example the Victorian terrace to the east of the church, facing onto Maida Avenue, largely obscures views of the liturgical north-side of the church (certainly in public views). In addition to buildings there are also a number of mature trees both on the street and in private property which obscure views of the church, while also contributing to its setting.

In summary, the church is located within an urban setting and one which has developed both before the church and afterwards. The proposed single storey nursery building, would only be visible in the same viewing context as the church from non street-level views. In these views it would not exceed the eaves height of the ambulatory, which itself is sunk below the ground level of the school. In a context where the church is experienced in an urban context, the proposed building is considered to have no adverse impact upon the setting of the listed church. The latter would remain a highly impressive Victorian Gothic church, sitting amongst other buildings of differing ages, some of which obscure some views of the church. The primary viewing experiences of the church from the north and the west would be entirely unaffected. The objections raised on the basis that the heritage impact assessment is inadequate and that harm is caused to the listed building is not accepted. However, even if a degree of harm is accepted, then this would fall in the category of less than substantial and at the low end of this spectrum. In such circumstances, this harm needs to be weighed against the public benefits of the proposal and it is considered that the provision of the new nursery school building would provide a clear public benefit to the local area, improving local educational facilities, and that these benefits would outweigh any harm caused.

22 & 23 Maida Avenue and 1-6 Park Place Villas

These detached and semi-detached villas lie to the south and west of the application site. They are all grade II listed buildings and all date from the early to mid-nineteenth century. They are fine examples of the first phase of residential development in this area and were clearly designed and built for an affluent market. The generous landscaping to front and rear and the gaps between the buildings all contribute to their setting. The proposed single storey nurse building would sit at some distance from the rear property boundaries to some of these villas and would not encroach into the landscaped gardens nor impinge on any key views of these properties, where the greatest level of embellishment was afforded to the front facades. Now that the impacts on trees has been resolved no harm to the setting of these properties is caused by the proposed development.

Impact on Conservation Areas

The main school buildings lie within the Paddington Green Conservation Area. This was designated in 1988 having previously been part of the larger Maida Vale Conservation Area. The focal point of the area is the eighteenth century St Mary's Church and Paddington Green, which are the vestigial remains of this former village settlement. During the course of the nineteenth century the area was absorbed by rapid urban expansion and the stucco terraced housing along St Mary's Terrace are a good example of this first phase of expansion. Later phases of residential re-development occurred and the mansion blocks of St Mary's Mansions are a fine example of this. The green spaces of Paddington Green and the burial ground (St Mary's Churchyard) make a significant contribution to the character and appearance of the area. Paddington Green Primary Academy (originally a London Board School) is located at the very northern end of the conservation area and while not visually prominent does contribute to the history of the area. The conservation area audit describes the school as follows:

"Paddington Green Primary School, a London Board School of a pleasant composition, is of stock brick with red brick dressings and clay tile roof. It is relatively unaltered and though not dominant in views from within the conservation area it is a fine feature to the north complementing the rear elevation of the listed Catholic Apostolic Church."

The proposed single storey building would be even more visually discreet than the main school building and would not challenge the complementary relationship of the school and church. It would not have any adverse impact on the significance of the Paddington Green Conservation Area.

To the north and west of the application site lies the Maida Vale Conservation Area. It was first designated in 1968 and has been extended on a number of occasions since then. The conservation area is predominantly a product of the Victorian age, with the earliest main phase of development commencing in the southern half of the conservation area from the 1830s following the construction of the Regent's Canal. The principal land use has always been residential and the earliest phase of development saw the construction of stucco villas and terraces. This earlier phase had largely been completed by the 1860/70s with most of the land to the south of Sutherland Avenue being developed. The latter part of the nineteenth century saw the development of the northern half of the conservation area and saw changes in style and house type, with a greater use of red brick-faced buildings and the introduction of mansion blocks. In addition to the housing that was built the area is characterised by its tree-lined roads and the large areas of private communal gardens that were created.

The stucco villas along Park Place Villas are typical examples of the early phase of development within the conservation area and their generous size with large garden plots strongly reflects the character of the conservation area. The proposed single storey building would not be visible from public viewpoints within the conservation area and is of sufficiently modest scale and distance from the stucco villas to have no impact on their setting. The Catholic Apostolic Church is also within the Maida Vale Conservation Area, but as already indicated the impact to the setting of this building and thus to this part of the conservation area is not regarded as harmful. The loss of any trees associated with the proposal would have had some impact on the setting of the villas and the character of the conservation area, but as this issue has been overcome, the proposal will have a benign impact.

Design Conclusion

While concerns have been expressed about the design quality of the proposed building, it is considered that it is appropriately complementary to the main school building, without seeking to be eye-catching. It provides much needed additional capacity in a fashion which respects the significance of the townscape around it. Subject to the suggested conditions which seek to secure appropriate finishing materials and detailing the proposal is considered acceptable and in accordance with design policies DES 1, DES 9 and DES 10 of the UDP; and S25 and S28 of the City Plan.

8.3 Residential Amenity

ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality. ENV 13 specifically seeks to protect residential amenity from an increased sense of enclosure, loss of privacy and a loss of daylight/sunlight.

The proposed building is single story albeit with the very highest point of the building at the ridge of part of the rooflight at approximately 6 meters in height. Additionally, the closest residential buildings are at a minimum of 30 meters away on Park Place Villas and set behind a boundary wall within their gardens of varying heights and a boundary fence/trellis. Accordingly, the proposed building will not result in any significant increased sense of enclosure, loss of daylight/sunlight or overlooking to neighbouring residential properties.

Several neighbour objections have been raised on amenity grounds primarily relating to noise from the playground adjacent to the rear gardens of park place villas, noise and disturbance from increased traffic, noise and disturbance during the construction works and the outlook from Park Place Villas due to a loss of trees at the boundary between the rear gardens of Park Place Villas and the application site. The objections on amenity grounds are assessed below.

Noise and disturbance.

Objections have been received on the grounds that the playground of the nursery would bring children closer to the boundary between Park Place Villas and the school. Concerns have been raised that children playing outside would increase noise levels for the residents of Park Place Villas. One objector has stated that a sound proof barrier covered in greenery should be erected to mitigate the impact of noise.

The area shown in the proposed drawings as outside play space for the nursery is currently land which is used as a garden for the school, an over grown parcel of land and an area used for cycle storage. The lawful use of the area is outside space ancillary to the D1 education use of the school and has been established as such for many years. It is acknowledged that due to the erection of the temporary buildings to provide additional class room space the area directly at the rear of the Park Place Villas boundary wall has not been used directly by children from the school for some years. However, the temporary buildings were never to remain permanently.

The school could, without permission, remove the temporary buildings and open the whole playground up for use by children of all ages without providing any additional barriers to the boundary at Park Place Villas and without informing or consulting either the City Council or neighbouring residents, as the use of the area would remain the same as the existing lawful use.

The proposed scheme would provide outside play space for children between the ages of 2 – 4 between normal school hours of 07:00 to 18:00 (for staff) & 07:45 to 16:15 (for pupils) Monday to Friday. The outside space can be accessed directly from the three proposed classrooms, via normal sized doors. Outside classrooms No. 4 and 5 there is a polycarbonate canopy to allow use of the outside area in all weather. As part of the revised proposals the applicant has included new planting on the schools side of the boundary to provide a 'green screen' between the playground and the properties to Park Place Villas. Details of the green screen will be secured by condition. Following revised drawings the majority of the established trees are being retained along the boundary and the ones being removed are to be replaced as secured by condition.

The closest elevation of the properties on Park Place Villas is approximately 23 meters away from the outside play space. There is currently a brick wall along the southern part of the boundary and a fence along the northern part of the boundary. The boundary treatments belonging to the properties on Park Place Villas are the responsibility of the property owners and it is therefore their personal choice whether they have solid walls or more lightweight fences. The school boundary currently has a wire fence and contains several well established trees.

The submission of a revised scheme to retain and replant the trees along the boundary which currently offer some noise mitigation and the addition of a green screen are considered as proactive and positive measures taken by the school to mitigate noise from the play area.

In terms of the requests by objectors that an acoustic assessment of the noise impact is undertaken, given the spaces to which the application relates already have a lawful use as external play space as part of the school use, it is not considered that further noise mitigation measures could reasonably be required in this instance.

Given the existing lawful use of the area, the distance between the area and the closest residential buildings and the existing and proposed planting it is not considered that increased noise and disturbance caused by the use of play space by children attending the nursery is a reason to withhold planning permission.

The noise and disturbance caused during the construction of the nursery would be controlled through the standard condition restricting the hours of noisy building work. The application does not trigger the council requirements for the Code of Construction Practice condition. It is not considered that disturbance during works is a reason to withhold planning permission.

Outlook

Following the resubmission of updated drawings which have been consulted on it is clear that only two trees are to be removed which the Arboricultural Manager has not raised objection to on the grounds that appropriate replacement are secured by condition. Additionally, a green screen on the school's side of the boundary is also proposed, details of which are also to be secured via condition. Accordingly, the outlook of residents from Park Place Villas will remain as existing or be enhanced through the introduction of a 'green screen' and the objections are considered to have been addressed.

Amenity summary

The proposed works would not result in an increased sense of enclosure, overlooking, loss of light or increased noise which would be unacceptable. The objections raised on amenity grounds have been addressed during the course of the application, through the introduction of screening, retained trees and replacement planting as detailed above. Accordingly, the proposal is considered to accord with policies ENV 6 and ENV 13 of the UDP and policy S29 of the City Plan.

8.4 Transportation/Parking

The original submission did not include a travel plan or transport statement and attracted significant neighbour objections on the grounds that the increased number of pupils/children attending the new nursery would increase pressure on parking and congestion on Park Place Villas and the surrounding streets at drop off and pick up times.

The objections state that due to the three other nursery's in the surrounding area there is already significant pressure on the highway network in the area. The objections also state that the increased journeys to the school would increase air pollution in the area and noise pollution for the properties on Park Place Villas. A further objection states that the school should appoint traffic marshals outside Park Place Villas entrance.

During the course of the application a travel plan and supplementary travel statement have been submitted. These documents were included in the re-consultation carried out in June 2109.

The second consultation received three objections relating to transport on the grounds of increased traffic congestion, pressure on parking, noise, pollution and a lack of traffic marshals.

The existing capacity of the school is 490 pupils, however the existing roll call is 237 with an estimated staff of 50 (operating at capacity). Nonetheless the capacity of the school is 490 and it has as recently as 2012 had 456 attendees. As such the basis for assessment is the potential capacity of 490 pupils.

As a combination of the proposed nursery and the amalgamation of Ark Paddington Green and Ark King Solomon the capacity of the school and nursery to 590 with a staff of 68. This equates to an increase of 100 pupils and 18 staff from the existing capacity of the school.

The proposed travel plan and statement outline the plans of Ark Paddington Green to achieve a modal shift away from the private car of 6% or demonstrate that 90% of pupils travel to school actively (within 3 academic years). The travel plan has been approved by the Road Safety Officer. A condition is proposed to secure a review of the Travel Plan at 1, 3 and 5 year anniversaries of the commencement of the proposal.

It is recognised that there will be an increased number of trips to the school as the capacity of the Ark Paddington Green site will increase by 100 children and 18 staff and due to the age group of the children at the nursery that some of the additional journeys will be by car. However, the Highways Officer has stated the overall increase is unlikely to have a significant impact on the surrounding public highway and has raised no objection to the proposal.

For D1 educational use the London Plan requires 1 space per 8 students and 1 space per 8 staff. 60 cycle parking spaces are proposed. It is not clear how many cycle parking spaces are on site currently but the "existing" plan appears to indicate 40 spaces. Given the indicated increase in pupils and staff under the London Plan, 21 long stay and 2 short stay spaces are required. The proposal appears to include only 20 additional spaces. 1 additional long and 2 short spaces should be provided. A condition is proposed to provide the required cycle storage.

Given details included within the travel plan and travel statement, together with the proposed conditions, the objections on highway and transport grounds are not supported.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The nursery is single storey and would be wheelchair accessible. The site would be accessed from the existing Park Place Villas entrance to the school.

8.7 Other UDP/Westminster Policy Considerations

Trees

The initial submission of the application included very little detail regarding trees and indicated that several trees at the boundary with Park Place Villas were proposed for removal with no indication of justification, impact or replanting. Following public , 28 objections were raised with the majority of the objections on the grounds that trees were being removed unnecessarily which would harm the appearance of the surrounding conservation area, harm wildlife and reduce the ability of the area to deal with air pollution. Concerns were also raised at the lack of detail provided regarding trees at the site.

During the course of the application, the applicant has worked with the City Council's Arboricultural Manager to develop a scheme which retains as many of the existing trees as possible. It is now proposed to remove only two of the existing trees and replace them on site along the boundary with Park Place Villas. Additionally a green screen is also proposed close to the boundary.

Following re-consultation carried out in July 2019 there were three objections raised, all of which mentioned the harm to trees and the lack of detail included with the application.

Following the July consultation the City Council's Arboricultural Manager requested details of how the proposed works could be completed in proximity to the retained trees without causing harm to the roots of the retained trees,.

Between July and December the applicant and officer have entered into protracted negotiation which has included the excavation of trial pits at the site to establish the depth and spread of roots. The findings have allowed the applicant and their consultant to develop a bespoke engineering solution for the foundations at the site which will allow the roots to pass through parts of the foundations of the building and allow the exchange of gas, air and rain water to the soil beneath the building.

Subsequently, the applicant has provided a detailed Arboricultural Impact Assessment and Method Statement (Rev c) at this stage to demonstrate that the principle of the works can be carried out without causing permanent harm to the roots of the retained trees. The City Council's Arboricultural Manager has stated that while they would require some further details as part of a pre-commencement condition they are satisfied that based on the details provided the works can be carried out whilst protecting trees and therefore have raised no objection subject to the appropriate conditions.

In summary, the objections received on trees grounds related to the loss of several trees and the impact it would have on the conservation area and wildlife. The revised application proposes to remove only two trees, both of which will be replaced on site. In addition, the trees officer has raised no objection to the works. As such the works are considered acceptable on trees grounds and the objections are not supported.

Biodiversity

Policies S37 and S38 seek to ensure that development protects and where possible enhance bio diversity and green infrastructure.

The applicant has provided an ecological report submitted with the application which identified that the existing temporary buildings due to their synthetic material is unlikely to support roosting bats. The report states that all of the trees on the site have a low potential for bat roosting. A condition has been attached to the decision notice stating that prior to the two trees being removed a search of the trees for bat roots must be carried out.

The report indicates that due to the location of the new building on existing hard standing and replacing an existing building the impact on wildlife in the area would be low.

A condition is proposed to ensure that the trees to be removed are searched by hand prior for evidence of bat roosting prior to removal. Subject to this condition, the proposed development accords with policies S37 and S38 of the City Plan.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 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 conditions to secure the applicant's. The applicant has agreed to the imposition of the conditions

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

This development is not Westminster or Mayoral CIL liable.

8.12 Other Issues

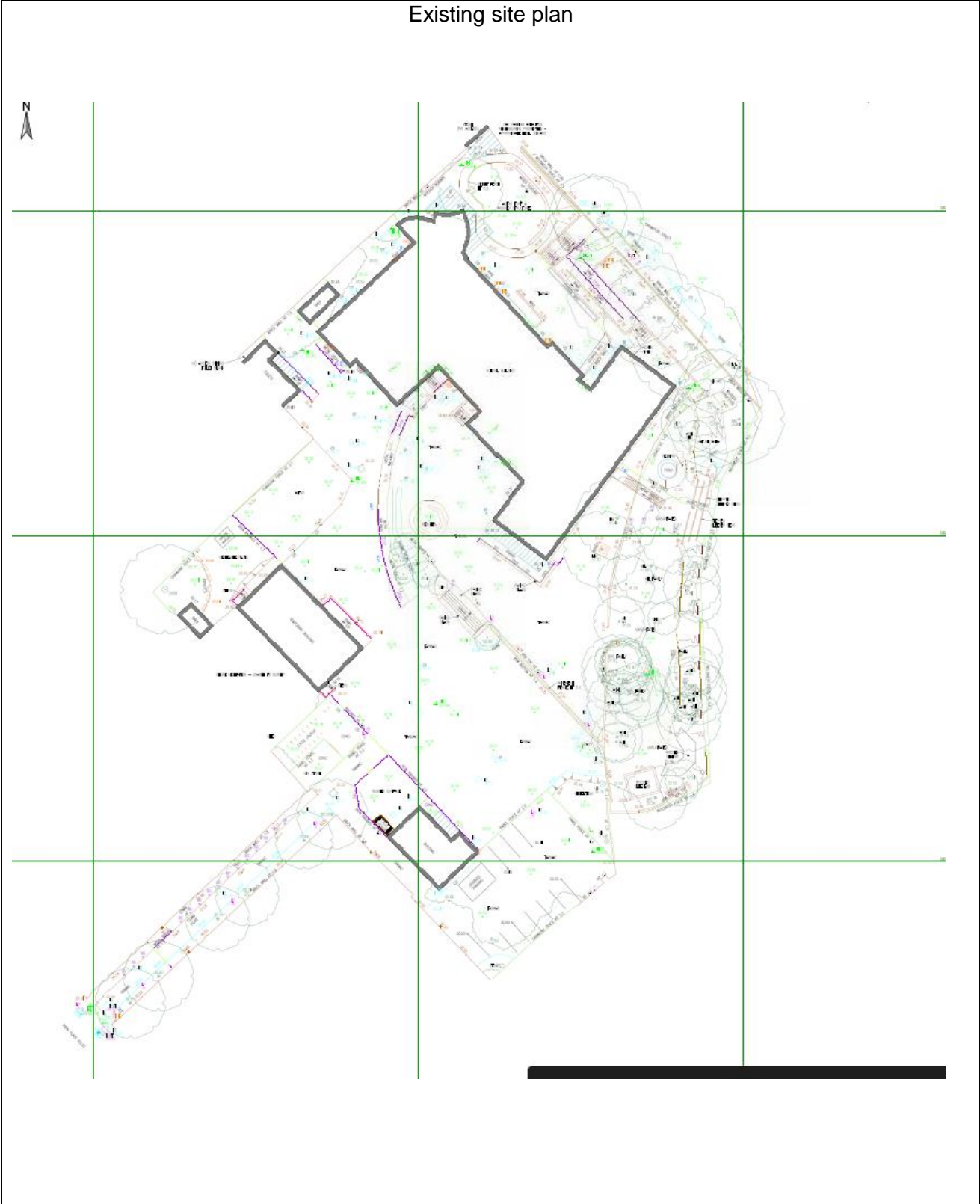
Objections not addressed in the above report

An objection was received on the grounds that a new multi-use games area (MUGA) would harm the amenity of the surrounding residents. A MUGA is not proposed as part of this application.

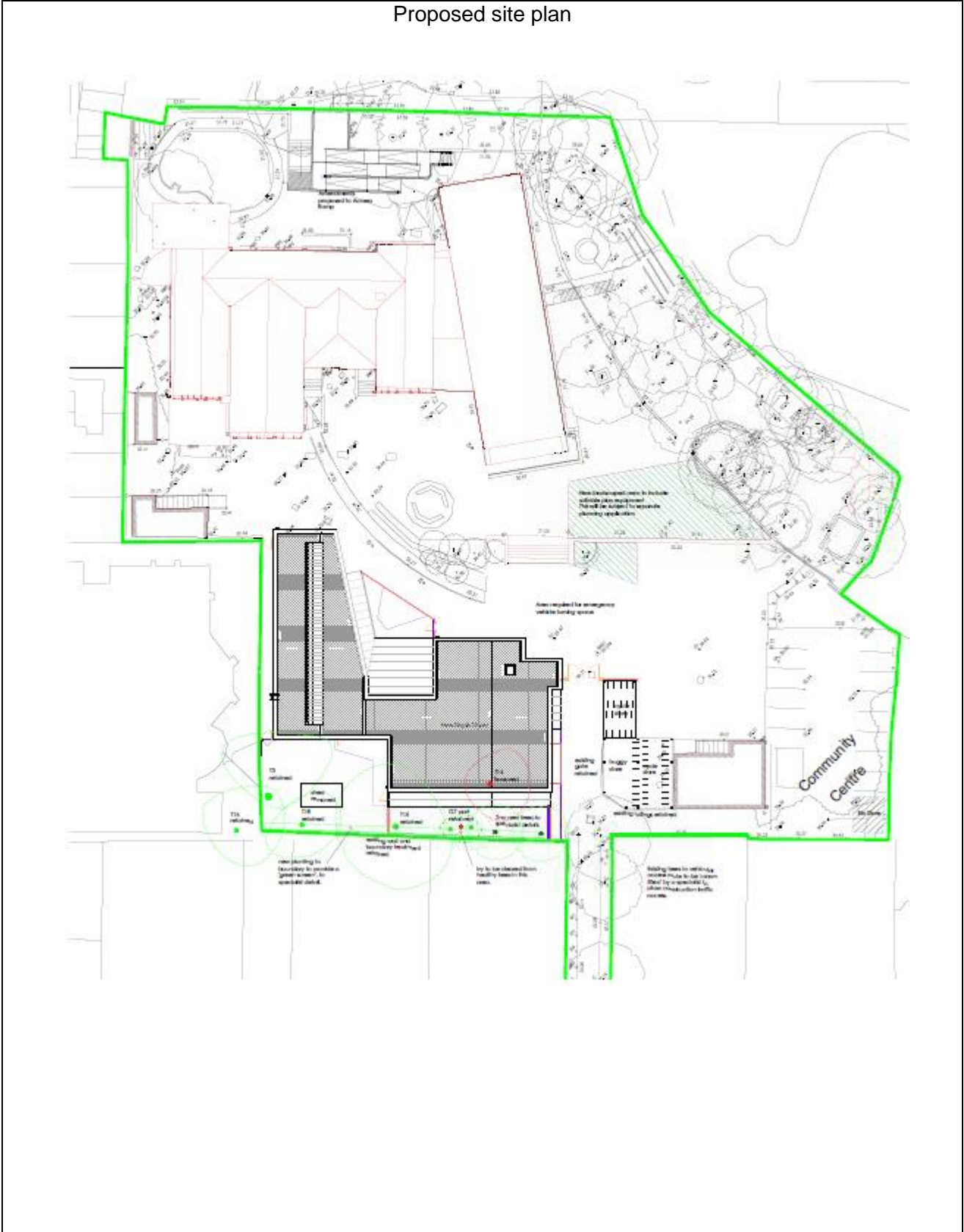
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk
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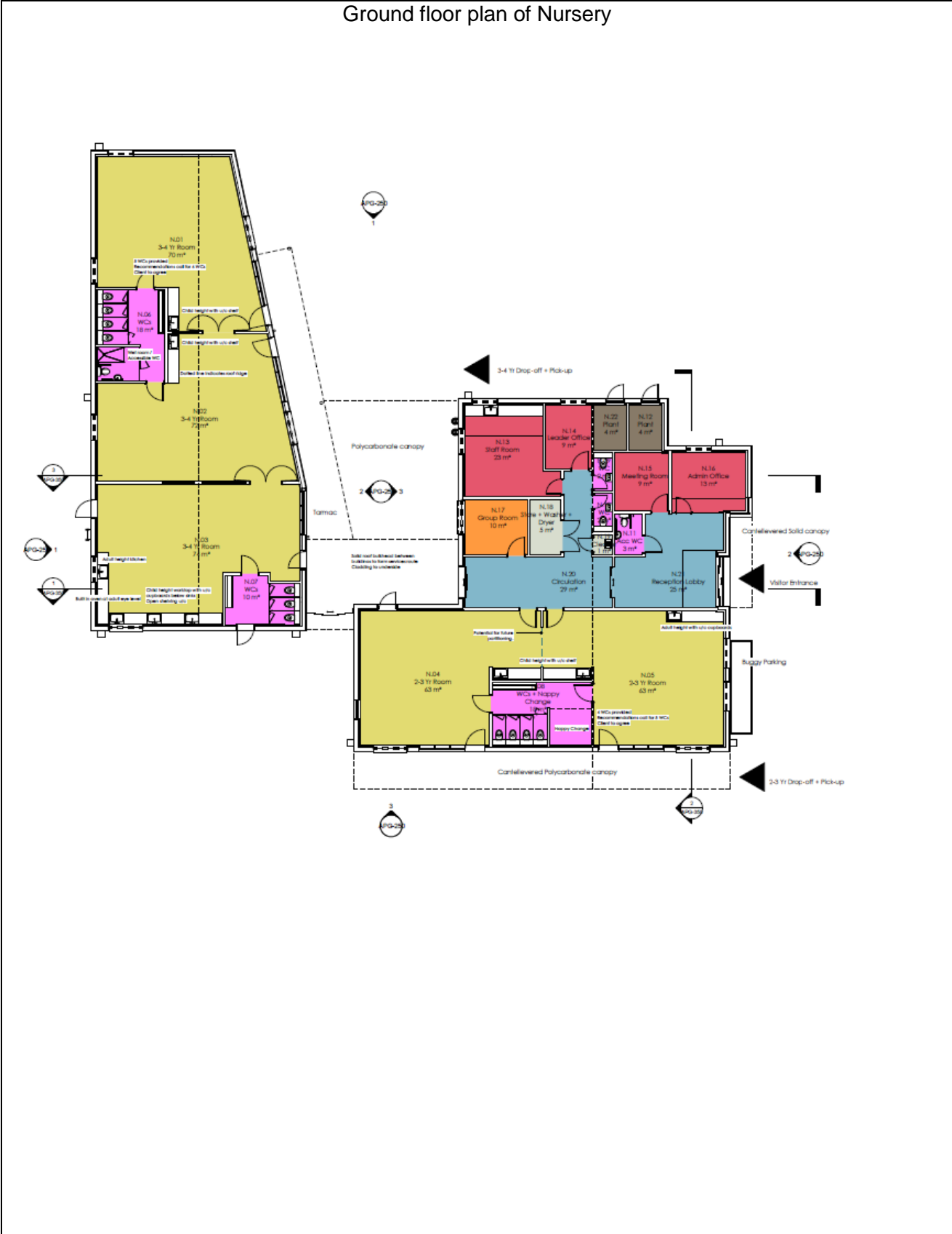
9. KEY DRAWINGS



Proposed site plan



Ground floor plan of Nursery



Existing site section. View from St Marys Mansions



1 Existing Site Section
Scale 1:200

Proposed site section. View from St Marys Mansions



1 Proposed Site Section
Scale 1:200

DRAFT DECISION LETTER

- Address:** Ark Paddington Green Primary Academy, Crompton Street, London, W2 1ND
- Proposal:** Erection of a single storey building on the north west of the site, relocation of the main entrance, remodelling of the ground and upper floors of the main building and associated landscaping and cycle storage improvements.
- Plan Nos:** Site location plan, APG-010, APG-011, APG-020, APG-030, APG-032, APG-150, APG-151, APG-200, APG-201, APG-250, APG-251, APG-300, APG-350, APG-401, APG-402, C-801 Rev E, C-800 Rev H, 9419/103A, 17246/A2_AIA_Rev.C
Arboricultural Impact Assessment, Tree Root investigation, survey and mitigation, GEO Environmental Report, Heritage Statement, Noise Report, Planning Statement, Supplementary Travel Statement Rev B Design and Access Statement, Air Quality Assessment, Ecological Appraisal, Flood Risk Assessment.
- Case Officer:** Max Jones **Direct Tel. No.** 07866036849

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for 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)

- 3 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site and the setting of the conservation areas 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.

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Paddington Green Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- iv) identification of individual responsibilities and key personnel.
- ii) induction and personnel awareness of arboricultural matters.
- iii) supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv) procedures for dealing with variations and incidents.

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 what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the

incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, including the setting of the conservation areas as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 6 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs, including tree replacement for the loss of two trees. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season; 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 3 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 and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

7 PRE COMMENCEMENT CONDITION

Prior to any works taking place, a tree bat roost inspection must be carried out to determine if any bats are present. If at any time a bat or signs of bats are encountered, works shall halt immediately, and a licensed bat worker shall be contacted to determine how best to proceed and you will need to 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)

- 8 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 building. (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)

- 9 You must apply to us for approval of details of secure cycle storage for the nursery use. You must not start any work on this 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 2016 (R22FA)

- 10 The Ark Paddington Green School must operate in accordance with the Revision B 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)

- 11 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 setting of the Paddington Green Conservation Area and the Maida Vale Conservation Area; and that it respects the setting of neighbouring listed buildings, notably the Catholic Apostolic Church and the villas within Park Place Villas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007

- 12 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 Paddington Green Conservation Area and the Maida Vale Conservation Area; and that it respects the setting of neighbouring listed buildings, notably the Catholic Apostolic Church and the villas within Park Place Villas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must provide, maintain and retain the following sustainable drainage and bio-diversity measure before you start to use any part of the development, as set out in your application.

Green roof.
Green Screen

You must not remove this feature.

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).

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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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 at www.westminster.gov.uk/contact-us-building-control

- 3 When you apply to us to discharge condition 3 you must include the following:
- A methodology for demolition and removal of existing hard and soft surfacing within the root protection areas.
 - Precise specifications for ground protection including piling mats, access routes, pedestrian access, which must also be individually marked on the tree protection plan.
 - A precise schedule of any phases of tree protection, shown on more than one tree protection plan if necessary.
 - Details of the piling rig and any other vehicles which will be located in or adjacent to root protection areas.
 - A detailed methodology for hand excavating within root protection areas, including the implements that will be used to excavate and to remove spoil, how ground protection will be moved in stages to avoid soil compaction during this operation, details of arboricultural supervision and root pruning.
 - A detailed methodology for constructing the foundations, whilst maintaining a void underneath and avoiding soil compaction from occurring.
- 4 When you apply to us to discharge condition 6 you must include details of appropriate tree planting to replace T14 and G7.