



City of Westminster

# Committee Agenda

Title:

**Planning (Major Applications) Sub-Committee**

Meeting Date:

**Tuesday 22nd January, 2019**

Time:

**6.30 pm**

Venue:

**Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members:

**Councillors:**

Gotz Mohindra (Chairman)  
David Boothroyd  
Ruth Bush  
Peter Freeman

Murad Gassanly  
Jim Glen  
Elizabeth Hitchcock



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 020 7641 7513; Email: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

**(Pages 3 - 8)**

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

##### **1. DEVELOPMENT SITE AT 127-143 OXFORD STREET, 53-55 BERWICK STREET AND 201-205 WARDOUR STREET, LONDON**

**(Pages 13 - 64)**

##### **2. DEVELOPMENT SITE AT 14 TO 17 PADDINGTON GREEN, LONDON**

**(Pages 65 - 140)**

**Stuart Love  
Chief Executive  
14 January 2019**



CITY OF WESTMINSTER

## MINUTES

### Planning (Major Applications) Sub-Committee

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 27th November, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Gotz Mohindra (Chairman), David Boothroyd, Ruth Bush, Peter Freeman, Murad Gassanly, Angela Harvey and Elizabeth Hitchcock

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor Angela Harvey had replaced councillor Jim Glen.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Gotz Mohindra explained that a week before the meeting, all seven Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Boothroyd declared that he is Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.
- 2.3 He advised that on both items, some Thorncliffe clients have engaged Gerald Eve as planning consultants, who are also representing the applicants. However he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.

- 2.4 On item 1, he was a member of the committee on 6 December 2016 which decided the main application. He is also a councillor sponsor of the Notting Hill East Neighbourhood Forum but had no involvement in their comments.
- 2.5 On item 2, he was a member of the committee on 21 April 2015 which heard a previous scheme on the site. Councillor Tim Roca, who is a friend, is employed by the applicant but they had not discussed this application.
- 2.6 Councillor Bush declared in respect of item 1 that she is a trustee of the Westminster Tree Trust. She declared in respect of item 2 that Councillor Tim Roca, who is a friend, is employed by the applicant but they had not discussed this application.

### **3 MINUTES**

- 4.1 **RESOLVED:** That the minutes of the meeting held on 6<sup>th</sup> November 2018 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 PADDINGTON SORTING & DELIVERY, 31 LONDON STREET, 128-142 PRAED STREET, LONDON STREET (PARTIAL), WINSLAND MEWS (PARTIAL), PADDINGTON STATION ARRIVALS RAMP AND ASSOCIATED SURROUNDS, LONDON, W2 1DJ**

Application 1 :

Variation of condition 1 (approved plans) of planning permission dated 14 August 2018 (RN: 16/09050/FULL) for the Demolition of existing buildings and mixed use redevelopment comprising a commercial cube providing up to 50,000 sqm (GEA) floorspace of office/commercial uses, retail and café/restaurant uses at lower levels and top floor level, a retail/restaurant building on Praed Street; a new major piazza including pedestrianisation of London Street, a new access road between Winsland Street and Praed Street, hard and soft landscaping, new underground station entrance and new Bakerloo Line Ticket Hall; and associated infrastructure and interface highway and transport works for underground connections, and ancillary works.(EIA Application accompanied by an Environmental Statement). Site includes 31 London Street, 128-142 Praed Street, London Street, Paddington Station Arrivals ramp and associated surrounds. NAMELY, to allow adjustments to layout of steps in the public realm; Change in orientation of escalators linking street level to office Level 02; amendment to lift strategy and location; amendment to the public realm to address level changes and provision of accessible routes; increase in height and footprint of Praed Street building and minor increase in footprint with, adjustments to detailed design; amendment to layout and configuration of below-ground concourse area and retail units; amendment to the layout and configuration of the LUL Station Box; and reconfiguration of main office core. Additionally Details of soft landscaping, soil depth, specification, and rainwater harvesting pursuant to conditions 33, 49 and 51 of the original permission.

## Application 2:

Variation of condition 1 (approved drawings) of listed building consent dated 14.08.2017 for Demolition of the existing retaining wall between the station arrivals ramp and London Street, and the pedestrian entrance stairs to the Bakerloo Line, along with the blocking up of an existing access stair to the Bakerloo Line within the station concourse and the remodelling/resurfacing of the arrivals ramp. All associated with the comprehensive redevelopment proposals at 31 London Street under reference 16/09050/FULL. Namely to amend proposed plans to ensure consistency with revised comprehensive development proposals sought under reference 18/08240/FULL (no change to approved demolition or blocking up works)

Additional representations were received from London Underground Infrastructure Protection (19.11.2018), SEBRA, PRACT (21.11.18, St Marylebone Society, Imperial College Healthcare NHS Trust (16.11.2018) and the occupier of 99 St Mary's Mansions, St Mary's Terrace, W2 (16.11.2018).

Late representations were received from Sellar (Applicant) (23.11.2018) and the London Borough of Brent (23.11.2018).

The presenting officer referred the Sub-Committee to the following clarification relating to the report and an amendment to condition 9:

Paragraph 8.9 of the committee report notes that subject to Members resolving to grant planning permission for this MMA, then a Deed of Variation to the S106 will be required. For Members clarification, the original obligations have been reviewed and it is considered that they are all still required and that no new obligations are needed. The Deed of Variation will cover administrative changes in respect of the associated plans. These obligations still meet the Regulation 122 requirements.

For clarification, the Secretary of State has been notified of this application and will be notified of the City Council's decision.

Amendment to Condition 9 – Replace TBC with 15.11.2018.

### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to:
  - a) the views of the Mayor of London
  - b) a Deed of Variation of the original S106 legal agreement dated 14.08.2017
  - c) Amending condition 9 to replace the word TBC with 15.11.2018.
2. If the Deed of Variation has not been completed within 3 MONTHS from the date of the Committee's resolution then:
  - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3. That conditional listed building consent be granted.
- 4. That the reasons for granting listed building consent as set out in informative 1 of the draft decision letter be agreed.
- 5. That Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.

## **2 152-158, STRAND, LONDON, WC2R 2LS**

Alterations including demolition of rear facade and erection of ground to fourth floor rear extension; removal and replacement of existing roofs and installation of roof top plant enclosure; restoration of shopfronts at 152-153 Strand and installation of new shop fronts at 154-158 Strand; restoration of facade at 152-153 Strand; insertion of new internal atria; all in connection with the use of the buildings as flexible educational and/or office (Class D1 and/or Class B1) use with flexible retail and/or restaurant (Class A1 and/or Class A3) use on part ground floor and basement levels.

An additional representation was received from Historic England (19.11.2018).

A late representation was received from King's College London (21.11.2018).

The presenting officer tabled the following additional condition to the linked listed building consent:

Additional condition:

Pre-commencement condition - you must apply to us for approval of a programme of historic building recording and analysis in the form of a written report. You must not commence any work on the development until we have approved what you have sent us, in consultation with Historic England. You must then carry out the work in accordance with this report.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted subject to amending condition 15 to also require the submission of facing material samples at the junction with the building at the rear for approval.
2. That conditional listed building consent be granted subject to the additional condition as tabled and set out above.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 7.48 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

This page is intentionally left blank

## CITY OF WESTMINSTER PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 22nd January 2019 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s) :</b> 18/00175/FULL 18/00176/LBC  West End	Development Site At 127-143 Oxford Street, 53-55 Berwick Street And 201-205 Wardour Street London	Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade) and 55 Berwick Street. Excavation to provide new Basement 02 and Basement 03 levels. Redevelopment of site to provide ancillary plant and facilities at Basement 03 and part Basement 02 level; nightclub (sui generis) at part Basement 02 and part Basement 01 level (with ground floor entrance at No. 55 Berwick Street); retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; and office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant. (Linked application - 18/00176/LBC)	Daejan Investments Limited
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.</p> <p>b) A Carbon Offset Contribution of £80,000 (index linked), payable prior to commencement of development.</p> <p>c) A Crossrail payment of £516,309 (index linked) payable within 60 days of commencement of development (minus any relevant Mayoral Community Infrastructure Levy paid).</p> <p>d) Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).</p> <p>e) An employment and training strategy.</p> <p>f) The provision of a nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.</p> <p>g) The costs of monitoring the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. That Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction</p>				

**CITY OF WESTMINSTER**  
**PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 22nd January 2019**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

	<p>with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p> <p>4. Grant conditional listed building consent</p> <p>5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>			
Item No	References	Site Address	Proposal	Applicant
2.	<p><b>RN(s) :</b></p> <p>18/08004/FULL</p> <p>18/08110/LBC</p> <p>Little Venice</p>	<p>Development Site At 14 To 17</p> <p>Paddington Green</p> <p>London</p>	<p>Variation of condition 1 of planning permission dated 21 December 2017 (RN: 16/11562/FULL) for the Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. NAMELY, to allow addition of one floor of residential accommodation to Block G and to parts of Block H to add 16 residential units and to reduce carbon offset payment to allow connection to Church Street District Heating Scheme.</p>	<p>Berkeley Homes (Central London) Limited</p>
<p><b>Recommendation</b></p> <p>1. Grant conditional permission, subject to a deed of variation to the section 106 agreement for application ref: 15/11677/FULL dated 21 December 2017 to secure:</p> <p>a) 45 affordable units on-site comprising 18 social rented units and 27 intermediate units and a financial contribution to the Council's affordable housing fund of £600,000 (payable on commencement and index linked);</p> <p>b) A reduction of £140,000 from the agreed carbon offset payment of up to £233,622.00 (index linked and payable on commencement of development) to enable connection to the Church Street District Heating Scheme (CSDHS);</p> <p>c) A reduction of £56,339 (index linked) from the agreed £631,000 education contribution secured under application ref: 15/11677/FULL, in the event that this permission is implemented;</p> <p>d) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street;</p> <p>e) Provision of lifetime car club membership (25 years) for each residential unit in the development;</p> <p>f) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);</p> <p>g) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the CSDHS. In the event that the CSDHS does not go ahead, installation of CHP plant;</p> <p>h) Offering local employment opportunities during construction;</p> <p>i) Provision of public art on the application site; and</p> <p>j) Payment of cost of monitoring the agreement (£2500).</p> <p>2. If the S106 legal agreement has not been completed by 5 March 2019 then:</p> <p>a) The Director of Place Shaping and Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured;</p>				

CITY OF WESTMINSTER  
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 22nd January 2019  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>if so, the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</p>
--	---

This page is intentionally left blank

Item No.
<b>1</b>

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 January 2019	Classification For General Release	
Report of Director of Place Shaping and Planning		Ward(s) involved West End	
Subject of Report	Development Site At 127-143 Oxford Street, 53-55 Berwick Street and 201-205 Wardour Street, London		
Proposal	Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade) and 55 Berwick Street. Excavation to provide new Basement 02 and Basement 03 levels. Redevelopment of site to provide ancillary plant and facilities at Basement 03 and part Basement 02 level; nightclub (sui generis) at part Basement 02 and part Basement 01 level (with ground floor entrance at No. 55 Berwick Street); retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; and office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant.		
Agent	JLL		
On behalf of	Daejan Investments Limited		
Registered Number	18/00175/FULL and 18/00176/LBC	Date amended/ completed	9 January 2018
Date Application Received	9 January 2018		
Historic Building Grade	Grade II -133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street).		
Conservation Area	Soho (except 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street).		

## 1. RECOMMENDATION

1. Grant conditional permission subject to a legal agreement to secure the following:
  - a) A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.
  - b) A Carbon Offset Contribution of £80,000 (index linked), payable prior to commencement of development.
  - c) A Crossrail payment of £516,309 (index linked) payable within 60 days of commencement of development (minus any relevant Mayoral Community Infrastructure Levy paid).
  - d) Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).
  - e) An employment and training strategy.

- f) The re-provision of a nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
  - g) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
- a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.
4. Grant conditional listed building consent
5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The application site comprises a group of buildings within the Core Central Activities Zone (Core CAZ) bound by Oxford Street, Wardour Street and Berwick Street. With the exception of 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street, the site is located within the Soho Conservation Area. Ilford House (133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street)) is Grade II listed. The site is in use as retail units over basement and ground floor levels fronting onto Oxford Street, a language school and offices on the upper floors, three nightclubs at rear ground and Basement 01 floor levels and a restaurant at 55 Berwick Street.

The application proposes the demolition in their entirety of 205 Wardour Street / 127 Oxford Street, 129 - 131 Oxford Street, 55 Berwick Street and 137 Oxford Street. 139-143 Oxford Street (Berwick House) is proposed to be demolished behind a retained façade that will then be raised up by 1.25m in order for the floorplates to align with the rest of the development. Substantial demolition is proposed to Ilford House, although parts of the interior and its three facades are proposed to be retained.

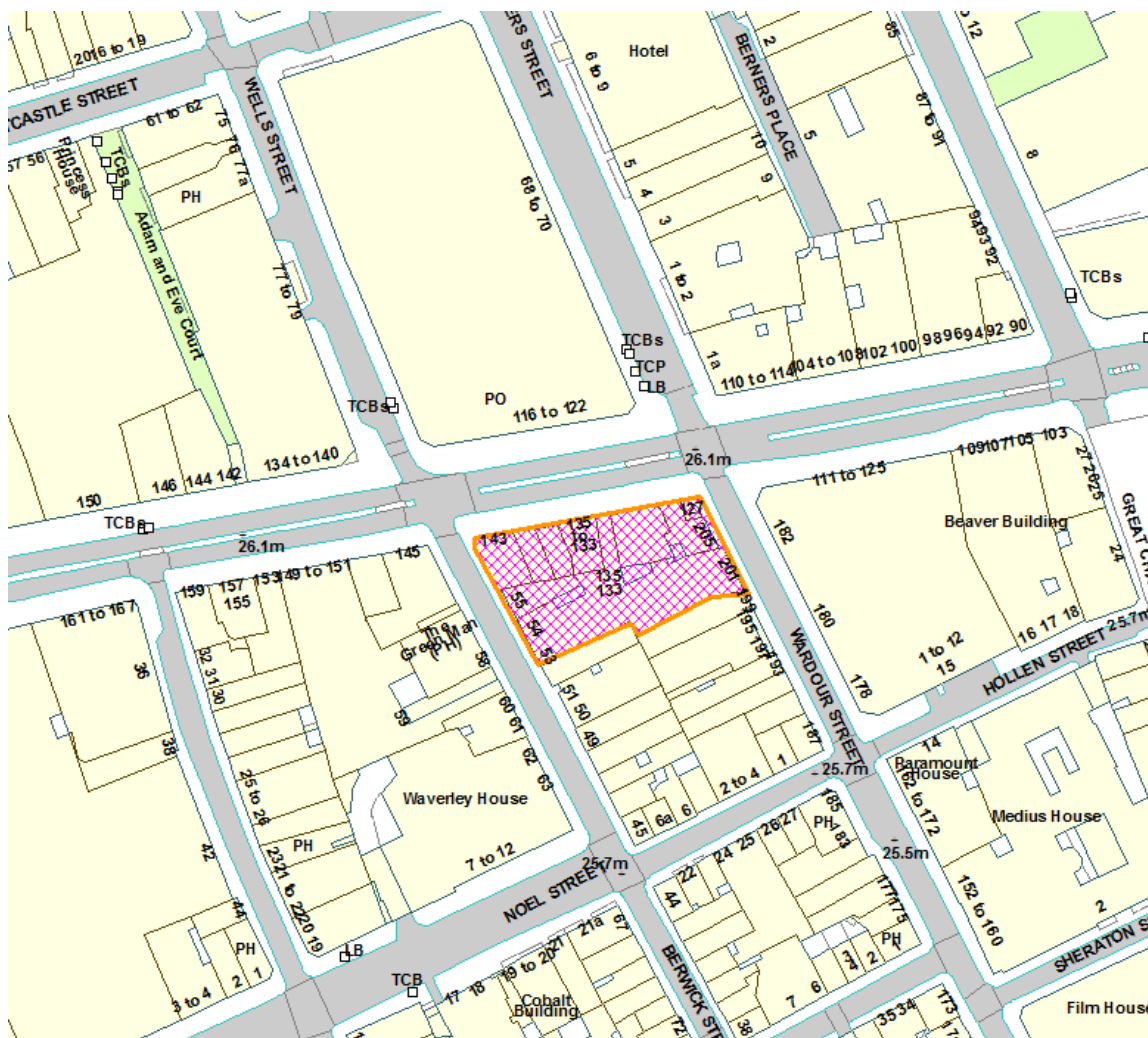
Excavation is proposed to add a Basement 03 and an expanded Basement 02. The site is proposed to be redeveloped through the erection of a part six / part seven storey building behind the retained / altered facades for use as a nightclub over Basement 01 and Basement 02 levels (accessed from Berwick Street), retail units fronting onto Oxford Street over Basement 01, ground and first floor levels, and offices over second to sixth floor levels (accessed from a lobby / reception of Oxford Street).

The key issues for consideration are:

- Whether the loss of 577.3 sq.m of evening / night-time economy floorspace is acceptable in this instance given the competing demands of providing additional retail floorspace on Oxford Street.
- Whether: (i) The demolition of 137 Oxford Street and 55 Berwick Street; (ii) The height and bulk of the eastern building on Oxford Street, particularly in terms of its relationship with the listed building; and (iii) The substantial demolition of the interior of the listed building, causes less than substantial heritage harm and this harm is outweighed by the public benefits derived from the additional retail floorspace (+1,226.9 sq.m GIA) on Oxford Street and the additional office floorspace (+2,899.2 sq.m GIA) within the Core CAZ that will unlock the potential of this site to contribute towards the continued regeneration of the east end of Oxford Street.

The proposal is considered acceptable in land use, amenity and transportation terms, complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan) in these respects. Whilst the proposals do not fully comply with all the urban design and conservation policies, most notably DES 9, with respect to the Soho Conservation Area, and DES 10 with respect to the listed building, it is considered that there is clear and convincing justification for the harm to designated heritage assets and that the public benefits deriving from the proposed development outweigh this less than substantial heritage harm. For these reasons it is recommended that conditional planning permission and listed building consent be granted subject to a legal agreement securing the items listed within Section 8.12 of this report. It is further recommended that the Committee authorises the making of a draft order for the 'stopping up' of parts of the public highway required to enable the development to take place.

## 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
All rights reserved License Number LA 100019597

#### 4. PHOTOGRAPHS

Site as seen from the junction of Oxford Street and Wells Street:



## 5. CONSULTATIONS

### 5.1 Consultation on submitted scheme

#### SOHO SOCIETY:

- No response.

#### ENVIRONMENTAL SCIENCES:

- No objection to the proposed plant subject to a condition securing the submission of a supplementary acoustic report for the City Council's approval once the plant has been specified and the hours of operation confirmed.
- No objection from an air quality perspective.

#### WASTE PROJECT OFFICER:

- Objection – further details required.

#### BUILDING CONTROL:

- Any response to be reported verbally.

#### THAMES WATER UTILITIES LTD:

- No objection.

#### HISTORIC ENGLAND:

- The proposal will cause serious, albeit less than substantial, harm to the significance of Ilford House (Grade II listed) due to the widespread loss of original fabric and individual elements of interest. In accordance with Para. 134 of the NPPF (now Para. 196 of the July 2018 version of the NPPF), this harm should be weighed against the public benefits of the proposal.
- Authorisation provided for the City Council to determine the application for listed building consent as it sees fit.

#### HISTORIC ENGLAND (ARCHAEOLOGY):

- No objection subject to the imposition of conditions securing: (i) A two-stage process of archaeological investigation; and (ii) A written scheme of historic building investigation.

#### ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

#### COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

#### THE GEORGIAN GROUP:

- Any response to be reported verbally.

#### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

#### TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

#### THE VICTORIAN SOCIETY:

- Objection on the following grounds:
  - o The extent of demolition proposed to Ilford House would harm the significance of this listed building and the form, scale and massing of the new building would harm the setting of this listed building and the character and appearance of the Soho Conservation Area.

- The loss of two unlisted buildings of merit (i.e. 137 Oxford Street and 55 Berwick Street) is unjustified and would erode the historic streetscape in this part of the Soho Conservation Area.
- The roofscape of Berwick House will be lost amid the heavily rectilinear form of the new building behind, harming the character and appearance of the Soho Conservation Area.
- The proposed new buildings represent poor quality architecture, overwhelming rather than complementing the existing scale, massing, form and architectural distinctiveness of the existing historic buildings of merit. The proposed new building has no regard to the existing historic plot divisions, eroding the historic environment of the Soho Conservation Area.
- Clear and convincing justification has not been provided for the harm to the significance of Ilford House and the Soho Conservation Area.
- Whilst the regeneration of Oxford Street is accepted to be a public benefit, this should not be at the expense of the historic environment.

#### LONDON UNDERGROUND LIMITED:

- No objection subject to a condition securing the submission for the City Council's approval of a detailed design and method statement to protect existing London Underground infrastructure.

#### METROPOLITAN POLICE:

- Any response to be reported verbally.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 321

Total No. of replies: 2

No. of objections: 1

No. in support: 1

One objection from a local business on disruption during the course of construction grounds.

One letter of support from the New West End Company on the ground that the current buildings at this site do not fulfil their potential in terms of retail and office accommodation and the proposed development will contribute to the ongoing regeneration of the east end of Oxford Street and create new jobs.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### 5.2 Re-consultation following amendments to scheme

#### SOHO SOCIETY:

- Whilst the basic principle of the proposed development are accepted, concerns are raised in respect to:
  - Disruption during the course of construction.
  - The development scheme displays no leadership or innovation.
  - It is regrettable that the ability to join a district heating scheme at a later date has been rejected.
  - It is unfortunate that no opportunity has been taken to increase biodiversity at roof level or to improve the public realm in the vicinity of the site.
  - The retention of the nightclub at Basement 02 is welcomed but it is requested that this is open no later than 03.00.

#### ENVIRONMENTAL SCIENCES:

- No objections subject to conditions.

**HIGHWAYS PLANNING:**

- Objects to loss of chamfered corner at the junction of Oxford Street / Wardour Street.

**WASTE PROJECT OFFICER:**

- Accepts that the applicant has addressed almost all of the issues previously raised. There are, however, still issues in respect to the retail waste store in terms of its accessibility and no waste store is proposed for the night club use.

**BUILDING CONTROL:**

- Any response to be reported verbally.

**THAMES WATER UTILITIES LTD:**

- No objection.

**HISTORIC ENGLAND:**

- Authorisation provided for the City Council to determine the application for listed building consent as it sees fit.

**HISTORIC ENGLAND (ARCHAEOLOGY):**

- No objection subject to the imposition of conditions securing: (i) A two-stage process of archaeological investigation; and (ii) A written scheme of historic building investigation.

**ANCIENT MONUMENTS SOCIETY:**

- Any response to be reported verbally.

**COUNCIL FOR BRITISH ARCHAEOLOGY:**

- Any response to be reported verbally.

**THE GEORGIAN GROUP:**

- Any response to be reported verbally.

**SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:**

- Any response to be reported verbally.

**TWENTIETH CENTURY SOCIETY:**

- Any response to be reported verbally.

**THE VICTORIAN SOCIETY:**

- Any response to be reported verbally.

**LONDON UNDERGROUND LIMITED:**

- No objection.

**METROPOLITAN POLICE:**

- Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 321

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is bound by Oxford Street to the north, Wardour Street to the east and Berwick Street to the west. The site is located within the Core CAZ, the Soho Stress Area and the West End Special Retail Policy Area. Beneath the site is the London Underground Central line. The Oxford Street frontage forms part of the Primary Frontage of the West End International Shopping Centre.

With the exception of 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street, the site is located within the Soho Conservation Area. 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) is known as 'Ilford House' and is a Grade II listed building (added to the listed in 2009). 55 Berwick Street, 137 Oxford Street and 139-143 Oxford Street ('Berwick House') are all identified as contributing to the character and appearance of the Soho Conservation Area. The site is located within a Tier 2 Archaeological Priority Area (The Great Estates Archaeological Priority Area). The site is not located within a strategic viewing corridor.

To the north of the site is the East Marylebone Conservation Area. Immediately to the south of the application site is the Grade II listed 52 Berwick Street. To the west of the site are 57 Berwick Street and 58 Berwick Street, both Grade II listed.

A small Basement 02 is located within the centre of the site and is used for plant. A number of retail (Class A1) units fronting onto Oxford Street are located over Basement 01 and ground floor levels. Three nightclubs (*Sui Generis*) operate from Basement 01 and ground floor levels. Two are accessed from Wardour Street and one is accessed from Berwick Street. Ilford House has recently been converted into office (Class B1) floorspace, pursuant to planning permission dated 9 November 2016 (see Section 6.2 of this report for more detail). Berwick House is in use as a language school (Class D1). The upper floors of 205 Wardour Street and 127 – 131 Oxford Street are in office use. Finally, 55 Berwick Street is in use as a restaurant (Class A3) over basement, ground and first floor levels, with ancillary landlord's maisonette over second and third floor levels.

Records indicate that the nearest residential properties are located at:

- 52 Berwick Street - 2 x flats on the upper floors.
- 57 Berwick Street - an ancillary landlord's flat at second floor level above the Green Man public house.
- 58 Berwick Street – a maisonette over first to third floor levels.
- 50 Berwick Street - 4 x flats on the upper floors.
- 49 Berwick Street - 4 x flats on the upper floors.
- 195-195 Wardour Street - 4 x flats on the upper floors.
- 191 Wardour Street – 1 x flat at first floor level.

### 6.2 Recent Relevant History

#### *Berwick House*

16/05656/FULL - Dual/alternative use of part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes. Permitted – 09.11.16

#### *Ilford House*

16/05658/FULL - Dual/alternative use of part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes. Permitted – 09.11.16.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought to excavate a new Basement 03 level and excavate to enlarge the existing Basement 02 level. 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street, 137 Oxford Street and 55 Berwick Street are all proposed to be demolished in their entirety. The stone façade of Berwick House is proposed to be retained in situ, albeit raised in height by 1.25m in order for the floorplans to align with the remainder of the development. The roof and corner turret of Berwick House are proposed to be demolished and reinstated following the erection of the new building behind the retained stone façade. The three facades of Ilford House are proposed to be retained, as are some staircases and the majority of the rear wings of the building at basement to third floor levels. At fourth floor and above, with the exception of the three facades, Ilford House is proposed to be demolished.

The site is proposed to be redeveloped behind the retained facades of Berwick House and Ilford House (as well as some retained internal elements of Ilford House) to provide a replacement development over Basement 03, Basement 02, Basement 01, ground and part five / part six upper floors with roof plant above.

Basement 03 is proposed to be used for shared building functions, whilst around half of Basement 02 is proposed to be used as a cycle centre and as a refuse store for the office floorspace within the proposal. A replacement nightclub is proposed over part Basement 02 and part Basement 01, with a small ground floor entrance on Berwick Street. Retail floorspace fronting onto Oxford Street is proposed across the majority of Basement 01, ground and first floor levels. The entirety of second to sixth floors are proposed to be used as offices accessed from a reception / lobby on Wardour Street. Terraces for use in association with the office accommodation are proposed at fourth, fifth and sixth floor levels.

A summary of the land use implications of the proposed development is set out below:

	Offices	Retail	Nightclub	Restaurant	Language school	Total
As existing (GIA)	2,746.8	1,615.8	1,118.4	302.2	562.4	6,345.6
As proposed (GIA)	5,646.0	2,842.7	843.3	0	0	9,332
	+2,899.2 (i.e. +45.7% of existing floorspace)	+1,226.9	-275.1	-302.2	-562.4	+2,986.4 (i.e. +47% of existing building)

Table 1: Existing and proposed floorspace by use (shared space is attributed to each use proportionately).

The proposed replacement building is proposed to extend the existing building line on Wardour Street by between 1.0m and 1.1m. Whilst within the applicant's ownership, this land has been enjoyed by the public as a right of way without interruption for at least the last 20 years and is therefore deemed to be dedicated as highway.

The application has been amended since its submission in the following ways:

- The extent of the site has been corrected. This affects basement vaults on Wardour Street, Oxford Street and Berwick Street.
- The demolition drawings have been corrected to show no works to the pavement vaults.
- Additional excavation is now proposed to form new Basement 03 level for use as ancillary building functions and additional excavation is proposed at Basement 02 level.

- A nightclub (sui generis) at Basement 01 and Basement 02 level (accessed from new entrance at No. 55 Berwick Street) has been included within the proposal.
- A number of alterations to the building form, detailed design and materials have been made (and amended Daylight / Sunlight Report submitted to reflect the altered massing).

As set out above, a full round of consultation was undertaken following these amendments.

## 8. DETAILED CONSIDERATIONS

The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the London Plan (adopted March 2016), Westminster's City Plan (adopted November 2016) and the remaining 'saved' and not superseded policies within the City of Westminster UDP (adopted January 2007).

As set out in more detailed in Section 8.8 of this report, the City Council is currently working on a complete review of its City Plan, with informal consultation on the first draft having taken place between 12 November 2018 and 21 December 2018. Given the very early stage of the consultation process the policies of the emerging draft City Plan are given little to no weight at the present time.

A draft new London Plan was published by the Mayor for consultation between 1 December 2017 and 2 March 2018. On 13 August 2018 the Mayor published the Draft New London Plan showing Minor Suggested Changes. These suggested changes have been prepared following a review of consultation responses, and consist of clarifications, corrections and factual updates to the draft Plan that will help inform the Examination in Public that opened on 15 January 2019. The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. The closer the document is to adoption, the greater the weight that should be given to it.

The revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF is also a material consideration in the determination of this application.

### 8.1 Land Use

#### 8.1.1 Loss of Language School

As set out within Section 6.2 of this report, permission was granted by the City Council on 9 November 2016 for the conversion of the language schools within Berwick House and Ilford House to office accommodation.

The language school within Ilford House has vacated and the building is now in office use. There is still, however, a language school within Berwick House. Whilst the loss of this social and community facility is contrary to City Plan Policy S34 and UDP Policy SOC 1, the City Council determined in its assessment of these application that these language schools offered very little social benefit to the community and are essentially a commercial enterprises. This, combined with the benefits of the increased office accommodation that would have been provided in this part of the Core CAZ, meant that the City Council considered that a departure from the usual policy requirement to protect such floorspace was justifiable.

In light of the lack of material change in policy since November 2016 and that there is an extant permission to convert Berwick House to offices, there is no objection to the loss of this language school in this instance.

### 8.1.2 Additional Retail Floorspace

The proposed increase in retail floorspace of 1,226.9 sq.m (GIA) and provision of retail floorspace on Oxford Street over the majority of Basement 01, ground and first floor levels is welcome, enhancing the unique status of the West End West End Special Retail Policy Area and enhancing the character and function of the West End International Shopping Centre, in accordance with City Plan Policies S6, S7 and S21 and UDP Policy SS3. This provision of high-quality, flexible retail floorspace in this location is a public benefit of the proposal.

### 8.1.3 Additional office floorspace

Given the site's location within the Core CAZ, the increase of 2,899 (GIA) of additional office floorspace is welcome, as set out within City Plan Policies S6, S18 and S20. The provision of modern, high quality and flexible office space is welcome and will contribute towards meeting the job and office floorspace targets set out within City Plan Policy S20. This is also a public benefit of the proposal.

### 8.1.4 Mixed use in the CAZ

There is a requirement under City Plan Policy S1(3)(B) to provide 995.52 sq.m (GIA) of residential floorspace on-site, off-site, by mixed use credit or as a payment in lieu of residential floorspace. It is at the applicant's discretion which of these options is pursued. The applicant has indicated that a policy-compliant payment towards the City Council's Affordable Housing Fund of £1,735,000 will be made. This will be secured by legal agreement.

### 8.1.5 Evening and Night Time Economy / Cultural Uses

The applicant originally proposed the loss of the 302 sq.m restaurant (Class A3) at 55 Berwick Street and the three nightclubs within Ilford House (totalling 1,118 sq.m). Officers resisted the loss of this cultural and entertainment offer within the CAZ and within a strategic cluster of night time activity of international importance on the basis that City Plan Policy S22 protects all arts and cultural uses and London Plan Policy 4.6 outlines how boroughs should, '*... support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors*'. In addition, Policy HC6(B)(6) of the draft London Plan states that in planning decisions, boroughs should, '*... protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues*'.

As such, the proposal was amended to include the provision of a new nightclub over part Basement 02 and part Basement 01 and accessed from a ground floor lobby on Berwick Street. The total floorspace of this new nightclub is 843 sq.m (GIA). This is 275 sq.m smaller than existing. In addition, the proposal would see the loss of the 302 sq.m (GIA) restaurant at 55 Berwick Street. There is therefore a total loss of evening and night time entertainment / cultural floorspace of 577 sq.m (GIA). However, the provision of a meaningful replacement nightclub is considered to strike the right balance between the competing policies relating to protecting the night time economy and cultural offer that this provides and the strong planning policies supporting retail growth on Oxford Street. On this basis, it is considered that the loss of evening and night time entertainment / cultural floorspace is acceptable in this instance.

The fact that no additional entertainment floorspace is proposed means that the scheme is compliant with City Plan Policy S24 and exceptional circumstances exist to provide a new night club in respect to UDP Policy TACE 10. This is notwithstanding the site's location within the West End Stress Area. This is subject to provisions in the legal agreement securing the completion of the nightclub to shell and core, ready for tenant fit out, prior to the occupation of

any of the office floorspace on site. This is in order to ensure the delivery of the new night club.

There are no planning hours restrictions on the operation of the existing nightclub, with the premises licence allowing the night club to operate between 10.00 and 06.00 (Monday to Saturday) and between 10.00 and 00.30 (Sunday). The applicant has stated that it wishes to retain the ability to operate the nightclub until 03.00 (Monday to Saturday). Given the lack of planning control over the existing night club and the site's central location, it is recommended that hours of operation are conditioned to between 10.00 and 03.00 (the following morning) (Monday to Saturday) and to between 10.00 and 00.30 (the following morning) (Sunday). Conditions will also be imposed ensuring that the structure of the building prevents noise outbreak to neighbouring residential properties.

## **8.2 Townscape, Design and Heritage**

### **8.2.1 Legal and Policy Background**

In considering the applications the City Council has a statutory duty to:

- a) Have special regard to the desirability of preserving Ilford House or its setting or any features of special architectural or historic interest which it possesses (Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) Pay special attention to the desirability of preserving or enhancing the character or appearance of the Soho Conservation Area (Section 72 of the above Act).

Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF Para. 184). The importance of protecting the significance of heritage assets is emphasised in NPPF Para. 193 that requires the City Council to given great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm to, or loss of, significance of a designated heritage asset (i.e. Ilford House and the Soho Conservation Area) should require clear and convincing justification (NPPF Para. 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF Para. 196).

### **8.2.2 Assessment of Design Quality and Heritage Impact**

The site includes a number of buildings, of varying degrees of significance in urban design and conservation terms. The site lies within the Soho Conservation Area, except for the two buildings at the junction of Oxford Street and Wardour Street.

- Ilford (or Pembroke) House, 133-135 Oxford Street, 201 Wardour Street and 53-54 Berwick Street. This is a grade 2 listed building in the Soho Conservation Area. The proposal involves substantial demolition of the interior and this is a contentious proposal for a listed building and could only be acceptable if the scheme delivers public benefits to outweigh the harm and the harm is necessary to deliver those benefits.
- Berwick House, 139-143 Oxford Street, on the corner of Berwick Street, is an unlisted building of merit which makes a positive contribution to the conservation area. It is to be rebuilt in a modified (raised) form, using the original facade materials.
- 137 Oxford Street and 55 Berwick Street are also in the Soho Conservation Area but have been altered and it is considered that they make lesser contributions to the conservation area compared to Berwick House. The presumption to retain these is less, and the proposed replacement facades could be considered acceptable if the overall public benefits outweigh the harm caused by their demolition.

- 205 Wardour Street / 127 Oxford Street and 129 - 131 Oxford Street at the east end of the street block are outside the Soho Conservation Area. Their demolition and redevelopment is uncontentious in principle.

a. Partial demolition of Ilford House

The building was listed in 2009 at grade 2. The reasons for its listing are:

- the cast stone-clad building has three eclectic Baroque-style elevations, that to Oxford Street in particular, with strong compositional qualities and good detailing not diminished by the modern shop front at ground floor;
- the design is by a notable architectural practice and is largely unaltered externally;
- surviving internal features.

The notable features of the interior include:

- a barrel vaulted entrance hall with plasterwork ceiling
- a main staircase with marble clad walls (green marble with inlaid panels in cream) and a brass handrail. A lift shaft has been inserted into the stairwell of the main staircase and the survival of metal balusters is more fragmentary at its lower levels.
- a secondary stone stair which serves the Berwick Street entrance which rises through the full height of the building, and survives unaltered with its decorative iron balustrade and moulded timber handrail.
- the second, third and fourth floors have a standard plan, the original arrangement, whereby many small rooms are accessed from an arched corridor running along the top of the T shape of the building (south side of the building).
- a number of original door-cases with floral carved detailing in the entablatures, and original doors with lugged panels survive.
- a third stair, possibly a fire escape, in the form of a wrought iron spiral staircase with barley sugar balusters and decorative treads.

The proposal involves partial demolition of the listed building, retaining its three street facades but with a very significant amount of demolition behind. At ground floor level the structure on Wardour Street and Berwick Street would be retained but the structure behind Oxford Street would be demolished, including the entrance and staircase.

A similar amount of demolition is proposed at first floor and second floors; the structure of the southern part of the building would be mostly retained, but the Oxford Street parts would be demolished. More demolition is proposed on the upper floors. The southern facade would be largely retained at ground to third floor levels.

b. The new building behind the retained listed facades

The scheme would create open plan spaces, which extend across the whole site, behind the various retained (and replacement) facades. The existing lightwells would be infilled and the T-shaped plan form would be lost.

Some of the original internal features would be retained in situ or reused in a new location. The entrance lobby at ground floor level, with its vaulted ceiling, adjacent to Oxford Street, and the main staircase from ground floor to first floor would be demolished but rebuilt further into the plan of the building. The upper parts of the main stair would be demolished. The ceiling at first floor level on the Oxford Street frontage, the secondary stair on Berwick Street and the corridor and rooms in the south west corner at second floor level, would also be retained. Some original doors would be retained and reused. This is a relatively modest degree of retention and reuse and full details of these aspects should be reserved for approval by condition if listed building consent is to be granted.

This is a contentious proposal for a listed building and causes harm (less than substantial) to its special architectural and historic interest. This could only be acceptable if the scheme

delivers public benefits to outweigh the harm, in accordance with the NPPF and the City Council's urban design and conservation policies.

c. Height and bulk of the new building behind the retained facades

These proposals have been the subject of lengthy pre-application negotiations. The original proposals were some three storeys higher than the current proposals and would have caused serious harm to the listed building and the setting of the Soho Conservation Area. The revised proposal seeks to reduce the harm to the heritage assets. The bulk of the new building is still visible in views along Oxford Street and also, but less so, along Berwick and Wardour Streets. It is considered that the revised massing still causes some harm to designated heritage assets in the form of harming the setting of Ilford House and harming the appearance of the Soho Conservation Area. Again, this harm needs to be weighed against the public benefits.

d. The new facades

129 and 131 Oxford Street

The largest single element of new building is at the east end of the site. Here the new building is seven storeys high, with a two storey base, and the top two floors set progressively back to reduce their visual impact on the setting of the listed facade. The base is clad in a light grey granite, with a stainless steel panel at first floor level. The upper floors are clad in limestone (type unspecified), with black framed windows with dark metal balustrades at their base. The top two floors have arched openings, clad in zinc. The roof top plant room is also clad in zinc.

137 Oxford Street and 55 Berwick Street

The existing facades would not align with the proposed floor levels and so their retention in the context of this scheme would not be feasible. They are to be replaced by new facades clad in limestone and grey granite, with bronze metalwork. These are considered to be high quality facades and, whilst the loss of the existing facades is harmful to the conservation area, these are considered to be acceptable replacements in the context of the varied architectural character of this part of Oxford Street, and its emerging character following redevelopment / regeneration of other sites at the eastern end of the street.

143 Oxford Street

The existing facade is to be retained and raised (jacked) up in situ, or possibly rebuilt using the existing facade materials, again raised slightly above its current level, so that there is greater height in the retail units, to match those to the east.

Jacking up the existing facade in situ, which has been carried out on another Oxford Street site recently, is considered preferable. However, it may be more difficult to jack up a retained façade that turns a corner. If planning permission is to be granted then the applicant is prepared to accept a condition for jacking up the façade, but may apply for a variation to the permission if they consider it more practical for a reconstruction. The alternative option of dismantling and reconstruction could also be acceptable if the jacking option proved too complex. Such a scheme was implemented by the Crown Estate at 210 Piccadilly.

The new upper floors behind the retained listed building facades on Berwick Street and Wardour Street are to be clad in metal, with projecting metal fins. These are set back to reduce their visual impact and are considered acceptable.

### *Consultees responses on urban design and conservation issues*

#### **a. Victorian Society**

The Victorian Society have objected strongly to the proposals. They object to the demolition and alterations to Ilford (Pembroke) House as a result of the proposed façade retention and as a consequence of the form, scale and massing of new building at roof level, and the demolition of 137 Oxford Street and 55 Berwick Street. They also object to the ‘poor quality of proposed new architecture, which overwhelms rather than complements the existing scale, massing, form and architectural distinctiveness of the existing historic buildings of merit’.

They consider that the combined losses of a substantial amount of Ilford House and the full or partial loss of individual buildings of merit will be ‘compounded by the construction behind retained façades and across the whole site area of a single pan-block structure. This huge structure pays absolutely no regard to the existing historic plot divisions, and, fundamentally, marks a subtle yet substantial erosion of the historic built environment that is so crucial in defining the special character and appearance of the Soho Conservation Area’.

They do not consider that the harm is outweighed by public benefits. They recognise that the regeneration of Oxford Street is a priority for the Council and can therefore be viewed as a public benefit, but their view is that this public benefit ‘should not be secured at the expense of the historic environment, which itself is identified explicitly within the Planning Practice Guidance as offering considerable public benefits’.

#### **b. Historic England**

Historic England share the concerns of the Victorian Society. They object to the extent of demolition of the interior of Ilford House, which is a relatively rare survivor of early 20<sup>th</sup> century speculative office development by the notable architects Simpson and Ayrton. The proposals would result in the loss of original historic plan form and fabric and therefore cause serious harm to the special architectural and historic interest of the listed building. They also object to the loss of 137 Oxford Street which they consider will cause serious harm to the character and appearance of this part of the Soho Conservation Area.

Despite these strong objections they consider the harm to be less than substantial and have authorised the City Council to determine the listed building consent application as it thinks fit.

#### ***Conclusions***

As set out above, there are a number of elements of the proposal that are harmful to the character and appearance of the Soho Conservation Area and the special interest of Ilford House. In terms of the NPPF, it is considered that the harm is less than substantial. It is considered that some of the harm is mitigated by aspects of the proposals, including the retention and reuse of internal features and the quality of the design of the new elements, including the replacement facades. The proposals can only be considered acceptable if the harm is outweighed by public benefits.

### **8.2.3 Assessment of Public Benefits against Heritage Harm**

As set out within Section 8.2.2 of this report, the proposal is considered to cause less than substantial harm to the significance of Ilford House and to its setting. Furthermore, the proposal is considered to cause less than substantial harm to the character and appearance of the Soho Conservation Area.

Para. 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the ‘public benefits’ of the proposal, including optimising its optimum viable use. ‘Public benefits’ could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed

development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

When undertaking this weighing exercise, the Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 8.2.1 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

In this instance, the public benefits are considered to derive from: (i) The replacement of the poor quality retailing on site with a greater quantum (+1,226.9 sq.m GIA) of high quality and flexible retail floorspace over basement, ground and first floor levels; and (ii) The replacement of the fragmented and poor quality office accommodation on site with a greater quantum (+2,899.2 sq.m GIA) of high quality and flexible office floorspace.

The improved retail offer on site will enhance the unique status of the West End West End Special Retail Policy Area and enhance the character and function of the West End International Shopping Centre. The contribution that this will provide to the continued regeneration of the east end of Oxford Street is a significant public benefit. The improved office floorspace in this part of the Core CAZ will contribute to meeting the target set out within City Plan Policy S20 for an additional 774,000 sq.m of office floorspace between 2016/17 and 2036/37 (providing capacity for at least 58,000 new jobs). The applicant estimates that the new office floorspace will create approximately 431 jobs. Again, this is a public benefit.

An alternative scheme which is more conservation-based would cause less harm to heritage assets and could be more acceptable, but it would not produce the same amount of commercial floorspace. A balance has to be struck between creating more, modern floorspace and the conservation of the heritage assets. The nature of this site is that the T-shape of Ilford House creates two lightwells in the centre of the site. Without the proposed significant demolition of Ilford House, the large retail and office floorplates proposed would not be possible and the result would be a significant reduction in the public benefits that the scheme delivers. It is considered that an appropriate balance has been struck between the statutory duties within Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of unlocking the development potential of the site that will enable the proposal to generate the public benefits that are considered to outweigh the less than substantial harm to Ilford House, its setting and to the character and appearance of the Soho Conservation Area. It is accordingly considered that there is clear and convincing justification for the harm to designated heritage assets.

For these reasons, it is considered that the scheme complies with the requirements of the NPPF and elements of the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 6, DES 9 and DES 10. Whilst the proposals do not fully comply with all the urban design and conservation policies, most notably DES 9, with respect to the Soho Conservation Area, and DES 10 with respect to the listed building, it is considered that they do comply with the City Council's development plan policies when taken as a whole.

### 8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and*

*sunlight: a guide to good practice* (the BRE Guide). The second edition of this guidance was published in September 2011.

### 8.3.1 Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential windows.

No objections from the occupants of these properties has been made to the application and therefore it has not been possible to visit the affected rooms in order to assess their use or layout. This is with the exception of the ancillary second floor landlord's flat above the Green Man Public House at 57 Berwick Street. Whilst the occupier of this flat has not objection, access was possible.

#### *Daylight*

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

The layout of the residential properties is not known and therefore, for the purposes of the daylight distribution test, reasonable assumptions have been used.

#### *Sunlight*

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

#### *Assessment*

In sunlight terms, the development proposal does not result in any material losses.

In daylight terms, the development proposal is expected to result in:

- 57 Berwick Street - Between 21.35% and 22.74% losses in VSC to windows serving two bedrooms and one kitchen (not dining) of a second floor landlord's flat above the Green Man Public House at 57 Berwick Street
- 195-197 Wardour Street – Between 43.15% and 42.10% losses in VSC to two windows facing back to the site.

- 193 Wardour Street – A 33.95% loss in VSC to one window.
- 191 Wardour Street – Between 24.07% and 26.21% losses in VSC to three windows within the rear extension at first floor level.

These losses in daylight are considered to be acceptable for the following reasons:

- 57 Berwick Street – The expected losses are only just above the 20% threshold beyond which they will be noticeable. Furthermore, the rooms affected are bedrooms and a non-dining kitchen which are not afforded as much protection as living rooms and dining rooms and the retained VSC levels (all above 15%) are considered to still retain good levels of daylight for this central location.
- 195-197 Wardour Street – The windows that are expected to see material losses in daylight face towards the development site and are likely to serve the same room as larger windows that are not materially unaffected and retain very good daylight levels. As such, the overall quality of the daylight enjoyed by the occupants of these dwellings will remain of a good quality.
- 193 Wardour Street – The window is expected to see a material loss in daylight face towards the development site and is likely to serve the same room as larger windows that are not materially unaffected and retain good daylight levels. As such, the overall quality of the daylight enjoyed by this room will remain of a good quality.
- 191 Wardour Street – The expected losses are only just above the 20% threshold above which they will be noticeable and therefore are considered to be acceptable in this central location.

### 8.3.2 Sense of Enclosure and Privacy

The relationship between the proposed development and the affected residential means that there is not considered to be any material loss of privacy or material increase in the sense of enclosure.

## 8.4 Transportation/Parking

### 8.4.1 Cycle Parking

The scheme makes provision for storage for 116 cycles, as well as showers, lockers and a drying room at Basement 02 level. A separate retail cycle storage area is proposed at Basement 01 level, whilst the office storage area is at Basement 02 level. Separate access from Berwick Street is proposed for cyclists, with access via a suitably sized lift.

### 8.4.2 Servicing

City Plan Policy S42 requires servicing and delivery needs to be fully met within each development site, unless the council considers that this is not possible. In this instance, off-street servicing is not considered to be possible with on-street servicing being retained. The largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection.

Given the use and size of the floor area increase of the proposed uses it is not considered that there would be a significant uplift in the servicing associated with the site. Adherence to the submitted Service Management Plan (SMP) which achieves rationalisation of servicing and the provision of a goods lift with associated storage area means that the impact upon the local highway network is acceptable.

### **8.4.3 Extension to Building Line**

The proposal includes extending the building line by between 1.0m and 1.1m on Wardour Street. Without mitigation, the loss of these areas of highway would adversely affect safe and direct pedestrian movement at a location of high footfall especially given the proximity of the signal controlled pedestrian crossing.

The applicant has designed a scheme that alters the highways arrangement at the crossroad of Oxford Street, Wardour Street and Berners Street. This involves widening the pavement on the west side of Wardour Street, 'wayleaving' an existing street light onto the proposed building and shifting the carriageway to the east. The result is the loss of a c.11.3m section of double yellow line where servicing is permitted between midnight and 08.30 and the slight loss (between 0.4m and 0.7m) of pavement on the east side of the junction. In order for the development to proceed, a narrow section of public highway measuring between 1.0m and 1.1m would need 'stopping up'.

Despite the loss of this section of public highway, the reconfiguration of this junction and the wayleaving of the street lamp would result in an improved pedestrian environment through a wider pavement on the west side of Wardour Street. The Highways Planning Manager has no objection on this basis subject to the detailed design of the highways works being agreed with the City Council, the necessary alterations to the traffic orders both being confirmed prior to the commencement of development and the applicant securing the completion of these works (all to be secured by legal agreement). The loading / unloading area that would be lost has been surveyed and found to be little used.

Whilst the Highways Planning Manager would prefer to see the chamfered corner at the junction of Wardour Street and Oxford Street retained, on balance, the improvements to the junction of the crossroad of Oxford Street, Wardour Street and Berners Street are considered to outweigh this slightly less convenient pedestrian route around the replacement building.

### **8.4.4 Impact on Subterranean Transport Infrastructure**

London Underground raises no objection to the proposed basement excavation in terms of its impact on the integrity of the Central Line beneath Oxford Street, subject to a condition securing the submission of detailed design and method statements for the City Council's approval prior to the commencement of the demolition of the existing building.

## **8.5 Economic Considerations**

The proposed increase in office and retail floorspace are welcome through supporting economic growth in this part of the Core CAZ and the West End Special Retail Policy Area.

## **8.6 Access**

All entrances will provide level access and there will be lift access throughout the proposed replacement building.

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

### **8.7.1 Noise**

Subject to the imposition of suitable conditions securing the submission of a supplementary acoustic report once the plant has been selected, Environmental Health has no objection from an environmental nuisance perspective agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

### 8.7.2 Refuse / Recycling

In accordance with the advice from the City Council's Projects Officer (Waste), the retail and office waste stores will each comprise the following provision:

- 3 x 1,110L bins for recycling;
- 2 x 1,100L bins for waste;
- one cardboard baler; and
- one compactor.

Office refuse will be stored at Basement 02 level while retail refuse will be stored at Basement 01 level with a service corridor providing access to all retail units. A lift is provided for the building management team to transfer the bins from the basements to the ground floor prior to collection. The collection of bins will occur via the proposed servicing access on Berwick Street.

In order to reduce the time spent on site by refuse collectors, the waste bins will be prepositioned within the holding area at ground floor level ready for collection. The building manager will liaise with the local authority or the private waste operator to confirm the time period within which refuse and recycling collection would take place. It is currently proposed that the retail and office refuse will be collected together to minimise highway impacts.

A separate refuse store will be created within the proposed floor area of the night-time use by the eventual occupier. The refuse store will be appropriately sized to accommodate the waste and recycling requirements of the night-time use. Further details are proposed to be secured by condition.

The applicant has responded to the concerns of the City Council's Projects Officer (Waste) and the waste storage and waste collection arrangement now proposed are acceptable.

### 8.7.3 Biodiversity and Flooding

The site is not located within a flood risk zone. Some of the flat roofs are proposed to be used for terraces in association with the proposed office accommodation and for plant. The remainder will be living roofs to mitigate surface water run-off and maximise the biodiversity potential of the site, in accordance with City Plan Policy S38 and UDP Policies ENV 4 and ENV 17.

In order to ensure that the flat roofs do not result in flooding and associated pollution, the application has included a 70 cubic metre storm water attenuation tank at basement level in order to meet the storage requirement when considering a 1 in 100-year rainfall event plus a climate change factor of 20%. Thames Water raises no objection to the proposed development. It is therefore concluded that the proposal is in accordance with City Plan Policy S30 through reducing the risk of flooding.

### 8.7.4 Sustainability

The proposal includes 26 sq.m of roof mounted solar panels and 76 sq.m of façade mounted solar panels on the southern elevation.

The energy strategy now results in site wide carbon savings of 24.0% compared to a 2013 Building Regulations Compliant scheme which is considered to be the maximum achievable. This falls short of the 35% reduction in carbon dioxide emissions against Part L 2013 required by London Plan Policy 5.2. There is therefore a shortfall of 28.0 tonnes to be off-set. Based on the updated carbon off-set price of £95 per tonne, the required contribution to off-site carbon

savings is £80,000 for the notional 30-year life of the development. This contribution is recommended to be secured by legal agreement.

It is understood that there are no district wide heat network in the vicinity of the site and none are planned. The development will be future-proofed to enable future connection to any district heating scheme.

#### **8.7.5 Basement Excavation**

There is no objection to the proposed excavation of a new sub-basement, with the applicant demonstrating that site-specific ground conditions, drainage and water environment in the area of the development have been taken into account; that the structural stability of adjacent buildings will be safeguarded; and that the sub-basement basement will not increase flood risk on the site or beyond. The proposal is therefore compliant with City Plan Policy CM28.1.

#### **8.7.6 Other**

The site is within the city-wide Air Quality Management Area with declared exceedances for short and long term Nitrogen Dioxide NO<sub>2</sub> objectives. Short term objectives would be exceeded at the building façade and potentially also at height. Natural ventilation is not recommended and the applicant proposes mechanical ventilation with the air intake at roof level to ensure that air quality for users of the building is as clean as possible. Compliance with the City Council's Code of Construction Practice (see Section 8.12 below) will ensure that the impact of the construction phase on air quality is minimised.

The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). This is acceptable.

There is no objection from Historic England (Archaeology) to the proposal excavation subject to the imposition of a condition securing a two-stage process of archaeological evaluation and, if necessary, investigation and recording.

### **8.8 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 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

The Soho Neighbourhood Area was designated by the City Council on 17th May 2013 and the site will be within the plan area for the forthcoming Soho Plan. The draft plan is still in development and therefore can be afforded little to no weight at the present time.

### **8.10 London Plan**

This application raises no strategic issues. The maximum height of the proposed building is 29.4m and therefore the proposal is below the 30.0m threshold for referral to the Mayor of London.

### 8.11 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:

- Detailed drawings showing how the parts of the building which are to be kept during building work will be supported and protected.
- Arrangements to secure the completion of the development as a single operation.
- The applicant's adherence to the City Council's Code of Construction Practice.
- A written scheme of investigation for a programme of archaeological work.
- Detailed design and method statements for demolition, all of the foundations, basement and ground floor structures in order to ensure the protection of subterranean transport infrastructure.
- An independent review of the environmental sustainability features.
- Updated Energy Calculations to show compliance with the carbon saving envisaged.

The applicant's response will be verbally reported to Committee.

### 8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- a) A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.
- b) A Carbon Offset Contribution of £80,000 (index linked), payable prior to commencement of development.
- c) A Crossrail payment of £516,309 (index linked) payable within 60 days of commencement of development (minus any relevant Mayoral Community Infrastructure Levy paid).
- d) Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).
- e) An employment and training strategy.
- f) The re-provision of the nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
- g) The costs of monitoring the S106 legal agreement.

The estimated CIL payments are:

- Westminster CIL - £597,280
- Mayor CIL - £149,320

### **8.13 Environmental Impact Assessment**

The scheme is of insufficient size and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

### **8.14 Other Issues**

None.

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

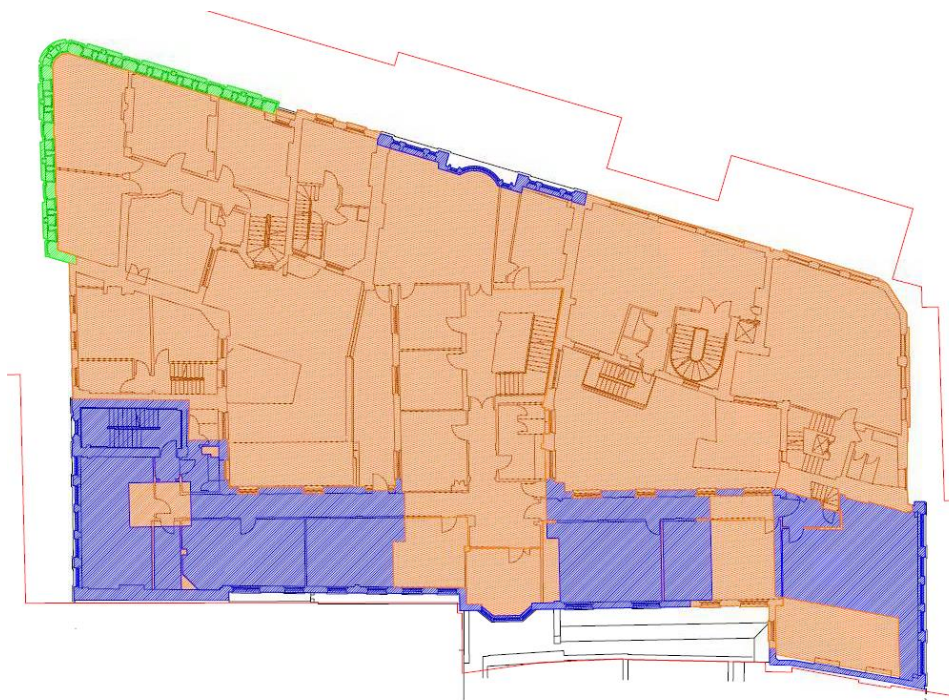
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

## 9. KEY DRAWINGS

Demolition ground floor plan:



Demolition first floor plan:



Demolition second floorplan:



Demolition third floorplan:



Demolition fourth floorplan:



Demolition north (Oxford Street) elevation:



Demolition south (rear) elevation:



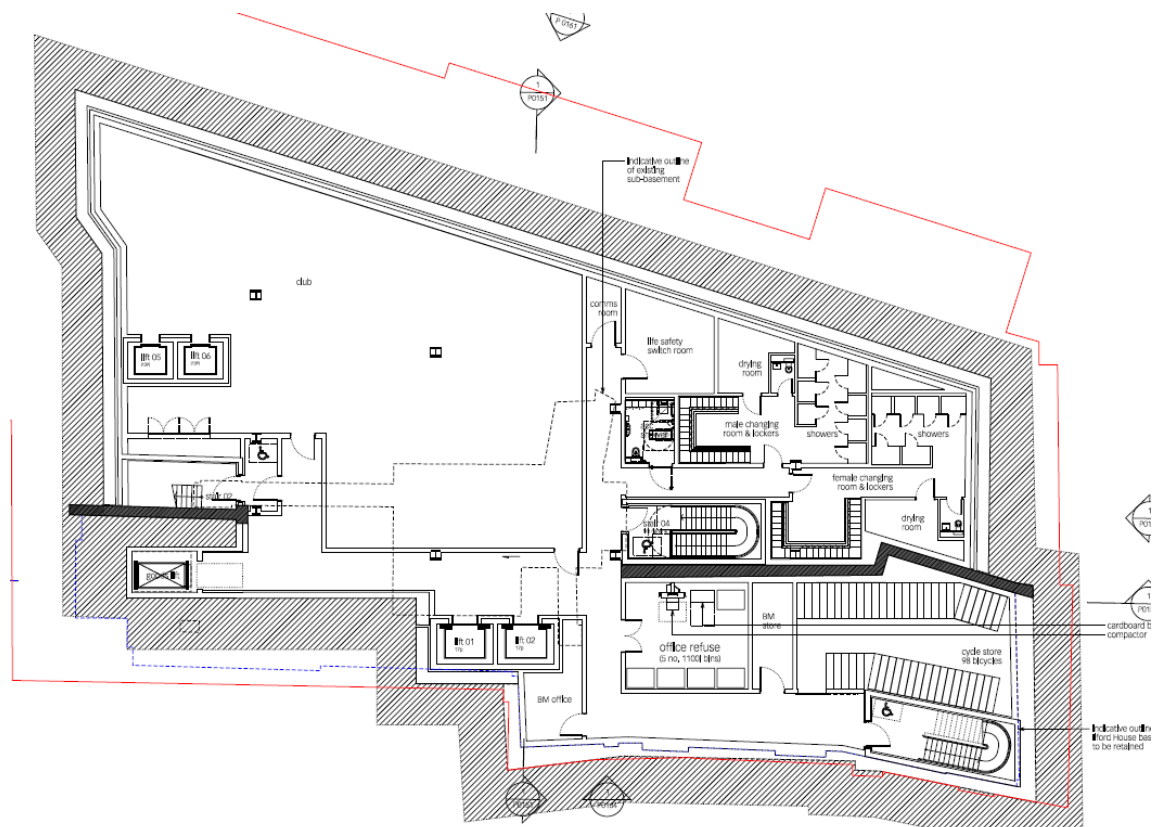
Demolition west (Berwick Street) elevation:



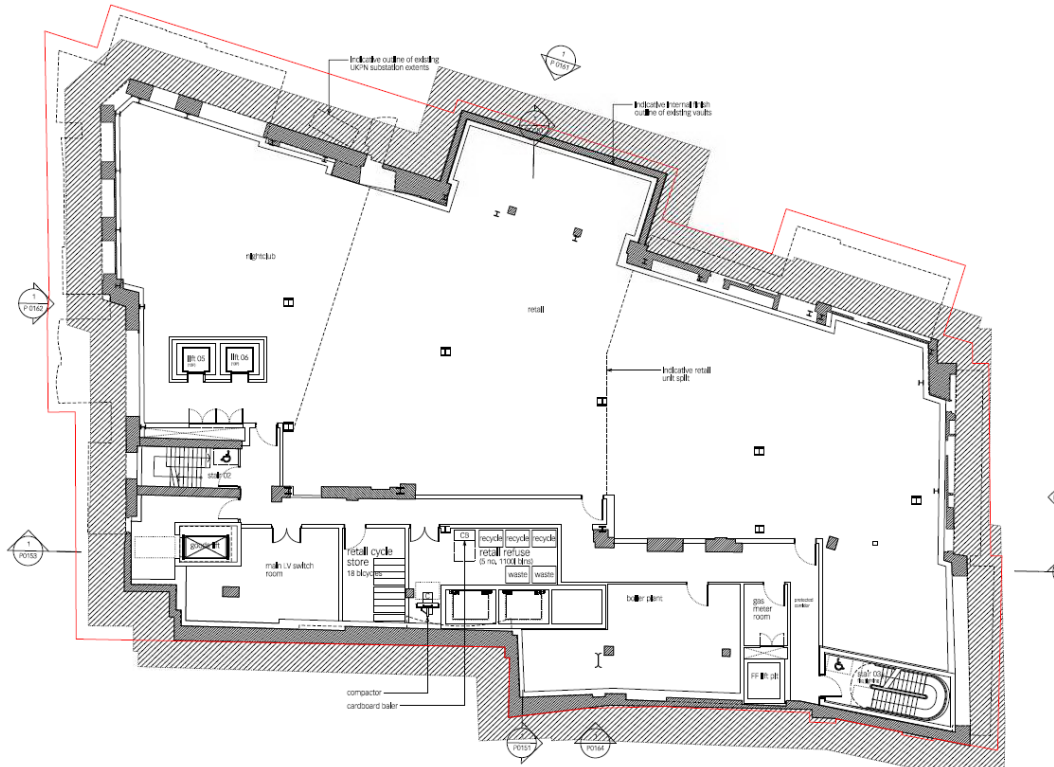
Demolition east (Wardour Street) elevation:



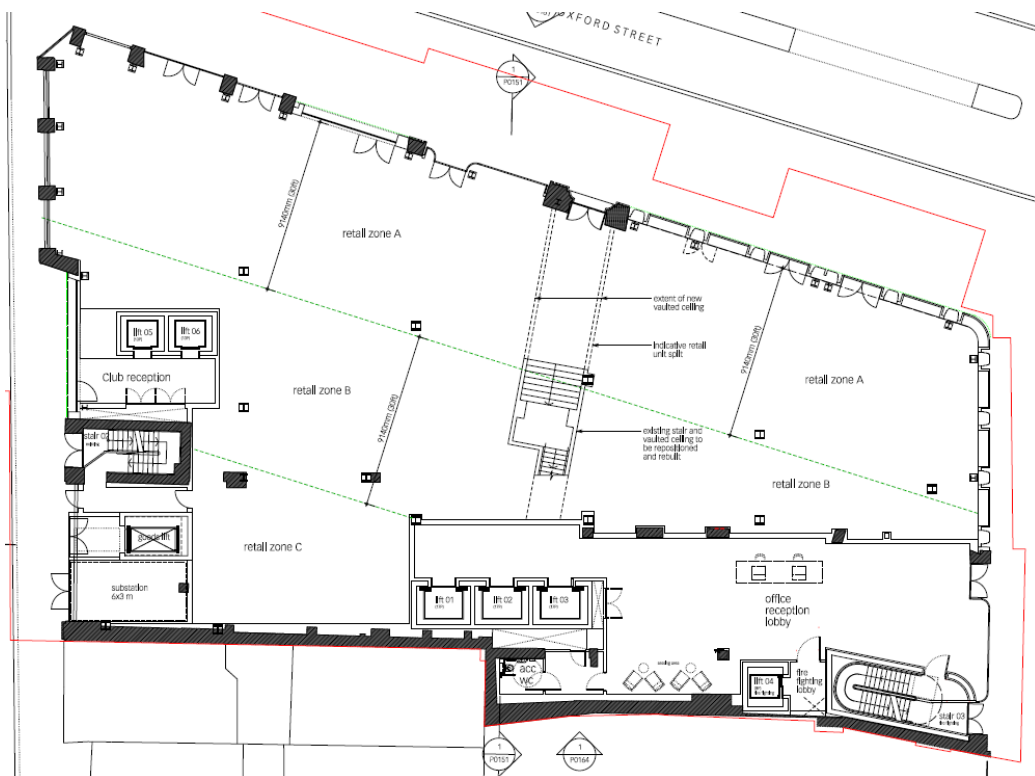
Proposed Basement 02 floorplan:



Proposed Basement 01 floorplan:



Proposed ground floorplan:



[illegible][illegible]

Proposed south (Oxford Street) elevation:



Proposed south (rear) elevation:



Proposed west (Wardour Street) elevation:



Proposed east (Berwick Street) elevation:



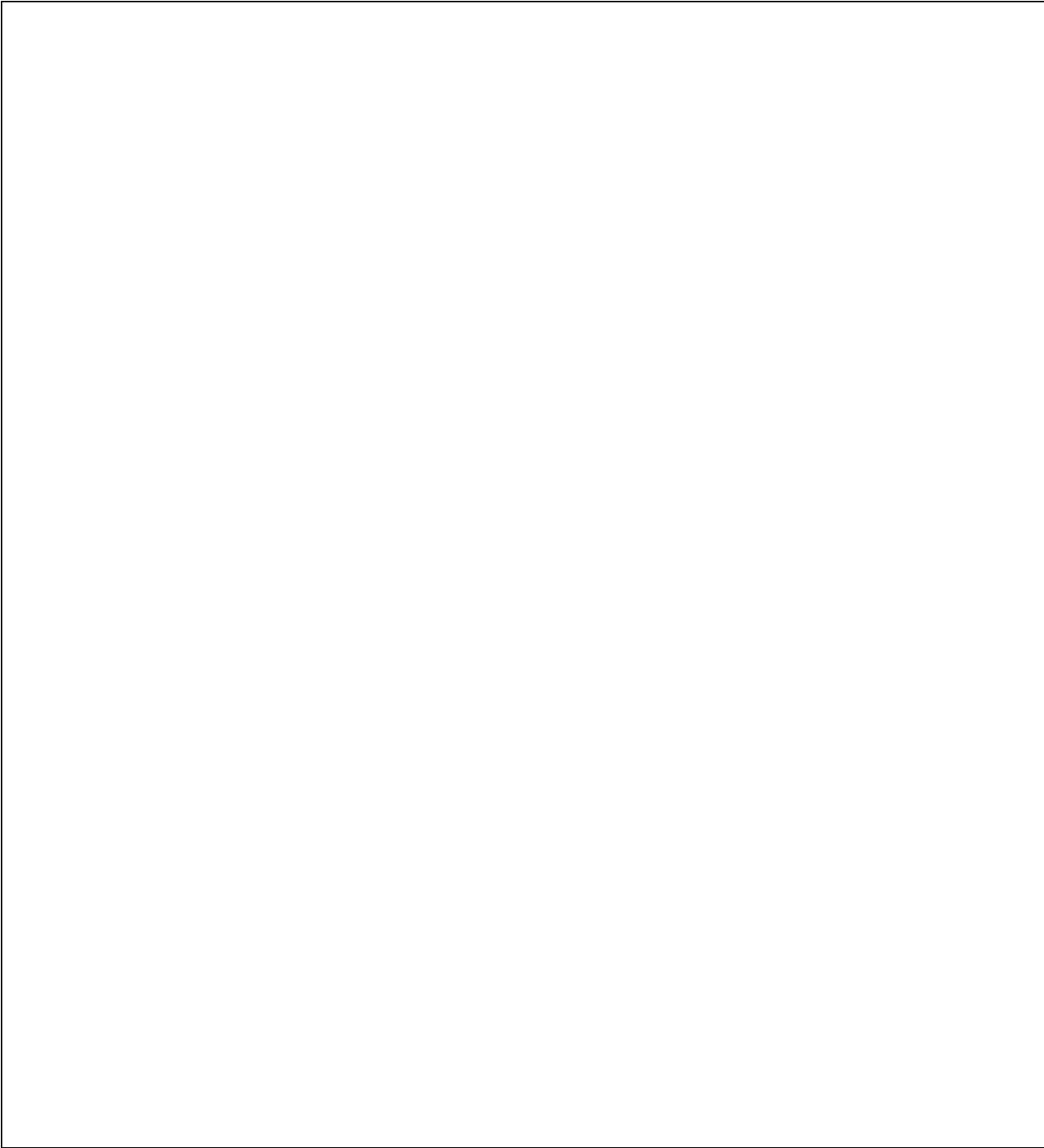
Existing Oxford Street (junction with Wells Street) view:



Proposed Oxford Street (junction with Wells Street) view:



Item No.
<b>1</b>



**DRAFT DECISION LETTER**

**Address:** Development Site At 127-143 Oxford Street, 53-55 Berwick Street And 201-205, Wardour Street, London,

**Proposal:** Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade) and 55 Berwick Street. Excavation to provide new Basement 02 and Basement 03 levels. Redevelopment of site to provide ancillary plant and facilities at Basement 03 and part Basement 02 level; nightclub (sui generis) at part Basement 02 and part Basement 01 level (with ground floor entrance at No. 55 Berwick Street); retail (Class A1) floorspace at part Basement 01, part ground and part first floor levels; and office (Class B1) at part ground, part first and second to sixth floor levels, and roof top plant. (Linked application - 18/00176/LBC)

**Plan Nos:** Demolition drawings:

D0101 Rev. A, D0102 Rev. A, D0103 Rev. A, D0104 Rev. A, D0105 Rev. A, D0106 Rev. A, D0107 Rev. B, D0108 Rev. A, D0109 Rev. A, D0110 Rev. A, D0161 Rev. A, D0162 Rev. A, D0151 Rev. A, D1053 Rev. A, D0163 and D0164.

Proposed drawings:

P0101 Rev. C, P0102 Rev. C, P0103 Rev. B, P0104 Rev. A, P0105 Rev. A, P0106 Rev. A, P0107 Rev. A, P0108 Rev. A, P0109 Rev. A, P0110 Rev. A, P0111, P0151 Rev. C, P0153 Rev. A, P0161 Rev. A, P0162 Rev. B, P0163 Rev. A, P0164 Rev. A, P9001 Rev. B, P9002 Rev. B, P9003 Rev. B, P9004 Rev. B, P9005 Rev. B and P9006 Rev. B.

Approved documents:

Delivery and Servicing Plan dated 3 January 2019.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**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 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. (C26BD)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development.

Typical details of all new facades at all levels.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 You must apply to us for approval of a comprehensive method statement and drawings of the following parts of the development.

Proposals for jacking up and modifying the retained street facades of 134 Oxford Street.

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 documents. (C26DB)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character and appearance of the Soho Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 7 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings

showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 8 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character and appearance of the Soho Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 9 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)

- 10 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its

written approval of such an application (C11CC)

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)

# 11 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

# 12 **Pre Commencement Condition.**

The development hereby permitted shall not be commenced until detailed design and method statements for each stage of the development (in consultation with London Underground) for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 of the London Plan (2016), Policy T3 of the draft London Plan (December 2017) and Land for Industry and Transport SPG (September 2012).

- 13 You must provide each cycle parking space, the changing / shower rooms, lockers and the drying room shown on the approved drawings prior to occupation of any part of the building. Thereafter these areas must be retained and the space used for no other purpose. All occupiers of the building shall have access to the cycle parking spaces, the changing / shower rooms, lockers and the drying room shown on the approved drawings.

Reason:

To provide cycle parking spaces and associated facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016.

- 14 You must hang all doors or gates so that they do not open over or across the road or pavement. This is with the exception of the sub-station on Berwick Street. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 15 You must provide the waste store shown on drawing P0101 Rev. C and P0102 Rev. C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the retail and office floorspace. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

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

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

submission of a noise report must include:

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

Reason:

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

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 19 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15

mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 20 The design and structure of the development shall be of such a standard that it will not result in the transfer of ground borne noise from underground railway lines through the building structure and fabric of this development to adjoining residential properties so that they are exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 21 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 22 You must provide the following sustainability features as shown on the approved before occupation of any part of the development:

- Rainfall attenuation tank (with a capacity of at least 70 cubic metres).
- Photovoltaic panels comprising at least 26 m2 of net active area of roof mounted PV panels and 76 m2 of net active area of façade mounted PV panels.
- Glazing with g-value of not exceeding 0.34 throughout.
- Allowance for connections to any future heat network in the vicinity of the site.
- The 'living' green roofs on the non-terrace roof space, as shown on the approved drawings.

You must not remove any of these features.

Reason:

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

- 23 You must adhere to the approved Delivery and Servicing Plan dated 3 January 2019 for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 25 Maximum noise levels generated by the proposed new development in terms of LAFmax shall not exceed the NR 15 curve inside the existing neighbouring premises. This includes noise from all sources (including amplified music from the nightclub and activities in the retail unit).

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

26 **Pre Commencement Condition.**

- a. You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment this review must showing that the development is expected to you have achieved an 'excellent' rating under BREEAM UK New Construction 2014. If you use another method, you must achieve an equally high standard.
- b. You must apply to us for approval of details of a post construction stage report which demonstrates that the development meets an "Excellent" rating under BREEAM UK New Construction 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

27 **Pre Commencement Condition.**

Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve at least a 24.0% reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations. You must provide all the environmental sustainability features referred to in the review before you start to use any part of the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible and minimises carbon dioxide emissions, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policy 5.2 of the London Plan (2016).

- 28 The retail floorspace (Class A1) hereby approved shall not be used as food retailing.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 29 You must apply to us for approval of details of how waste and recycling is going to be stored on the site for the nightclub hereby approved. You must not occupy the nightclub (sui generis) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the nightclub (sui generis). You must not use the waste and recycling store for any other purpose. (C14GA)

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)

- 30 Customers shall not be permitted within the nightclub premises:

- Before 10.00 or after 03.00 (the following morning) on Monday to Saturdays; or
- Before 10.00 or after 00.300 (the following morning) on Sunday or Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

**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 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)
- 3 The term 'clearly mark' in condition 15 and 29 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 7 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Phone: 020 7641 3153  
(I73CA)

- 8 Conditions 16 and 18 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 With reference to condition 10 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. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

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.

You are urged to give this your early attention

- 10 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- A contribution to the City Council's Affordable Housing Fund of £1,735,000 (index linked), payable prior to commencement of development.
  - A Carbon Offset Contribution of £80,000 (index linked), payable prior to commencement of development.
  - A Crossrail payment of £516,309 (index linked) payable within 60 days of commencement of development (minus any relevant Mayoral Community Infrastructure Levy paid).
  - Undertaking of highways works in the vicinity of the site, including alterations to the crossroad of Oxford Street, Wardour Street and Berners Street including but not necessarily limited to kerb line alterations (to enable widening of the footway outside the site on Wardour Street), wayleaving of street light in Wardour Street onto the application site's frontage, associated traffic order making, alterations to crossing points, associated carriageway marking positions and any other associated works to accommodate the development (highways works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development).
  - An employment and training strategy.
  - The re-provision of a nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
  - The costs of monitoring the S106 legal agreement.
- 11 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that

Item No.
<b>1</b>

has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

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

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

**DRAFT DECISION LETTER**

**Address:** Development Site At 127-143 Oxford Street, 53-55 Berwick Street And 201-205, Wardour Street, London,

**Proposal:** Demolition of 127 Oxford Street and 205 Wardour Street, 129-131 Oxford Street, 133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) (behind retained Oxford, Wardour and Berwick Street facades and partially retained interior), 137 Oxford Street, 139-143 Oxford Street (behind retained façade) and 55 Berwick Street. Excavation of new sub-basement and redevelopment to provide ancillary plant and floorspace at subbasement level, retail (Use Class A1) at basement, part ground and part first floor levels, office (Use Class B1) at part ground, part first and second to sixth floor levels, and roof top plant. (Linked application - 18/00175/FULL)

**Plan Nos:** Demolition drawings:

D0101 Rev. A, D0102 Rev. A, D0103 Rev. A, D0104 Rev. A, D0105 Rev. A, D0106 Rev. A, D0107 Rev. B, D0108 Rev. A, D0109 Rev. A, D0110 Rev. A, D0161 Rev. A, D0162 Rev. A, D0151 Rev. A, D1053 Rev. A, D0163 and D0164.

Proposed drawings:

P0101 Rev. C, P0102 Rev. C, P0103 Rev. B, P0104 Rev. A, P0105 Rev. A, P0106 Rev. A, P0107 Rev. A, P0108 Rev. A, P0109 Rev. A, P0110 Rev. A, P0111, P0151 Rev. C, P0153 Rev. A, P0161 Rev. A, P0162 Rev. B, P0163 Rev. A, P0164 Rev. A, P9001 Rev. B, P9002 Rev. B, P9003 Rev. B, P9004 Rev. B, P9005 Rev. B and P9006 Rev. B.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**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 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. (C26BD)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development.

Typical details of all new facades of extensions to the listed building.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 You must apply to us for approval of a comprehensive method statement and drawings of the following parts of the development.

Proposals for jacking up and modifying the retained street facades of 134 Oxford Street.

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 documents. (C26DB)

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a comprehensive method statement and drawings of the following parts of the development.

Proposals for the reuse of existing internal features, including the main staircase.

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 documents. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 8 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

- 9 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the special architectural or historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29BC)

- 10 No demolition of Ilford House (133-135 Oxford Street (including 53-54 Berwick Street and 201 Wardour Street) shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework July 2018, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that whilst the proposed works would cause some harm the special architectural and historic interest of this listed building, that the scheme will deliver public benefits which outweigh the harm to heritage assets. The heritage harm is necessary to unlock the sufficiently important benefits of creating significant amounts of new retail and office floorspace .

In reaching this decision the following were of particular relevance:  
S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 For the purposes of Condition 10, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

Item No.
<b>1</b>

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 January 2019		Classification For General Release
Report of Director of Place-shaping and Planning			Ward(s) involved Little Venice
Subject of Report	Development Site At 14 To 17, Paddington Green, London		
Proposal	Variation of condition 1 of planning permission and listed building consent dated 21 December 2017 (RN: 16/11562/FULL and 16/11563/LBC) for the Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. NAMELY, to allow addition of one floor of residential accommodation to Block G and to parts of Block H to add 16 residential units and to reduce carbon offset payment to allow connection to Church Street District Heating Scheme.		
Agent	Turley		
On behalf of	Berkeley Homes (Central London) Limited		
Registered Number	18/08004/FULL and 18/08110/LBC	Date amended/ completed	18 September 2018
Date Application Received	18 September 2018		
Historic Building Grade	Unlisted		
Conservation Area	Paddington Green		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the section 106 agreement for application RN: 15/11677/FULL dated 21 December 2017 to secure:
  - a) 45 affordable units on-site comprising 18 social rented units and 27 intermediate units and a financial contribution to the Council's affordable housing fund of £600,000 (payable on commencement and index linked);
  - b) A carbon offset payment of £122,407.00 (index linked and payable on commencement of development);
  - c) A reduction of £56,339 (index linked) from the £631,000 education contribution secured under application ref: 15/11677/FULL, in the event that this permission is implemented;

- d) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street;
  - e) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - f) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - g) Offering local employment opportunities during construction;
  - h) Provision of public art on the application site; and
  - i) Payment of cost of monitoring the agreement (£2500).
2. If the S106 legal agreement has not been completed by 5 March 2019 then:
- a) The Director of Place Shaping and Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The application site is located on the east side of Paddington Green, at its intersection with Newcastle Place. Part of the application site overlaps the West End Green/Gate Development Site ("WEG Site") located to the east. No's 14-17 Paddington Green do not form part of the consented WEG Site at present and the proposal would be an extension of the development onto these sites.

The application site is located within the Paddington Green Conservation Area, whilst 17 Paddington Green contains a Grade 2 listed building and 14 to 16 Paddington Green are Unlisted Buildings of Merit. The application site is also located within the Paddington and Lilestone Villages Archaeological Priority Area.

The entire site is located within the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). Within NWEDA, the WEG Site is a Strategic Proposals Site. The application site is also located within the area covered by the City Council's Futures Plan and the Edgware Road Housing Zone.

The applicant proposes amending the development approved under application RN: 16/11562/FULL and 16/11563/LBC by adding an additional storey to Block G and to part of Block H. The additional levels would accommodate 16 extra flats. The applicant also proposes a reduction in the Carbon Offset payment of £140,000.00 and removal of the requirement to connect to the Church Street District Heating Scheme.

The key issues include:

- Provision of housing and on-site affordable housing;
- Impact on designated heritage assets, including adjacent listed buildings and the Paddington Green Conservation Area;
- Impact on the amenity of local residents, including from loss of daylight, sunlight and overshadowing;
- Impact on parking and highways; and
- Impact on carbon emissions.

Like the consented development, officers consider that the additional height and bulk of Blocks G and H would result in less than substantial harm to the setting of and outlook from the Paddington Green Conservation Area and the setting of listed buildings at 18 Paddington Green and the Children's Hospital. Demolition of the Unlisted Buildings of Merit at 14-16 Paddington Green to facilitate this development would also result in less than substantial harm.

However, there are a number of public benefits arising from the development. These include:

- Facilitating development of a long stalled site of strategic importance which is a blight on the setting of neighbouring conservation areas and listed buildings and this major thoroughfare into Central London;
- Provision of a high quality series of buildings and permeable public spaces that would complete this urban block and contribute positively to the Paddington Green Conservation Area;
- Facilitating the Church Street Regeneration and Edgware Road Housing Zone through provision of decant space through the proposed affordable units;
- Provision of a significant level of market housing on-site;
- Provision of affordable housing on-site (the maximum that the applicant can viably provide);
- Significant public realm improvements around and throughout the site; and
- Installation of part of the future Church Street District Heating Scheme (CSDHS) on-site, reducing its overall cost and potentially bringing forward its installation across the Church Street Masterplan area.

Having particular regard to statutory and national policy requiring that great weight be given to the preservation or enhancement of heritage assets, officers consider that the public benefits of the development would outweigh the less than substantial harm to heritage assets identified above.

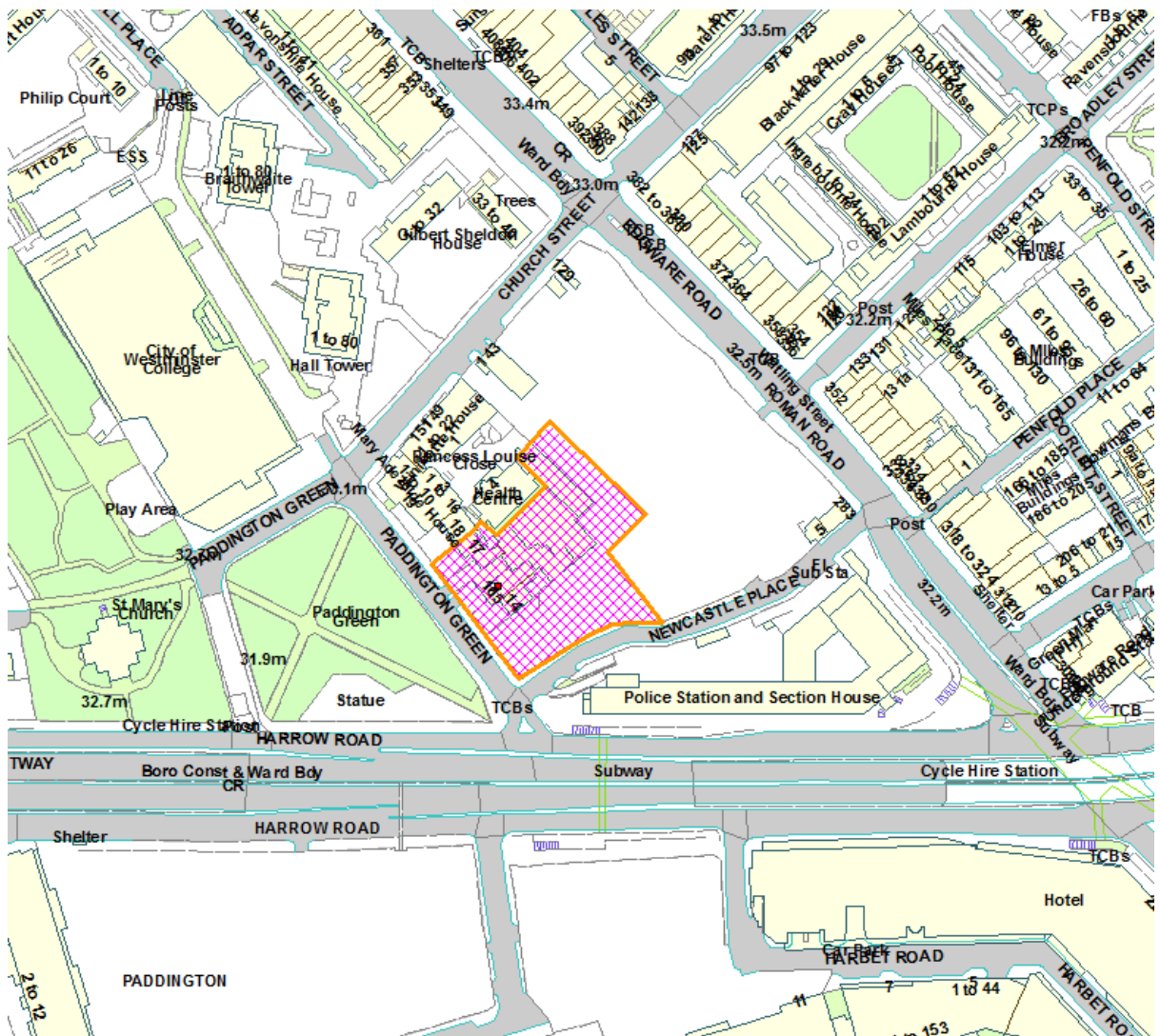
The £140,000.00 reduction in the carbon offset payment would allow for pipework for the CSDHS to be installed on-site. This approach and the figure proposed has been agreed with the City Council's Development team. This pipework would allow for wider carbon reductions off-site and the cost of it would have come from the City Council's Carbon Offset fund were it to be installed at a later date, once the applicant had moved off-site. Accordingly, the reduction sought is acceptable.

The timeframe requiring the applicant to connect to the Church Street District Heating Scheme has now expired. Accordingly, it is appropriate for this requirement to be removed from the section 106 agreement for application RN: 15/11677/FULL.

The development would also accord with the development plan in all other respects and it is

therefore recommended that planning permission and listed building consent are granted, subject to a deed of legal agreement and subject to the conditions set out in the draft decision letters appended to this report.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.  
All rights reserved License Number LA 100019597

#### 4. PHOTOGRAPHS



Application site as seen from Paddington Green



Overview of West End Green / Gate and Application Site (Outlined in Red)

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY.

Advise that given the scale and nature of the proposals, the amendments do not give rise to any new strategic planning issues. This is on the basis that 6 of the 16 additional residential units will be appropriately secured as affordable housing at social rented levels. Accordingly, the City Council may determine the application without further reference to the Mayor.

### WARD COUNCILLORS FOR LITTLE VENICE

Any response to be reported verbally.

### WARD COUNCILLORS FOR CHURCH STREET

Any response to be reported verbally.

### WARD COUNCILLORS FOR HYDE PARK

Any response to be reported verbally.

### MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

No response received.

### TRANSPORT FOR LONDON

Advise that they have no objection, subject to additional cycle parking spaces being provided in accordance with London Plan and Draft London Plan policies, rather than if demand rises.

### LONDON UNDERGROUND LIMITED

Advise that they have no comment to make on the application.

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Advise that they were consulted on the original application for this development, they do not wish to provide any further comments and refer the City Council to their advice on the previous application

### HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

### METROPOLITAN POLICE SERVICE

Any response to be reported verbally.

### LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEPa)

Any response to be reported verbally.

### PADDINGTON BUSINESS IMPROVEMENT DISTRICT

Any response to be reported verbally

### NATURAL ENGLAND

Advise that they have no comment to make on the application.

### SPORT ENGLAND

Any response to be reported verbally.

#### THAMES WATER

Any response to be reported verbally.

#### NHS CENTRAL LONDON

Any response to be reported verbally.

#### WESTMINSTER PRIMARY CARE TRUST

Any response to be reported verbally.

#### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Advise that they have no objection but to take neighbours views into account.

#### BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### HYDE PARK ESTATE ASSOCIATION

Advise that provided the rights of light of adjoining residential premises are not significantly affected they raise no objection.

#### NOTTING HILL EAST NEIGHBOURHOOD FORUM

Any response to be reported verbally.

#### NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

#### PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)

Any response to be reported verbally

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection, subject to no adverse effect on neighbours or on long views.

#### MARYLEBONE ASSOCIATION

Any response to be reported verbally.

#### THE ST MARYLEBONE SOCIETY

Advise that it is difficult to evaluate the visual differences between this and the approved design. Additions on the Paddington Green side are to a somewhat overbearing design that could have preserved more of the historic fragments of the Green before the motorway devastated it, but did not.

#### ST JOHN'S WOOD SOCIETY

Advise that although this development is outside of the St John's Wood Conservation Area, they query the impact that the additional floor will have on views from the adjacent Paddington Green.

#### HIGHWAYS PLANNING MANAGER

No objection, subject to a condition to secure appropriate cycle parking.

**WASTE PROJECT OFFICER**

Any response to be reported verbally.

**ARBORICULTURAL MANAGER**

Any response to be reported verbally.

**ENVIRONMENTAL SCIENCES**

Object to the air quality impact of the development. Recommends conditions to address internal noise levels and site contamination.

**CHILDREN'S SERVICES**

Advise that they would wish to maximise any contribution relating to education services, in order to address the requirement for additional school places and other investment caused by additional development.

**PLANNING POLICY**

Any response to be reported verbally.

**PARKS & GARDENS DEPARTMENT**

Any response to be reported verbally.

**SPORT & LEISURE DEPARTMENT**

Any response to be reported verbally.

**ADULT & COMMUNITY SERVICES**

Any response to be reported verbally.

**BUILDING CONTROL**

Any response to be reported verbally.

**CHURCH STREET LOCAL AREA RENEWAL PARTNERSHIP**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 322

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site is located on the west side of Paddington Green, at its intersection with Newcastle Place.

Part of the application site overlaps the West End Green/Gate Development Site (“WEG Site”), located to the east. The area occupied by consented Blocks G and H on the WEG Site form part of the application site. No’s 14-17 Paddington Green do not form part of the consented WEG Site at present and the proposal would be an extension of the development onto these sites.

Works are underway on the WEG Site to construct the development approved by a series of recent permissions (see 6.2 below). No 14 Paddington Green contains a three storey plus mansard roof level Victorian terrace, currently containing four flats (Use Class C3). No’s 15-16 Paddington Green contain a pair of Victorian terrace buildings attached to a large three storey building to the rear. The ground floor and rear building contain a self-storage unit (Use Class B8). 22 residential units (Use Class C3) are located on the upper floor levels. No 17 contains a Georgian semi-detached building. It is currently vacant, but was last used as offices and treatment rooms associated with a children’s health service (Use Class D1).

The entire site is located within the Paddington Green Conservation Area. No. 17 Paddington Green contains a Grade 2 listed building whilst 14 to 16 Paddington Green are Unlisted Buildings of Merit. The application site is also located within the Paddington and Lilestone Villages Archaeological Priority Area.

The entire site is located within the Central Activities Zone (CAZ) and the North Westminster Economic Development Area (NWEDA). Within NWEDA, the WEG Site is a Strategic Proposals Site as its development would contribute significantly to the City Council’s strategic housing targets.

The Paddington Opportunity Area (POA) is located to the south of the application site, on the southern side of the Westway. Several heritage assets are also located in the area surrounding the site. The Grade 2 listed Paddington Green Children’s Hospital is located on the corner of Church Street and Paddington Green; 18 Paddington Green is Grade 2 listed; and the St Mary’s Church to the west is Grade 2 star listed. Several other listed items are also located in or around Paddington Green, including a pair of K6 telephone kiosks and the Statue of Mrs Siddons.

The application site is also located within the area covered by the Church Street Masterplan. The Church Street Masterplan covers the next 15 to 20 years and aims to improve existing homes and build new homes; provide new and better parks and children’s play areas; improve shops, jobs and business opportunities; and to ensure that all those who live and work in the Church Street and Paddington Green area have access to good quality schools, healthcare and other services. In particular, the Church Street Masterplan aims to deliver 776 new homes, including the replacement of 306 existing Council homes.

The application site is also located within the Edgware Road Housing Zone. Designated as such by the Mayor of London, the Mayor and the City Council will be working together to invest more than £150 million in the area to increase the number of new homes by over 1,113 within the next decade.

The surrounding townscape is varied. The only buildings directly abutting the site are on

Church Street and Paddington Green. The Paddington Green buildings are the oldest in the vicinity, dating back to Georgian times, whilst those on Church Street are Victorian. The buildings on Paddington Green contain residential flats. The buildings on Church Street contain flats and a health centre.

Paddington Green to the west consists of mature and established trees, St Mary's Church and the former burial ground. Architecturally, the most significant building is St Mary's Church which forms the main focal point of the conservation area. The City of Westminster College building is also located on the northern side of the green. Residential mansion blocks dating to the late 19th and early 20th centuries are located beyond the green and St Mary's Church.

Council housing, including Gilbert Sheldon House, and the 21 storey plus Hall and Braithwaite Towers, are located to the north of the application site. This housing dates from the 1960's and 1970's.

Three to four storey late Victorian and Edwardian buildings with some modern infill is located to the east of the site along Edgware Road. These buildings typically contain retail or other Class A uses at basement and ground floor levels with residential flats above. Council housing and the Church Street market are located beyond this to the east.

The four to 16 storey former Paddington Green Police Station is located to the south of the application site, across Newcastle Place. Paddington basin and the POA are located beyond the police station and the Westway. Many buildings within the POA exceed 20 storeys and include the consented but not completed 42 storey tower at 1 Merchant Square in height.

## **6.2 Recent Relevant History**

There have been multiple applications on the WEG and application sites. The following are most relevant to the development proposal.

### **6.2.1 WEG Site**

#### 15/11677/FULL

Redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. This application is accompanied by an Environmental Impact Assessment (EIA).

Application Permitted                      28 April 2016

#### 16/07226/FULL

Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to

652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.

Application Permitted 27 January 2017

#### 16/12162/FULL

Variation of Condition 1 of the planning permission granted 27 January 2017 (ref: 16/07226/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 672 residential units (including 130 affordable housing units), landscaping and associated car and cycle parking. NAMELY, amendment to the façade of Block A, and ground floor arrangement of Block A including residential drop off and ancillary residential uses, with associated amendment to landscaping plan.

Application Permitted 24 May 2017

### **6.2.2 14-17 Paddington Green**

#### 16/11562/FULL

Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. This application is accompanied by an Environmental Impact Assessment (Linked to application RN: 16/11563/LBC)

Application Permitted 21 December 2017

## **7. THE PROPOSAL**

The applicant proposes amending the development approved under application RN: 16/11562/FULL and 16/11563/LBC by adding an additional storey to Block G and to part of Block H. The additional levels would accommodate 16 extra flats.

As permitted, Block G has a height of ground plus 11 to 14 storeys or a maximum height of approximately 55 metres (89.48 m AOD). The proposal would increase its height to ground plus 12 to 15 storeys or a maximum height of approximately 58 metres (92.7 m AOD).

As permitted, Block H has a height of ground plus 4, 5 and 7 storeys or a maximum height of approximately 32 metres (65.62 m AOD). The proposal would increase its height to ground plus 4, 6 and 8 storeys or a maximum height of 36 metres (69.32 m AOD).

The 16 additional flats would result in a total of 216 residential units within the application site. All 16 new flats would be market flats. However, six of the approved market flats would change to social rented flats within Block H.

The composition of the amended development is summarised below:

### **Floor Areas**

USE	APPROVED ( m <sup>2</sup> GIA)	PROPOSED (m <sup>2</sup> GIA)
Residential Units (Use Class C3)	19,982	21,390 (+1,408)

### **Proposed Housing Mix – Application Site**

PROPOSED					
TENURE	NUMBER OF BEDROOMS				TOTAL
	STUDIO	ONE	TWO	THREE	
Private Sale	17	57	76	21	<b>171</b>
Intermediate	4	15	8	0	<b>27</b>
Social Rent	0	6	10	2	<b>18</b>
<b>TOTAL UNITS</b>	<b>21</b>	<b>78</b>	<b>94</b>	<b>23</b>	<b>216</b>
<b>TOTAL (%)</b>	<b>10</b>	<b>36</b>	<b>43.5</b>	<b>10.5</b>	

### **Proposed Housing Mix – Application Site + WEG Site**

PROPOSED							
TENURE	NUMBER OF BEDROOMS						TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	SIX	
Private Sale	51	219	275	98	9	2	<b>654</b>
Intermediate	4	37	37	0	0	0	<b>78</b>
Social Rent	0	16	33	33	15	0	<b>97</b>
<b>TOTAL UNITS</b>	<b>55</b>	<b>272</b>	<b>345</b>	<b>131</b>	<b>24</b>	<b>2</b>	<b>829</b>
<b>TOTAL (%)</b>	<b>6.6</b>	<b>32.7</b>	<b>41.8</b>	<b>15.7</b>	<b>2.9</b>	<b>0.2</b>	

The applicant also proposes two related amendments to the section 106 agreement A reduction in the Carbon Offset payment of £140,000.00 is sought. This sum would pay for pipework to be laid on-site to allow connection into the future Church Street District Heating Scheme (CSDHS) and to enable excess heat from the developments CHP system to be exported into the CSDHS once it is installed. This pipework must also be laid within the next six months as it is located within the basement levels which will be completed within that time.

The second amendment would remove the requirement for the applicant to connect to the CSDHS as the deadline required for this to occur has already passed. The first amendment also safeguards future connection to the CSDHS at a later date, although it is unclear if and when the CSDHS will be constructed.

## **8. DETAILED CONSIDERATIONS**

The development approved under application RN: 18/08004/FULL and 18/08110/LBC remains extant and is a material consideration when assessing the subject application. There have also been no significant policy changes since that application was decided and that relate specifically to the changes proposed by the applicant. The extant permission is therefore a viable fallback position and it is considered appropriate in this instance to consider only the impact of the changes proposed.

### **8.1 Land Use**

#### **8.1.1 Provision of Residential**

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Policy S8 of the City Plan also states that this part of Edgware Road is an appropriate location for residential uses. As a Strategic Proposals Site located within the Edgware Road Housing Zone, the provision of new residential units on this site is also a priority. The additional affordable units would also provide decant space for the estate renewal programme stated within policy S12. Accordingly, the provision of residential flats on this site is supported in principle.

Other relevant residential use considerations are set out below.

#### Density

Like the approved development, the proposed development would exceed the density range set out in policy 3.4 of the London Plan (i.e. 215-405 u/ha or 650-1100 hr/ha). The proposed development would have a density of 1542 u/ha on the application site, whilst the density across the WEG site and application site would be 693 u/ha.

However, policy 3.4 of the London Plan and policy H11 note that density is a useful starting point for protecting local character and is not definitive. Policy 3.4 of the London Plan acknowledges that other factors are relevant to optimising potential, including local context, design and transport capacity, as well as social infrastructure. Policy H11 also notes that development densities that exceed the limits contained therein will be expected to meet complementary policies on townscape and design; residential amenity; provision of off-street parking; mix of housing units; affordable housing; garden space; and the desirability of maintaining any special feature of the urban fabric of the area. These matters are considered in further detail below.

It is also worth noting that the Draft London Plan (Amended September 2018) ("Draft London Plan") also proposes abolishing density. Policy H1 of the Draft London Plan instead requires that housing capacity is optimised, particularly on, inter alia, sites with public transport access levels (PTALs) of 3-6 or within 800m of a Tube station. The application site is such a site.

The Draft London Plan has been through one round of formal consultation with the Examination in Public due to start on 15 January 2019. Removal of density and the approach proposed in policy H1 has not met with significant objection. Accordingly, policy H1 can be given weight.

### Affordable Housing

Policy 3.12 of the London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regards to several factors, including the need to encourage rather than restrain residential development and the specific circumstances of individual sites. The latter includes development viability.

The proposal would result in new residential floorspace exceeding 1,000 square metres of Gross Internal Area (GIA). As such, policy S16 of the City Plan expects a proportion of the floorspace to be provided as affordable housing.

Based on the additional floorspace of approximately 1,408 square metres GIA and the City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note"), there is a requirement for an additional 493 square metres of affordable floorspace, equating to six affordable units.

Policy S16 requires this affordable floorspace to be provided on-site. Only where the Council considers that this is not practical or viable, affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

In this instance, the applicant proposes six additional social rented affordable units on-site. Accordingly, the applicant has provided a policy compliant level of affordable housing for the additional units proposed.

Should the affordable housing offer be found acceptable a deed of variation to the original legal agreement for the WEG development is recommended to secure the additional units proposed.

### Residential Mix

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP.

In this instance, 10.5% of the proposed units would be family sized. When considered with the wider WEG site, approximately 19% of the units would be family sized.

However, and as noted in paragraph 3.74 of the supporting text to this policy, this requirement will be applied with some flexibility. For example, a lower level of family sized accommodation may be appropriate in very busy, noisy environments. The application site is located in just such an environment, being located on Edgware Road and close to the Westway. Accordingly, this shortfall would be consistent with policy H5 of the UDP in this instance.

#### Standard of Residential Accommodation

All 16 additional flats would meet the size requirements within the Governments Nationally Prescribed Space Standard (March 2015) ("the Space Standard"). The additional flats are also dual aspect and would have private outdoor amenity space, in the form of balconies and terraces, in accordance with policy H10 of the UDP and standards 26 and 27 of the Mayors Housing SPG. These balconies and terraces are also designed so as not to result in unacceptable noise and overlooking of neighbouring properties and flats within the development and are therefore acceptable. All 16 additional flats would also have Average Daylight Factors in excess of BRE Guidance, in accordance with policy ENV 13 of the UDP.

Subject to the recommended conditions, the proposal would be consistent with policy S32 of the City Plan and policies ENV 6 and ENV 7 of the UDP.

#### Social and Community Facilities

As per the approved development, no community facilities are provided on-site for the proposed residential units. However, the proposed development and additional units would be subject to Westminster's adopted Community Infrastructure Levy (CIL). The approved development and proposed additional units would generate a significant CIL payment of £7,166,400.00, subject to any relief or exemptions available. At least, £1,074,960.00 of this CIL payment must be spent within the local area and can be spent on infrastructure items, including educational, health, social, community, sports and leisure facilities within the vicinity of the application site. Pro-rata, this CIL payment greatly exceeds the total social and community contribution per unit deemed appropriate for the WEG and approved development and satisfies the requirements of policy S34 of the City Plan and policies SOC 3, SOC 6 and H10 of the UDP.

## **8.2 Conservation, Townscape and Design**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 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.*" (emphasis added)

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.*" (emphasis added)

In terms of the NPPF the key considerations are addressed in Chapter 16 with paragraphs 195 and 196 specifically addressing the issue of harm to designated heritage assets. Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or inter alia, the harm or loss is outweighed by the benefit of bringing the site back into use. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policies S25 and S28 of the City Plan 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 the 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 and indicates that development proposals involving the demolition of unlisted buildings may be permitted where the existing building(s) makes either a negative or insignificant contribution to the character or appearance of the area, and/or if the proposed development will result in an enhancement of the conservation area's overall character or appearance.

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.

London Plan and the City Council's policies on tall or high buildings and their design impact are also particularly relevant in this instance. Policy 7.7 of the London Plan contains several criteria that tall buildings should be considered against, including limiting their location to the CAZ or areas that have good public transport accessibility; requiring high standards of design; incorporation of ground floor activity so they have a positive relationship with surrounding streets and making a significant contribution to local regeneration. Policy S3 of the City Plan specifies that one site has been identified within the POA for a single landmark, high quality building. That site is located approximately 100 metres to the south of the application site. In other locations within the POA, high buildings could not be accommodated without detriment to the surrounding townscape. Policy S26 of the City Plan also specifies that strategic and local views will be protected from inappropriate, intrusive or insensitive development.

Policy DES3 of the UDP resists high buildings where they would intrude upon strategic views; where they would adversely impact heritage assets and their settings or local views; and where they would be incongruous in relation to prevailing character. In exceptional circumstances, where they are permitted, high buildings shall be of high quality design; shall enhance the long distance skyline of Central London; shall be within the capacity or future capacity of transport infrastructure and shall provide a favourable mix of land use. High buildings shall also contribute to regeneration within the locality they are to be located and should define points of significant urban activity and accord with the scale and character of the urban grain, street frontage lengths, existing open

space, planting and other topographical features. They should also enhance accessibility and public realm.

Historic England have also produced guidance in relation to tall buildings (Tall Buildings: Historic England Advice Note 4 (2015)). This does not form part of the development plan. This advice note advocates a plan led approach to planning for tall buildings and Historic England note in their objection that the City Council have done this with policy S3 of the City Plan. The advice note also reiterates the importance of the statutory and policy considerations noted above as they relate to tall buildings and heritage assets.

### **8.2.1 Public Realm and Urban Design**

While the scheme involves the creation of a series of individual buildings, it is also important to assess the quality of the development as a whole in terms of its urban design. The urban design is considered to be the arrangement and form of buildings and how this helps shape the open space, the permeability and the legibility of pedestrian and vehicular routes, with consideration also for the hard and soft landscaping proposed. The particular issues related to the specific heights and massing of the buildings, and their detailed design, are considered elsewhere in this report.

As with the previously approved scheme, the WEG development and subsequent amendments incorporated a large green landscaped garden square set in behind the Edgware Road frontage and represented a significant opening up of that part of the block in urban design terms. The previously approved scheme for the application site enlarged the approved WEG development layout by cranking back the line of the mansion blocks flanking its south western corner, giving more generously proportioned open space. In addition, a separate landscaped urban square was also approved which was set behind the Paddington Green frontage and which would be accessed directly from both Paddington Green and the open space adjacent to the approved 30 storey tower. Whilst this square is likely to be for residents only use, it nonetheless provides a greater degree of permeability through and openness to a currently closed off section of the site and would create an attractive open space in itself.

As with the previous scheme, the buildings are considered to give a clear definition to the streets and public spaces and they will allow for a regular series of windows giving some active frontage to street level which would help secure an enhancement and passive surveillance of the public realm.

The existing site is a large and largely vacant one, through which no public access is possible except for along its two street frontages, of which the Newcastle Place frontage is of currently poor quality (although large sections of the Newcastle Place frontage to the adjoining site are currently undergoing redevelopment). The proposals represent a well formed and coherent development with defined frontages onto Newcastle Place and Paddington Green, surrounding a new central courtyard, and as with the previous approval it is considered a well laid out scheme in urban design terms and one which will integrate well with the adjoining emerging WEG development. Full details of hard and soft landscaping and public art will be secured by conditions.

Although it contains several attractive buildings, there are significant shortcomings in the current appearance and urban design of the site as a whole. In this context, the principle

of a well defined, permeable and attractively landscaped development of the site is strongly welcomed in urban design terms, and the proposals are considered to accord with policies S25, S28, S35 and S41 of the City Plan and policies DES1, DES 3, DES 4 and ENV15 of the UDP.

### 8.2.2 Impact of Demolition Works

The originally approved scheme included proposals for two unlisted buildings to the Paddington Green frontage (nos. 14 and 15-16 Paddington Green) to be fully demolished, as well as the lower scale buildings behind the Paddington Green frontage and also the side wing to the Grade 2 listed building at no. 17 Paddington Green. The amendments to the scheme currently sought do not vary those aspects of the proposals, and they remain acceptable as part of the scheme as a whole.

No. 17 Paddington Green is one half of a pair of Grade 2 listed buildings (including no. 18) which were originally constructed around C. 1800 as two separate dwellinghouses. As set out in the previous report, though originally built with subsidiary side wings, the side wing at no. 17 has evidently been either substantially altered or rebuilt and its proposed rebuilding was agreed in the previous scheme and remains acceptable as part of this scheme. It rises to approximately the height of the side wing to the north side of this pair and is made more slender to better reflect the width of the example at no. 18, It would help soften the transition to the scale of the new building to the south side.

Nos. 14 and 15-16 Paddington Green date from the 19th century, and are noted as unlisted buildings of merit in the Paddington Green Conservation Area Audit. Nonetheless, as set out in the previous report both of the buildings and the surrounding site no. 14 has been notably altered in the past, and no. 15-16 less so though still with a large ground floor extension and poor quality forecourt, although its upper floor front elevation in much more like its original form. As with the previous scheme, it is clear that the loss of 15-16 Paddington Green would harm the character and appearance of the Paddington Green Conservation Area. To a lesser extent the loss of 14 Paddington Green would also harm the character and appearance of the conservation area. A full consideration of the replacement of these buildings needs to be taken into account with the scheme as a whole and, as with the previous scheme officers remain of the view that the loss of 14-16 Paddington Green would represent harm to the Paddington Green Conservation Area, but that given the shortcomings of some aspects of their appearance as set out above, that harm would be less than substantial. In light of this, the NPPF outlines that this harm should be weighed against the public benefits of the proposals.

### 8.2.3 Scale of New Development

This current application seeks amendments to the height of four distinct elements of the scheme as previously approved.

Block G as previously approved contained a 15 storey element to its northern end and a 12 storey element to its southern end. This block is set behind the Paddington Green frontage, and flanks the large landscaped courtyard approved originally in the WEG development. This current application seeks an amendment to the previous scheme which seeks to add a floor to each of these elements, and they will thus rise to 16 stories

and 13 stories respectively. The impact of these elements are considered in greater detail below.

Block H extends down Newcastle Place and around onto Paddington Green. As approved, this block includes an eight storey element on Newcastle Place, a 6 storey element to the corner of Newcastle Place and Paddington Green and a 5 storey element fronting solely onto Paddington Green. This current application also seeks to add an additional floor to the element on Newcastle Place and to the corner of Newcastle Place and Paddington Green, and these elements will thus rise to nine stories and seven stories respectively. The element solely fronting onto Paddington Green remains 5 stories as previously approved.

The five storey height of the element which faces solely onto Paddington Green remains acceptable. Whilst its height and bulk rises above that of the parapet to the adjoining listed building, it remains appreciably below the Children's Hospital building and overall it sits comfortably in the context of the Paddington Green frontage and townscape.

As set out above, the building to the corner of Paddington Green and Newcastle Place is now proposed to rise to seven stories, a floor level higher than previously approved. It is of note that the building previously approved to this site in the earlier WEG development approval rose to seven stories, albeit with its top floor slightly recessed back from the Paddington Green frontage. This building represents a substantial new building in the conservation area context. However, it remains acceptable at the higher height now proposed. It remains lower than both the previously approved and now proposed building to its immediate east, and as such this reduction in scale helps transition down from the much higher blocks behind the lower scale Paddington Green frontage. The height proposed rises a limited degree above the height of the top of the roofline gable to the Children's Hospital building on the corner of Church Street, Although rising approximately three floor levels above the height of the listed buildings at nos. 17-18 Paddington Green, given the relationship with the height of the Children's Hospital building and the relative lack of harmony in building heights to the Paddington Green frontage, and also with much larger buildings surrounding both approved and in construction, it is nonetheless considered to integrate acceptably into this mixed townscape context notwithstanding the higher height now proposed.

The nine storey block onto Newcastle Place will be visible from Paddington Green, albeit only the upper parts in most views as the foreground buildings will screen much of its bulk and in context with the other higher buildings previously approved to this site and under construction to the WEG site. It will be visible to its full height in views down Newcastle Place, though in these views it will be seen in much greater context with the very large WEG scheme including the 30 storey tower and the former police station tower to the south side of Newcastle Place. Though recognising that the higher height does make it more visible from the Paddington Green frontage and the conservation area generally, the proposed building is not considered to have a harmful affect.

Insofar as they relate to the WEG development, the height and bulk of the buildings proposed are considered appropriate, and they are considered to propose a relatively cohesive townscape across these contiguous sites.

The new seven storey building to the corner of Paddington Green and Newcastle Place is set back the same as the building previously approved. The five storey building steps back further from the frontage to soften the transition to the listed buildings at nos. 17-18 Paddington Green, allowing front gardens to be reinstated to Paddington Green, as would have originally been present. Though recognising that it still remains approximately three metres forward of the building line to 17-18 Paddington Green, this compares to the approximately 5.4m which the building line of the Children's Hospital building projects forward of 17-18. When considered in this context the positioning of the buildings are considered acceptable.

The detailed design and cladding materials remain unchanged in this scheme, and as set out in the report for the previous approval some aspects of these assist in integrating the buildings into their townscape context. For instance, white horizontal string courses pick up on the white string courses above ground and second floor levels to nos. 17-18 Paddington Green and also the slender white balcony structures found on the Children's Hospital building. The proposed use of decorative terracotta detailing will pick up on the decorative terracotta detailing to the Children's Hospital building. Although no acceptable samples have been submitted to demonstrate that the pre-cast cladding will reflect the colour of the Children's Hospital building, the applicants advise that the intention is to reflect the tone of that building and acceptable samples can be secured by the recommended conditions. The restoration of considerably improved front garden settings for the buildings will also assist in integrating them into the Paddington Green frontage. Many other elements differ, including the scale of windows (although these help tie the buildings to windows found on the adjoining WEG development), however the detailing and materials in general assist in grounding the buildings in their surrounding townscape.

With particular emphasis on the development proposed to the Paddington Green frontage, officers consider that it remains the case that less than substantial harm is caused to the Paddington Green Conservation Area through the demolition of two unlisted buildings of merit. However, the harm is mitigated to an extent by the design quality of the new buildings and by the improvements to the forecourt setting. For the reasons set out above, the new buildings to the frontage are considered acceptable in terms of their height and bulk.

#### **8.2.4 Impact of Development on Views from Surrounding Area**

It is also important to consider the impact of the height, bulk and massing of the buildings, including on the setting of conservation areas and listed buildings, in light of the statutory and NPPF tests. It is noted that policy DES 3 (2) of the UDP states that high buildings will not be permitted where the development would have an adverse impact upon the character and appearance of designated conservation areas or the setting of listed buildings, London Squares or Royal Parks, and defines a high building as being that which is significantly higher than its surroundings. Policies DES 9 (F) and DES 10 (D) of the UDP are also of relevance in stressing the importance of respecting the setting of conservation areas and listed buildings.

A views study including a number of Accurate Visual Representations (AVR's) has been submitted to accompany the application proposals, and it focusses principally on those views where the change from the previous approvals would be apparent and shows

views of both the scheme as previously approved and also with the additional floor levels added. It should be noted that this views study is unlikely to have captured and assessed every receptor point and so too in this report, it is acknowledged that a review of the impact on every element of townscape is not possible and in many cases not appropriate, as it would give rise to considerable repetition. It is thus intended to review the main impacts in detail and to summarise wider impacts. As discussed in the report accompanying the previously approved scheme it is clear that the development would be readily visible from the Paddington Green Conservation Area, from Edgware Road, and from the streets between, and would also be visible in some views from a wider surrounding area.

In terms of considering the impact on the setting of surrounding heritage assets, it is of note that, as set out in both the NPPF and recent Historic England planning guidance, the way in which a heritage asset is experienced in its setting can also be influenced by factors other than a visual connection, for example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In this case however and from the available information, the surrounding heritage assets are considered to be affected in terms of the visual impact of the proposed buildings and the implications arising out of that visual impact only.

The Paddington Green Conservation Area is the one most directly affected by these development proposals, and much of the application site is included within the Paddington Green Conservation Area. The conservation area incorporates Paddington Green itself including the Grade 2\* listed St Mary's Church and the surrounding churchyard; Paddington Green and St Mary's Gardens; and principally comprises the buildings flanking and leading off these spaces and also buildings on and surrounding St Mary's Terrace and St Mary's Mansions, and Church Street and Newcastle Place. The area was first laid out in the late 18th and early 19th century, and from that period St Mary's Church and nos. 17-18 Paddington Green remain, with a number of other buildings including the Children's Hospital building to the east side of Paddington Green, 14-16 Paddington Green and the terraced properties to Church Street being of late 19th century or early 20th century date. Paddington Green is listed within the London Squares Preservation Act of 1931, though not the Churchyard or St Mary's Gardens. Much of its character derives from the extensive tree planting to the green spaces, and the attractive quality of a number of the individual buildings. It is recognised that policy DES 3 (A) (2) of the UDP states that high buildings will not be permitted where the development would have an adverse impact upon the character and appearance of designated conservation areas, listed buildings or London Squares. However, it is also recognised that the policy allows for a consideration of situations where high buildings may be exceptionally permitted.

It is also recognised that the existing setting and character of the conservation area is compromised in a number of important respects. This includes the creation of the Westway to the south side of the conservation area, the loss of many of the original buildings which lined these public spaces with replacement in several cases by prominent 20th century buildings, and the much more disjointed townscape now in place rather than the more continuous enclosure of the public spaces by buildings originally conceived. This also includes of significant note the previous approval of tall buildings to this site, and also to the adjoining WEG site.

Also of note is the outlook from the conservation area. Tall buildings are already present in views out from the conservation area, including Hall Tower and Braithwaite tower north of Church Street, with Kennet House visible in longer views east on Church Street. The existing tower to the Paddington Police Station site is also clearly visible from Paddington Green. None of these towers are considered of good architectural quality. The development of Paddington Basin, including approved proposals for a 42 storey tower at 1 Merchant Square, is also to the south side of the Westway in relatively close proximity to the conservation area. As set out above, the previously approved buildings on this site are of clear relevance and represent a considerable mass of development in views out from the conservation area. Also as set out above and also of direct relevance is the WEG Development, which includes both a 30 storey tower and an 19 storey building and a generally dense, high development.

Notwithstanding this, though the coherence of the original conservation area in its early 19th century form has been weakened, the application proposals represent a large development in close proximity to a remaining historic segment incorporating listed buildings, albeit this application seeks to add a single floor level to previously approved buildings.

View 21 shows the impression of the proposed development from the west side of Paddington Green in wintertime when the trees are shown with no leaves. The Block G element of the scheme (to the east side of this site and set adjacent to the central courtyard of the previously approved WEG scheme) as previously approved was highly significant, with those buildings rising markedly above the Paddington Green frontage in relatively close proximity. Officers considered at the time that this could only appear intrusive in this view and visually 'crowd' the frontage buildings with an adverse impact on their existing impression as smaller scale buildings set around an attractive and historic green. This impact remains, although this impact is slightly worsened by the additional floor level proposed to the Block G buildings which raises their height and visual prominence. Nonetheless in the context of the previously approved scheme and the other WEG buildings now in construction the additional impact is considered limited, albeit giving rise to a further adverse impact overall. As with the previous scheme, the long frontage of this block as approved in the WEG scheme remains visually broken up by the step in footprint and angled form proposed for this building, which assists in mitigating the impression of bulk to this frontage.

Block G is considered to give rise to harm to the character, appearance and setting/outlook of this conservation area which was originally designed to be a relatively small scale garden square with church grounds beyond and lined by relatively small scale domestic buildings (which remain to an extent on this east side of the square). The harm is considered significant given the sheer scale of the new backdrop buildings and their impact on the visual impression in views from Paddington Green, albeit the additional harm over and above the previous approval is considered relatively limited given the scale of the previous approval and the context of the approved WEG development now in construction. It is also recognised that the Paddington Green area has changed significantly since its original development and now incorporates a number of tall buildings and other developments such as the Westway in its context. As such, though harm is considered to be caused to the conservation area and its outlook by the 16 and 13 storey buildings of Block G, the harm is considered less than substantial

harm, and the additional harm over and above the previous scheme is considered limited.

The Block G buildings will also be visible over the roofline of the unlisted buildings of merit at 149-151 Church Street. Although the Block G buildings may be relatively prominent over their roofline, and more so with the additional floor level included in this application, these buildings are considered in a context with Hall Tower in close proximity behind, with the very large WEG buildings now under construction, and with other prominent buildings in the surrounding context. Overall, it is not considered that harm is caused to the setting of these particular buildings from the development proposed in their particular context.

The building to the eastern end of Block H flanking Newcastle Place will also appear a substantial structure, and it rises from the previously approved eight storey building to a nine storey building. Though a floor higher than previously approved, much of its bulk as perceived from Paddington Green (aside from in the clearer views at the very south end along Newcastle Place) will remain screened by the bulk of the proposed buildings closer to Paddington Green. From the west side of the green, and in views along Newcastle Place it will be viewed in context with the larger WEG development and in context with the proposed 16 and 13 storey buildings behind. It is also set slightly away from the main Paddington Green frontage. As such, this building as proposed in this application is not considered harmful in itself.

Overall, and mindful of the statutory, NPPF and policy tests set out above, officers consider that the 16 and the 13 storey buildings would harm the setting of the Paddington Green Conservation Area. In addition, this would add cumulatively to the harm from the previously approved WEG buildings. Overall, this cumulative harm is considered to be less than substantial.

### **8.2.5 Impact of Development on Setting of Listed Buildings**

Policy DES 3 (2) of the UDP states that high buildings will not be permitted where the development would have an adverse impact upon listed buildings and their settings. Policy DES 10 of the UDP also notes the importance of protecting the setting of listed buildings. There are several listed buildings in close proximity to this development site, with the ones most closely affected being within Paddington Green.

No's 17-18 Paddington Green and Children's Hospital building - Paddington Green  
Nos. 17-18 Paddington Green are a pair of Grade 2 listed buildings originally constructed around C.1800 as separate dwellinghouses and which are Grade 2 listed, and are formed by main wings faced in yellow stock brickwork and covering lower ground, ground and three upper floors, with subsidiary flanking wings also in brickwork.

#### 17-18 Paddington Green

The Children's Hospital building to the junction with Church Street is Grade 2 listed, and is a red brick building with red terracotta dressings. The main body of this building covers ground and three upper floors, with an additional floor and a flamboyant gabled roofline to the corner wing. The list description refers to it being mainly listed for a series of internally located tile pictures.

The previously approved scheme for this site allowed for a 15 storey building and a 12 storey building sited in relatively close proximity behind the Paddington Green frontage. This current application seeks to add an additional floor level to each of those buildings. It is of note that the previously approved WEG development for a 30 storey tower (to Newcastle Place) and a 19 storey tower (to Church Street) has now been commenced. The buildings proposed in this application are seen directly in the backdrop of the frontage to Paddington Green as a continuous screen of a very high and bulky development in close proximity to the listed Paddington Green buildings and they would add cumulatively to the previously approved WEG buildings.

As set out in the previously approved scheme for this site, the listed buildings to the east side of Paddington Green are relatively small scale properties, and their scale sits comfortably in context with the remainder of the run of traditional buildings to the east side of Paddington Green. Though it is recognised that the currently largely vacant site is a notably unattractive feature of the area, one consequence of this is that by virtue of the lack of buildings to the site there are currently no structures to create bulk in the backdrop of views from Paddington Green. Though the list description of the Children's Hospital building refers to tiling as a principal reason for listing, it nonetheless has an elaborate and attractive roofline. Nos. 17-18 Paddington Green have a characteristic 19th century classically inspired approach of elevations rising to a parapet with a low pitched roof structure behind intended to stay visually hidden by the parapet.

The buildings proposed for an additional floor level thus creating a proposed 16 storey and 13 storey building will be visually dominant in the backdrop of these listed buildings. The additional floor level would be a further retrograde step in terms of the setting of these listed buildings. However and given the significant disjunction in scale already approved the change from the previous scheme is not considered to considerably worsen the harmful impact previously approved.

In setting out the above considerations, it is recognised that the existing site is harmful to the character of the area by virtue of being a large void of derelict appearance in what should be a developed section of townscape. In itself, this is harmful to the character and appearance of the area. Though harmful in its own right, the cleared site does allow these relatively small scale buildings to be appreciated without very large scale development behind which more closely resembles their original setting. As such, given the scale and proximity of the 16 and 13 storey buildings to the listed buildings it is considered that harm is caused to the setting of the listed buildings on the east side of Paddington Green from the works proposed. Mindful though of the context of the site as set out above, with consideration for the previous approvals under construction to the WEG site, the impact is considered to constitute less than substantial harm to the setting of these listed buildings. As with the considerations elsewhere in the report, the other buildings proposed are not considered to harm the setting of these, or other, listed buildings.

#### St Mary's Church - Paddington Green

Approximately 130m to the west of the site is St Mary's Church on Paddington Green, a Grade 2\* listed church building dating from 1788-91 which was originally designed by John Plawwith, though with later C19 alterations and a 1972 restoration by Raymond

Erith. It is built to a Greek cross plan and incorporates a slate roof above brickwork elevations and is capped by a cupola. It is considered that, whilst there may be an appreciation of taller elements in some views, this would form part of the wider urban backdrop which includes the approved tall buildings in the WEG approved scheme and those to the south side of Harrow Road/Westway, as well as those approved to this site at a floor lower than is currently proposed. Though the area was originally designed with relatively low scale domestic buildings, those traditional buildings remaining are partially obscured when standing at the Church building, and its principal setting when standing at the Church building is of its significantly treed surrounding churchyard and the adjacent Paddington Green and St Mary's Gardens. Though recognising that the additional floor levels now proposed will increase the scale of the application buildings, it is not considered that the buildings to that additional height, and the scheme as a whole, would adversely affect the setting of the Church building.

#### Other Listed Buildings to Paddington Green and Surrounding Area

In addition to the above buildings, there are also a number of listed monuments and telephone kiosks within Paddington Green. Though the buildings proposed would be visible from these structures, it is considered that there is no intrinsic link between these listed monuments and structures and a particular setting. As with the considerations in the previously approved scheme, the setting of these structures and monuments would not be adversely affected by the works proposed.

The additional floor level to the previously approved 15 storey building needs consideration in terms of a potential for an impact on the wider setting of several other listed buildings in the wider surrounding area, which could include views west on Bell Street from the Grade 2\* Christ Church building on Cosway Street and views from the Grade 2\* listed North Westminster Community School by Broadley Street. As with the previously approved scheme, it appears unlikely that the development would be visible, particularly with the WEG development now under construction. View 19 in updated form from Broadley Street demonstrates that only a very small additional element would be visible in these current proposals, which would not be harmful. View 17 from Bell Street in the previous application submission shows that the building was sited notably below the intervening buildings in that view and the additional floor level would not be harmful.

As with the previous scheme, the higher elements of the scheme could be visible above the building line in Ashmill Street which contains several listed buildings to its eastern end. However, the buildings are seen in context with a quite modern townscape to the street with relatively high buildings directly across the street, and a modest addition to the skyline would not unduly affect their setting. It is noted that the approved 30 storey tower at the WEG Development and the approved tower at 1 Merchant Square would be readily visible in this skyline. As such, it is not considered that the development proposed would harm the setting of these listed buildings.

#### **8.2.6 Impact of Development on Setting of Adjacent Conservation Areas and Other Views**

##### Maida Vale Conservation Area

In this application submission an updated view 11 from Lanark Road has been included which shows that the buildings would not be visible in this view.

View 8 from Westbourne Terrace Road Bridge was included with both summer and winter time views in the previous application. In summer the buildings previously approved are below the tree line and would appear very likely to remain so with the additional floors now proposed. In winter time the very upper element of what appears to be the building now proposed at 16 floors would be visible though would only be seen rising through a thick screen of tree branches and would not notably rise above the intervening buildings. View 9 is from Blomfield Road and whilst the buildings would not be visible in summer time, in winter time the very upper element of the 16 storey building would be visible through a thick screen of tree branches and would not rise above the intervening buildings. The 16 and 13 storey buildings would potentially also be visible in some other views from Blomfield Road. However and as with the previously approved scheme, such views would not be anticipated to be focussed with the buildings on clear axis with the view. Overall, as with the previous application submission, the development proposed in its amended form would not give rise to harm to the character, appearance and setting of this conservation area.

#### Lisson Grove Conservation Area

View 17 was included in the previous application which is taken from Bell Street and is considered in more depth below with regards to the impact on the setting of Christ Church on Cosway Street. The buildings proposed in this application would not be visible in this view.

View 18 was included with the previous application and which is along Ashmill Street from the junction with Lisson Grove. This is also considered in more depth below with regards to the impact on the setting of the listed buildings on the south side of this street. The view shown is from a position from which the buildings would not be visible by virtue of being screened by the canopy of a street tree. However, the view presented also suggests that the buildings including with the additional floor levels proposed in this application would be visible on the skyline above a building within the Lisson Grove Conservation Area from a view further into Ashmill Street beyond the tree. The buildings proposed would be likely to represent a relatively notable intervention into the skyline in Ashmill Street views. However, they would be seen largely above the 20th century buildings which principally line this section of Ashmill Street and would not be especially prominent in such views. They would also be seen in context with the approved WEG buildings now under construction, which would have a more significant impact than is proposed in this application. Though recognising that the additional height would make the buildings previously proposed higher and more visible they are not anticipated to appear obtrusive in the context.

Overall, the development proposed would not give rise to harm to the character, appearance and setting of this conservation area.

#### Bayswater Conservation Area

Views 5 (from the junction of Sussex Gardens and Sale Place) and 7 (from the junction of Gloucester Terrace and Cleveland Street) were included in the previous application

and a consideration of each of those views suggests that the buildings in this current application would be hidden by foreground developments and tree cover. Overall, the development proposed would not give rise to harm to the character, appearance and setting of this conservation area.

#### St Johns Wood Conservation Area

View 12 was included in the previous application which was taken on Maida Vale just south of the junction with St John's Wood Road. A consideration of this view suggests that the buildings will be almost fully obscured by buildings and tree cover, and any glimpsed views would be seen in context with the much more prominent Parsons House tower in the closer foreground and will be seen with the WEG 19 storey tower and 30 storey tower in close context. At the very south edge of the conservation area the buildings may be visible in views, though again seen in context with these large existing and emerging buildings. The change from the previously approved scheme to this current scheme in these views will be anticipated to be limited. Overall, the development proposed would not give rise to harm to the character, appearance and setting of this conservation area.

#### Portman Estate Conservation Area

View 2 was included in the previous application as a view from the junction with Old Marylebone Road which is located just outside the Portman Estate Conservation Area. In that view the large bulk of Burne House and also street trees would screen any views of the development, and this would be anticipated to remain the case with the current application proposals. Overall, the development proposed would not give rise to harm to the character, appearance and setting of this conservation area.

#### Dorset Square Conservation Area

No views are provided from the Dorset Square Conservation Area but view 17 included with the previous application shows the development from a location on Bell Street which is close to the line of view from the south side of Dorset Square. On the basis of the evidence provided by this view, it is not anticipated that the development currently proposed would be visible from this conservation area.

#### Other Conservation Areas and Views

Though noting that the Fisherton Street Estate Conservation Area and Molyneux Street Conservation Area are within this part of Westminster, it is not anticipated that the development currently proposed would be visible from these areas. Views are also shown from Adpar Street and Bishops Bridge Road where additional height would be appreciated. However, it is not considered that the impact is harmful.

#### Views from the Royal Parks

Policy DES 3 (A) (2) (b) of the UDP state that high buildings will not be permitted where the development would have an adverse impact upon the views obtained from the Royal Parks. View 25 as previously submitted from the Serpentine Bridge in Hyde Park indicates clearly that the buildings would remain notably below tree lines. View 26 as

previously submitted from the view from the Reformers Tree in Hyde Park indicates clearly that whilst the very upper section of the 16 storey building may just be visible above building lines from this area, it would be so seen between the bulk of much larger buildings including the WEG 30 storey tower and any visual impact would not be harmful. Views 28 and 29 from Regent's Park as previously submitted indicate clearly that the buildings proposed would remain below tree and/or building lines in those views. From the evidence presented therefore it is anticipated that the buildings proposed would not be harmful from these Royal Parks.

They may potentially be visible from Primrose Hill, a Grade 2 historic park and garden of special historic interest, and it is of note that the London View Management Framework (LVMF) illustrates a panorama of central London from this viewpoint containing two protected vistas to the Palace of Westminster and to St Paul's Cathedral. However, the buildings proposed would be seen within a dense area incorporating a number of higher buildings in the surroundings, are well off axis from the views to the Palace and to St Pauls, and it is not considered that the development would harm the view from this park or the panorama in its currently proposed form.

#### Views from Edgware Road

Several views have also been provided in this current application and the previous approval showing the visual impact of the tower from both north and south on Edgware Road. View 3 in the previous application is taken from the junction of Edgware Road and Chapel Street to the south of the Marylebone Road and in this view the buildings as amended would not be visible. Although likely to be visible in some views from around this area in the context with other high buildings in place the impact of the buildings would not be harmful. Views 15 and 16 are taken from north of the application site on Edgware Road. Both these views show the buildings proposed set in a context of other high buildings in the surrounding townscape of Parsons House, Hall and Braithwaite Towers and the London Hilton Metropole, and also set in the context of the WEG site. Set within this context, the buildings as amended in this application submission would not have a notable further impact on the character of the townscape as appreciated from Edgware Road.

Considered separately from the WEG Development, it is recognised that the buildings would represent a large and prominent addition to the townscape, although one set well back from the Edgware Road frontage and which would still be considered in context with the surrounding higher buildings. The impression of a higher built form set well back from the street frontage is a feature of the townscape of this part of Edgware Road north of Harrow Road where three such towers are located. The WEG Development which is under construction would screen much, albeit not all, of the views of this development from Edgware Road. However, it is not considered that the works would be harmful to the townscape character of Edgware Road.

#### **8.2.7 Design Quality of New Buildings**

Aside from the issues set out above, the scheme must be considered in terms of its design quality and appropriateness of massing in its own right and also considered in context with the approved WEG Development and wider area.

This current proposal adopts the design detailing and cladding materials of the previously approved scheme. As with the previously approved scheme, and considered in their own terms the new buildings proposed are considered of good design quality. The design of the buildings are principally arranged with a grid of window openings, with the elevations incorporating vertical piers between windows and horizontal string courses to floor levels. To the larger blocks, the vertical piers get progressively thinner as the building gets taller by the changing angles/depth of the chamfered reveals, giving a sense of a composition with an appropriate greater visual 'weight' to the lower floors and becoming progressively 'lighter' as it rises up to the higher levels. This adds a layer of interest to these undeniably large and imposing buildings, helping mitigate from an impression of them as a continuous rank of matching windows. To the two smaller blocks which front onto Paddington Green the windows maintain a more regular arrangement where the outer frame and angle of chamfer does not change above the ground floor base, giving a more unified arrangement to these elevations. The windows are notably inset from the main elevations of the building giving a good sense of visual depth and modelling to the buildings. Notwithstanding the relatively large scale of window openings proposed, the overall impression from the visuals submitted is that the buildings are characterised by having a good degree of visual solidity. The balconies are inset from the main elevations giving further depth to the compositions. The balconies incorporate attractive railings which are strongly influenced by a set of decorative railings found within St Mary's Church to Paddington Green. The buildings include a level of tertiary detailing which will add further interest to their architectural character. As with the previous approval, the roof level plant rooms, though relatively prominent, are considered acceptable. Further details will be sought via the recommended conditions of a number of elements of the design such as doors, windows, maintenance support/cleaning structures to roof level and other elements to ensure the detailed design is appropriate.

The elevations are proposed to be faced in pre-cast concrete panels intended to adopt a terracotta colour, as included in the previously approved scheme. As with the previous scheme, this choice of material remains acceptable subject to appropriate detailing and appropriate samples of materials being secured via condition.

Overall, the buildings are considered of acceptable design quality. They are considered to integrate appropriately with the emerging adjacent WEG development both in terms of design quality and cladding materials and also in terms of the way that the development adapts and extends the WEG masterplan now being implemented. Although there are concerns about the height and bulk of elements of the scheme as set out elsewhere in the report, in design and cladding materials the buildings are also considered to integrate appropriately with the Paddington Green context.

### **8.2.8 Conservation, Townscape and Design Summary**

In terms of the degree of harm caused to the significance of the various heritage assets (designated and undesignated), the Planning Practice Guidance advises that in general terms substantial harm will be a high test and may not arise in many cases. The guidance indicates that it is the degree of harm to an asset's significance rather than the scale of development that is to be assessed. As indicated by the Planning Practice Guidance, it is a matter of judgement whether or not a proposal causes substantial harm or less than substantial harm, and indeed it is considered perfectly reasonably to

conclude that within the parameters of the phrase "*less than substantial harm*", some impacts can be more harmful than others.

In the case of the current scheme, having given consideration to the significance of the relevant conservation areas and townscape, and to the significance of the setting of various relevant listed buildings, it is considered that harm is caused by the height and visual prominence of the 16 storey and 13 storey buildings proposed to the setting and outlook from the Paddington Green Conservation Area and to the setting of the listed buildings on the east side of Paddington Green. In addition, harm is also considered to be caused through the loss of the two unlisted buildings of merit within the conservation area. As with the previous approval, the harm caused in each of these cases is considered to fall into the category of being less than substantial harm, and the additional height proposed as an amendment to the previously approved scheme is considered a retrograde step in terms of the design and conservation issues.

Notwithstanding the importance given in policy DES 3 (C) of the UDP to the respect which needs to be given to the setting of conservation areas and listed buildings (in addition to the similar comments in policies DES 9 and DES 10), it is recognised that it goes on to state that high buildings which are considered to be exceptionally permitted under the policy shall contribute to the regeneration of the locality; shall define points of significant urban activity; shall accord with the scale and character of urban grain and street frontage length; should enhance area accessibility and pedestrian movement, with provision of open space and active frontages at street level; and should secure an enhancement of the local public realm. Considered against these criteria, as with the previously approved scheme the proposals would represent a considerable improvement upon the existing large, largely vacant and blighted site by providing a high quality series of buildings and permeable public spaces, which would go some way to mitigating, though not fully overcoming, the harm caused as set out above.

With regards to nos. 14-16 Paddington Green and as with the previously approved scheme, whilst officers consider that the loss of these two unlisted buildings of merit within a conservation area is not justified in its own right, it is recognised that the scheme also represents a notable improvement to the frontage in other ways, such as the replacement of the existing poor quality forecourt areas with attractively landscaped frontages, and the infill of the existing open and unattractive section of townscape to the southern end of this frontage, as well as consideration of the architectural quality of the replacement buildings, which overall are considered to mitigate, though not fully overcome the harm caused.

In cases where the degree of harm is considered to be less than substantial, paragraph 196 of the NPPF is of relevance and this indicates that the harm should be weighed against the public benefits of the proposal, including securing its [the designated heritage asset] optimum viable use. Nevertheless, given the statutory duty, notably s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, any harm must be given considerable importance and weight, when balancing against the public benefits

Though the areas where the scheme provides benefits in design and conservation terms are recognised, and do help to mitigate the harm caused, officers consider that they are insufficient in themselves to overcome the less than substantial harm caused.

As with the previously approved scheme however, the proposed development brings about a number of wider public benefits, as set out elsewhere in this report, and these are assessed collectively to be considerable public benefits, which outweigh the less than substantial harm to heritage assets, mindful of relevant policy, guidance and the statutory tests set out above.

### 8.2.9 Public Benefits

Whilst the harm identified above is noted, the proposed development also includes a number of public benefits in addition to the townscape benefits identified above. These public benefits include the following:

#### Edgware Road Housing Zone and The Futures Plan

As noted above, the application site is located within the Edgware Road Housing Zone (“ERHS”), within NWEDA and within the area covered by The Futures Plan. The ERHS envisages the addition of 1700 new homes within the housing zone, including an additional 691 affordable homes. The Edgware Road Masterplan proposes the replacement of 306 Council owned homes. Policy S12 of the City Plan also encourages, amongst other things, redevelopment of some housing estates and the provision of more intermediate and market housing within NWEDA.

Whilst the proposed development and the consented WEG Development intrinsically makes a significant contribution to these policy priorities through the addition of 829 new homes, the affordable units provide decant space for existing tenants within the Church Street regeneration area.

This decant space enables the regeneration envisaged by the EHRS and The Church Street Masterplan to commence and take place at a quicker rate than initially envisaged. Without the affordable units, decant space would only exist once an earlier phase had been completed and even then, would not provide the net increase in units needed to allow full decant to take place, slowing progress. This decant space would also exist within the area covered by The Church Street Masterplan, thereby minimising disruption to existing tenants.

Accordingly, the proposed development would make a significant contribution to the number of units proposed under the EHRS and Church Street Masterplan, but would also enable the latter to take place. In doing so, the proposed development would make a substantial contribution to the Church Street, Paddington Green and Lisson Grove renewal programme beyond just the number of residential units proposed. This regeneration would bring about substantial benefit to the wider locality.

#### Contribution to Housing Targets

The supporting text to policy S16 of the City Plan notes that there is an acute shortage of, and that it is difficult to develop, affordable housing within Westminster. Furthermore, the City Council cannot meet its affordable housing need of 5,600 additional affordable homes per annum. At present, an identified supply of only 1564 units has been identified within the City Council’s five year supply.

The six additional affordable units proposed in conjunction with the 169 affordable units already approved on the WEG Site proposed would provide approximately 10% of this identified supply of affordable units. Accordingly, the provision of these units on-site, particularly within the Church Street regeneration area is a substantial public benefit of this development.

The WEG development in conjunction with the proposed development would also be the largest single housing development within Westminster and is of strategic importance. The 829 units approved and proposed would provide approximately 76 % of the City Council's annual London Plan housing target (i.e. 1068 units) on one site. This target is also a minimum that is intended to be exceeded to close the gap between London's identified housing need and supply (see para. 1.1.5 of the Housing SPG). The deficit between this identified need and supply has been a contributor to housing unaffordability, not just in Westminster but throughout London.

The application site is also centrally located and has the highest possible PTAL rating of 6b. The importance of residential accommodation within the CAZ is highlighted in paragraph 2.56 of the supporting text to policy 2.12 of the London Plan, which notes that "availability of a range of homes in the CAZ helps support its strategic function, as well as allowing for sustainable lifestyles and reducing need to travel". Furthermore, the proposed development does not conflict with policy S1 of the City Plan which is intended to strike a balance between providing residential accommodation and employment uses within the CAZ. Accordingly, the proposed development makes a particularly significant contribution to housing delivery in Westminster and does so in a particularly sustainable location.

#### Church Street District Heating Scheme

The proposed pipework to be installed would allow for connection of the development into the CSDHS should it go ahead. Surplus heat from the development would feed into the heating network, reducing the scale of plant necessary off-site and therefore the cost of the networks installation. This in turn increases the likelihood of the CSDHS going ahead and the benefit of it to residents within the masterplan area.

#### Other Benefits

The proposed development would also result in the following public benefits:

- Creation of a mixed and balanced community through the proposed residential mix;
- A significant CIL payment and its contribution to social and community facilities that would exceed the impact of the development;
- Job creation and training opportunities for local residents during construction;
- Significant public realm improvements around and throughout the site;
- Provision of private and public open space;
- Significant greening and tree planting;
- Provision of public art;
- Provision of play space;
- Highways improvements;
- Promotion and provision of sustainable transport;

- Provision of significant CIL contributions.

Overall, the significant public benefits of the development, as set out above, would outweigh the less than substantial harm to the setting of and outlook from the Paddington Green Conservation Area; the setting of the listed buildings at 18 Paddington Green and the Children's Hospital; and the loss of two unlisted buildings of merit and consequent harm to the Paddington Green Conservation Area. Accordingly, an objection to the development on this basis could not be sustained.

### 8.3 Residential Amenity

#### 8.3.1 Loss of Light

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Policy DES 3 (c) (4) of the UDP also specifies, amongst other things, that high buildings should minimise the effects of overshadowing, especially within predominantly residential areas.

Regard is to be had to the BRE Guide as noted above. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted an update from Point 2 Surveyors ("the Light Study") as part of the Environmental Statement that accompanies the application to demonstrate compliance with the BRE Guide. The Light Study has undertaken a comparison of light loss from the approved development and compared this to light loss from the proposed development. It has considered light loss to the following properties:

- Mary Adelaide House;
- Winicote House;
- 1-80 Hall Tower; and
- 1- 32 Gilbert Sheldon House;

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss.

#### Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight.

The use of the affected rooms has a major bearing on the weight accorded to the effect

on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the vertical sky component (VSC) measured from the centre of the window is less than 27% and less than 0.8 times its former value (i.e. a loss of 20% or more).

The Light Study concludes that any additional daylight loss from the development would be negligible. At worst, one window at Winicote House would have a VSC reduction of 9.5% beyond the daylight losses from the approved development. This is well below the 20% threshold set out in the BRE Guide at which daylight losses become noticeable and is unsurprising given the relatively small increases proposed in comparison to the approved buildings. Accordingly, the additional height and bulk proposed would result in daylight losses comparable to those from the approved development and refusal of permission on this basis would not be sustainable.

### Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of Annual Probable Sunlight Hours.

The Light Study concludes that additional sunlight losses would be no more than 2% of APSH and confined to one window at Winicote House and one window at Mary Adelaide House. Accordingly, any additional sunlight loss would not exceed BRE Guidelines.

## **8.3.2 Sense of Enclosure**

Relative to the approved development, the additional height and bulk proposed would be relatively modest. Notwithstanding this, the additional bulk and height of Blocks G and H would be largely screened from residential properties to the north and east by consented blocks B, C, D and E-F on the WEG Site. These blocks are in turn separated from residential properties by the widths of Church Street (approximately 11 m) and Edgware Road (approximately 22 to 30 m). Additional separation distance is also provided by the large open spaces to the south of Gilbert Sheldon House and Hall Tower. The south eastern wing of Gilbert Sheldon House also does not have any windows that are orientated towards the proposed development and would have only oblique views of it. As such, the proposed development would not result in significant sense of enclosure for the occupants of sites to the north and east of the application site and wider WEG site.

The additional height and bulk of Block G would be screened from the section house at Paddington Green Police Station by consented Block A. Block H is located approximately 200 m to the west of the section house at Paddington Green Police

Station. It is also located so that it does not directly face the northern or western elevations of the section house at Paddington Green Police Station, allowing only oblique views of it from that property. As such, the proposed development would not result in significant sense of enclosure for the occupants of sites to the north and east of the application site and wider WEG site.

With regards to the impact of the proposal on those sites located on the same block as the application site (i.e. 18 Paddington Green, Mary Adelaide House and Winicote House), a combination of separation distance, screening and design ensures that sense of enclosure is not increased significantly. The GP surgery in Princess Louise Close would partially screen the bulk of Block G from 18 Paddington Green whilst also creating a separation distance of at least 25 m. Similarly, these same buildings would partially screen Block H from Winicote House whilst also providing a separation distance of at least 20 m. The flats within 18 Paddington Green would also have oblique views of Block H whilst Winicote House would have only oblique views of Block G. As Paddington Green is located to the west of the block that the application site sits within, the proposals would not result in sense of enclosure for properties further to the west.

Given the above and the site's urban context, the additional height and bulk to Blocks G and H would not result in a significant sense of enclosure for the occupants of residential properties surrounding the site. Accordingly, the proposal would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.3 Privacy**

The additional floors proposed would be above parts of Block G and H that already have outlook over and balconies facing neighbouring sites. It is not anticipated that the additional floor proposed would significantly increase loss of privacy to the occupiers of neighbouring properties beyond what has already been approved.

Given the above, the proposed development would not result in significant overlooking of neighbouring properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

## **8.4 Transportation/Parking**

### **8.4.1 Car Parking**

The Highways Planning Manager has reviewed the proposed car parking arrangements. No additional car parking spaces are proposed for the 16 new units and they would share the 60 spaces approved under the extant permission. Whilst this falls below the requirements of policy TRANS 23, the Highways Planning Manager raises no objection, provided these spaces remain unallocated, as per the extant permission. TFL have also not objected. Should permission be granted, it is recommended that unallocated parking is secured via a deed of variation to the section 106 agreement for application ref: 15/11677/FULL.

Given the above, the proposed parking arrangements are considered consistent with the development plan.

#### **8.4.2 Cycle Parking**

The additional flats would result in a requirement for an additional 21 cycle spaces on-site. The applicant proposes providing spaces on an on demand basis. TFL and the Highways Planning Manager have objected to this and a condition is recommended requiring that provision be made for these additional spaces on-site. Subject to this condition, the cycle parking provision would meet policy 6.9 of the London Plan.

#### **8.4.3 Waste Provision**

The Waste Project Officer has not commented on this application, although it is anticipated that the waste storage requirements of the additional flats can be accommodated within the waste storage areas already approved. A condition is recommended to ensure that this waste provision is provided. Subject to this condition, the proposed development would accord with policy ENV 12 of the UDP.

#### **8.4.4 Impact on Public Transport Infrastructure**

London Underground and TFL have raised no objection to the impact of the proposal on public transport infrastructure. The proposed development would be consistent with policies 6.7 and 6.9 of the London Plan.

### **8.5 Economic Considerations**

The additional affordable units would further enable existing residents of affordable housing within the Church Street and Paddington Green area to be decanted. This would enable the regeneration envisaged under the Church Street Masterplan and Edgware Road Housing Zone to commence, leading to long term regeneration of the area and associated economic benefits.

### **8.6 Access**

The additional residential units would all benefit from level access from the street. Lift cores to all levels are also provided. Ten percent of the proposed units are wheelchair user adaptable, as per part M4 (3) (2) b of the building regulations. Approximately 90% of the proposed units also meet part M4 (2) of the building regulations. Sufficient disabled parking has been provided, as set out above. Overall, the scheme is considered to comply with policy DES1 of the UDP and policy S28 in the City Plan in terms of accessibility.

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

#### **8.7.1 Overshadowing**

The applicant has provided an updated overshadowing assessment that considers the impact of the additional height and bulk to Block G and H on the following areas:

- Public amenity space at Paddington Green; and

- Private amenity space on the roof of the City of Westminster College and to the front of 1-80 Hall Tower and Gilbert Sheldon House.

The updated overshadowing assessment has been carried out in accordance with BRE guidance on hours in sun and transient overshadowing. The BRE Guide specifies that a space will be adequately sunlit throughout the year if at least half of its area received at least two hours of sunlight on 21 March. If, as a result of new development, an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

The updated overshadowing assessment indicates that Paddington Green, Westminster College and the front of 1-80 Hall Tower and Gilbert Sheldon House would still receive adequate sunlight. Accordingly, the proposal is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to overshadowing.

### **8.7.2 Wind Turbulence**

The additional height and bulk of Blocks G and H may increase wind turbulence around the site in comparison to the consented WEG development.

The applicant has undertaken an updated wind tunnel assessment of the proposed development and its surrounds to model anticipated wind conditions in and around the application site. The updated wind study indicates that there is the potential for a small increase in wind speed at pedestrian level around the base of Blocks G and H. However, the small increase modelled would not exceed the relevant Lawson Comfort Criteria (LCC) thresholds and all positions would remain suitable for their intended use (i.e. standing or sitting). Accordingly, the proposal would not result in unacceptable wind conditions around the site.

Given the above, the proposal is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to wind turbulence.

### **8.7.3 Telecommunications**

The updated Environmental Statement that accompanied the application would have no further impact on telecommunications than the approved development, which itself had no further impact than the approved WEG Development. Under the permission for the consented WEG development, a condition was recommended to secure monitoring of the network and appropriate mitigation measures where needed. It is recommended that this condition is imposed on this permission. Subject to the recommended conditions, the proposed development is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to telecommunications.

### **8.7.4 Biodiversity**

The application site is located within an area of wildlife deficiency as identified in policy S38 of the City Plan. The proposal would retain the brown roofs approved previously and a condition is recommended to secure appropriate hard and soft landscaping

details. Subject to these conditions, the proposed development would be consistent with policy ENV 16 of the UDP and policy S38 of the City Plan.

### 8.7.5 Sustainability

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so.

Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considered it not appropriate or practical due to site-specific considerations.

#### Sustainable Construction

The additional units have been designed to meet Code for Sustainable Homes Level 4. This is supported although the City Council can no longer impose conditions requiring this due to changes introduced by central government.

#### CO2 Emissions and Heating and Cooling Plant

The additional units would generate an additional carbon deficit of 303 tonnes, which the applicant has valued at £18,174.00. However, this is based on the price of carbon being valued at £60 per tonne. Since the approved development was granted, the City Council has adopted the higher figure of £95 per tonne, as set out in policy S12 of the Draft London Plan. As this carbon price has been through one round of consultation and has not attracted significant objection, it can be given weight. Applying this updated figure of £95 per tonne to the additional carbon deficit results in an additional carbon offset payment of £28,785 taking the total to £262,407.00.

Like the approved development, the proposal would include a site wide heat and cooling network for the development. The applicant proposes a standalone on-site solution with the ability to connect to the Church Street District Heating Scheme (CSDHS) at a later date. At the time the approved development and the WEG Development was approved, the section 106 agreement required that the applicant use best endeavours to

connect to the CSDHS. However, this was subject to, at 15 months before first occupation of the development, the CSDHS being:

- a) available to connect to;
- b) anticipated to be available for connection within one year of the developments completion; or
- c) a connection and supply agreement to the CSDHS being agreed to.

The applicant has indicated that the WEG development will be first occupied from March 2020 at the latest. Accordingly, the 15 month period set out in the s106 agreement has now passed and the applicant proposes removing this obligation from the legal agreement.

To safeguard future connection into and to allow excess heat to be exported into the CSDHS, the applicant proposes reducing the carbon offset payment by £140,000.00. This would allow for the necessary pipework to be installed on-site. This approach and the figure proposed has been agreed with the City Council's Development team. This pipework would allow for wider carbon reductions off-site and the cost of it would have come from the City Council's Carbon Offset fund were it to be installed at a later date, once the applicant had moved off-site. Accordingly, it is recommended that the carbon offset payment be revised to £122,407.00 (i.e. £262,407.00 less £140,000).

Subject to the deed of variation and recommended conditions, the proposed development would be consistent with policy 5.2 of the London Plan and policies S28, S39 and S40 of the City Plan.

#### **8.7.6 Air Quality**

The Environmental Services Officer has objected to the proposed development, noting that the approved development would worsen air quality for people living on and off-site and the proposed additional flats would worsen this still.

However, the Environmental Statement update that accompanies this application acknowledges this and concludes that any impact would be negligible relative to the approved scheme. Conditions requiring the implementation of several mitigation measures, including provision of mechanical air filtration for the flats and implementation of a Travel Plan to encourage sustainable travel were attached to the previous approval. These same conditions would be applied to the proposed development. Subject to these conditions, the proposal would accord with policy S31 of the City Plan and policy ENV5 of the UDP.

#### **8.7.7 Sustainable Urban Drainage Systems (SUDS)**

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development would retain the brown roofs consented under the approved development. Accordingly, the drainage system proposed is considered acceptable.

## 8.8 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 started on Monday 12 November 2018 and closed on Friday 21 December 2018. A summary of responses has not been released. The representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## 8.9 London Plan

The application is referable to the Mayor as it contains more than 150 flats and is a development over 30 metres in height. The Mayor has advised that the development does not result in any new strategic issues, provided the proposed affordable units are secured appropriately, and has authorised the City Council to determine the application without further referral to the Mayor.

## 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 condition to secure a drainage strategy. The applicant has agreed to the imposition of the condition.

## 8.11 Planning Obligations

The Community Infrastructure Levy (CIL) Regulations make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

The CIL Regulations also impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project.

Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010, which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The City Council introduced its own Community Infrastructure Levy (CIL) on 1 May 2016. As set out above, the development would be liable for a CIL payment of £7,166,400.00, subject to any relief or exemptions available. This payment would provide substantial mitigation for the impact of the development on local infrastructure, including social infrastructure such as GP surgeries and schools. Because of this, it is not necessary to secure planning obligations for such items of infrastructure via a section 106 agreement.

As also set out above, the proposed development includes an additional six social rented flats, a reduced carbon offset payment of and removal of a requirement to connect to the CSDHS and this should be addressed via a Deed of Variation to the section 106 agreement for application ref: 15/11677/FULL.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations 2010 (as amended).

## **8.12 Environmental Impact Assessment**

The applicant has submitted a letter from their Environmental Consultant that updates the relevant sections of the Environment Statement (ES) that accompanied the original application.

This letter confirms the additional flats would change the impact on healthcare facilities from a Negligible Adverse to Minor Adverse effect, and the impact on play space provision from a Minor Beneficial to Negligible Adverse effect. However, these additional effects would be adequately mitigated by the CIL contribution payable and the social and community contribution secured for the WEG Development. All other impacts would remain as assessed in the original ES. Accordingly, the proposed amendments would not result in significant effects beyond those already considered in the ES that accompanied the original application.

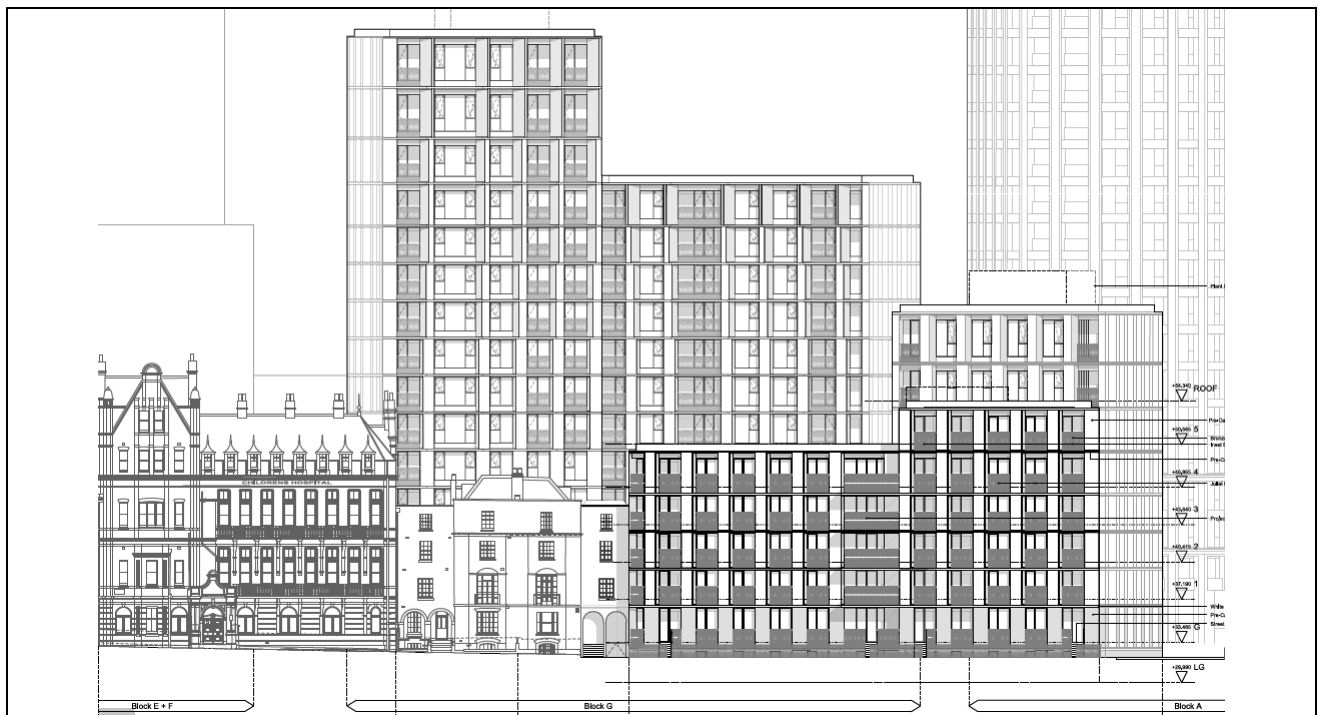
**8.13 Other Issues**

None

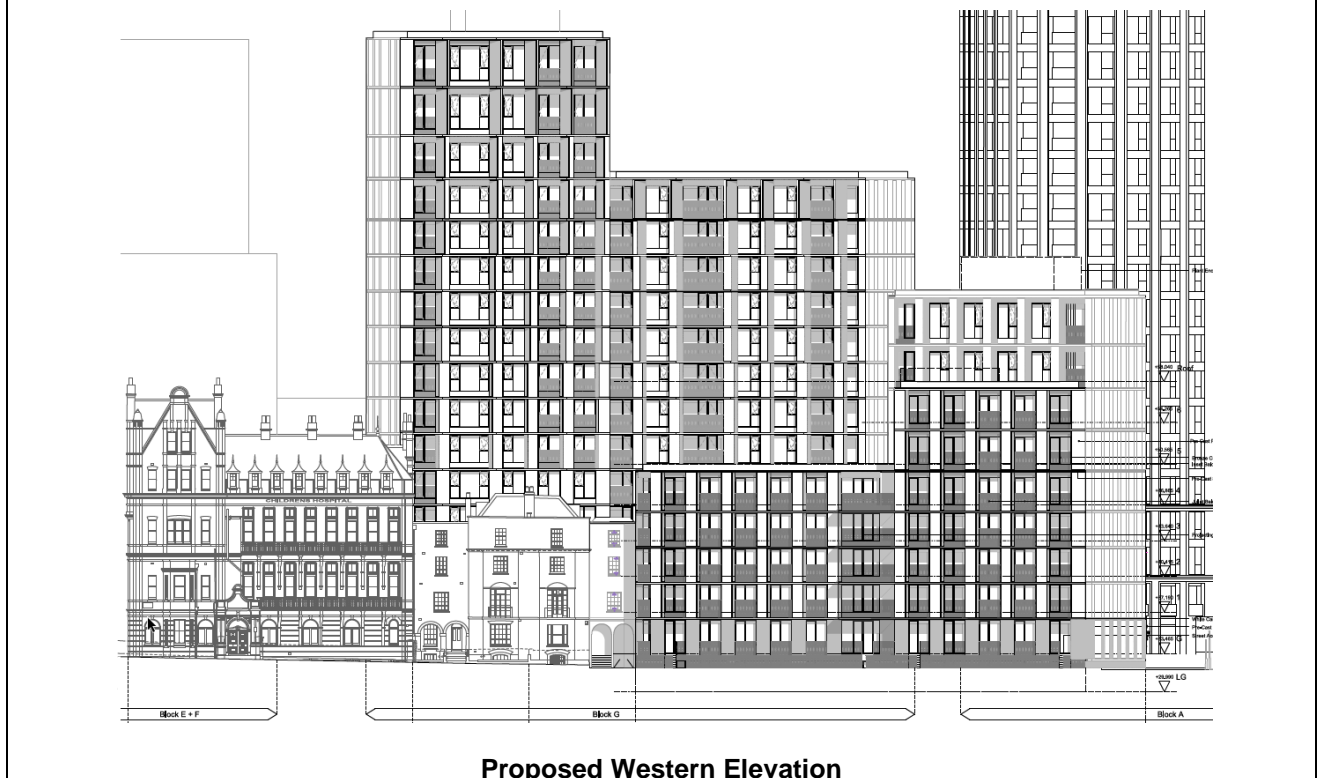
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

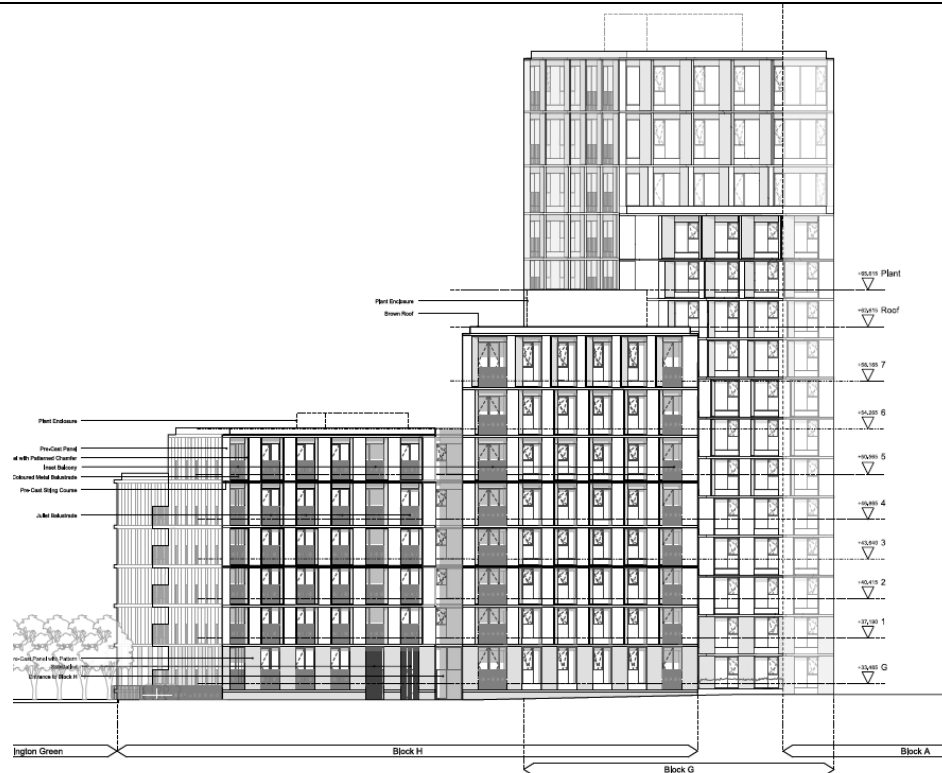
## 9. KEY DRAWINGS



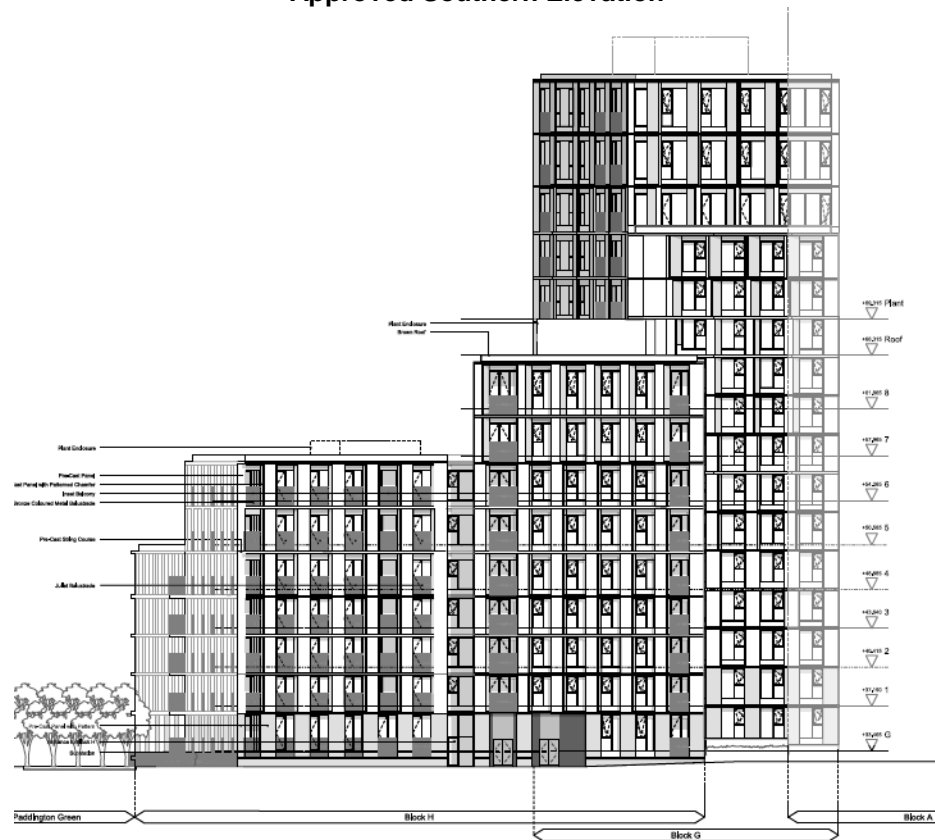
Approved Western Elevation



Proposed Western Elevation



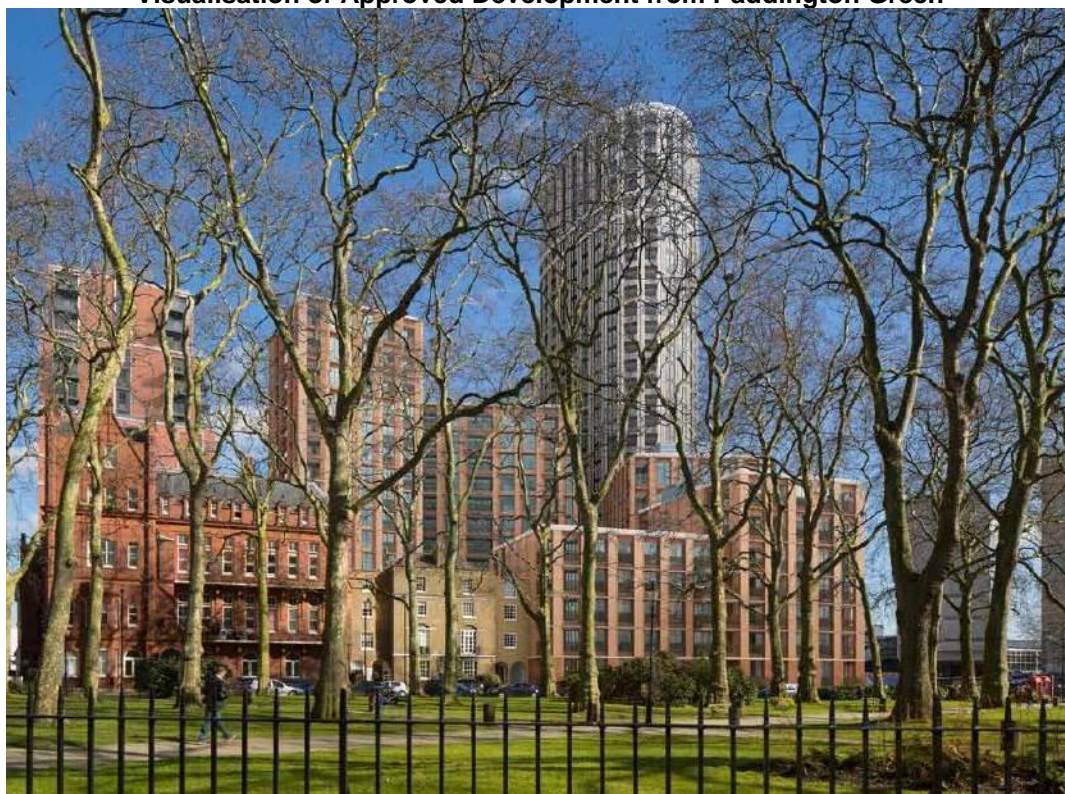
Approved Southern Elevation



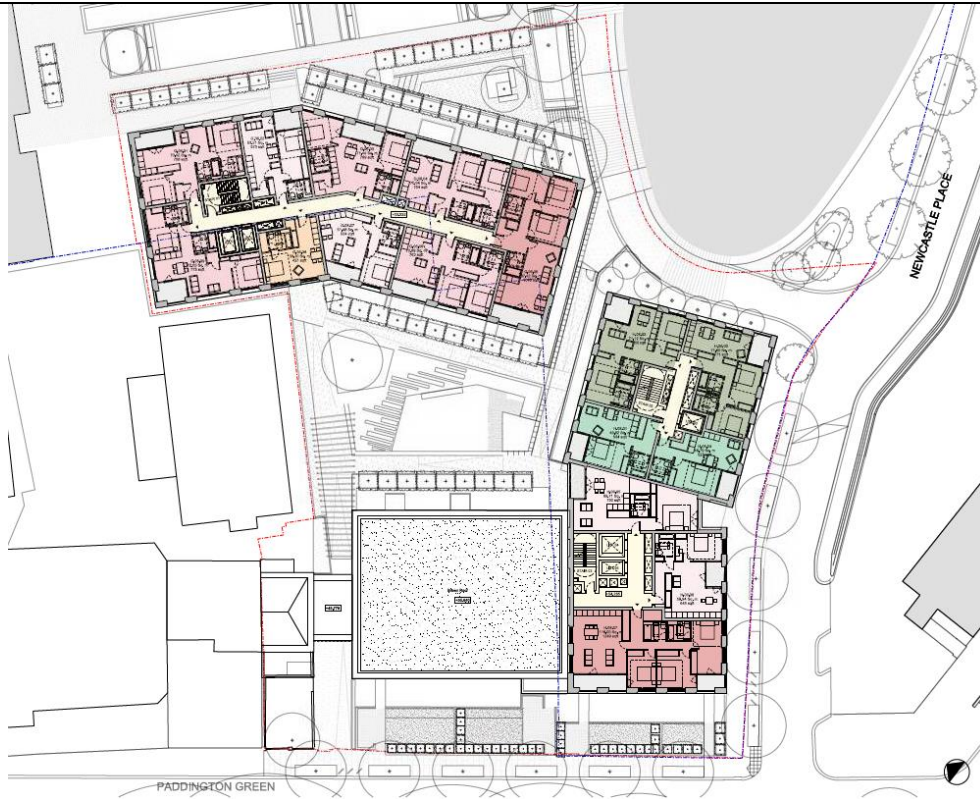
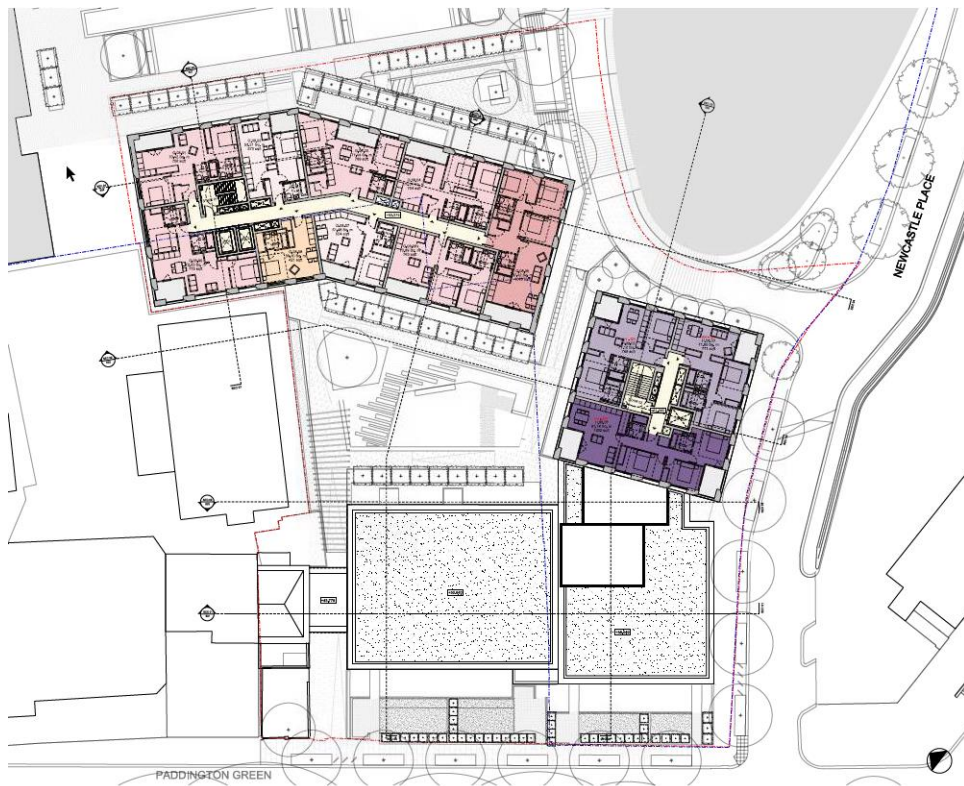
Proposed Southern Elevation

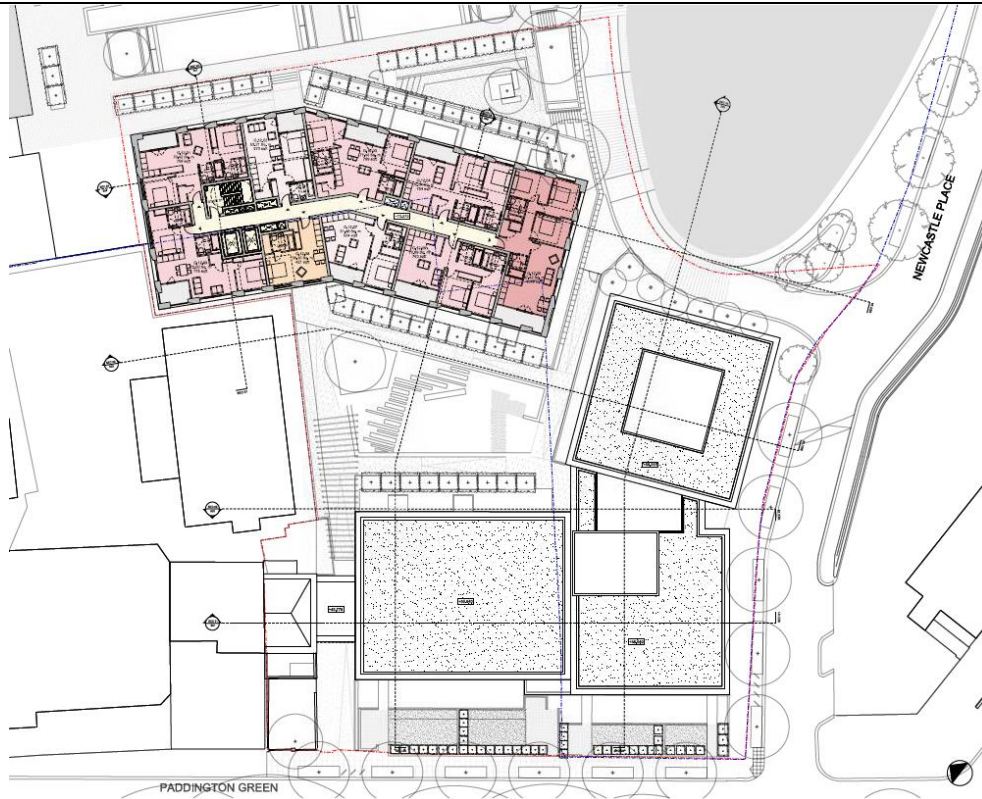
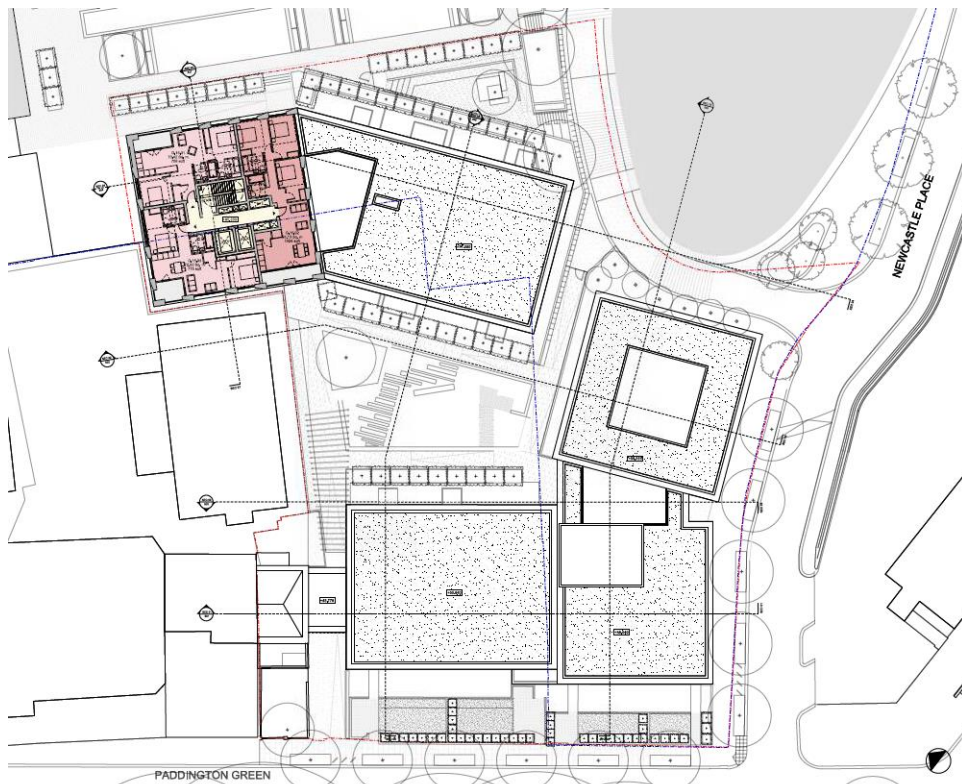


**Visualisation of Approved Development from Paddington Green**



**Visualisation of Proposed Development from Paddington Green**

**Proposed Sixth Floor Plan****Proposed Eighth Floor Plan**

**Proposed 12th Floor Plan****Proposed 15th Floor Plan**

**DRAFT DECISION LETTER**

**Address:** Development Site At 14 To 17, Paddington Green, London

**Proposal:** Variation of condition 1 of planning permission dated 21 December 2017 (RN: 16/11562/FULL) for the Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. NAMELY, to allow addition of one floor of residential accommodation to Block G and to parts of Block H to add 16 residential units and to reduce carbon offset payment to allow connection to Church Street District Heating Scheme.

**Reference:** 18/08004/FULL

**Plan Nos:** ORIGINALLY APPROVED DOCUMENTS:  
 Drawing no's. 13503-A-L-2-P00-000, 13503-A-L-1-P00-001 Rev C, 13503-A-L00-P00-002 Rev E, 13503-A-L01-P00-003 Rev D, 13503-A-L02-P00-004 Rev C, 13503-A-L03-P00-005 Rev C, 13503-A-L04-P00-006 Rev B, 13503-A-L05-P00-007 Rev B, 13503-A-L06-P00-008 Rev A, 13503-A-L07-P00-009 Rev A, 13503-A-L08-P00-010 Rev A, 13503-A-L09-P00-011 Rev A, 13503-A-L10-P00-012 Rev A, 13503-A-L11-P00-013 Rev A, 13503-A-L12-P00-014 Rev A, 13503-A-L13-P00-015 Rev A, 13503-A-L14-P00-016 Rev A, 13503-A-L15-P00-017 Rev A, 13503-A-L15-P00-018 Rev B, 13503-A-L15-P00-019 Rev B, 13503-A-L15-P00-020 Rev B, 13503-A-L15-P00-021 Rev B, 13503-A-L15-P00-022 Rev B, 13503-A-L15-P00-023 Rev A, 13503-A-L-1-P01-101, 13503-A-L00-P01-102, 13503-A-L01-P01-103, 13503-A-L02-P01-104, 13503-A-L03-P01-105, 13503-A-L04-P01-106, 13503-A-LXX-P01-107, 13503-A-LXX-P01-108, 13503-A-LXX-P01-109, 13503-A-L-1-P02-201, 13503-A-L00-P02-202, 13503-A-L01-P02-203, 13503-A-L02-P02-204, 13503-A-L03-P02-205, 13503-A-L04-P02-206, 13503-A-LXX-P02-207, 13503-A-LXX-P02-208, 13503-A-LXX-P02-209, 13503-A-LXX-P03-301, 13503-A-LXX-P03-302, 13503-A-LXX-P03-303, 13503-A-LXX-P03-304, 13503-A-LXX-P03-305, 13503-A-LXX-P03-306, 13503-A-LXX-P04-401, 13503-A-LXX-P04-402, 13503-A-LXX-P04-403, 13503-A-LXX-P04-404, 13503-A-LXX-P04-405, 13503-A-LXX-P05-501, 13503-A-LXX-P05-502, 13503-A-LXX-P05-503, 13503-A-LXX-P05-504, 13503-A-LXX-P05-505, 13503-A-LXX-P05-506, 13503-A-LXX-P05-507; Environment Statement Volumes 1, 2, 3, 4A and 4B by Ramboll Environ (December 2016); Design and Access Statement by Piercy and Company (December 2016); Design and Access Statement Addendum by Piercy and Company (May 2017); Planning Statement by Turley (December 2016); Energy and Sustainability Statement by Buro Happold Engineering (Rev 2 - 20 December 2016); Letter from Laurence Brooker of Turley (dated 12 October 2017); Document titled "Westminster City Council Presentation - response to Comments" by Piercy and Company (30 June 2017).

AS PARTIALLY AMENDED BY:

Drawing no's 13503-A-L-1 P00-001 Rev F, 13503-A-L-2 P00-000 Rev C, 13503-A-L00 P00-002 Rev I, 13503-A-L01 P00-003 Rev G, 13503-A-L02 P00-004 Rev F, 13503-A-L03 P00-006 Rev F, 13503-A-L04 P00-006 Rev E, 13503-A-L05 P00-007 Rev E, 13503-A-L06 P00-008 Rev D, 13503-A-L07 P00-009 Rev D, 13503-A-L08 P00-010 Rev D, 13503-A-L09 P00-014 Rev D, 13503-A-L10 P00-012 Rev D, 13503-A-L11 P00-013 Rev D, 13503-A-L12 P00-013 Rev D, 13503-A-L13 P00-015 Rev D, 13503-A-L14 P00-016 Rev D, 13503-A-L15 P00-017 Rev D, 13503-A-L16 P00-018 Rev B, 13503-A-LXXP04-401 Rev F, 13503-A-LXXP04-402 Rev I, 13503-A-LXXP04-403 Rev G, 13503-A-LXXP04-404 Rev F, 13503-A-LXXP05-501 Rev F, 13503-A-LXXP05-502 Rev F, 13503-A-LXXP05-503 Rev F, 13503-A-LXXP05-504 Rev F, 13503-A-LXXP05-506 Rev F, 13503-A-LXXP05-507 Rev F; Environmental Implications Letter by Ramboll Environ (4 September 2018); Design and Access Statement by Piercy and Company (September 2018); Planning Statement by Turley (September 2018); Energy and Sustainability Statement by Buro Happold Engineering (Rev 01 – 24 August 2018)

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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 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.

Noisy work must not take place outside these hours.

Reason:

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

- 3 You must not carry out demolition work to nos. 14-16 Paddington Green, or to the side wing of no. 17 Paddington Green unless it is part of the complete development of the new buildings on the site of nos. 14-16 Paddington Green or the development of the replacement side wing of no. 17 Paddington Green (respectively). You must carry out the demolition and development without interruption and according to the drawings we have approved.

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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.

- 4 The development shall be carried out in accordance with the Construction Logistics Plan approved pursuant to application RN: 18/08090/ADFULL unless alternative details have been agreed in writing with the local planning authority.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (November 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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. (R26BE)

- 7 A scheme for the installation and use of window washing and other external maintenance equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment, including details of any edge protection or roof safety measures to main roof levels. The approved scheme shall be implemented and maintained and the equipment shall thereafter be kept in its stored positions other than at those times when it is in use for the intended purpose.

**Reason:**

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 8 You must apply to us for approval of plans, elevations, sections and manufacturers specifications (as appropriate) to show all new plant screens. This shall include confirmation on their height, position to roof level, and the colour and finish of the screens. 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 drawings and specifications. (C26DB)

**Reason:**

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 9 You must put up the plant screens shown on the approved drawings as amended by the drawings as secured by condition 7 to main roof level of each of the relevant buildings before you use the machinery within. You must then maintain them in the form shown for as long as the machinery remains in place. (C13DA)

**Reason:**

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 10 You must not paint any elements of the outside walls of the building without our permission, unless specified as painted on the submitted drawings. This is despite the fact that this work would normally be 'permitted development' under 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 buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 11 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies or flat roof terraces shown to the approved drawings. (C26OA)

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 12 You must provide a roof plan of the site showing the locations of all green and brown roofs, and you must then provide these bio-diversity features before you start to use any part of the development beneath each green or brown roof to be provided

Once installed, you must not remove any of these features.

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and this part of the Paddington Green Conservation Area, and to increase the biodiversity of the environment. This is as set out in S25, S28 and S38 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 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must apply to us for approval of detailed elevation drawings showing the design of all new external metalwork (including both railings to balconies, and also external stairs and other metalwork to ground floor level to the Paddington Green frontage). 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 drawings.

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. (R26BE)

- 14 You must apply to us for approval of an elevation and a section drawing showing the new front boundary treatment to the Paddington Green frontage (to include confirmation of materials and finish). You must not start any work on these parts of the development until we have approved what you have sent us.

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 15 You must apply to us for approval of an elevation showing brick arches incorporated to the window openings to both front and rear elevations of the new side wing to no. 17 Paddington Green. 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 drawings.

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.

- 16 The windows to the new side wing to no. 17 Paddington Green shall be formed in glazing and white painted timber framing, and shall be designed as single glazed windows operating in a vertically sliding manner only

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. (R26BE)

- 17 The roof to the new side wing to no. 17 Paddington Green shall be faced in lead to pitched roofs and flat roof

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. (R26BE)

- 18 You must apply to us for approval of elevation and section drawings (with these drawings annotated to show material finishes) showing the front, rear and internal elevations of the new pedestrian link route through no. 17 Paddington Green at ground floor level. 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 drawings. (C26DB)

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 19 The facing brickwork to the new side wing to no. 17 Paddington Green must match the existing original brickwork adjacent to the main elevations of no. 17 Paddington Green in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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. (R26BE)

- 20 You must apply to us for approval of the following elevation drawings:-

- South elevation to the 15 storey block
- North elevation to the 15 storey block
- South-west elevation to the 12 storey block
- North-east elevation to the 8 storey block
- North elevation to the 5 storey block
- West elevation to the 5 and 6 storey blocks to their Paddington Green frontage

These elevation drawings must be annotated to show proposed use of materials. 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 drawings. (C26DB)

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 21 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street or the pedestrian route around the north side of Block A of the adjoining West End Green site unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 22 You must apply to us for approval of detailed section drawings showing the relationship between the pre-cast panels to the outer elevation with the pre-cast panels to the chamfers, and the pre-cast panels to the outer elevation with the pre-cast panels to be used as cill courses. 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 drawings. (C26DB)

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 23 You must apply to us for approval of full size benchmark mock ups of the following sections of the façades:

- Pre-cast panel (plain), and
- Pre-cast panel (textured)

The mock ups should demonstrate finished construction appearance/detailing, and should be constructed on site and retained on site as benchmarks to be replicated on the new building. You must not start any work on the relevant part of the development until we have approved the mock ups. You must then carry out the work according to the approved mock ups.

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 24 You must apply to us for approval of elevation drawings annotated to show the locations of the string courses in white pre-cast concrete. 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 drawings. (C26DB)

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 25 You must apply to us for approval of detailed plan/section/elevation drawings/manufacturers specifications (as appropriate) of the following parts of the development:-
- a) External doors and windows (including reveal depth and detail and including substation doors);
  - b) Balcony details, including external reveals inside balcony areas and undersides to balconies (both annotated to show finished materials), balustrades and method of drainage;
  - c) Fencing/railings or other means of enclosure surrounding buildings (and including any means of enclosure to both east and west sides of central courtyard area);
  - d) Typical bay elevations showing structural and cladding joints and detailing (to include details of each elevation to each building);
  - e) Details of ventilation and other services termination at façade or roof;
  - f) Details of any centralised satellite dish and TV system(s) to serve the development;
  - g) External integral lighting to buildings and courtyard.

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 drawings/details

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of the area and 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. (R26BE)

- 26 The development shall be carried out in accordance with the Written Scheme of Investigation (WSI) approved pursuant to application RN: 18/08220/ADFULL, unless alternative details have been agreed in writing with the local planning authority

Post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material, shall be submitted to and approved by the local planning authority before completion of the development hereby approved.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 27 You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

The development shall be carried out in accordance with the asbestos survey approved pursuant to application RN: 18/08303/ADFULL unless alternative details have been agreed in writing with the local planning authority.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1 (b) and 2 before any excavation starts and for phase 3 when the development has been completed.

Phase 1 (b): Land investigation - to assess potential contamination within the land beneath the buildings and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, having regard to the results of phases 1 (a) and 1 (b) and including maintenance and monitoring to protect human health and prevent pollution.

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

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

- 28 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. The landscaping strategy shall include measures to mitigate wind turbulence from the faces of the buildings hereby approved. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To improve the appearance of the development 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)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be

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

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

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

Reason:

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

- 30 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The

activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 32 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night from sources other than emergency sirens.

Reason:

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

- 33 The residential properties must not be occupied until a statement from a suitably qualified engineer to confirm that the Electro Magnetic frequency (EMF) levels associated with the substations are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To ensure that the substations do not harm the health of future residents.

- 34 A scheme of mechanical ventilation incorporating appropriate air quality filtration shall be provided to the residential properties. Details of the scheme for each residential block must be submitted to and approved in writing by the local planning authority prior to the occupation of the residential units in that block. The mechanical ventilation shall be installed and maintained in accordance with the approved scheme.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 35 Before occupation of each residential block, you must apply to us for approval of a Travel Plan for that block. The Travel Plan must include details of:

- (a) Targets and actions set out in the Travel Plan to reduce car journeys to the site;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Travel Plan are not being met over a period of 5 years from the date the buildings are occupied.

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:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we

adopted January 2007.

- 36 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 37 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. Car parking for each residential block shall be provided before that block is occupied.

Reason:

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

- 38 You must apply to us for approval of the following parts of the development:

- the location of 12 Electric Vehicle Charging Points within the basement parking level.

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

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (March 2016).

- 39 You must apply to us for approval of details of secure cycle storage for the residential 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 of The London Plan (March 2016).

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and

STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 41 You must provide a headroom of at least 4.5 (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 42 The disabled parking spaces marked on the approved drawings shall be for the use of Blue Badge holders only (or any other scheme that may supersede it).

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 43 You must apply to us for approval of measures (such as, but not limited to, CCTV and card access) to provide secure cycle parking within the basement levels. You must not use 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.

Reason:

To ensure that the cycle parking spaces are secure, as set out in policy 6.9 of The London Plan (March 2016).

- 44 Before first operation of the energy centre, details of its long term operation and maintenance shall be submitted to and approved in writing by the local planning authority. The energy centre shall be operated and maintained in accordance with the approved details thereafter.

Reason:

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

- 45 You must apply to us for approval of details of children's playspace / equipment to be provided as part of the development. You must not start work on this part of the development until we have approved what you send us. You must then provide the playspace / equipment before first occupation of the development.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 of the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (March 2016).

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

Reason:

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

- 47 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 48 The development shall be carried out in accordance with the Tree Protection Measures approved pursuant to application RN: 18/07821/ADFULL unless alternative details have been agreed in writing with the local planning authority.

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)

- 49 **Pre-commencement Condition.** Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with Thames Water. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason:

To ensure that sufficient wastewater infrastructure exists for the development, in accordance with policy 5.14 of the London Plan (March 2016).

- 50 This permission must be commenced no later than 21 December 2020.

Reason:

This permission authorises amendments to the original planning permission granted on 21 December 2017 (RN: 16/11562/FULL) which must be commenced no later than the above date.

- 51 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 residential flats.

**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.

**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, the London Plan, 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.

The City Council has determined this application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Details of the consultation responses received in respect of this application are summarised in the Council's committee report. In determining this application the Council has taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation action to reduce any adverse effects and these are set out in the Committee Report. In particular, careful consideration has been given to the conditions and planning obligations which will have the effect of mitigating the impact of the development and these are set out in detail in the Council's Committee report and associated decision letters.

- 2 With regards to condition 7 and with reference to roof level maintenance, you are strongly advised to propose a fall-arrest system or other form of low profile installations allowing for fall protection avoiding any large fixed projecting structures or upstands to main roof level on all the buildings. You are also strongly advised to ensure that the proposals for window cleaning equipment and other similar equipment does not project above the height of the parapets surrounding roof level
- 3 You are advised that condition 20 seeks the South elevation to the 15 storey block, the South-west elevation to the 12 storey block and the North-east elevation to the 8 storey block for full clarity as these elevations were not shown in full to the drawings submitted with the application. It seeks a North elevation to the 5 storey block as it is not considered that the design is fully appropriate to this north elevation where it is seen in context with the immediately adjacent listed building.

- 4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [www.riskmanagement@thameswater.co.uk](mailto:www.riskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
- \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with

any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use.

Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- \* Lighting - ensure luminaires can be safely accessed for replacement.
- \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your

drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 10 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
Website [www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel : 020 7641 3003  
Fax : 020 7641 8504

- 11 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003  
Fax: 020 7641 8504.

- 12 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer  
Environmental Health Consultation Team

Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
Phone: 020 7641 3153

- 13 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 14 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste.
- 15 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 16 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.
- 17 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642.
- 18 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies,

including reliefs that may be available, can be found on the council's website at:  
[www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 19 In supplying the detail required for conditions 12 and 28 you should include an environmental sustainable system of irrigating the planting in the gardens, roofs, planters and any green walls. For more advice on this, please see the Mayor of London's supplementary planning guidance: Sustainable Design and Construction, April 2014. It will need to consider rainwater harvesting and storage or grey water filtration and storage to minimise the use of potable mains water for irrigation. However, if any features materially (significantly) affect the appearance of the outside of the buildings, this is likely to need planning permission.
- 20 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
  - a) 45 affordable units on-site comprising 18 social rented units and 27 intermediate units and a financial contribution to the Council's affordable housing fund of £600,000 (payable on commencement and index linked);
  - b) A carbon offset payment of £122,407.00 (index linked and payable on commencement of development);
  - c) A reduction of £56,339 (index linked) from the £631,000 education contribution secured under application ref: 15/11677/FULL, in the event that this permission is implemented;
  - d) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street;
  - e) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - f) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - g) Offering local employment opportunities during construction;
  - h) Provision of public art on the application site; and
  - i) Payment of cost of monitoring the agreement (£2500).

**DRAFT DECISION LETTER**

**Address:** Development Site At 14 To 17, Paddington Green, London,

**Proposal:** Variation of condition 1 of planning permission dated 21 December 2017 (RN: 16/11563/LBC) for the Demolition and redevelopment of 14-16 Paddington Green; alteration and partial demolition of 17 Paddington Green; development of land to the east and south of 14-17 Paddington Green (part of site known as 'West End Green') to provide buildings ranging between 4 and 14 upper storeys to provide up to 200 residential units, with associated landscaping, basement car and cycle parking and servicing provision. . NAMELY, to allow addition of one floor of residential accommodation Block G and to parts of Block H to add 16 residential units. Linked to 18/08004/FULL

**Reference:** 18/08110/LBC

**Plan Nos:** ORIGINALLY APPROVED DOCUMENTS:  
 Drawing no's. 13503-A-L-2-P00-000, 13503-A-L-1-P00-001 Rev C, 13503-A-L00-P00-002 Rev E, 13503-A-L01-P00-003 Rev D, 13503-A-L02-P00-004 Rev C, 13503-A-L03-P00-005 Rev C, 13503-A-L04-P00-006 Rev B, 13503-A-L05-P00-007 Rev B, 13503-A-L06-P00-008 Rev A, 13503-A-L07-P00-009 Rev A, 13503-A-L08-P00-010 Rev A, 13503-A-L09-P00-011 Rev A, 13503-A-L10-P00-012 Rev A, 13503-A-L11-P00-013 Rev A, 13503-A-L12-P00-014 Rev A, 13503-A-L13-P00-015 Rev A, 13503-A-L14-P00-016 Rev A, 13503-A-L15-P00-017 Rev A, 13503-A-L15-P00-018 Rev B, 13503-A-L15-P00-019 Rev B, 13503-A-L15-P00-020 Rev B, 13503-A-L15-P00-021 Rev B, 13503-A-L15-P00-022 Rev B, 13503-A-L15-P00-023 Rev A, 13503-A-L-1-P01-101, 13503-A-L00-P01-102, 13503-A-L01-P01-103, 13503-A-L02-P01-104, 13503-A-L03-P01-105, 13503-A-L04-P01-106, 13503-A-LXX-P01-107, 13503-A-LXX-P01-108, 13503-A-LXX-P01-109, 13503-A-L-1-P02-201, 13503-A-L00-P02-202, 13503-A-L01-P02-203, 13503-A-L02-P02-204, 13503-A-L03-P02-205, 13503-A-L04-P02-206, 13503-A-LXX-P02-207, 13503-A-LXX-P02-208, 13503-A-LXX-P02-209, 13503-A-LXX-P03-301, 13503-A-LXX-P03-302, 13503-A-LXX-P03-303, 13503-A-LXX-P03-304, 13503-A-LXX-P03-305, 13503-A-LXX-P03-306, 13503-A-LXX-P04-401, 13503-A-LXX-P04-402, 13503-A-LXX-P04-403, 13503-A-LXX-P04-404, 13503-A-LXX-P04-405, 13503-A-LXX-P05-501, 13503-A-LXX-P05-502, 13503-A-LXX-P05-503, 13503-A-LXX-P05-504, 13503-A-LXX-P05-505, 13503-A-LXX-P05-506, 13503-A-LXX-P05-507; Environment Statement Volumes 1, 2, 3, 4A and 4B by Ramboll Environ (December 2016); Design and Access Statement by Piercy and Company (December 2016); Design and Access Statement Addendum by Piercy and Company (May 2017); Planning Statement by Turley (December 2016); Energy and Sustainability Statement by Buro Happold Engineering (Rev 2 - 20 December 2016); Letter from Laurence Brooker of Turley (dated 12 October 2017); Document titled "Westminster City Council Presentation - response to Comments" by Piercy and Company (30 June 2017).

AS PARTIALLY AMENDED BY:

Drawing no's 13503-A-L-1 P00-001 Rev F, 13503-A-L-2 P00-000 Rev C, 13503-A-L00 P00-002 Rev I, 13503-A-L01 P00-003 Rev G, 13503-A-L02 P00-004 Rev F, 13503-A-L03 P00-006 Rev F, 13503-A-L04 P00-006 Rev E, 13503-A-L05 P00-007 Rev E, 13503-A-L06 P00-008 Rev D, 13503-A-L07 P00-009 Rev D, 13503-A-L08 P00-010 Rev D, 13503-A-L09 P00-014 Rev D, 13503-A-L10 P00-012 Rev D, 13503-A-L11 P00-013 Rev D, 13503-A-L12 P00-013 Rev D, 13503-A-L13 P00-015 Rev D, 13503-A-L14 P00-016 Rev D, 13503-A-L15 P00-017 Rev D, 13503-A-L16 P00-018 Rev B, 13503-A-LXXP04-401 Rev F, 13503-A-LXXP04-402 Rev I, 13503-A-LXXP04-403 Rev G, 13503-A-LXXP04-404 Rev F, 13503-A-LXXP05-501 Rev F, 13503-A-LXXP05-502 Rev F, 13503-A-LXXP05-503 Rev F, 13503-A-LXXP05-504 Rev F, 13503-A-LXXP05-506 Rev F, 13503-A-LXXP05-507 Rev F; Environmental Implications Letter by Ramboll Environ (4 September 2018); Design and Access Statement by Piercy and Company (September 2018); Planning Statement by Turley (September 2018); Energy and Sustainability Statement by Buro Happold Engineering (Rev 01 - 24 August 2018)

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must not carry out demolition work to no. 15-16 Paddington Green, or to the side wing of no. 17 Paddington Green unless it is part of the complete development of the new buildings on the site of no. 15-16 Paddington Green or the development of the replacement side wing of no. 17 Paddington Green (respectively). You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.3, 5.4 and 5.7 of our

## Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must not paint any elements of the outside walls of the building without our permission, unless specified as painted on the submitted drawings. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must apply to us for approval of an elevation showing brick arches incorporated to the head of the window openings to both front and rear elevations of the new side wing to no. 17 Paddington Green. 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 drawings. (C26DB)

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 You must apply to us for approval of detailed elevation drawings showing the design of all new external metalwork (including both railings to balconies, and also external stairs and other metalwork to ground floor level to the Paddington Green frontage). 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 drawings. (C26DB)

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 The windows to the new side wing to no. 17 Paddington Green shall be formed in glazing and white painted timber framing, and shall be designed as single glazed windows operating in a vertically sliding manner only

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning

Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 You must apply to us for approval of plan, elevation and section drawings showing the new front boundary treatment to the Paddington Green frontage of no. 17 or any amendments to the existing frontage (to include confirmation of materials and finish). 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 drawings prior to the occupation of the building. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must apply to us for approval of the following elevation drawing:-

- North elevation to the 5 storey block

This elevation drawing must be annotated to show proposed use of materials. 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 the drawing. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 10 The roof to the new side wing to no. 17 Paddington Green shall be faced in lead to pitched roofs and flat roof

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 11 You must apply to us for approval of elevation and section drawings (with these drawings annotated to show material finishes) showing the front, rear and internal elevations of the new pedestrian link route through no. 17 Paddington Green at ground floor level. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 12 The facing brickwork to the new side wing to no. 17 Paddington Green must match the existing original brickwork adjacent to the main elevations of no. 17 Paddington Green in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

This page is intentionally left blank