

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 11 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	Development Site At 14 To 17, Paddington Green, London		
Proposal	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)		
Agent	Turley		
On behalf of	Berkeley Homes (Central London) Limited and Luckysix Limited		
Registered Number	16/11562/FULL 16/11563/LBC	Date amended/ completed	23 May 2017
Date Application Received	6 December 2016		
Historic Building Grade	Grade 2 Listed - 17 Paddington Green Only Listed buildings on adjacent sites at the Children's Hospital and St. Mary's Church		
Conservation Area	Paddington Green Conservation Area covers much of site.		

1. RECOMMENDATION

1. Subject to referral to the Mayor of London, grant conditional permission, subject to a deed of variation to the section 106 agreement for application ref: 15/11677/FULL to secure:
 - a) 32 affordable units on-site comprising 19 social rented units and 13 intermediate units;
 - b) A carbon offset payment of £233,622.00 (index linked and payable on commencement of development). Not payable if connection and supply agreement to Church Street District Heating Scheme (CSDHS) agreed;
 - c) A reduction of £56,339 (index linked) to 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) 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;
 - h) Offering local employment opportunities during construction; and
 - i) Payment of cost of monitoring the agreement (£10,000).
2. If the S106 legal agreement has not been completed by 22 August 2017 then:
 - a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of 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 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 seeks planning permission and listed building consent for demolition of 14-16 Paddington Green, partial demolition of 17 Paddington Green and erection of two mansion blocks to accommodate 200 residential units. The proposed development would be an extension of the West End Green/Gate Development ("WEG Development") and proposes re-orientation and extension of consented blocks G and H onto 14-17 Paddington Green. This would result in a net increase of 140 units when consented units on this part of WEG Site are subtracted. The proposal would include 32 affordable units, comprised of 19 social rented units and 13 intermediate units.

Block G would have a height of 12 to 14 storeys whilst Block H would have a height of ground plus 4 to 7 storeys. No. 17 Paddington Green would be attached to the northern side of Block H.

The key issues include:

- Provision of on-site affordable housing and viability;
- 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; and
- Impact on parking and highways.

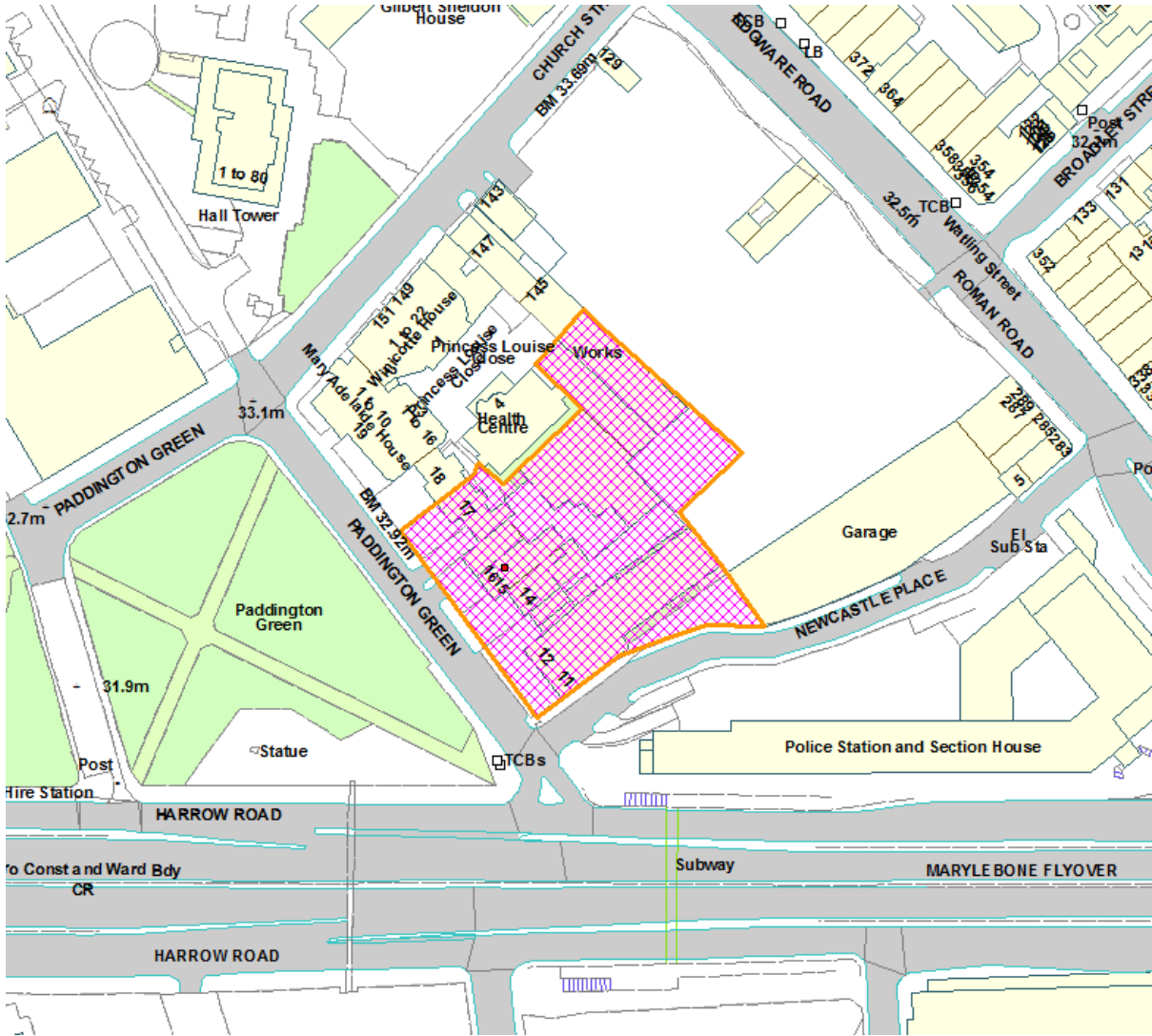
Historic England have objected to the proposed development and consider that it would cause substantial harm to heritage assets. Officers consider that the height and bulk of the proposed buildings would result in less than substantial harm to the setting of and outlook from the Paddington Green Conservation 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); and
- Significant public realm improvements around and throughout the site.

Officers consider that the public benefits of the development would outweigh the less than substantial harm to heritage assets identified above. 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 referral back to the Mayor of London, subject to a 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

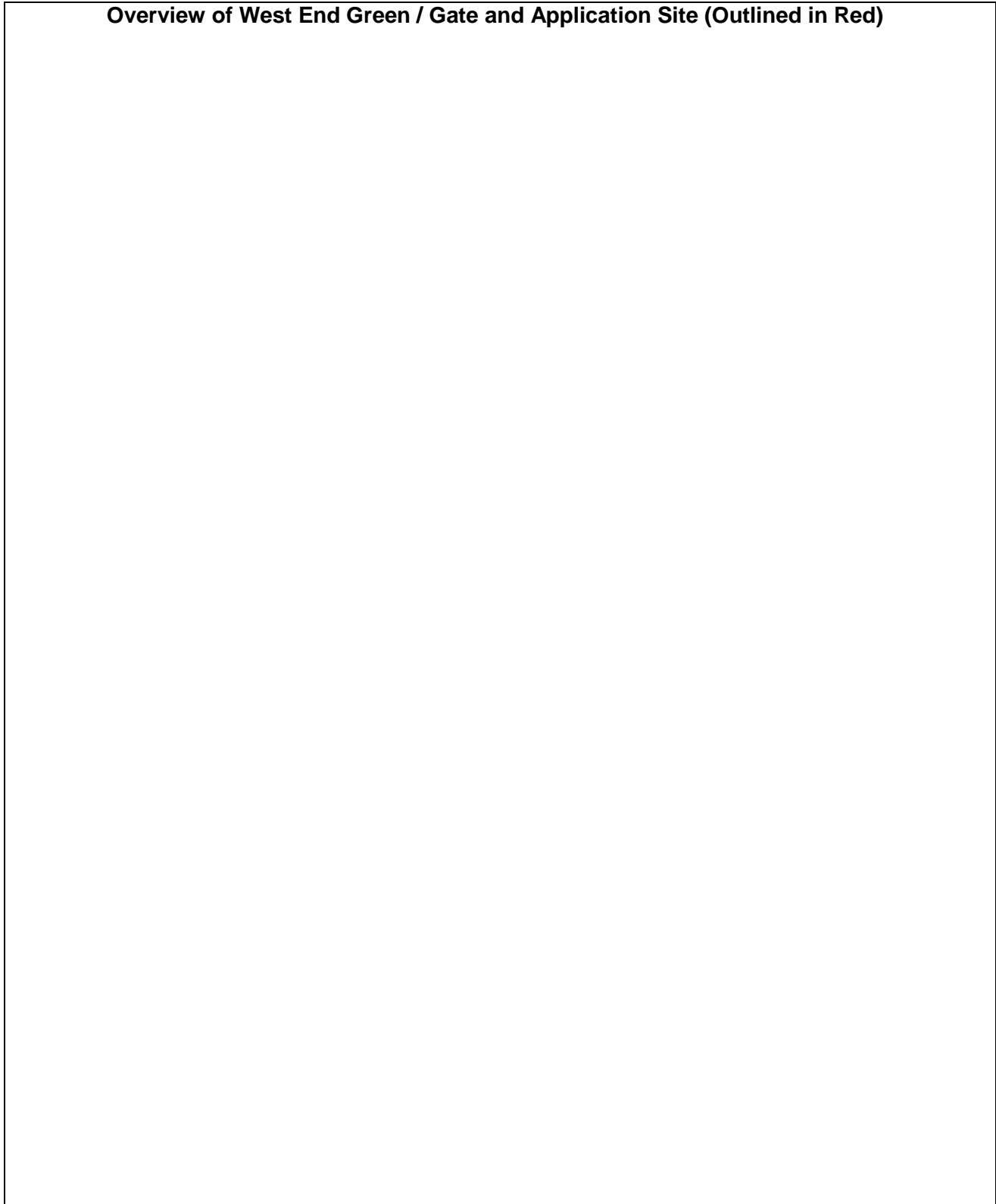
4. PHOTOGRAPHS



Application site as seen from Paddington Green



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



5. CONSULTATIONS

GREATER LONDON AUTHORITY

The proposed redevelopment and intensification of the site for residential use is supported as the site is within the Edgware Road Housing Zone.

The complete lack of affordable homes is unacceptable and the applicant's viability appraisal will need to be robustly interrogated to ensure that the maximum reasonable amount of affordable housing is secured in accordance with the Mayor's draft Housing and Viability SPG and the London Plan.

The approach to the building height, massing and appearance are supported. There are concerns with residential quality and all units should comply with London Plan space standards. The development proposals will not cause substantial harm to the character or setting of the conservation areas or listed buildings.

Car parking provision is considered to be too high and should be reviewed.

COUNCILLOR ARZYSMANOW

Has requested additional funding for GP surgeries in the area resulting from additional demand from occupants of the proposed development and West End Green.

CHURCH STREET WARD COUNCILLORS

Any response to be reported verbally.

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

No response received.

HISTORIC ENGLAND (LISTED BUILDINGS/CONSERVATION AREAS)

Object. The application scheme proposes the full demolition of 14-16 Paddington Green and the side wing of 17 Paddington Green, all of which are considered to a positive contribution to the character and appearance of conservation area and to the setting of the listed buildings at 17-18 Paddington Green. As such, the proposals are considered to cause serious harm.

In considering the extent of the harm against any public benefits that may arise from the proposals, they do not consider that the proposals present any heritage benefits that would outweigh the proposed harm.

HISTORIC ENGLAND (ARCHAEOLOGY)

This site has potential for Roman, medieval and post-medieval archaeological remains. Condition recommended, requiring further archaeological investigation.

ENVIRONMENT AGENCY

Advise that they consider the development low risk.

LONDON UNDERGROUND LIMITED

Advise that they have no comment to make.

NATURAL ENGLAND

Proposal is unlikely to affect any statutorily protected sites or landscapes. If the proposal site is on or adjacent to a local site, the City Council should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it

determines the application. Encourage the incorporation of enhanced green infrastructure into this development.

SPORT ENGLAND

Any response to be reported verbally.

THAMES WATER

Recommend conditions and informatives regarding waste water capacity and piling. Expect surface water attenuation to greenfield run-off rates as a minimum.

TRANSPORT FOR LONDON

No objection, provided conditions used on West end Green development are applied to this development.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)

Any response to be reported verbally.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Support the principle of the development. However, they see no reason why the applicant cannot provide 30% affordable housing given the increase in density on-site. The design of the scheme should use language and materials that complement the existing children hospital building, rather than introduce new elements inspired by St Marys Church. Note that the applicant has made this application as a standalone application presumably to avoid CIL liability.

BAYSWATER RESIDENTS ASSOCIATION

Advise that this site is outside their area.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object. Unimaginative and pedestrian pursued on the assumption that any height goes if it is near a transport hub. The proposal sits uncomfortably with its neighbours. It does not bring any of the benefits a new building could bring such as underground parking, swimming pools or the imaginative use of the roof space.

NORTH PADDINGTON SOCIETY

Object to any major development which seeks to only provide residential accommodation. We believe that for communities to be sustainable and vibrant places there must be a good balance of residential, employment, recreational and as wide a range of services as possible. To replace all amenities with residential accommodation will result in the area becoming somewhere people pass through on their way to other places and will make daily life more difficult for older and more vulnerable residents who will have to look further and further away to access services and support.

PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT (PRACT)

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Object. The scale of the development is substantially larger, bulkier and taller than the masterplan scheme that accompanied the West End Green Application.

The development site has increased and the scheme now includes the demolishing of 3 early 19thC buildings facing Paddington Green and a building listed as 'of merit' in the Paddington Green Conservation Area Audit. We feel that the proposed replacement to these buildings is not of sufficiently greater merit as to warrant demolition.

Even though the scheme has grown in scale no affordable housing is provided on the basis of a viability assessment prepared by Gerald Eve. We question the commercial assumptions in this viability assessment and consider that on such a large development on-site affordable housing should be provided – particularly given the number of nearby public services employers – St Mary's hospital, police station, City of Westminster College.

ST MARYLEBONE SOCIETY

Recognise the need for additional housing in London but are dismayed by the unsympathetic nature of the proposed replacement buildings to the small scale listed villa. The proposed building is bulky and the historic rhythm and urban grain of the row of frontages is destroyed. Object to the loss of 14-16, which are unlisted buildings of merit.

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

HEAD OF AFFORDABLE & PRIVATE SECTOR HOUSING

The number of affordable homes at 32 is well below the 35% policy requirement for this location – so viability evidence will be required to justify this reduced affordable offer

The sharing of cores between affordable and market is not ideal as it may create problems in securing an affordable housing partner to contract on the affordable units, especially due to less control for the housing association over service charges and management arrangements.

The tenure split between social and intermediate is acceptable as it is broadly reflects current adopted policy.

There are too many one beds proposed for social housing. Nine of the 19 social units are 1beds. Housing's predominant need is for 2bed and 3bed social housing need. The 1bed social units should be flipped across to intermediate housing and the 2bed intermediate units should be flipped to social in order to better address the Council's current demand profile for both social and intermediate housing.

Housing's preference for intermediate housing is that 1beds should be minimum 50 sqm 1bed 2 person units. Four of the 1bed intermediate units are 1b1p units. These smaller 1 beds might be acceptable to housing where they can work for low cost home ownership purposes.

Whilst the affordable homes proposed here might eventually be relocated to blocks on the West End Green site under a conjoined scheme and which may result in an uplift in the overall number of affordable units when the wider scheme is subjected to a viability review, advises that he can only comment on the basis of the current scheme rather than what may emerge at a later date.

HIGHWAYS PLANNING MANAGER

No objection, subject to conditions relating to serving management, car and cycle parking provision.

ARBORICULTURAL MANAGER

Cannot support the proposal without further detail. The detail of the proposed communal garden areas is insufficient to demonstrate that the landscapes are sustainable. The tree planting species and density proposed are largely impractical. Surrounding the site with trees on a plan looks good but it is only window dressing and will need a section 106 agreement in most cases as it is outside of the site boundary. This may be covered in part by the agreement for the West Green development. There is clearly an intention for sustainable water use and rainwater harvesting to support sustainable landscape planting but I have no way to judge the adequacy with the information provided. Recommend conditions

BUILDING CONTROL OFFICER

Any response to be reported verbally.

WASTE PROJECT OFFICER

No objection to the waste storage proposed, subject to a condition requiring its implementation and retention.

CHILDREN'S SERVICES

Any response to be reported verbally.

CITYWEST HOMES

Any response to be reported verbally.

PLANNING POLICY

Any response to be reported verbally.

PARKS & GARDENS DEPARTMENT

Advise that they have no concerns with the proposal.

SPORT & LEISURE DEPARTMENT

Any response to be reported verbally.

ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

CHURCH STREET LOCAL AREA RENEWAL PARTNERSHIP

Any response to be reported verbally.

NHS CENTRAL LONDON

Query whether s106 or CIL funding from the development can be directed toward the adjacent Paddington Green Health Centre or other GP surgeries in the area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5404

Total No. of replies: 19 (10 for planning application; 9 for listed building application)

No. of objections: 7 for planning application; 7 for listed building application

No. in support: 3 for planning application; 2 for listed building application.

In summary, the objectors raise the following issues:

- No's 14-16 Paddington Green are buildings of merit, significant and/or some of the last remaining Georgian buildings in the area. Their demolition is therefore unjustified or opposed;
- More affordable units should be provided;
- There are no public amenities to cope with the additional residential units;
- The proposal will put added pressure on existing services, particularly GP surgery's like the adjacent Paddington Green Health Centre. Planning contribution should be given to the Paddington Green Health Centre to provide more GP capacity;
- Planning obligation should be secured for maintenance work of St Mary's Church;
- Construction traffic and pollution;
- There are already too many luxury flat developments in the area;
- Traffic congestion from the new building;
- The safety of pedestrians and cyclists on Paddington Green and Church Street;
- Pedestrian access through public realm could be greater and more direct;
- A cycle lane should be installed along Edgware Road.
- Too much urbanisation and no breathing room from all this development. Fourteen storey's is too high;
- Proposal will result in loss of daylight, sunlight and privacy;
- Proposal will result in increased noise;
- Proposal will result in a self-storage facility from the site;
- Proposal will result in loss of social and community facility from site; and
- Proposal does not support the Central Activities Zone.

In summary, the supporters raise the following issues:

- The proposal includes many electric vehicle charging bays. The developer should run electric cables to all parking spaces to future proof them;
- The proposal includes many cycle spaces, although provision should be made to allow these to be left open to make it easier to get bikes in and out;
- The proposed development includes multiple lifts, staircases, lightwells, trees and brown roofs;
- Proposed development is in keeping with the surrounding area.

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 Limestone 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 City Council’s Futures Plan. The Futures Plan 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 Futures Plan 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 recently completed 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 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

6.2.1 WEG Site

03/03463/FULL

Redevelopment to provide buildings of between five and seven and 22 storeys including a retail supermarket, two retail shops, 307 residential units of which 107 are affordable, 156 holiday let units and associated car parking and landscaping. (Option A).

Application permitted by the Secretary of State (SOS) in October 2005. A High Court decision initially quashed the SOS's approval, although a Court of Appeal decision reinstated this approval in 2007.

03/03465/FULL

Redevelopment to provide buildings of between six and 26 storeys including a retail supermarket, two retail shops, 326 residential units (116 are affordable), 156 holiday let units and associated car parking and landscaping. (Option B)

Application refused by the SOS in October 2005.

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

16/06543/APAD

Notification of proposed demolition of 283 Edgware Road (prior approval under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

Application Permitted 5 August 2016

16/08442/NMA

Amendments to planning permission dated 28 April 2016 (RN: 15/11677) for 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, internal alterations to all floors of Blocks and C. Amendments proposed to the unit mix on floors 1-10 of Block A at ground floor of Block C and all floors of Blocks G and H. Amendment to include an additional bay of private residential balconies on floors 1-10 of the south facing elevation of Block A. Reduction in the footprint of Block C.

Application Permitted 4 October 2016

16/09486/ADV

Display of internally illuminated decorative hoarding around the site including the display of an internally illuminated digital LED advertisement unit on the Edgware Road elevation and decorative advertising mesh over work cabin within site.

Application Permitted 8 November 2017

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

17/02701/NMA

Amendments to planning permission dated 27 January 2017 (RN: 16/07226) for: 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. NAMELY optimization of consented internal residential layouts to all floors of Block B and to vary the wording of planning conditions 49 and 34.

Application Permitted 24 April 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 15-16 Paddington Green

03/08083/FULL

Alterations and the erection of two extra floors at roof level in connection with the conversion of the existing warehouse building into 17 self-contained residential units (including two affordable housing units) with 18 off street car parking spaces and basement swimming pool.

Application Permitted 9 March 2004

6.2.3 17 Paddington Green

14/12015/FULL and 14/12016/LBC

Use as 5 residential units (4x1 bedroom flats and 1x3 bedroom maisonette), erection of single storey roof extension to existing side addition, excavation of floor level to part of existing basement floor, replacement of existing front boundary and associated external alterations and landscaping to front and rear. Internal alterations to all floor levels.

Application Permitted 4 September 2015

6.2.4 Application Site

16/10034/EIASCO

Request for EIA scoping opinion for an extension to the West End Green development pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Opinion Issued 18 November 2016

7. THE PROPOSAL

The applicant seeks planning permission and listed building consent for demolition of 14-16 Paddington Green, partial demolition of 17 Paddington Green and erection of two mansion blocks to accommodate 200 residential units. The proposed development would be an extension of the West End Green/Gate Development (“WEG Development”) and proposes re-orientation and extension of consented blocks G and H onto 14-17 Paddington Green. When the 60 residential units in consented blocks G and H are subtracted, the proposed development results in a net increase of 140 residential units.

The basement parking levels beneath the consented WEG Development would also be extended under 14-16 Paddington Green. They would contain parking for an additional 60 cars and an additional 196 cycle spaces. The basement levels would also contain services for the development, including refuse/recycling storage and plant rooms.

Blocks G and H would be separated by a courtyard. Pedestrian access to Paddington Green would be via an archway created through the side wing of 17 Paddington Green. Pedestrian access to the wider WEG Site would be via a gap between blocks G and H, at the south east corner of the courtyard.

Blocks G and H would be constructed from red pre-cast concrete panels as the primary facing material with bronze coloured metalwork balconies and other features throughout. Block G would have lightwells on the Paddington Green frontage. Brown roofs would cover much of both blocks roofs.

Block G would have a height of ground plus 12 to 14 storey’s or a maximum height of approximately 55 metres (89.48 m AOD). It would contain 121 private sale flats.

Block H would have a height of ground plus 4 to 7 storey’s or a maximum height of approximately 32 metres (65.62 m AOD). It would contain 75 private sale flats and 32 affordable units. Of these, 17 would be social rent units and 15 would be intermediate units. No. 17 Paddington Green would be attached to the northern side of block H and would contain a further four private sale flats.

The composition of the development is summarised below:

Floor Areas

EXISTING	AREA (M ² GIA)
Residential Units (Use Class C3)	1752

Self-Storage (Use Class B8)	1281
Healthcare Facility (Use Class D1)	386
TOTAL	3419
PROPOSED	AREA (M² GIA)
Residential Units (Use Class C3)	19,982
TOTAL	19,982

Proposed Housing Mix – Application Site

PROPOSED					
TENURE	NUMBER OF BEDROOMS				TOTAL
	STUDIO	ONE	TWO	THREE	
Private Sale	16	58	73	21	168
Intermediate	4	11	0	0	15
Social Rent	0	3	14	0	17
TOTAL UNITS	20	72	87	21	200
TOTAL (%)	10	36	43.5	10.5	

Proposed Housing Mix – Application Site + WEG Site

PROPOSED							
TENURE	NUMBER OF BEDROOMS						TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	SIX	
Private Sale	50	220	274	95	9	2	650
Intermediate	4	27	33	0	0	0	64
Social Rent	0	19	33	31	15	0	98
TOTAL UNITS	54	266	340	126	24	2	812
TOTAL (%)	6.6	32.7	41.9	15.6	2.9	0.3	

Amendments to the proposed development.

The applicant initially offered no affordable housing contribution and submitted a viability appraisal to justify this. This appraisal was reviewed on behalf of the City Council by GVA. GVA found that the proposed development could remain viable whilst also providing 32 affordable units. Accordingly, the applicant amended the proposal to provide these 32 units within Block H. The mix of these units are set out above.

Referral to the Mayor of London

Pursuant to the Town and Country Planning (Mayor of London) Order 2008 (as amended) (“the Order”) this application is referable to the Mayor of London as it is a development comprising more than 150 flats and is a development that includes buildings exceeding 30 metres in height, outside the City of London. Accordingly, this application must be referred back to the Mayor of London, following the committee’s resolution, for a final decision.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Uses

Social and Community Floorspace

Policy 3.16 of The London Plan (adopted March 2016) (“the London Plan”) specifies, amongst other things, that “proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered”.

Policy S34 of Westminster’s City Plan (adopted November 2016) (“the City Plan”) specifies, amongst other things, that “social and community floorspace will be protected, except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace”.

Policy SOC1 of the Unitary Development Plan (adopted January 2007) (“the UDP”) specifies, amongst other things, that proposals for the redevelopment of community facilities will be required to include adequate replacement or alternative community facilities.

The proposal would result in the loss of the social and community floorspace at 17 Paddington Green. This floorspace is currently disused but was last used by the NHS as part of its Child and Adolescent Mental Health Service (CAMH). An objection has been received to the loss of this social and community floorspace.

As set out above, permission was granted in 2015 (see ref: 14/12015/FULL) for conversion of this facility to flats. At the time that this permission was considered, the applicant demonstrated that this floorspace is surplus to the NHS’s requirements and that its loss was justified pursuant to the NHS’s site rationalisation strategy. A contribution of £96,240 was also secured to improve social and community provision in the area. This was subsequently paid to the City Council in October 2015. Accordingly, the policy tests set out above were met and the loss of this floorspace was supported.

The 2015 permission remains extant and the policy context with respect to the loss of social and community facility remains unchanged since that time. For the avoidance of doubt, whilst the London Plan and City Plan have been updated since that permission was

granted, the wording and tests set out in policies 3.16 and S34 remain unchanged from earlier iterations. Accordingly, the rationale for permitting the loss of this floorspace is equally valid now and the loss of this floorspace would remain consistent with policies 3.16 of the London Plan, policy S34 of the City Plan and policy SOC 1 of the UDP.

Self-Storage Facility

An objection has been received to loss of the self-storage facility on-site. The objector notes that The London Industrial Land Supply and Economy (2015) study produced for the GLA found that Westminster has one of the lowest supplies of warehousing, self-storage and open-storage floorspace/land in London.

Storage uses are not protected by the development plan. The fact that Westminster may have low levels of storage floorspace does not mean that there is a demand for it within Westminster that would necessitate its protection. Accordingly, no objection is raised to the loss of this self-storage facility.

Residential

Whilst the proposed development would result in the loss of 22 residential units, it would result in a net increase of 178 units on what is existing on-site, 140 more than the consented WEG development on this part of the site. Accordingly, the loss of these units would be consistent with policy S34 of the City Plan and policy H3 of the UDP.

8.1.2 Residential Use

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 WEG 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 1429 u/ha on the application site, whilst the density across the WEG site and application site would be 660 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 further later in this report.

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 total residential floorspace of approximately 13,278 square metres GIA and the City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note"), there is a requirement for 4647 square metres (i.e. 35%) of affordable floorspace to be provided.

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 32 affordable units within Block H, with a total floor area of approximately 1928 square metres or approximately 15% of the residential floorspace proposed. When considered with the wider WEG development, the proposal would result in 162 affordable units, with a total floor area of approximately 15,713 square metres or approximately 18% of the residential floorspace proposed. The applicant has provided a viability appraisal by Gerald Eve that indicates that this is the maximum possible contribution that the scheme can afford to make without becoming unviable. This viability appraisal has been reviewed on behalf of the City Council by GVA who concur with its findings.

However, the affordable units would share lift cores with the private sale units and both GVA and Gerald Eve conclude that this will reduce the sales values of the latter flats. This reduces the profitability of the development and in turn its ability to deliver additional affordable housing. It is understood that the applicant intends moving these affordable units into a dedicated affordable block on the WEG site at a later date. Should this occur the discount arising from the shared cores falls away and the development would be able to provide a greater affordable housing contribution. Accordingly, GVA recommended that the viability be reviewed when the applicant inevitably applies to move these units. Subject to viability review of this future application, the 32 unit contribution proposed is the maximum reasonable contribution that the applicant can make under this application.

It is proposed that 19 of the affordable units would be provided as social rented units and 13 would be provided as intermediate housing. This tenure split would be consistent with the City Council's preferred 60:40 social rent/intermediate tenure split.

As set out above, the Head of Affordable and Private Sector Housing has raised concerns with the use of shared lift cores between the open market and affordable housing and the size of the affordable units. With regards to the shared lift cores, eight affordable units at lower ground floor and the western end of Block H would be accessed via a core shared with private sale units above. The remaining 24 affordable units would be accessed via a dedicated lift core at the eastern end of Block H that shares a lobby with the private sale units. Shared cores make it difficult to secure affordable housing partners due to less control over service charges and management arrangements. Discussions to address this concern are ongoing and any update will be reported verbally to the Committee.

With regards to the size of the affordable units, and since the Head of Affordable and Private Sector Housing's initial comments, the applicant has swapped the 1bed social units to intermediate housing and the 2bed intermediate units to social units. The Head of Affordable and Private Sector Housing has since confirmed that this is acceptable.

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

Of the 200 flats proposed, 189 or 95% would meet the size requirements within the Government's Nationally Prescribed Space Standard (March 2015) ("the Space Standard"). The 11 units that do not meet the Space Standards are one bedroom flats located within Block H. The shortfalls proposed are marginal and do not exceed two square metres. These shortfalls are not likely to be noticeable to occupants of the flats and an objection to the proposal on this basis could not be sustained.

The majority of the units are also dual aspect and most blocks do not have more than eight units per lift core, as required by the Mayor's Housing SPG (adopted 2016) ("the Housing SPG"). All the units would also be Lifetime Homes compliant and 10% of the units would be wheelchair accessible or easily adaptable, consistent with policy H8 of the UDP.

Most of the proposed flats 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 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. In addition to this, all residents would have access to the communal garden areas located within the site. The terraces for the ground floor flats within Block G would adjoin each other and may give rise to privacy concerns between flats. A condition is therefore recommended to ensure that adequate screening between these terraces is installed.

The flats within 17 Paddington Green would not have terraces or balconies. However, and given the listed nature of this building, it is not considered appropriate to require them in this instance. Furthermore, the development would be consistent with the supporting text to policy H10 of the UDP which envisages balconies and terraces for only one quarter of all units within a development within the CAZ. Accordingly, the proposal would provide an appropriate level of outdoor amenity space for future residents

The supporting text to policy ENV 13 of the UDP specifies that the recommended standards for daylight and sunlight contained within the BRE's 'Site Layout Planning for Daylight and Sunlight' (Second Edition) (published 2011) ("the BRE Guide") should be applied when considering the standard of accommodation. The BRE Guide notes that daylight levels within new rooms can be checked using the Average Daylight Factor (ADF). The BRE guide provides minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms (Para. 2.1.8). However, 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 a Daylight and Sunlight Report by Point Surveyors (November 2016) ("the Internal Light Study") to demonstrate light levels within the proposed flats in comparison to the BRE Guide. The results of the ADF assessments show that 74% of the proposed habitable rooms on the application site and on the wider WEG site will have daylight levels that accord with BRE Guidelines. Overall the results are considered to show a good level of compliance for an urban area. Light levels to flats with low ADF figures are largely constrained by the balconies proposed which shade rooms or push the windows to be assessed further into the proposed blocks. However, and as acknowledged by the BRE guide, these balconies provide a pleasant amenity in themselves. Accordingly, their removal would harm the living conditions of future occupiers whilst also compromising the proposed design. Furthermore, the ADF levels proposed are generally consistent with comparable development in the area and are to be expected for development within central London. Accordingly, and given the flexibility permitted by the BRE Guide, the light levels to the proposed units are acceptable.

Conditions are recommended to ensure that noise levels within flats are acceptable. 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.

8.1.3 Mix of Uses.

Policy DES3 (B) of the UDP requires that developments featuring high buildings provide, amongst other things, a favourable mix of land use which facilitates shorter journeys to work.

The proposed development is entirely residential. However, it would form part of the wider WEG development which includes retail, restaurant and office floorspace. It is also located close to shops within the Church Street/Edgware Road District Shopping Centre and offices within Paddington Basin. Accordingly, the proposal is located in such a way that opportunities for residents to minimise their commute to work exist. Notwithstanding this, the application site is located within Zone 1 and has the highest possible PTAL rating of 6b. Residents within the development would therefore be located within central London where employment uses are prevalent and where short journeys to work are possible. Accordingly, the mix of uses are considered appropriate in this location.

8.1.4 Social and Community Facilities

Objectors are concerned with the impact of the proposed development on community facilities, including schools and GP surgeries within the area. A representation has also been received requesting funding for maintenance of St Mary's Church.

Policy S34 of the City Plan encourages new social and community facilities, particularly on large scale development sites.

Policies SOC 3 and SOC 6 of the UDP encourage the provision of new education and children's play facilities.

Policy H10 of the UDP specifies that, on sites suitable for large housing developments (i.e. 50+ units) the City Council will require the provision of a community facility as part of the development, where appropriate. The supporting text to this policy specifies that in some cases, a contribution proportionate to the size of the development, rather than provision, may be an acceptable alternative and will be appropriate where:

- a) it funds the upgrade of existing facilities; and
- b) where there are a number of developments in an area and each contributes to a share of the cost of community facilities.

Community facilities are not provided on-site as part of the development. However, the proposed development would be subject to Westminster's recently adopted Community Infrastructure Levy (CIL). If permission is granted, the development would generate a significant CIL payment of £6,103,180.56, subject to any relief or exemptions available. At least, £915,477.08 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 development and satisfies the requirements of policy S34 of the City Plan and policies SOC 3, SOC 6 and H10 of the UDP.

A financial contribution of £631,000 has been secured under the permissions for the WEG Development for additional school places at King Solomon Academy and Paddington Green Primary School. The impact of the additional units on school capacity proposed

under this application would be mitigated by the CIL payment noted above. However, sixty of the units approved under the permissions for the WEG Development would not be built if permission were granted for the proposed development. Should permission be granted, it is recommended that a Deed of Variation to the section 106 agreement for application ref: 15/11677/FULL is entered into to allow for reimbursement of part of this education contribution insofar as it relates to these 60 units, should the proposed development be built. This would equate to approximately £56,339.

With regards to children's play space, the garden and terrace areas proposed are capable of accommodating much of the demand from this development. A condition is recommended to secure details of this play space on-site.

Subject to a deed of variation to the s106 agreement for application ref: 15/11677/FULL, the proposed development would meet policy 3.6 of the London Plan, 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."

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

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 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.

The City Council also undertook consultation on informal booklet 15 setting out possible revisions to Heritage, Views and Tall Buildings policy between January and March 2015. Having regard to the tests within paragraph 216 of the NPPF, the policy proposals within that document are at such an early stage as to have no weight.

The City Council has also just concluded a consultation on growth and tall buildings across the City. However this took the form of a questionnaire and is not a policy consultation. As such, it does not have any weight in decision making. The City Council are considering responses to the consultation ahead of developing a draft policy to be taken forward in City Plan revisions in the near future.

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. In these terms, the urban design is considered 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.

This urban block is a notably large one by the standards of the surrounding area. The development granted under application ref: 15/11677/FULL and subsequent amendments incorporates a large green landscaped garden square set in behind the Edgware Road frontage and represents a significant opening up of the site in urban design terms. This current application submission proposes to enlarge that approved landscaped garden by cranking back the line of the mansion blocks flanking its south-western corner, which will provide a more visually open and generously proportioned space appreciated both from persons moving through the space and as an outlook from the surrounding flats. The GLA advise that they are supportive of this amendment to the previously approved site layout.

In addition, a further new landscaped urban square is also proposed to be set in behind the Paddington Green frontage and accessed directly from both Paddington Green and from the shared space area to the west side of the approved 30 storey tower. Though it is anticipated to be controlled for residents access, it will provide a greater degree of permeability through a currently closed off section of the site, adding to the sequence of public and semi-private spaces through the site. It will also create an attractive green space visible both from the public realm and the surrounding flats.

The buildings proposed will give a clear definition to the streets and public spaces and, although the uses are principally residential and often set back behind front garden areas or lightwells, still 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.

It is of particular note that the existing site is a large, and largely vacant, site through which no public access is possible except for along a poor quality Newcastle Place frontage to its southern edge and also the Paddington Green frontage to its west side. Although it contains two buildings of some interest, it also has an empty plot to its southern end and some significant shortcomings in the quality of its frontage. Considered separately from the WEG Development, the proposal would still represent a well formed and coherent development with defined frontages onto Newcastle Place and Paddington Green and with the central courtyard as its focus. To ensure this, it is recommended that full details of hard and soft landscaping and public art are secured by conditions.

In this urban location, the current appearance of the site and the large hole in the townscape that it represents is considered a significant and long standing blight on the area. In this context, the principle of a permeable and attractively landscaped development of the site is strongly welcomed in urban design terms. The proposed arrangement of buildings and resulting public realm formed by these buildings are supported and are considered to accord with Policy S28, S35 and S41 of the City Plan and policies DES1, DES 3 and ENV15 of the UDP.

8.2.2 Impact of Demolition Works

As part of this development, two unlisted buildings to the Paddington Green frontage (14 and 15-16 Paddington Green) are to be fully demolished. The lower scale buildings behind the Paddington Green frontage are also to be demolished and the side wing to the Grade 2 listed at 17 Paddington Green is to be rebuilt with other internal works to that building. These buildings are all included within the Paddington Green Conservation Area. Historic England (HE) consider that the works for the demolition of 14-16 Paddington Green and the demolition of the side wing of 17 Paddington Green would result in 'serious harm', and the St Marylebone Society also object to the loss of nos. 14-16 Paddington Green. The GLA advise that in their opinion the loss of no. 14 will not be a substantive loss to the conservation area, though the loss of no. 15-16 would be regrettable and would impact on the conservation area. HE also express no objection to the loss of the industrial buildings behind the Paddington Green frontage, a view officer's share in light of their limited architectural quality.

No. 17 Paddington Green is one half of a pair of Grade 2 listed buildings (comprising nos. 17-18) which were originally constructed around C.1800 as two separate dwelling houses. They were originally designed as a paired composition, faced in yellow stock brick, and which comprised a main central bay to each building, with a subsidiary bay recessed back from the main front elevation and which contained the entrance to the building. Though this general arrangement still remains in modified form on site, at no. 17 Paddington Green the side wing has been evidently been at least significantly altered at some point in the past and possibly fully rebuilt, likely in the 20th century, and it now also incorporates an unattractive ramp structure to its front forecourt. Though noting the concerns of HE to the rebuilding of this wing, officers have no concerns about the replacement of this fabric, with the consideration of the raising in height of the side wing considered further below.

Nos. 14 and 15-16 Paddington Green represent two properties from a later 19th century date of construction than no. 17 Paddington Green. Both are proposed to be demolished to facilitate the wider redevelopment proposed in this application. These properties are both listed in the Paddington Green Conservation Area Audit as Unlisted Buildings of Merit. The Audit states with regards to the Unlisted Buildings of Merit in the conservation area that "by definition these properties are of particular value to the character and appearance of the conservation area and their demolition or unsympathetic alteration will be resisted."

No. 14 is a four storey terraced property comprising three sheer floors of brickwork and a mansard above. There is no evidence apparent to make fully clear its original appearance. However, it evidently has been altered in the past and now incorporates a ground floor level of squat appearance with two small sash windows and recessed entrance with modern lintels above. The first floor front elevation contains two sash windows with a strongly banded second floor level which appears quite inappropriately prominent and top heavy for this small scale building. Third floor level comprises a relatively modern mansard structure. The building is set back approximately 11 metres from the footway and, whilst it could be anticipated to have originally had some form of landscaped front garden, its frontage is now of poor townscape quality and comprises hard landscaping which is fully open to the street. The rear is not unattractive, though is of utilitarian appearance and marred by prominent external pipes. The side elevation has particularly unattractive structural supports in place rising from the adjoining site.

No. 15-16 comprises ground to third floor levels in sheer form. It incorporates a render framed principally commercial frontage to ground floor level. Although it incorporates classical detailing, it nonetheless is of relatively crude appearance. The upper floors retain a good sense of their original character, with classically inspired window surrounds, sash windows and slender stucco banding defining each floor level and a cornice above. Its frontage again is hard landscaped, fully open to the street and is of particularly poor townscape quality. The building incorporates a large full height rear extension of uncertain date though of uncluttered form.

As set out above, the front forecourts of 14-16 Paddington Green are of poor townscape quality and in themselves mar the frontage to Paddington Green and the conservation area generally. With regards to no. 14, it is noted that it has brick faced elevations incorporating sash windows and other detailing which allows it to sit comfortably in the context of 19th century buildings to the eastern side of Paddington Green, and that as representing a part of the 19th century phase of development of the area it has some architectural and historic value. Nonetheless, it is not considered a notably attractive building, and it incorporates awkward proportioning, a poor quality ground floor level and unattractive structural supports to the side elevation. Though an unlisted building of merit, from a detailed on-site assessment officers consider that there are some shortcomings in its design quality. With regards to 15-16, and aside from its ground floor commercial frontage it is recognised that it is an attractive building that makes a positive contribution to the character and appearance of the Paddington Green Conservation Area, notwithstanding shortcomings in its frontage and ground floor.

HE state that the proposals should be assessed according to current government conservation policy which states that the demolition of buildings that make a positive contribution to the significance of a conservation area is harmful to the historic environment and needs to be justified under paragraph 133 or 134 of the NPPF. 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 officers consider 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, paragraph 134 of the NPPF is relevant, and outlines that this harm should be weighed against the public benefits of the proposals.

During the course of the application process, the applicants have amended the proposals for the internal works to no. 17 Paddington Green, and the largely intact original layout to the upper floors is to be largely retained largely. The exception to this is to lower ground floor level. However, this floor level has been significantly altered in the past and the subdivision proposed in this context is not considered unacceptable as part of the wider scheme.

8.2.3 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 set out above. In terms of relevant policy, 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, and defines a high building as being that which is significantly higher than its surroundings. Policies DES 9 (F) of the UDP is also of relevance in stressing the importance of respecting the setting of conservation areas.

It is clear that the development would be readily visible from the Paddington Green Conservation Area, from this part of Edgware Road, and from streets between, and would also be visible in some views from a wider surrounding area. To help illustrate the visual impact that the buildings would have, the applicants have produced a number of Accurate Visual Representations (AVR's) of the scheme from a series of viewpoints and other visuals.

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. 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, albeit it is also recognised that the policy allows for a consideration of situations where high buildings may be exceptionally permitted.

It is recognised that the existing setting and character of the conservation area is compromised in a number of important respects, including by 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.

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. Of direct relevance is the WEG Development, which includes both

a 30 storey tower and an 18 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 nonetheless represent a large development in close proximity to a remaining historic segment incorporating listed buildings.

View 21 shows the impression of the proposed tower from the west side of Paddington Green. The view presented is taken in summer time when the trees are in leaf and in this particular view from the west side of the Green the development would be set behind the heavy screen of trees and below the tree line. The trees to Paddington Green appear principally deciduous, and thus the submitted winter time visual from the west side of Paddington Green shows that the visual impact of the development proposed would be highly significant, with the buildings seen rising quite dramatically in the immediate backdrop of the buildings to the east side of Paddington Green. Consideration of these views and the other visuals submitted from a position on the east side of Paddington Green, make clear the large bulk and visual prominence of the buildings proposed. Officers consider that the impression of the proposed buildings could only appear intrusive in these views and visually 'crowd' the frontage buildings to Paddington Green with an adverse impact on their existing impression as smaller scale buildings set around an attractive and historic green. It is also noted that these proposed backdrop buildings have a deeper footprint than those included in the WEG Development and that part of this backdrop will sit closer to the Paddington Green frontage than was previously approved. The additional depth of building is a retrograde step. However, the long frontage of the approved Paddington Green backdrop building is now visually broken up by the step in footprint and angled form proposed for the building to the south-west side of the main central landscaped garden square, which would assist in mitigating the impression of this long frontage.

This section of the Paddington Green Conservation Area was originally designed to be a small scale garden square with church grounds beyond and lined by relatively small scale domestic buildings. Considered in this context, officers consider that harm is caused to the character, appearance and setting of the conservation area from the 15 and 12 storey buildings proposed. 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. However, 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, including the Westway, in its context, and in the context of an area much altered since its original development in the late 18th/early 19th century. As such, though harm is considered to be caused to the conservation area by the 15 and 12 storey buildings, the harm is considered less than substantial harm.

The 12 and 15 storey buildings will also be visible over the roofline of the unlisted buildings of merit at 149-151 Church Street. However and although the new buildings may be relatively prominent over their roofline, these buildings are considered in a context with Hall Tower in close proximity behind, and with the prominent City of Westminster College building also forming a key visual feature in the setting and Kennet House also visible to the east. It is also of relevance that the WEG Development also includes an 18 storey tower to this Church Street frontage. Overall, it is not considered that harm is caused to the setting of these particular buildings from the development proposed.

The eight storey building proposed will also appear a substantial structure. However its impression from the east side of Paddington Green will be largely screened by the bulk of the proposed frontage buildings to Paddington Green. From the west side it will be seen in context with the larger 15 and 12 storey buildings, with the 30 storey tower of the WEG Development located directly behind. It is also slightly set away from the main Paddington Green frontage.

Overall, and mindful of the statutory, NPPF and policy tests set out above, officers consider that the 15 and the 12 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. This harm would be less than substantial.

Considerations arising from the height and massing of the buildings fronting Paddington Green are considered in more detail in the report below.

8.2.4 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, with policy DES 10 also reflecting 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 dwelling houses 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.

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.

However, the issues are closely related to those set out above related to the impact on the Paddington Green Conservation Area, and officers consider that the new buildings proposed would give rise to less than substantial harm to the setting of these buildings.

It is recognised that the previous allowed and commenced 2005 appeal scheme allowed for a 22 storey tower to Newcastle Place in proximity to these buildings amongst other buildings allowed. The WEG Development also allows for a 30 storey tower and an 18 storey block (to Newcastle Place and Church Street respectively) and also allowed for a 6 storey block in relatively close proximity behind the Paddington Green frontage. Those approved tower buildings were set slightly offset from the Paddington Green frontage, and the 18 storey building although also highly prominent in views from Paddington Green formed part of the street frontage to Church Street rather than being set centrally behind the Paddington Green frontage in views directly from the green. In addition, and although a building was approved in relatively close proximity behind the Paddington Green frontage, it was seen to rise only two floors above the frontage from the west side of

Paddington Green in the AVR accompanying that application, and visually less so from street level to the east side. The buildings now proposed 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.

The 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, especially the 15 storey and the 12 storey buildings will be visually dominant in the backdrop of these buildings. Though noting the previous buildings including a tower previously approved, officers consider that the development proposed could only be considered a retrograde step in terms of their setting. The change from the existing almost cleared site is a dramatic one, though clearly less so in comparison with the previously approved schemes. The significant disjunction in scale between these low scale traditional properties and the new development is particularly marked.

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 15 and 12 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 for works 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. The building is built to a Greek cross plan giving it an essentially square building form and it is faced in yellow-brown bricks with ashlar dressings, and with a slate roof and prominent cupola above. Though in winter time particularly there may be an appreciation of taller elements in some views this would form part of the wider urban backdrop and would not impair an understanding of the building's architectural or historic interest.

Officers consider that though the surrounding area was originally designed with relatively low scale domestic buildings, those traditional buildings remaining are not clearly apparent when standing at the Church building, and that the principal experience of the setting of the Church now is of its significantly treed surrounding churchyard and adjacent Paddington Green and St Mary's Gardens. Though some sense of a low scale urban setting still remains, from the perspective of the Church, set within a heavily treed context, this is not readily perceptible, and not to the extent that the Westway forms a prominent element of the surrounding character of the Church building. In the 2005 decision notice on the two previous appeal schemes, the Inspector noted that in his opinion the trees within the Green obscure the detail of the buildings beyond, until one gets closer to the eastern edge of the Green.

Overall and given the heavily treed church grounds and the significant change to the context of the church and the skyline in the clearer views south from the Church, the impact of the proposals to the application site would not adversely affect its setting.

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. The family monuments are most appropriately seen within the treed Church grounds, although the wider setting of those monuments and the other listed structures in themselves is considered to make little contribution to the significance of these listed buildings and their setting would not be harmed by the development proposed.

Given its height, the 15 storey building may be visible in the wider setting of several other listed buildings in the wider surrounding area. These 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. No views studies have been undertaken from these buildings and it appears unlikely that the development would be visible, especially were the WEG Development to progress. However, even were the building visible in such views, it is anticipated that only the very upper section would be and it would not be anticipated to be harmful to the setting of those buildings. 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.

8.2.5 Impact of Development on Setting of Adjacent Conservation Areas and Other Views

Maida Vale Conservation Area

From Maida Vale a number of views are included in the application submission which face towards the site at 14-17 Paddington Green. View 8 is from Westbourne Terrace Road Bridge. Both summer time and winter time views are presented in this submission from

this viewpoint. The buildings are not shown as visible in this view in summer time due to the heavy tree cover and would thus not harm the view. In winter time the very upper element of what appears to be the 15 storey building would be visible though would only be seen through a thick screen of tree branches and would not notably rise above the intervening buildings. View 9 is from Blomfield Road and has also been presented in both summer time and winter time views. In summer time the heavy tree cover would obscure any impression of the buildings. In winter time, whilst the very upper element of the 15 storey building would be visible again, this view would be through a thick screen of tree branches and would not notably rise above the intervening buildings. It is recognised that there could potentially also be glimpsed views of the 15 and potentially the 12 storey buildings between trees and buildings in viewpoints along Blomfield Road, although any such views would not be anticipated to be focussed with the buildings on clear axis of the view. View 11 shows the view south on Lanark Road and the buildings proposed would also not be visible from this view. Overall, the development proposed would not give rise to harm to the character, appearance and setting of this conservation area.

Lisson Grove Conservation Area

View 17 is 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 would not be visible in this view.

View 18 is along Ashmill Street from the junction with Lisson Grove and 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 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 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. The buildings are not anticipated to appear unduly 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 from the Bayswater Conservation Area are restricted principally to those viewpoints where the alignment of streets and foreground buildings and trees allow views on axis with the site and two potential viewpoints are offered, namely View 5 from the junction of Sussex Gardens and Sale Place and View 7 from the junction of Gloucester Terrace and Cleveland Street. Each shows that the building 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 is taken from the St John's Wood Conservation Area, on Maida Vale just south of the junction with St John's Wood Road. Both summer time and winter time views have

been submitted, and the buildings proposed would 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. At the very south edge of the conservation area on Maida Vale the buildings may again be just visible in views, although any views of them would be seen in context with Parsons House which will appear more imposing given its greater proximity to the viewpoint, and the approved tower at West End Green would also be highly prominent in the view if and when constructed. 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 is from the junction with Old Marylebone Road which is located just outside the Portman Estate Conservation Area, and in this view the large bulk of Burne House and also street trees would screen any views of the development. 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 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 would be visible from this conservation area.

Other Conservation Areas

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 would be visible from these areas.

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. Views 25 and 26 from Hyde Park, and views 28 and 29 from Regent's Park all show the buildings below tree and/or building lines. From the evidence presented therefore it is anticipated that the buildings proposed would not be visible 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 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.

Views from Edgware Road

Several views have also been provided showing the visual impact of the tower from both north and south on Edgware Road. View 3 is taken from the junction of Edgware Road and Chapel Street to the south of the Marylebone Road and in this view the buildings would not be visible. 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 proposed would not have a further adverse 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 when built would screen much, though not all, of the views of this development from Edgware Road.

As such, it is not considered that the works would be harmful to the townscape character of Edgware Road.

Summary of Impact on Conservation Areas and Listed Buildings

For the reasons set out above, the loss of nos. 14-16 Paddington Green is considered to cause less than substantial harm to the Paddington Green Conservation Area. In addition, the 15 and 12 storey buildings proposed are also considered to represent a high and prominent intrusion into the skyline in views east out of the conservation area, overshadowing the buildings to the east side of Paddington Green. As such, they cause less than substantial harm to the Paddington Green Conservation Area and the setting of the three listed buildings to the east side of Paddington Green.

8.2.6 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 considered in context with the approved WEG Development and wider surrounding area.

Considered in their own terms, the new buildings proposed are considered of good design quality. The design of the buildings is 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 15, 12 and 8 storey 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 elevations are proposed to be faced in pre-cast concrete panels intended to adopt a terracotta colour. Mindful of the conservation area location and the use of terracotta to the Childrens Hospital building, the use of terracotta for cladding the new buildings would be preferred. However, the applicants advise that pressed terracotta dressings are not economically viable and not technically robust for a new build construction of the scale proposed although it is recognised that there is no evidence presented in favour of this statement. Terracotta would be a more preferable material for cladding and would be anticipated to offer a greater richness of depth and colour to the cladding materials. Nonetheless and given the striking modern styling of the building and that it forms part of a wider large scale redevelopment rather than a single infill building, this approach of modern pre-cast concrete as a facing material is considered acceptable in principle in this case, subject to appropriate detailing and choice of material.

This pre-cast cladding is intended to add a further layer of interest and detail to the compositions. Pre-cast concrete was recently approved for use to the 30 storey tower as an amendment to the WEG Development. The main elevation to ground floor, and the chamfers to the windows openings on each floor level, are to incorporate a heavily textured pre-cast concrete cladding incorporating a decorative element which the applicants advise has been inspired by the tiled flooring within an area of St Mary's Church. The precast concrete is formed in a mould which allows for the creation of intricate detailing such as is proposed for ground floor level and the window chamfers. In itself, the use of a decorative, textured cladding to these areas would add an appropriately stronger visual impression to the ground floor base to the composition and would add visual interest to the elevations generally without breaking the clarity of the main framework of the elevation within which the windows sit.

Though final samples will be secured and agreed through the recommended conditions, the applicants have submitted samples for consideration and information at this stage. These include a sample of plain and a sample of the textured pre-cast panels, as well as a sample of a white pre-cast concrete to be used to define string courses to several floor levels and the bronze coloured aluminium to be used for metalwork and timber for doors and balcony floors. Officers have concerns with regards to the qualities of the particular pre-cast panels which have been submitted, which appear quite pale in colour, and lack both a depth of colour and surface texture to give them interest in the relatively large panels sizes proposed. They would not provide an appropriate finish, and should more closely follow the colour of the Childrens Hospital building. Notwithstanding the above, agreement on an appropriate sample can be secured via the recommended conditions.

It is recognised that several buildings incorporate relatively prominent plant rooms to roof level. None of the buildings on the Paddington Green frontage have such additions although these structures may be apparent from the west side of Paddington Green where they would be seen through the tree cover, and from the upper floors of the buildings approved on the WEG Development. The submitted drawings are not clear with regards to any requirement for maintenance support/cleaning structures to roof level and conditions are recommended to secure details of these.

The detailing of these buildings are considered an improvement on both the implemented scheme approved on appeal in 2005, which had a relatively stark visual appearance with notably large scale window openings. They are also considered an improvement on the buildings approved under the WEG Development which, although it incorporated well-mannered brick clad elevations, do not incorporate the richness of detail now included under the proposed development. The composition is considered well resolved and the buildings are considered of sound architectural quality in their own right.

The buildings must also be considered in context with the WEG Development and its Squire and Partners designed buildings. As set out above, the intention is for the pre-cast concrete cladding to have a colour similar to terracotta. As such, in terms of its general impression of a series of buildings in a principally red colour, tonally they would harmonise appropriately with the red brick clad mansion block buildings approved to the WEG site. The metalwork proposed to be used for balcony railings and window framing is proposed in the same bronze coloured finish of the buildings to the WEG site, again providing a visual link with those previously approved buildings. In addition, the elevations will also use strong horizontal courses between floor levels picking up on the use of horizontal white banding to key locations on the elevations of the WEG approved mansion blocks. Overall, and also mindful of the careful way that the development adapts and extends the masterplan approved to the WEG site, the development proposed is considered to successfully integrate with the WEG Development.

In so far 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 consideration of the implications of the 15, 12 and 8 storey blocks on Paddington Green are detailed above. These blocks also extend directly to the eastern side of Paddington Green, partly on the site of nos. 14-16 Paddington Green which are to be demolished, also as set out above. Alterations are also proposed to no. 17 Paddington Green.

Immediately adjacent to 17 Paddington Green Block H rises to five stories high. On the corner of Paddington Green and Newcastle Place, it rises to six stories. Though representing substantial new buildings in this conservation area context, their height is considered acceptable. The six storey building to its Paddington Green frontage is approximately one floor lower than the building in this corner location approved under the WEG Development. This reduction in scale helps transition down from the much higher blocks behind to the lower scale Paddington Green frontage. This reduction is welcome in townscape terms. The five storey building proposed is approximately a storey lower than the highest elements of the Children's Hospital building to the corner of Church Street and as such, although rising a full floor higher than the adjoining listed buildings at nos. 17-18 Paddington Green, it nonetheless is considered to integrate acceptably into this townscape context.

In terms of building lines, the new six storey building to the corner of Paddington Green and Newcastle Place sets back a matching degree from Paddington Green as in the scheme approved in April 2016, and sets back considerably further than the building to this corner in the earlier allowed appeal. 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 found. 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.

Some aspects of the detailing of the buildings assist in integrating them into their townscape context. The white horizontal string courses used to define certain floor levels picks up on the white string courses above ground and second floor levels to 17-18 Paddington Green and to the slender white balcony structures which are a prominent feature of the Paddington Green elevation of that building. The use of the decorative textured panels will help pick up on the prominent and attractive use of decorative terracotta detailing to the Children's Hospital building. Though it is recognised that the scale of the windows openings are larger than those existing to 17 Paddington Green, they are of similar scale to the balcony windows found on the Paddington Green elevation of the WEG Development. The scheme is also associated with a restoration of a landscaped setting to the front forecourt of these buildings, which is considered a significant improvement upon the existing hard landscaped and particularly unattractive frontages to these buildings.

The use of materials is discussed further above. The visual montages submitted reflect a desire for the building to be tonally similar to the Children's Hospital building although the samples submitted of the pre-cast cladding materials are considered disappointing and notably lighter in colour than the Children's Hospital building. Officers consider that further work is required to demonstrate appropriate cladding samples which give a deeper and more subtle terracotta colour which more closely reflects the Children's Hospital building, and these will be secured by condition.

In terms of the works to 17 Paddington Green, the most significant works are associated with the rebuilding of the wing to its south side. As set out above, the fabric of the existing wing is not considered of particular importance, and the considerations relate to the townscape merits of the works. Though it is recognised that UDP policy DES 5 generally expects extensions to stop a floor below roof level, in the particular circumstances of this case the additional height proposed is considered acceptable. The side wing to no. 18 rises to just short of the full height of the main central bay, and the proposal to create a new wing of similar height to no. 17 will provide a balanced composition across these two buildings as was originally intended. The increase in height would also help soften the transition in scale up to the new 5 storey building proposed immediately to the south. The width of this bay is also to be reduced closer to that found at no. 18, again strengthening the originally intended harmony between these two buildings. The bay will be designed to integrate with the character of the main building.

It is recognised that the GLA consider that the development would contribute to reinstating the street form and edge to Paddington Green, whilst HE advise that in their view the proposed new buildings appear oversized and visually dominant. 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 not considered oversized, and thus the concerns of HE are not considered sustainable.

8.2.7 Design and Conservation Summary

For the reasons set out above, the height and visual prominence of the 15 and 12 storey buildings proposed are considered to cause less than substantial harm to the setting and outlook from the Paddington Green Conservation Area, and less than substantial harm to the setting of the listed buildings to the east side of Paddington Green. In addition, the loss of two unlisted buildings of merit within the conservation area would also give rise to less than substantial harm. Whilst recognising this harm, consideration needs to be given to the public benefits of the scheme.

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 green 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 the scheme 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.

With regards to nos. 14-16 Paddington Green, 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.

The benefits of the scheme in design and conservation terms are recognised, and do help to mitigate the harm caused. However, officers consider that they are insufficient in themselves to overcome the less than substantial harm caused and mindful of the statutory, policy and guidance tests set out above.

8.2.8 Archaeology Considerations

The site lies within the Paddington and Lilestone Villages Archaeological Priority Area. An archaeological report has been submitted to accompany the application, which has been reviewed by Historic England. They raise no in-principle concerns but recommend that the archaeological interest should be conserved by attaching a condition as suggested by them, and advise that the scope of the mitigation should be discussed and agreed with this office prior to any development within the site.

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 Futures Plan 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 812 new homes, the affordable units provide decant space for existing tenants within the Church Street regeneration area. As demonstrated above, this is the maximum possible contribution the applicant can make without harming the viability of this development.

This decant space enables the regeneration envisaged by the EHRS and The Futures Plan 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 Futures Plan, 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 Futures Plan, 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 and is a benefit that did not exist at the time the extant permission and dismissed appeal were considered.

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 32 affordable units proposed in conjunction with the 130 affordable units already approved on the WEG Site proposed would provide approximately 10% of this identified supply of affordable units. This is the maximum viable contribution this development can make. 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

812 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.

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

Objections have been received in relation to potential loss of light, sense of enclosure and privacy.

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 a Daylight and Sunlight Report by 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 considers the properties below:

- Paddington Police Station Section House;
- Mary Adelaide House;
- Winicotte House;
- 1-80 Hall Tower;
- 1- 32 Gilbert Sheldon House;
- 390-394 Edgware Road;
- 354-386 Edgware Road;
- 330-352 Edgware Road; and
- 314-328 Edgware Road.

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 BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

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 Studies conclusions on daylight are summarised in the table below:

Daylight Losses – Consented WEG Development v Proposed Development

SITE	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	VSC Difference to WEG Development	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)	NSL Difference to WEG Development
Paddington Police Station Section House	0 out of 55	NA	No Change	0 out of 44	NA	No Change
Mary Adelaide House	51 out of 60	26 - 66	17 more windows affected; Magnitude of VSC loss increases from 21-25%	21 out of 42	21 - 48	11 more rooms affected; Magnitude of NSL loss increases from 22 – 43%
Winicote House	86 out of 95	22 - 96	55 more windows affected. Magnitude of VSC loss increases from 21-62%	28 out of 56	20 - 100	2 more rooms affected; Magnitude of NSL loss increases from 21 - 43%
1 -80 Hall Tower	54 out of 320	20 - 100	6 less windows affected; Magnitude of loss increases from 21 – 65%	0 out of 160	NA	7 less rooms affected.
1- 32 Gilbert Sheldon House	34 out of 72	21 - 35	4 more windows affected; Magnitude of loss unchanged.	0 out of 48	NA	No change.
390-394 Edgware Road	0 out of 20	NA	No change	0 out of 20	NA	No change.
354-386 Edgware Road	72 out of 119	20 - 29	1 less window affected.	29 out of 50	21 - 58	1 more room affected. No change to

			Magnitude of loss unchanged.			magnitude.
330-352 Edgware Road	19 out of 48	24 - 32	9 more windows affected; Magnitude of loss increases from 21-23%	19 out of 31	24 - 61	3 more rooms affected. Magnitude of NSL loss increases from 22 – 48%
314-328 Edgware Road	0 out of 41	NA	5 less windows affected.	0 out of 29	NA	No change
TOTAL	316 out of 830 (38%)		51 more windows affected.	97 out of 480 (20%)		5 more rooms affected.

Overall, the proposal would increase daylight losses to surrounding properties in comparison to the consented WEG development. The worst affected properties would be Mary Adelaide and Winicote Houses, where a further 28% and 58% of windows respectively would see VSC losses exceeding BRE Guidelines. Whilst these losses are regrettable, they affect a comparatively small number of properties relative to a development of this scale.

As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. In this context, this level of daylight loss does not outweigh the substantial public benefits of the development, particularly given its strategic importance to housing delivery, to warrant refusal of this application.

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.

Sunlight Loss - Consented WEG Development v Proposed Development

SITE	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines	Change from Consented WEG Development
Paddington Police Station Section House	0 out of 22	No change
Mary Adelaide House	1 out of 6	One more window affected
Winicote House	11 out of 83	Four more windows affected
1 -80 Hall Tower	28 out of 320	No change
1- 32 Gilbert Sheldon House	6 out of 68	One more window affected
390-394 Edgware Road	0 out of 20	No change
354-386 Edgware Road	41 out of 96	No change
330-352 Edgware Road	17 out of 45	Seven more windows affected
314-328 Edgware Road	0 out of 41	No change
TOTAL	77 out of 701 (11%)	13 more windows affected

The sunlight loss proposed would be relatively modest for a Central London site such as this with only 11% having losses exceeding BRE Guidance. When considered against the public benefits of this development and the strategic importance of this site for housing delivery, this level of sunlight loss would not warrant refusal of this application.

8.3.2 Sense of Enclosure

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. 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 Winicotte 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 Winicotte 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 Winicotte 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 proposal 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

As noted above, the proposed development is separated from surrounding properties by the widths of Church Street, Edgware Road and the WEG Site. It is also separated from surrounding properties and partially screened by the GP surgery in Princess Louise Close. As also noted above, the layout of surrounding sites, such as Gilbert Sheldon House, Hall Tower and the section house at Paddington Green Police Station, provide further separation distance or prevent elevations directly facing and therefore overlooking one another. These separation distances and screening provide adequate mitigation for potential overlooking for most surrounding residential properties.

It is noted that windows and balconies would be located on the western corner of Block G, approximately 20 m from windows on the rear of Winicotte House. This separation distance should be sufficient to prevent significant levels of overlooking.

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.

8.3.4 Noise

It is proposed to install building services plant on the roof of the development. Plant and a substation are also located at several positions throughout the development. Conditions are recommended to ensure that noise from these sources does not cause harm to residents surrounding the site. Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.4 Transportation/Parking

8.4.1 Trip Generation.

Objections have been raised to additional traffic from the proposed development and its impact on the surrounding road network.

TFL and the Highway Planning Manager have reviewed trip generation from the proposed development. They conclude that trip generation from the proposed development would not result in an unacceptable impact on the transport network.

8.4.2 Car Parking

Objections have been raised to impact of the proposed development on on-street parking within the area.

Vehicle access into the site would be from the consented WEG Site access on Church Street, with all parking accommodated within the basement. For the additional 140 residential units proposed under this application, an additional 60 car parking spaces would be provided, at a ratio of 0.43 spaces per unit. This is a slight increase from the WEG development, which has a ratio of 0.41 car parking spaces per unit. TFL consider this ratio excessive but have not formally objected on this basis. It should also be noted that the parking standards appended to policy 6.13 of the London Plan require up to one space per residential unit and, in areas with good public transport accessibility, such as the application site, development should aim for significantly less than 1 space per unit. The proposed parking ratio of 0.41 spaces is clearly significantly below this.

As noted by the Highways Planning Manager, the 2011 census showed that 46% of households had access to a car. Accordingly, providing parking for approximately 41% of residents is likely to give rise to an on-site parking shortfall resulting in some residents having to park on-street. Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. Policy TRANS23 includes all legal parking spaces.

During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the Council's most recent daytime parking survey in 2011 (Buchannan's) indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 250 metre radius of the development site is 90.1% (consisting of 155 Residents and 47 Shared Use Bays, 141 and 41 of which were occupied respectively). Overnight the pressure on Residents' and Shared Use Bays increases still further, to 92.1%, although residents can also park free of charge on metered parking bays or single yellow lines in the area.

The introduction of increased levels of residential in this area without adequate off-street parking or on-street parking restraint is likely to increase these stress levels. Ideally, a higher ratio of car parking spaces to dwellings should be provided. However, the applicant has offered to provide the parking on an unallocated basis and to provide lifetime car club membership for the occupants of all flats. Should permission be granted, it is recommended that this is secured via a deed of variation to the section 106 agreement for application ref: 15/11677/FULL. A condition is also recommended to ensure that parking is provided prior to occupation of each phase of the development.

The use of allocated parking as a way to fund additional affordable housing provision has recently been mooted. In this instance, the Highways Planning Manager considers it appropriate to maintain unallocated parking on the application site and WEG Site. If allocated parking were allowed on these sites some 466 units would not have access to any parking. Given car ownership rates in this ward (i.e. 46%) this could potentially result

in demand for an additional 214 on-street parking spaces around the site. Furthermore, a requirement for allocated parking on the application site would conflict with the unallocated parking arrangement permitted on the WEG Site and would be very difficult to enforce. Accordingly, it is not considered appropriate to require allocated parking in this particular instance.

TFL sought clarification on the number of disabled spaces proposed. A total of 81 disabled parking spaces are required across the proposed development and WEG site. The applicant proposes providing 41 in the first instance, with the potential for additional provision dependent upon demand. The applicant has submitted a satisfactory drawing indicating how the additional 41 units can be accommodated.

Electric Vehicle Charging Point provision is also proposed in accordance with Policy 6.13 of the London Plan.

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

8.4.3 Cycle Parking

The proposal would result in 1390 cycle parking spaces across the application site and WEG Site. This meets the requirements of policy 6.9 of the London Plan. To ensure that these cycle spaces are secure, a condition is recommended that requires the provision of measures such as card access and CCTV to manage access to cycle parking areas.

8.4.4 Servicing

Like the consented WEG Development, all servicing would take place on-site, within the basement levels proposed and this is welcomed by TFL and the Highways Planning Manager.

A condition is also recommended to secure a detailed Delivery and Servicing Plan (DSP) to ensure that servicing is appropriately managed on-site. Subject to the recommended condition, the proposed development would be consistent with policy 6.14 of the London Plan, policy S42 of the City Plan and policy TRANS 20 of the UDP.

8.4.5 Waste Provision

The Waste Project Officer has reviewed the proposal and advises that he has no objection to the waste storage arrangements proposed. 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.

8.4.6 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 proposed development would 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 Futures Plan and Edgware Road Housing Zone to commence, leading to long term regeneration of the area and associated economic benefits.

In the short term, construction of the proposal and regeneration within the Church Street and Paddington Green area will also create job opportunities within the construction industry.

8.6 Access

The proposed residential units would all benefit from level access from the street. Lifts 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

In addition to sunlight loss to residential properties noted above, the applicant has provided an 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 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 overshadowing assessment indicates that Paddington Green, Westminster College and the front of 1-80 Hall Tower and Gilbert Sheldon House would 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 Solar Glare

The applicant has undertaken a computer modelled analysis of solar glare to determine what impact the proposed development may have on solar glare in comparison to the consented WEG development. The following positions have been assessed:

- Edgware Road/Church Street Intersection;

- Edgware Road/Broadley Street Intersection;
- Edgware Road/Penfold Place Intersection;
- Edgware Road/Bell Street Intersection;
- Edgware Road Northbound Lane;
- A40/Harrow Road Eastbound; and
- A40 Westbound.

The assessment concludes that very isolated occurrences of solar glare may occur throughout the year when travelling northward on Edgware Road and travelling east and westward on the A40. These occurrences would last no more than 4 minutes at a time. Given the short duration and dispersed nature of the glare observed, an objection to the development on this basis would not be sustainable. Waterman's have also raised no concerns with respect to the Solar Glare assessment that forms part of the Environmental Statement.

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 solar glare.

8.7.3 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 a wind tunnel assessment of the proposed development and its surrounds to model anticipated wind conditions in and around the application site. The Lawson Comfort Criteria (LCC) has been used as a benchmark against which to determine the acceptability of wind conditions for a range of expected pedestrian activities in and around the site. The LCC defines six categories of pedestrian activity and defines thresholds where wind speed (measured on the Beaufort Scale) occurs for a frequency that would be unsuitable for the intended activity. It ranges from 'sitting', where wind speed does not exceed Beaufort Scale 3 (defined as a gentle breeze capable of making leaves and twigs move or extend a flag) for more than 1% of the time to 'roads and car parks' where wind speed does not exceed Beaufort Scale 5 (defined as a fresh breeze capable of making small trees in leaf sway) for more than 6% of the time. Where wind speeds exceeding Beaufort Scale 6 (defined as a strong breeze capable of causing large tree branches to move or telephone wires to whistle) occur for more than one hour per year are predicted, these are recorded separately.

Outside the application site, the wind tunnel assessment concludes that, whilst some positions around the site would become marginally windier, others would become calmer compared to the consented WEG Development. However, 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.

Within the application site, the wind tunnel assessment notes that several positions within the internal amenity and circulation areas at ground floor level are likely to experience wind gusts unsuitable for sitting and where standing conditions have been modelled. However, the ES notes that this can be mitigated by appropriate landscaping and a condition is recommended to secure this. Subject to this condition, the proposal would not result in unacceptable wind turbulence within 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.

8.7.4 Telecommunications

A Telecommunications Assessment forms part of the Environmental Statement that accompanied the application. The Telecommunications Assessment concludes that the proposed development would have no greater impact on telecommunications networks than the consented 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.

8.7.5 Trees and Biodiversity

The proposed development has been reviewed by the Arboricultural Manager. The proposed development would require removal of a young American Sweetgum tree and shrub planting in the garden of 17 Paddington Green. This tree could be replaced in new landscaping. There are no other existing trees within the site but there could be an indirect impact on the trees within Paddington Green Open and the London Plane on the corner of Newcastle Place and Edgware Road. A condition is recommended to secure details of tree protection.

The application site is located within an area of wildlife deficiency as identified in policy S38 of the City Plan. The existing site has very limited habitat and therefore its redevelopment will have a negligible impact on local ecology. The proposed landscaping to the communal amenity areas, green roofs and public realm areas offer the opportunity to provide biodiversity enhancement although the Arboricultural Manager notes that little detail has been provided at this stage. A condition is therefore recommended to secure 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.

8.7.6 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 residential components of the development 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

The proposed development would achieve a 40% reduction in CO2 emissions compared to 2013 Building Regulations, in accordance with policy 5.2 of the London Plan. However domestic buildings are now required to be zero carbon. Accordingly, the remaining regulated carbon dioxide emissions, equivalent to 130 tonnes of carbon dioxide per annum, would need to be mitigated through a carbon offset payment of £233,622.00. It is recommended that this is secured via a legal agreement.

Heating and Cooling Plant

Like the consented WEG 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) once constructed. It is recommended that this is secured via a legal agreement that requires either;

- a) A connection and supply agreement with the CSDHS owner (using all reasonable endeavours); or
- b) If a) cannot be achieved, implementation of an agreed fall-back position.

The heating system described in the submitted Energy and Sustainability scheme is acceptable as a fall-back system and details of it and its long term operation and maintenance can be secured by condition.

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.

8.7.7 Air Quality

The ES notes that emissions from the proposed developments traffic and energy centre would result in a moderate adverse effect on air quality for future residents and at two points on Church Street, particularly from NO₂ emissions. The ES recommends provision of mechanical air filtration for units on the facades affected and implementation of a Travel Plan to encourage sustainable travel. Conditions are recommended to secure this.

Subject to these conditions, the proposal would accord with policy S31 of the City Plan and policy ENV5 of the UDP.

8.7.8 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 include brown roofs and a significant area of soft landscaping within the communal amenity areas. Whilst this would not achieve greenfield run-off rates, it would provide significant attenuation at source for run-off from the proposed development. The Lead Local Flood Authority has also been consulted and any comments received will be reported verbally. Accordingly, the drainage system proposed is considered acceptable.

8.7.9 Contamination

The site has a number of historic uses at the site, such as garages, motor works, printing works and varnish and colour works. Ground investigations revealed contaminants including lead, hydrocarbons, coal, tar, mineral oil deposits and asbestos. These have the potential to cause significant harm to future residents if not adequately mitigated. To ensure that this does occur, a condition is recommended requiring preparation of an adequate mitigation strategy. Subject to this condition, the proposed development would be consistent with policy ENV 8 of the UDP.

8.8 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 in his 'Stage 1' response (see background papers) that as initially submitted (i.e. prior to amendments referred to elsewhere in this report), the application does not comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

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

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which 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.

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.

From 06 April 2015, the Community Infrastructure Levy Regulations 2010 (as amended) 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.

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 £6,103,180.56, 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.

The proposed development would slot into the WEG site, overlapping the area where earlier iterations of Blocks G and H have been approved. Application ref: 15/11677/FULL and subsequent amendments are accompanied by a section 106 agreement which applies to the WEG Site only. As a result, it will be necessary to ensure that, in the event that this permission is implemented, the section 106 agreement for application ref: 15/11677/FULL is varied and applied appropriately. A Deed of Variation to the section 106 agreement for application ref: 15/11677/FULL is therefore required. For reasons outlined elsewhere in this report, the Deed of Variation will also need to secure the following:

- a) 32 affordable units on-site comprising 19 social rented units and 13 intermediate units;
- b) A carbon offset payment of £233,622.00 (index linked and payable on commencement of development). Not payable if connection and supply agreement to Church Street District Heating Scheme (CSDHS) agreed;
- c) A reduction of £56,339 (index linked) to 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) 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;
- h) Offering local employment opportunities during construction; and
- i) Payment of cost of monitoring the agreement (£10,000).

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).

8.11 Environmental Impact Assessment

The proposed development is EIA development for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) ("the EIA Regulations").

The City Council issued a scoping opinion (see ref: 16/10034/EIASCO) and the applicant has submitted an ES that contains consideration of the environmental effects noted in that scoping opinion. The ES has been reviewed on behalf of the City Council by Waterman Infrastructure and Environment Limited ("Waterman's") who advise that no further information is required pursuant to regulation 22 of the EIA Regulations.

In putting forward this recommendation, officers have taken into account the ES. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application.

The purpose of the EIA is to predict how environmental conditions may change as a result of the proposed development and to specify any investigative measures. The ES has considered the potential direct, indirect and cumulative impact of the proposal and these are identified as: Adverse (negative); Neutral (neither beneficial nor positive); or Beneficial (positive).

Where adverse or beneficial effects have been identified, these are classified as:

- Negligible – imperceptible effect;
- Minor – slight, very short or highly localised effect;
- Moderate – noticeable effect (by extent duration or magnitude), which is considered a significant change; or
- Major - considerable effect (by extent, duration or magnitude) of more than local scale that may be in breach of recognised acceptability, legislation, policy or standards.

The environmental issues considered within the ES have been covered fully in the Land Use; Conservation, Townscape and Design; Transportation/Parking; Residential Amenity; Air Quality; Wind Turbulence; and Telecommunications sections.

The cumulative effects of the proposed development and the consented WEG development are summarised as follows:

- Displacement of existing residential occupants which would have a Minor Adverse effect at a neighbourhood level;
- Changes in pedestrian severance from Negligible to a Minor Adverse at Church Street and Negligible at all other links;
- Increased noise from demolition and construction traffic which would change from No Effect to Negligible;
- Increased road traffic noise which would change from Church Street Minor Adverse and all other links no to negligible effect to Church Street Moderate Adverse and all other links no to Negligible effect;
- Changes to daylight and sunlight as 14, 15, 16 and 17 Paddington Green have now been removed as the demolition of 14 – 16 Paddington Green and the alteration and refurbishment of 17 Paddington Green form part of the development;
- Changes to sunlight at Mary Adelaide House which would change from Negligible to Negligible to Major Adverse;
- Change to daylight and sunlight at 1-80 Hall Tower which would change from Daylight: Major Beneficial to Major Adverse to Negligible to Major Adverse, and for Sunlight from: Major Beneficial to Major Adverse to Negligible to Major Adverse;
- Change to daylight at Gilbert Sheldon House which would change from Major Beneficial to Minor Adverse to Negligible Beneficial to Moderate Adverse;
- Change to daylight at 394-390 Edgware Road which would change from Negligible to Negligible to Minor Adverse;
- Daylight and sunlight at 352-330 Edgware Road where effects would change from Sunlight: Negligible to Major Adverse to Negligible to Moderate Adverse and Daylight: Negligible to Moderate Adverse to Negligible to Major Adverse and Sunlight: Moderate Beneficial to Major Adverse to Negligible to Moderate Adverse;
- Daylight at 328-314 Edgware Road where effects would change from Negligible to Minor Beneficial to Negligible;
- Overshadowing of public and private amenity space in Amended Proposed Development which would change form Negligible to Major Adverse;
- Windier than desired conditions at terrace/balcony level amenity areas (summer season) which would change from Minor Adverse to Negligible to Negligible;
- Changes to Built Heritage: Townscape character of Paddington Green Conservation Area and townscape setting of Children’s Hospital, Nos. 17 and 18 Paddington Green, Church of St. Mary which would change from Moderate Adverse effect and temporary (Significant but temporary effect) to Moderate-Major significance in respect of Nos. 17-18 Paddington Green and Paddington Green Conservation Area; and Moderate significance in respect of Church of St Mary, Adverse effect and temporary (Significant but temporary effect);
- A Moderate to Major Beneficial effect (Significant effect) on views across Paddington Green; and
- Significant adverse heritage effects on the Paddington Green Conservation Area and the setting of the listed buildings of the former Paddington Children’s’ Hospital and 18 Paddington Green.

Conditions and planning obligations to mitigate the environmental effects identified have been recommended throughout this report.

8.12 Other Issues

8.12.1 Basement

The basement levels must be considered against policy CM28.1 of the City Plan. The application site does not contain garden land whilst the proposed basement would include adequate soil depth under the courtyard area and does not require a margin of undeveloped land given the extent of built development on-site at present. The development does include two basement levels. However, this is a large and highly accessible development site which would also construction to occur without harm to neighbouring uses or amenity. Construction of the basement itself would not harm heritage assets. Accordingly, the exceptional circumstance set out in Part C (3) of the policy is met and the double storey basement proposed is considered acceptable in this instance.

8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require adherence to the City Council's Code of Construction Practice.

9 CONCLUSION

The height and bulk of the proposed buildings 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); and
- Significant public realm improvements around and throughout the site.

Officers consider that the public benefits of the development would outweigh the less than substantial harm to heritage assets identified above. The development would also accord with the development plan in all other respects and it is therefore recommended that

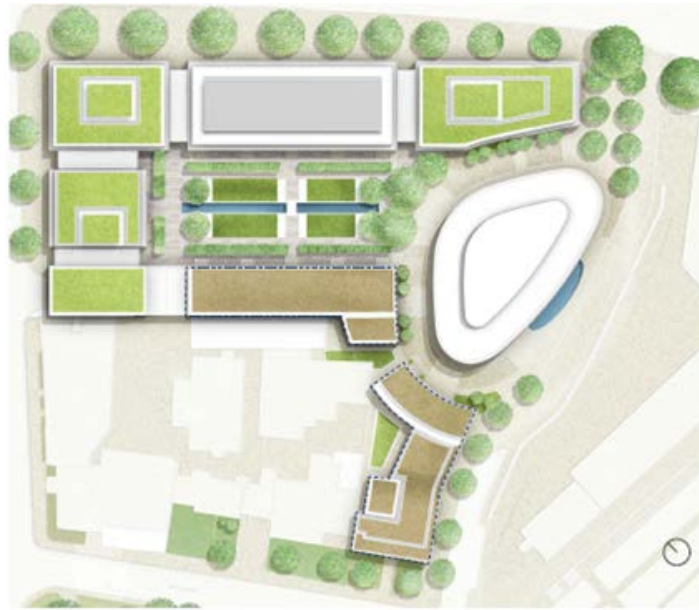
planning permission and listed building consent are granted, subject to referral back to the Mayor of London, subject to a legal agreement and subject to the conditions set out in the draft decision letters appended to this report.

10 BACKGROUND PAPERS

1. Application form
2. Response from Greater London Authority, dated 6 March 2017
3. Emails from Councillor Arzymanow, dated 19 April 2016 to 27 March 2017
4. Responses from Historic England, dated 8 February 2017 and 8 February 2017
5. Response from Historic England (Archaeology), dated 26 January 2017
6. Response from London Underground, dated 17 January 2017
7. Response from the Environment Agency, dated January 2017
8. Responses from Transport for London, dated 18 January 2017 and 3 February 2017
9. Response from Thames Water, dated 30 January 2017
10. Response from Natural England, dated 17 January 2017
11. Response from Highways Planning Manager, dated 7 April 2017
12. Responses from Head of Affordable and Private Sector Housing, dated 1 and 28 June 2017
13. Response from Energy Officer, dated 3 April 2017
14. Response from Arboricultural Manager, dated 13 February 2017
15. Response from Parks & Gardens Department, dated 6 February 2017
16. Response from Waste Project Officer, dated 16 January 2017
17. Response from Paddington Waterways and Maida Vale Society, dated 17 February 2017
18. Response from North Paddington Society, dated 3 February 2017
19. Response from The Marylebone Association, dated 30 January 2017
20. Response from The St Marylebone Society, dated 15 January 2017
21. Response from Notting Hill East Neighbourhood Forum, dated 24 January 2017
22. Letter from occupier of 44 Manor Way, Ruislip, dated 30 December 2016
23. Letter from occupier of 83 Fernhead Road, London, dated 30 December 2016
24. Letter from occupier of Flat 3, 3 St Mary's Terrace, dated 12 January 2017
25. Letter from occupier of Flat 12, Lampard House, 8 Maida Avenue, dated 12 January 2017
26. Letter from occupier of 48 Lambourne House, 100 Broadley Street, dated 17 January 2017
27. Letter from occupier of 3 Hogan Mews, dated 20 January 2017
28. Letters from occupier of 99 St Marys Mansions, St Marys Terrace, dated 26 January 2017 and 12 February 2017
29. Letter from occupier of Paddington Green Health Centre, 4 Princess Louise Close, dated 26 January 2017
30. Letter from occupier of Flat 37, 5 Harbet Road, dated 6 February 2017
31. Letter from occupier of Flat 28, St Marys Mansions, St Marys Terrace, dated 15 February 2017
32. Letter from occupier of Flat 2, 73-75 Bell Street, dated 19 February 2017
33. Letter from occupier of Athene Place, 66 Shoe Lane, dated 23 May 2017

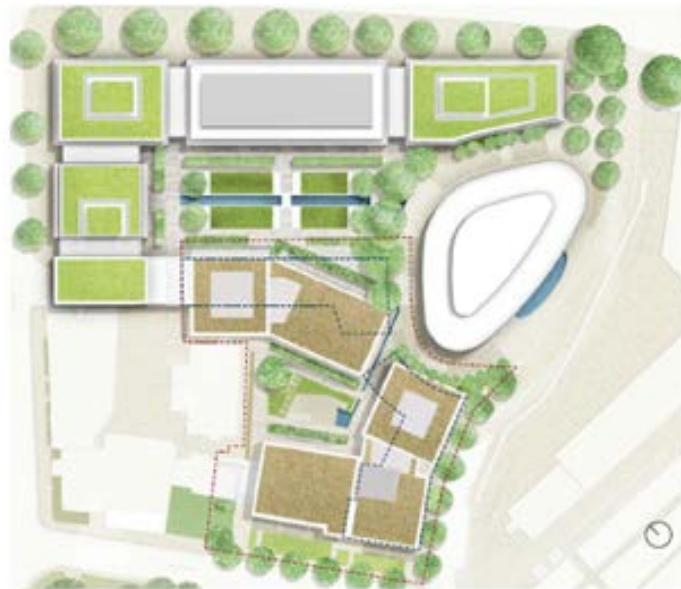
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

10 KEY DRAWINGS



Consented West End Green Masterplan

----- Consented Blocks G & H to be replaced by 14.17
Paddington Green proposed design



Proposed Masterplan showing 14.17 Paddington Green Scheme

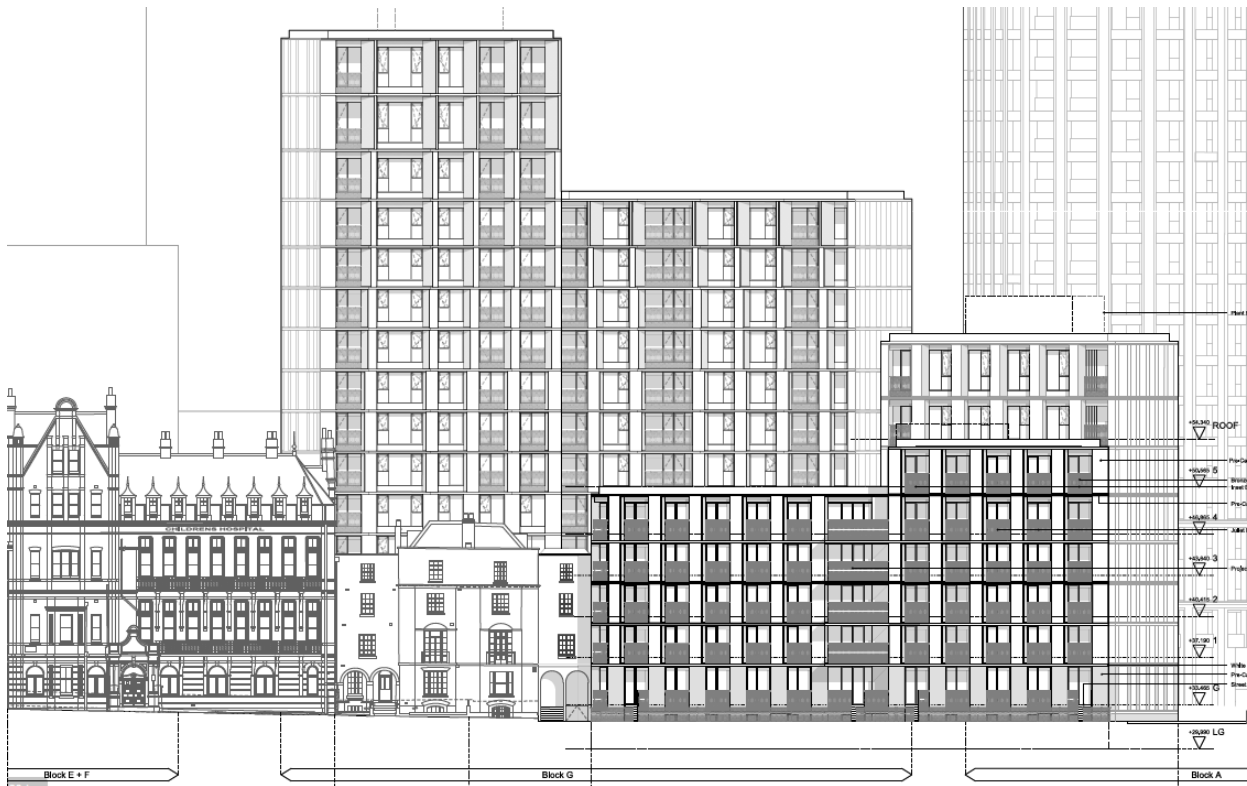
----- Consented Blocks G & H replaced by 14.17 Paddington
Green proposed design
----- 14.17 Paddington Green site boundary

Site Plan Showing Consented WEG Development (top) and Proposal's Relationship to WEG Development (bottom)

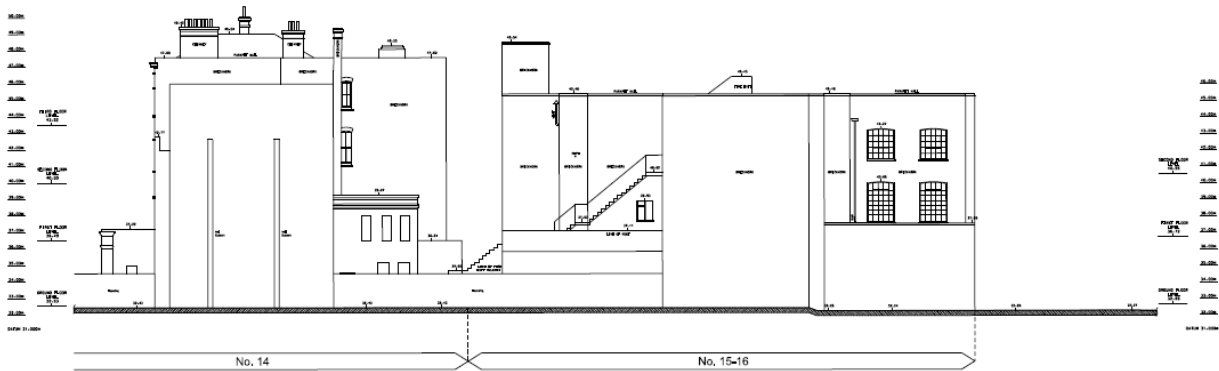


Elevation 01 - Paddington Green

Existing Paddington Green (West) Elevation

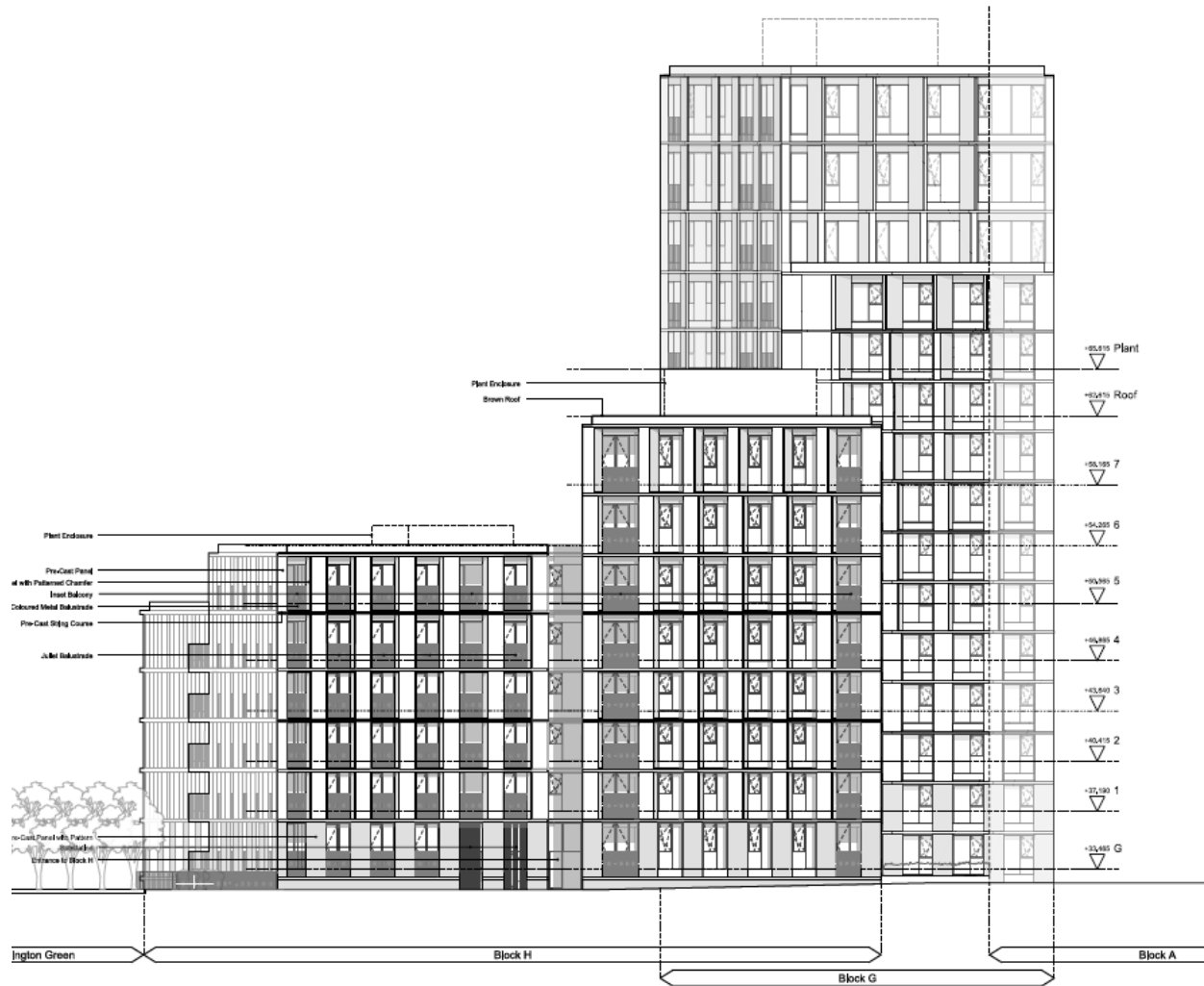


Proposed Paddington Green (West) Elevation

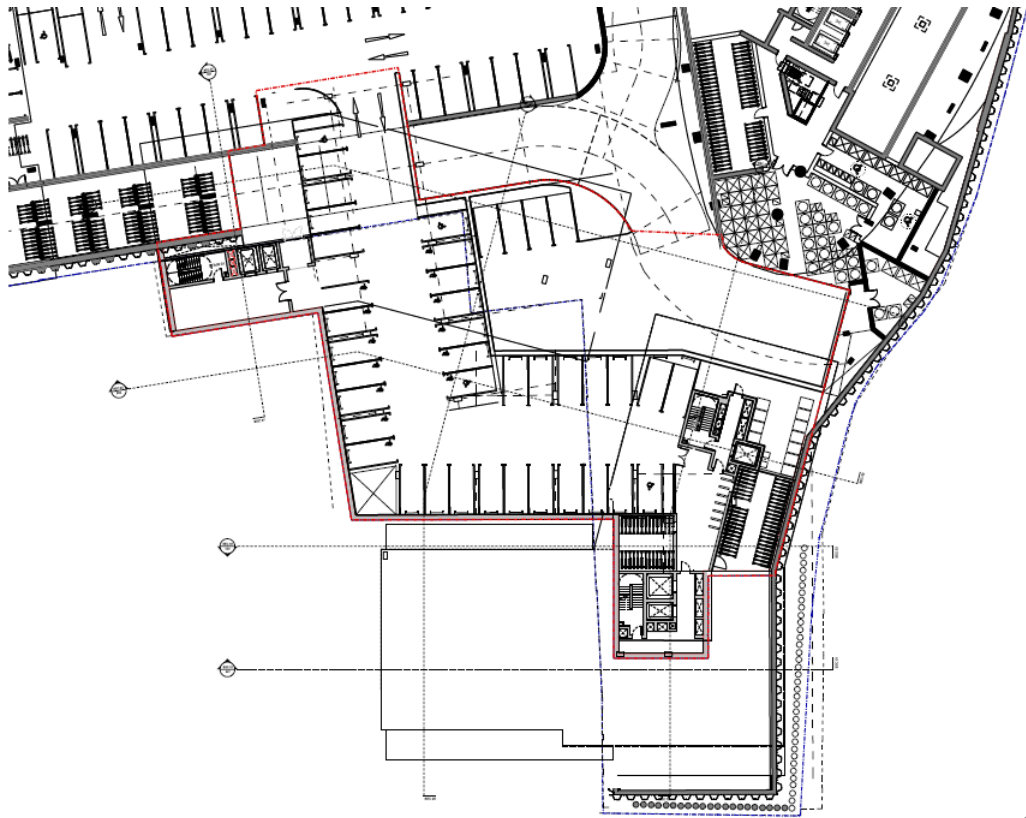


Elevation 06 - Car Park

Existing Newcastle Place (South) Elevation



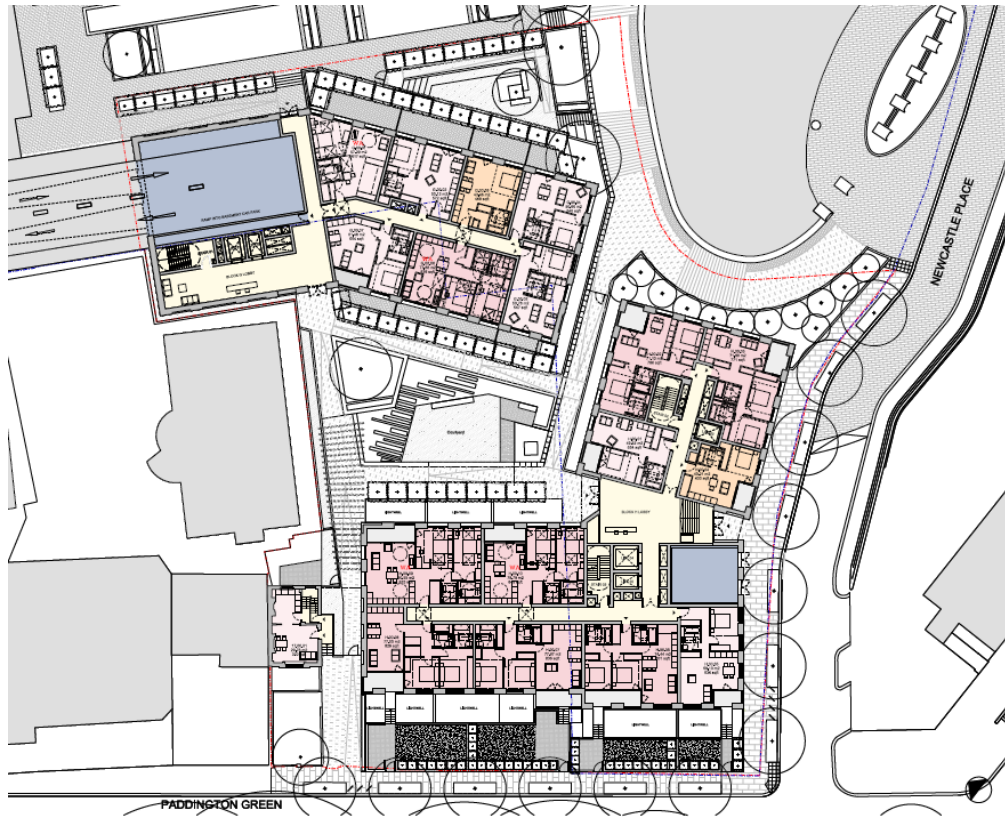
Proposed Newcastle Place (South) Elevation



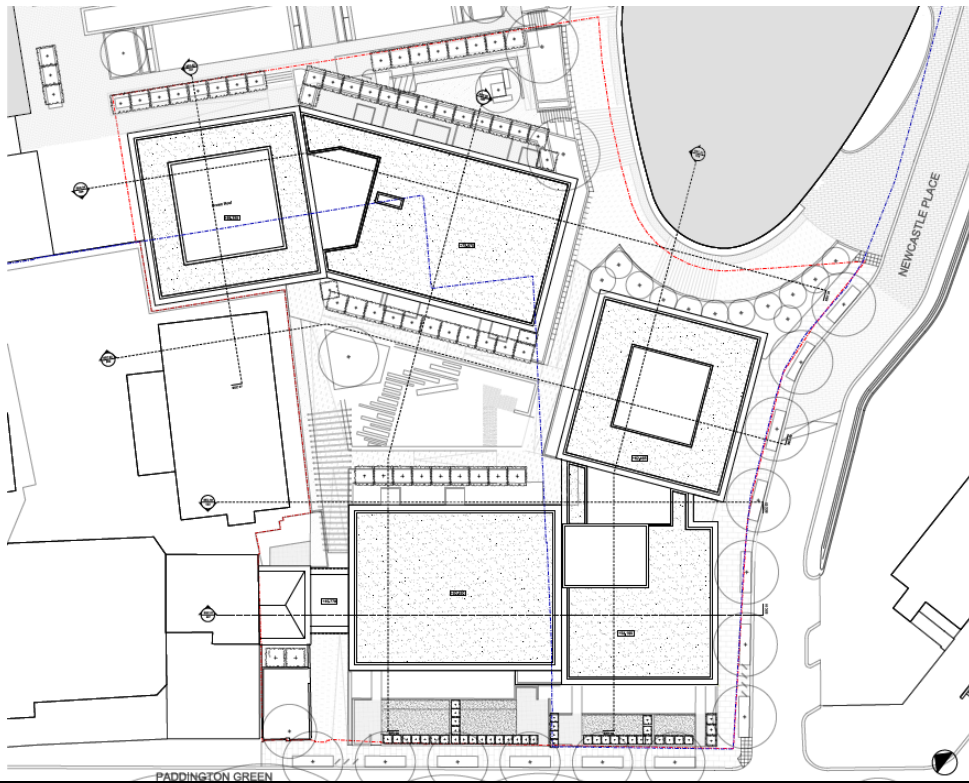
Proposed Basement Parking Level



Proposed Lower Ground Floor Level



Proposed Ground Floor Plan



Proposed Roof Plan



Image of Proposed Development from Paddington Green / Church Street Intersection



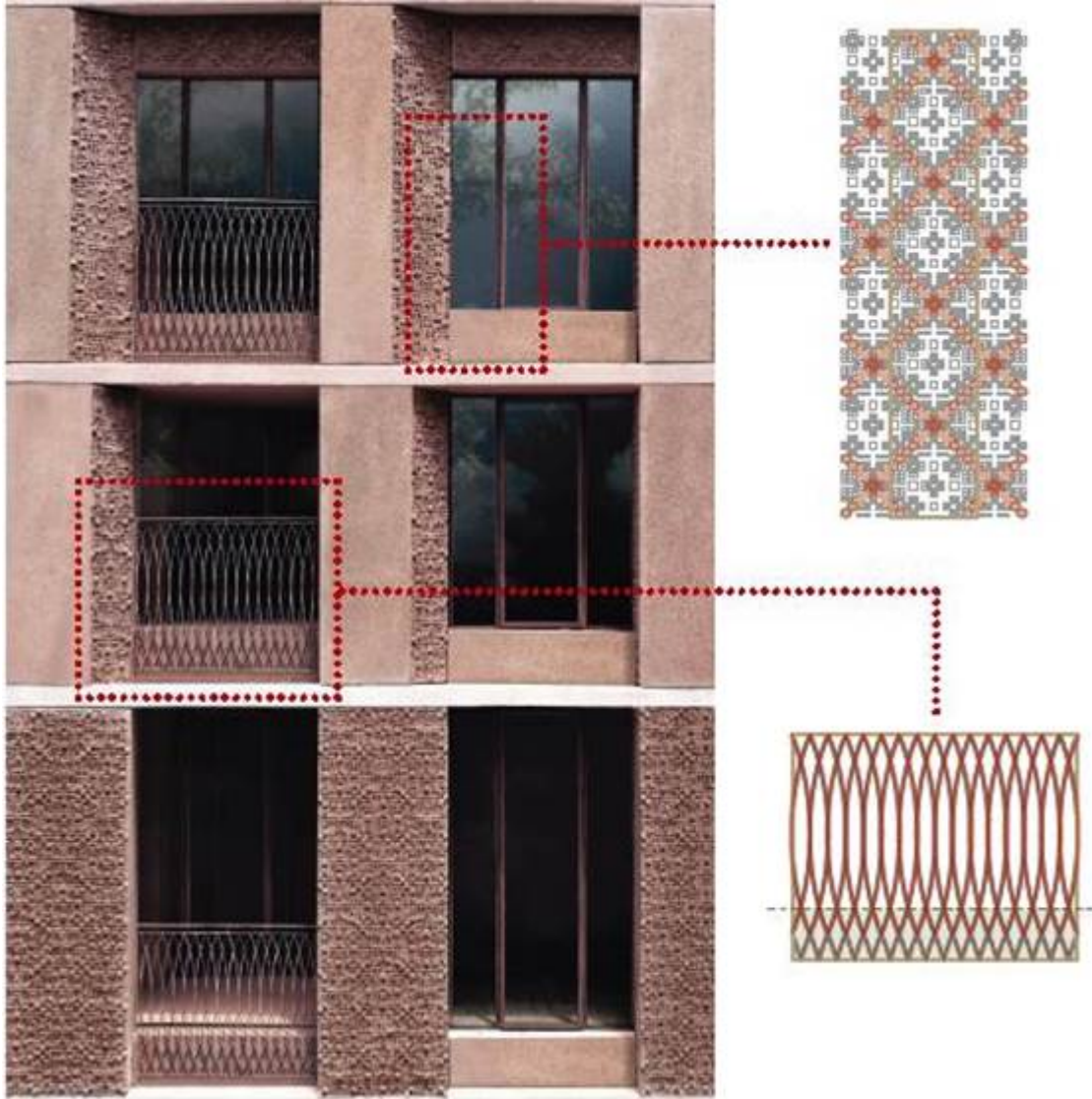
Image of Proposed Courtyard (r/o 17 Paddington Green to right)



Image of Proposed Development from Paddington Green



Image of Proposed Development Looking Across Paddington Green



Bay Detail to New Blocks

DRAFT DECISION LETTER

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

Proposal: 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.

Reference: 16/11562/FULL

Plan Nos: Drawing no's. 13503-A-L-2-P00-000, 13503-A-L-1-P00-001 Rev B, 13503-A-L00-P00-002 Rev B, 13503-A-L01-P00-003 Rev B, 13503-A-L02-P00-004 Rev B, 13503-A-L03-P00-005 Rev B, 13503-A-L04-P00-006 Rev A, 13503-A-L05-P00-007 Rev A, 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 Happauld Engineering (Rev 2 – 20 December 2016); Email from Laurence Brooker of Turley Containing Revised Affordable Housing Offer (10.29 am 28 June 2017); Document titled "Westminster City Council Presentation – response to Comments" by Piercy and Company (30 June 2017).

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the

City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

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

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

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

Reason:

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

- 3 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. (C29BB)

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)

- 4 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

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: Strategic Policies adopted November 2013 and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 **Pre Commencement Condition.** 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:

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 and as shown in the drawings as secured by condition 8 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. 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)

- 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. (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)

- 14 You must apply to us for approval of an elevation and a section drawing showing the new front boundary walls 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.

You must then carry out the work according to these drawings, and these boundary walls must be installed prior to the occupation of the new buildings fronting onto Paddington Green. (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 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. (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 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)

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

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 19 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)

- 20 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 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 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)

- 22 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 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 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.

- 24 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)

- 25 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)

- 26 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)

- 27 No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no 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 site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - 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:

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)

- 28 **Pre Commencement Condition.** 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.

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

Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, 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)

- 29 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 window 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)

- 30 (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.

31 (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.

- 32 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.

- 33 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 LAmax 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.

- 34 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.

- 35 A scheme of mechanical ventilation incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved in writing by the local planning authority prior to the occupation of the residential units. 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: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 36 Before occupation of the residential units, you must apply to us for approval of a Travel Plan. 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: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 37 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: Strategic Policies adopted November 2013 and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 38 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)

- 39 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).

- 40 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose. Cycle parking for each residential block shall be provided before that block is occupied.

Reason:

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (March 2016).

- 41 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)

- 42 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)

- 43 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)

- 44 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).

- 45 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 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 46 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 carry out the development in accordance with the details we approve.

Reason:

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

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

Reason:

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

- 48 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)

- 49 **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 and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application

Reason:

To protect the environment of neighbouring occupiers. This is as set out in CM28.1, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 50 **Pre-commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees around the site that may be affected by demolition and construction. You must not start any demolition, site clearance or building work and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

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)

- 51 **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).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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 21 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 You are advised that should you apply to move the affordable units hereby approved onto the West End Green / Gate Development site and into a dedicated affordable block, the City Council's viability consultant advises that this will yield an additional affordable housing contribution. A full viability appraisal will be required as part of the application to move these units that demonstrates the uplift in affordable contribution to the City Council.
- 5 In regard to the CLP, TfL wishes to ensure that construction vehicles are fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment to reduce the risk of collisions on the capital's roads. TfL requests that these requirements be secured in the s106 agreement. TfL would also encourage more effective steps to discourage the use of on site parking provision, and greater incentives towards the use of sustainable travel by construction workers, than that suggested within the draft CMP.

- 6 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. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

- 7 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)

- 8 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.

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.

- 9 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.

- 10 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.

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.

- 11 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.

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)

- 12 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.

- 13 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
Email res@westminster.gov.uk
Tel : 020 7641 3003 Fax : 020 7641 8504

- 14 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
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 15 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

- 16 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.
- 17 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste.
- 18 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).
- 19 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.
- 20 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.

- 21 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both.
- 22 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 23 In supplying the detail required for conditions 12 and 29 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.
- 24 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) 32 affordable units on-site comprising 19 social rented units and 13 intermediate units;
 - b) A carbon offset payment of £233,622.00 (index linked and payable on commencement of development);
 - c) A reduction of £56,339 (index linked) to the £631,000 education contribution, in the event that this development is built;
 - 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) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant;
 - h) Offering local employment opportunities during construction; and
 - i) Payment of cost of monitoring the agreement (£10,000).

Item No.

1

DRAFT DECISION LETTER

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

Proposal: 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.

Reference: 16/11563/LBC

Plan Nos: Drawing no's. 13503-A-L-2-P00-000, 13503-A-L-1-P00-001 Rev B, 13503-A-L00-P00-002 Rev B, 13503-A-L01-P00-003 Rev B, 13503-A-L02-P00-004 Rev B, 13503-A-L03-P00-005 Rev B, 13503-A-L04-P00-006 Rev A, 13503-A-L05-P00-007 Rev A, 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 Happauld Engineering (Rev 2 – 20 December 2016); Email from Laurence Brooker of Turley Containing Revised Affordable Housing Offer (10.29 am 28 June 2017); Document titled "Westminster City Council Presentation – response to Comments" by Piercy and Company (30 June 2017).

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 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 walls 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 five 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.