

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE</b>	<b>Date</b> 23 April 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director of Growth, Planning and Housing		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Development Site - Land At, Harbet Road, London, W2 1JU,</b>		
<b>Proposal</b>	Redevelopment comprising the erection of a 42 storey building (Building 1) and a 21 storey building (Building 6) above three basement levels. Use of buildings as 426 residential units (Class C3) (including 67 affordable housing units in Building 6), retail floorspace (Classes A1/ A2/ A3/ A4) and retail/leisure floorspace (Classes A1/ A2/ A3/ A4/ D2); provision of car parking, cycle parking, ancillary space, plant, servicing, highway works, hard and soft landscaping and other associated development.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Merchant Square Residential (Buildings A&F) Limited		
<b>Registered Number</b>	18/05018/FULL	<b>Date amended/ completed</b>	27 June 2018
<b>Date Application Received</b>	14 June 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to:

- a) the completion of a S106 legal agreement and a deed of variation to the Overarching Agreement dated 4 August 2011 (as previously varied on 27 March 2012) on to secure the following planning obligations:

### **New Buildings 1 and 6 S106 Agreement**

- i. Notice of commencement of development.
- ii. Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1).
- iii. Provision and management of CCTV.
- iv. Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.

- v. Provision of public realm areas prior to occupation.
- vi. Provision of maintenance, use of and access to the on-site public realm.
- vii. Provision of cycle parking within shared basement.
- viii. Provision of lifetime (25 year) car club membership for all market and affordable units.
- ix. Provision of land for installation of Mayor's Cycle Hire docking station.
- x. Provision and periodic review of a workplace and residential travel plans.
- xi. Provision and maintenance of public access to the Sky Bar in Building 1.
- xii. Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
- xiii. Provision of lifetime car club membership for each affordable housing unit within the development.
- xiv. Provision of skills and employment opportunities for local residents.
- xv. Costs of monitoring the agreement (£500 per head of term).

#### **Deed of Variation to Overarching Agreement**

- i. Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- ii. Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- iii. A financial contribution of £360,000 (index linked from August 2011) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- iv. Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- v. Provision of towpath works (these have been delivered in conjunction with Building 3).
- vi. Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).
- vii. Off-site provision of a waterways facilities building incorporating the listed canopy.
- viii. Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
- ix. Provision of, and connection to, the Energy Centre within 3 Merchant Square and provision of amended CHP equipment to deliver greater reductions in NOx emissions.
- x. Provision and management of on-site car club spaces.
- xi. Provision and management of on-site residential car parking provision within shared basement.
- xii. Provision of electric car charging facilities.
- xiii. Provision and adherence with a servicing management strategy.
- xiv. Provision of a green waste composting scheme.
- xv. Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
- xvi. Mitigation measures for television signal interference.
- xvii. Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).
- xviii. Compliance with the Local Procurement Code.

b) the concurrence of the Mayor of London.

2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 1 August 2019 then:

- a) The Executive Director Growth, Planning and Housing shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Executive Director Growth, Planning and Housing shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Making and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway in North Wharf Road to enable this development (Building 6) to take place.
  4. That the Director Place Shaping and Town Planning be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## 2. SUMMARY

The application proposes site wide redevelopment of this currently vacant site within the Central Activities Zone (CAZ), Paddington Opportunity Area (POA) and North Westminster Economic Development Area (NWEDA) to provide a 42 storey building (Building 1) and a 21 storey building (Building 6), with three basement levels. It is proposed to use the buildings as 426 residential units (Class C3), including 67 on-site affordable housing units in Building 6, with retail and leisure floorspace (Classes A1/ A2/ A3/ A4/ A5/ D2) at ground floor level and a two storey 'sky bar' at the top of Building 1. The proposed basement levels would be utilised to provide residential car parking, cycle storage and ancillary space for mechanical plant and servicing activities. In association with the buildings hard and soft landscaping is proposed to complete the delivery of Merchant Square, a publicly accessible open space between the Buildings 1, 2, 3 and 6 and the canal basin. Works area also proposed to enhance the public highway around the perimeter of the site.

The current scheme for redevelopment of this site follows approval of earlier schemes for redevelopment of the site dated 4 August 2011 (RN: 10/09756/FULL) and 27 March 2012 (RN: 11/10445/FULL). These permissions allowed the erection of a 42 storey building and a 15 storey building to provide a total of 341 residential units, a hotel, 'sky bar' and retail uses on the ground and first floor levels. These previously approved schemes were lawfully implemented in 2016 prior to the expiry of these 5 year permissions (see Section 5). They therefore remain extant and are a material consideration in the determination of the current application.

The key issues in this case are:

- The acceptability of the proposed mix of uses within the POA.
- The acceptability of the proposed on-site affordable housing provision in terms of the quantum, mix and tenure of the units proposed.

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the setting of the neighbouring Paddington Green Conservation Area; the grade II\* listed St. Mary's Church; and other designated heritage assets.
- The impact on the amenity of neighbouring residential properties.
- The impact of the proposed development on the environment in this part of the City.
- The acceptability of the quantum of car parking proposed.

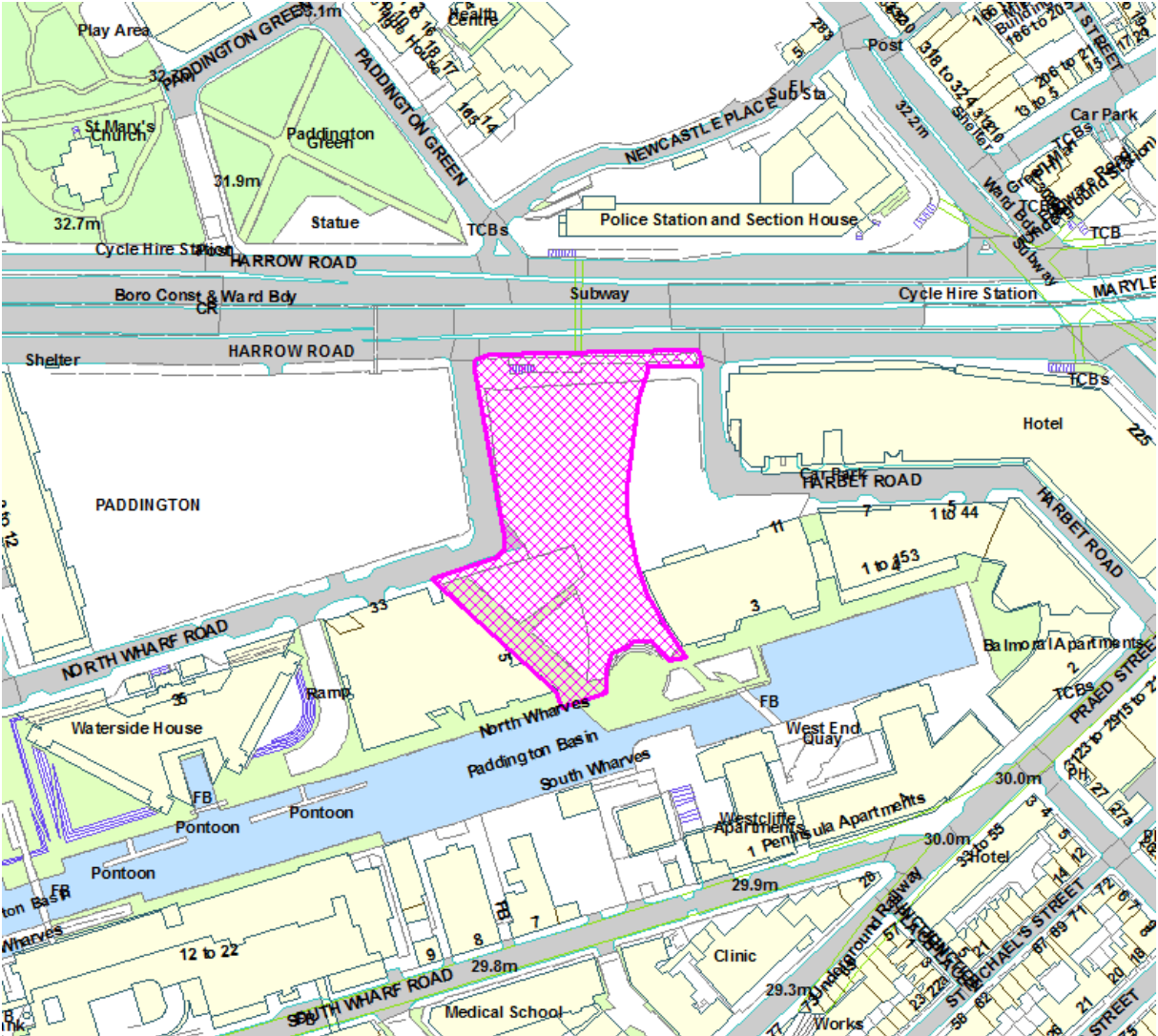
As set out in Section 8.13 of this report the application is of a significant scale necessitating the undertaking of an Environmental Impact Assessment. This assessment has identified a number of areas where significant environmental effects could occur. However, for the reasons set out in detail in the report, it has been established through independent review of the submitted Environmental Statement that these effects can either be suitably mitigated through measures secured via the S106 agreement or by condition or, in the case of the amenity impact of the scheme, the adverse effect is outweighed by the wider beneficial effects of the development.

The planning benefits of the scheme include, but are not limited to, the provision of 67 on-site affordable housing units and whilst this quantum of affordable housing falls below the quantum expected by adopted and emerging development plan policies, it has been concluded through robust independent review of the applicant's viability assessment that this is the maximum provision that can viably be achieved, having regard to the constraints upon the viability of the development, which includes a significant Mayoral and Westminster CIL liability (see Section 8.12). Early and late stage viability review mechanisms are to be secured via the S106 agreement and will enable any improvements in the viability of the scheme to be captured to deliver additional affordable housing.

The proposals include the provision of a tall building; however, the site is the one site in Westminster identified in Policy DES3 in the UDP as being appropriate for a tall building and the height and form of this building remain as previously approved. The minor repositioning of the building on the site would not have an adverse impact on the significance of neighbouring heritage assets, nor would it have a materially greater impact on townscape views than the scheme previously approved in 2011, which remains extant.

In summary, whilst the proposed development would result in some limited adverse effects, the planning benefits of the scheme, particularly the delivery of a significant quantum of market and affordable housing, provision of employment generating uses within the POA and NWEDA, provision of a new publicly accessible open space and the wider enhancement to the public realm and townscape within this part of the City, outweigh the harm that has been identified. In this context, the proposed development considered to be acceptable in land use, design, amenity, transportation and environmental terms and, having regard to the particular constraints of the site, would accord with the relevant Policies in the City Plan adopted in November 2016 (the City Plan), the Unitary Development Plan adopted in January 2007 (the UDP), the London Plan adopted in March 2016. Consideration has also been given to the compliance of the scheme with the draft new London Plan; albeit as it has not yet been adopted, full weight has not been attributed to the policies within this emerging plan (see advice in Section 8.10). As such, it is recommended that conditional permission is granted subject to completion of legal agreements to secure planning obligations and the concurrence of the Mayor, as set out in full in Section 1.

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



View of site from the south (site comprises land backward of the hard paved area in front of the two storey temporary marketing suite structure and between Building 5 on the left and Building 3 on the right).





View of site from the Westway (A40)/ Harrow Road (top) and from North Wharf Road, looking east (bottom).

## 5. CONSULTATIONS

### 5.1 Consultation on Initially Submitted Scheme and EIA (July 2018)

#### SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

No comment.

#### GREATER LONDON AUTHORITY

Development does not yet comply with the London Plan and the draft London Plan. Prior to full assessment of the viability of the scheme, the provision of 16% affordable housing by habitable rooms is unacceptable. Early and late stage review mechanisms will be required if affordable provision remains below 35% following viability review. The Council must publish the financial viability assessment if the provision remains below 35%. Concern that the scheme does not meet the standards set out in the Mayor's Housing Supplementary Planning Guidance in terms of provision of private amenity space. Carbon dioxide savings fall short of the London Plan target and additional measures for carbon reductions should be explored. Further information is required in respect of the sustainable drainage measures proposed before London Plan compliance can be determined. Amended trip generation assessment with a more accurate mode split must be provided and CLoS and Healthy Streets check undertaken. A detailed construction logistics plan and car parking management plan should also be secured via the S106 agreement.

#### WARD COUNCILLORS (HYDE PARK, LITTLE VENICE, CHURCH STREET & BRYANSTON AND DORSET SQUEEN

Any response to be reported verbally.

#### HYDE PARK ESTATE ASSOCIATION

Supportive the application. Appreciate the efforts the applicant has made to include affordable housing within the development. Welcome the retail and leisure spaces planned and believe they will be valuable additions to community facilities in the area. The development has been designed and planned with sensitive consideration to the neighbouring buildings and appropriate concern for the public realm. It is also apparent that this development will create a beneficial and lasting addition to our neighbourhood and community.

#### NORTH PADDINGTON SOCIETY

Consider that the development is in the right area; however, given that the proposal includes 426 residential units, would like to see at least 85 units (20%) made available to Registered Social Landlords (RSL's) at genuinely affordable rents.

#### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection. Can see no reason why the proposal does not deliver 35% affordable housing. The amount of affordable housing offered by the developer is wholly inadequate.

#### PADDINGTON RESIDENTS' ACTIVE CONCERN ON TRANSPORT

Any response to be reported verbally.



**ST JOHN'S WOOD SOCIETY**

Any response to be reported verbally.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Given the replacement of the previously approved hotel in Building 1 with private housing, consider that the overall proportion of on-site affordable in the two buildings should be increased, if this change is shown to be viable. Therefore, objection is raised on this basis on grounds that insufficient affordable housing would be provided. Note that there will be a school at each end of North Wharf Road. Welcome the reorientation of Building 6, which would improve vistas. Request that CIL money stemming from this and other nearby developments should be used as soon as possible to improve the public realm in and around North Wharf Road.

**HEAD OF AFFORDABLE HOUSING AND STRATEGY**

Any response to be reported verbally.

**ARBORICULTURAL MANAGER**

Ask that further details of soil depths and volumes are provided for tree pits and planters. Concerned that soil volumes within planted areas should be maximised. Further details of landscaping should be secured by condition. Asks that the applicant reconsiders the use of beech trees as they are intolerant of drought and hard surfaces and would prefer the use of an alternative tree species to birch.

**BUILDING CONTROL**

Any response to be reported verbally.

**CANAL & RIVER TRUST**

No objection. Ask that the applicant refer to the Canal and River Trust's guidance document '*Code of Practice for Works affecting the Canal and River Trust*'.

**CHILDREN'S SERVICES**

Any response to be reported verbally.

**CHURCH ST. LARP**

Any response to be reported verbally.

**CITY PLANNING**

Any response to be reported verbally.

**CORPORATE PROPERTY**

Any response to be reported verbally.

**DESIGNING OUT CRIME OFFICER**

Initial response asking that the applicant meets with the Designing Out Crime Officer noting that the recommendations made in September 2017 don't appear to have been addressed. Subsequent confirmation of meeting with the applicant in December 2018. Suggests a condition to reserve details of compliance with Secure by Design Residential and Commercial 2016.

**ENVIRONMENTAL SCIENCES**

Following amendments/ clarifying information no objection is raised, with the exception to the termination point and design of the proposed kitchen extract system. Request that drawings of the proposed kitchen extract ducting and extraction points on the roof of Building 6 are provided. Conditions are recommended to secure a contaminated land assessment, compliance with the Code of Construction Practice, to control noise and vibration from mechanical plant and construction works, protect new residential accommodation from noise sources, secure further details of the energy centre flue, secure a Deliveries and Servicing Plan and control the hours of servicing.

#### HIGHWAYS PLANNING MANAGER

Raises the following issues/ comments:

- Supports provision of electric charging points in basement parking. These should be secured via the legal agreement.
- Removal of hotel drop off that was in the approved scheme in North Wharf Road is welcomed.
- Provision of off-street servicing in basement is supported.
- Provision of space within the development for a Mayors Cycle Hire docking station is supported, as is short stay cycle parking within the public realm.
- No objection raised to likely trip generation from the proposed development and content that modelling is sufficiently accurate.
- Public realm on site would provide a suitable pedestrian environment subject to access being secured via a walkways agreement in the legal agreement.
- Does not consider the provision of travel plans necessary given the location of the site but supports the continued provision of car club spaces as per the approved scheme.
- Notes that on-street residents parking in the vicinity of the site has reached 112% occupancy overnight, whilst daytime occupancy is 85%. In light of this would prefer to see a higher parking ratio than 15 spaces for affordable units and 191 spaces for the market units. Notes this leaves 168 units without access to car parking, but that if provided on a 'right to park' basis the number of spaces proposed may be sufficient to meet demand based on the car ownership data within the Hyde Park Ward from the 2011 Census.
- Considers that the affordable housing should be provided with 25 spaces on right to park basis to address likely demand from 67 affordable units.
- Notes that the applicant has offered the provision of 6 bays in the development for car club vehicles and car club membership for each residential unit to seek to address shortfall in residential parking.
- The stopping up in relation to the provision of Building 6 is not objectionable.
- Stopping up to provide landscaping/ planters around the base of Building 1 is not supported and these should be removed from the public highway.
- Hostile vehicle mitigation measures should not be located on the highway and should be relocated off the highway.
- A servicing management plan should be secured.
- Conditions, informatives and legal agreement heads of terms recommended in the event that permission is recommended.

#### HISTORIC ENGLAND

No comment.

**HISTORIC ENGLAND (ARCHEAOLGY)**

Note that the site is close to the Tier 2 Archaeological Priority Areas (APAs) of Watling Street and Paddington. Given the proximity of these APAs and the scale of development a condition is recommended to secure a written scheme of investigation and on-site evaluation of archaeology.

**INLAND WATERWAYS ASSOCIATION**

Any response to be reported verbally.

**LONDON UNDERGROUND LIMITED**

No object to principle of proposed development, subject to a condition to secure details of the structural design of all structures and measures to accommodate all London Underground infrastructure.

**LEAD LOCAL FLOOD AUTHORITY**

Any response to be reported verbally.

**NATURAL ENGLAND**

No comment.

**PADDINGTON BID**

Support proposed development. Note that since 2003 the applicant has delivered a mixed community of commercial and residential properties, with considerable levels of affordable housing already delivered, and well managed, on site. Consider that the proposed scheme will be an improvement on the approved scheme in terms making the arrival via North Wharf Road more attractive and creating a real destination in Paddington with a superior roof top bar/ restaurant. Also welcome more residential units given other recent hotel consents in the local area. The possibility of provision of a cinema is supported as this use is lacking at present in Paddington. Adding to the cultural offer locally is critical if Paddington is to continue to compete with other Opportunity Areas in London. Also, extremely important to recognise the Community Infrastructure Levy that will be delivered to the City Council by the application will be circa £20m, which could deliver wholesale improvements to Praed Street and North Wharf Road, both of which are in need of considerable place-making investment.

**PLACESHAPING (PUBLIC REALM)**

Any response to be reported verbally.

**PROJECT OFFICER (WASTE)**

A full waste management strategy modelling waste generation and bin capacities should be submitted. The use of a chute system for waste disposal should not be permitted. Chute systems are not permitted for dry mix recyclables as they lead to contamination of recyclable materials. An alternative system should be considered in accordance with the Recycling and Waste Storage Requirements guidance document. The use of the bins should be labelled on the submitted drawings. Concern that the retail waste store may be too small to accommodate retail waste as there is no space for storage of food waste or waste cooking oil. The retail waste store should be amended to address these concerns. The applicant should demonstrate that there will be clear head room of 4.5m to Basement -2 level to ensure refuse collection vehicles can be accommodated. Notes

that it appears the floor to ceiling height within the basement is circa 3.5m. Applicant should confirm that storage for waste and recycling will be provided within each flat.

#### ROYAL PARKS

Any response to be reported verbally.

#### SPORT & LEISURE

Any response to be reported verbally.

#### THAMES WATER

Note that there is an inability of the existing combined waste water infrastructure to accommodate the needs of the development. Ask that a condition is imposed to require all necessary water network upgrades required to accommodate additional flows to be carried out prior to occupation. A positively pumped device should be installed to prevent sewer flooding. Condition requested to secure details of piling within 15m of the sewer main and also to require the water main to be diverted so that the development would not be within 5m of it so that water infrastructure would not be damaged. Note that there is an inability of the existing combined water infrastructure to accommodate the needs of the development. Request a condition to prevent occupation of the development until such a time as all water upgrades required to accommodate the additional flows generated by the development have been accommodated. Note that it is expected that surface water run-off will be attenuated to greenfield run-off rates.

#### TRANSPORT FOR LONDON

Objections raised. The level of car parking proposed is excessive and an overprovision relative to car ownership levels in the surrounding area. Car parking should be for blue badge holders only in accordance with the draft London Plan. Cycle parking provision is not in accordance with the draft London Plan and it is not clear if GEA or GIA floorspace figures were used to calculate commercial cycle parking provision (GEA floorspace figures should have been used). The multi-modal trip generation for the residential element of the scheme is based on outdated 2011 census data and should be re-done using more accurate, recent source of mode split information. Consider the increased retail element (relative to the approved scheme) to now be a destination in its own right and therefore it should be subject to its own multi-modal trip generation assessment. The provision of a cycle hire docking station should be secured via the S106 agreement and should include provision of the cost of providing the docking station. A Delivery and Servicing Management Plan, Construction Logistics Plan and workplace and residential travel plans should be secured by conditions or via the S106 agreement. Request contribution towards provision of additional bus capacity on local routes. Car parking management plan and electric charging points should be secured by condition.

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

No. Consulted: 1257.

Total No. of replies: 5.

No. of objections: 4.

No. in support: 1.

4 emails received raising objection on all or some of the following grounds:

Design

- Development is far too large for the Paddington Basin site and would be double the height of surrounding buildings.
- Tall building would tower over the Maida Vale Conservation Area.
- Building will not be a good fit and will look like a monster.
- Building is too tall compared to the surrounding area and the architectural style is not in keeping with the surrounding area and is of little merit.

#### Amenity

- Due to its size the development would have an adverse impact on the amenity of residents in the surrounding area.
- Residents in 3 Merchant Square will be eclipsed by the development and buildings are far too tight together.

#### Transportation

- In combination with 'the Cube' development this will swamp the local area in terms of car traffic and the use of public transport.
- Size of the building will cause an influx of people.
- Public realm is already very busy and dirty.

#### Other Matters

- Increased pressure on local facilities and shops.
- Welcome that construction of Building 2 at Merchant Square has currently stopped.
- There are already insufficient schools and doctor's surgeries in the vicinity.

One email in support of the application from Derwent London noting that the applicant (European Land) has been at the forefront of the regeneration of Paddington Basin and have created superb office spaces attracting global office tenants to Paddington and have also delivered new homes for Londoners with a high percentage of affordable units provided on site.

#### ADVERTISEMENT/ SITE NOTICE (x3)

Yes.

### 5.2 Consultation on Further Information (Pursuant to Regulation 22) Submitted to Supplement the Initially Submitted EIA (January 2019)

#### SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

No comment.

#### ENVIRONMENT AGENCY

No comments.

#### HIGHWAYS PLANNING MANAGER

Comments as in response to initial consultation, but welcomes the omission of the planters and other structures extending on to the public highway.

#### NATURAL ENGLAND

No objection.



**THAMES WATER**

Objection on same grounds as raised in response to consultation on initially submitted scheme.

**ADVERTISEMENT/ SITE NOTICE (x3)**

Yes.

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

This application comprises a 0.63ha site located within the Central Activities Zone (CAZ), the Paddington Opportunity Area (POA) and the North Westminster Economic Development Area (NWEDA), to the north of Paddington Basin, which forms the termination of the Grand Union Canal.

The site is well served by public transport with Paddington Station, with links to the London Underground, Crossrail/ the Elizabeth Line, national rail and the Heathrow Express 400m to the south west and Edgware Road Underground Stations a short distance to the north east. The site is also well served by a significant number of bus routes along Harrow Road, Edgware Road and Praed Street.

The site is vacant and was cleared in the 1990's/ early 2000's such that it does not contain any existing buildings or floorspace. It is not within a conservation area, nor does it contain any listed buildings. However, the Paddington Green Conservation Area is located immediately to the north of the site, beyond the Westway (A40) and Harrow Road. The Grade II\* listed St. Mary's church is located to the north west of the site, also on the opposite side of the Westway (A40) and Harrow Road.

The setting of the site within the POA generally comprises buildings of circa 50m in height or greater. The buildings constructed to date on the Merchant Square site immediately around the application site are higher at approximately 65m in height. These heights are mirrored on the eastern end of the neighbouring Former North Westminster Community School site to the west of the application site. To the south of the site St. Mary's Hospital is located on the southern side of Paddington Basin. To the north, beyond the Westway (A40) and Harrow Road, the townscape is generally much lower in height and finer in scale than within the POA; albeit the change in scale between the POA and this smaller scale townscape has already been established by neighbouring development to the east and west within the POA.

The site has been the subject of a number of iterations of redevelopment proposals over the last 15-20 years, as summarised in Section 6.2. The most recently approved schemes for the site, which would see it redeveloped to provide a 42 storey building and a 15 storey building (10/09756/FULL and 11/10445/FULL), were implemented in 2016; albeit only minor works sufficient to implement these permissions have been carried out to date. Nevertheless, these schemes remain extant and could continue to be carried out at any time.

## 6.2 Recent Relevant History

The application site and the now developed neighbouring plots that make up the wider Merchant Square site have been the subject of a number of planning permissions since the mid 1990's when the context for development of the site was first set out. Of greatest relevance though are the previous planning permissions granted in 2007, 2008, 2011 and 2012 for the redevelopment of the wider Merchant Square site to provide six building ranging in height between 16 and 42 storeys. These permissions were the subject of detailed legal agreements to provide a wide range of planning obligations.

### 10/09756/FULL (Building 1)

Redevelopment comprising the erection of a 42 storey building to provide a maximum of 222 market residential units (and no less than 213 residential units) (Class C3), hotel (Class C1), provision of basement parking, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping  
Application Permitted 4 August 2011

This permission for the erection of a tall building on the current application site remains extant as the permission was lawfully implemented prior to its expiry in 2016. The City Council confirmed that it agreed that the permission had been lawfully implemented via a Certificate of Lawful Existing Use or Development (CLEUD) application which was issued on 31 May 2016 (RN: 16/01468/CLEUD).

### 10/09757/FULL (Building 2)

Redevelopment comprising a 17 storey building to provide offices (Class B1), retail uses (Class A1/A2/A3/A4/A5), provision of basement parking, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping (Building 2).  
Application Permitted 4 August 2011

This permission for the erection of an office building at the corner of Harrow Road and Harbet Road on the north western corner of the wider Merchant Square site. The permission remains extant as it was lawfully implemented prior to its expiry in 2016. The City Council confirmed that it agreed that the permission had been lawfully implemented via a Certificate of Lawful Existing Use or Development (CLEUD) application which was issued on 31 May 2016 (RN: 16/01467/CLEUD). To date basement excavation works and basement construction works have been undertaken but work on the building above ground floor level has not commenced.

### 10/09758/FULL (Building 3)

Redevelopment comprising the erection of a 21 storey building to provide a maximum of 201 market and affordable residential flats (and no less than 195 residential flats) (Class C3), retail uses (A1/A2/A3/A4/A5), nursery and community space, provision of basement parking, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping.  
Application Permitted 4 August 2011

This building has been completed and is located to the east of the current application between Harbet Road and facing Paddington Basin. The western elevation of Building 3

forms the façade to the eastern side of the publicly accessible open space at Merchant Square.

06/00944/FULL (Building 4)

Redevelopment by the erection of a 16-storey residential building, comprising 196 residential units, with ground floor Class A1/A2/A3/A4/A5 units, ancillary basement parking, ground floor Class B1 small office suites, estate management office, Business Opportunities Centre highways works, new vehicular and pedestrian accesses, new bridge and associated works to Paddington Basin and associated hard and soft landscaping.

Application Permitted                      18 March 2008

This building has been completed and is located to the east of the current application site beyond Building 3 between Harbet Road and facing Paddington Basin.

06/00948/FULL (Building 5)

Redevelopment by the erection of a 15-storey Class B1 office building, with ground floor Class A1/A2/A3/A4/A5 units, ground floor and basement health club, ancillary basement parking, highways works, new vehicular and pedestrian accesses, and associated hard and soft landscaping.

Application Permitted                      3 December 2007

This building has been completed and is located immediately to the east of the current application site between North Wharf Road and Paddington Basin.

11/10445/FULL (Building 6)

Redevelopment to provide a 15 storey building (Building 6) comprising 57 market residential flats and 62 affordable residential flats (Class C3), retail uses (Class A1/A2/A3/A4/A5), medical centre (Class D1), basement parking including 23 spaces at basement -3 level, servicing and ancillary space, highway works, new vehicular and pedestrian access and associated hard and soft landscaping.

Application Permitted                      27 March 2012

This permission for the erection of a building on the southern half of the current application site remains extant as the permission was lawfully implemented prior to its expiry in 2016. The City Council confirmed that it agreed that the permission had been lawfully implemented via a Certificate of Lawful Existing Use or Development (CLEUD) application which was issued on 31 May 2016 (RN: 16/01468/CLEUD).

16/09963/FULL (Floating Garden in Paddington Basin)

Erection of two floating pontoon structures with a total area of 729m<sup>2</sup> at the head of Paddington Basin between Merchant Square and West End Quay comprising hard and soft landscaping, two mooring points and associated works, in association with the change in use of land over which water flows from a navigable waterway to open space for a temporary period of five years.

Application Approved                      7 December 2016

The floating garden has been installed within Paddington Basin by the applicants for the current application and provides a mix of hard and soft landscaped areas along with temporary events space and moorings.

17/03831/EIASCO (for Building 1 and Building 6 sites)

Request for scoping opinion for erection of a 42 storey building to provide approximately 271 residential units, with retail uses at ground floor level and a sky bar at roof level (Buildings 1) and erection of a 21 storey building to provide approximately 155 residential units with commercial/ retail uses at ground floor level, with associated basement and ground level landscaping pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).  
Scoping Opinion Issued 3 July 2017

## 7. THE PROPOSAL

The application proposes site wide redevelopment of this currently vacant site to provide a 42 storey building (Building 1) and a 21 storey building (Building 6). Below both buildings would be a single conjoined three level basement, which would also link to the existing basements of adjoining buildings at Buildings 2 and 3 at Merchant Square (as per the previously approved scheme).

Building 1 would be a cylindrical form that is tapered to its top and bottom, finished in dark blue glazed terracotta cladding, with white faience vertical 'fins' or 'tusks' running the full height of the building, providing the building with visual support, from which canopies over the double height ground floor level would project. Whilst the detailed design of this building has been amended to allow for the omission of the hotel from the lowest floors (2 to 8), the architectural concept, prevailing form and design and palette of materials for the building remains as per the extant scheme approved in 2011.

Building 6 has been wholly redesigned relative to the extant scheme approved in 2012. The footprint of the building has been reduced, particularly at its northern end to open up Merchant Square to North Wharf Road, to seek to integrate the square more successfully into the surrounding network of streets and public realm. The building has been increased in height from 15 to 21 storeys and its form has a more vertical emphasis; albeit with a stepped form down towards the lower and more squat form of 5 Merchant Square to the west. The palette of materials has also been amended to comprise cast masonry panels with a combination of dark grey and silver metal cladding panels. This choice of materials would be integrated into the wider group of buildings around Merchant Square (particularly Buildings 1, 2 and 3) by the use of a similar 'layered' approach to the facades of the building in terms of the arrangement of the glazing, solar shading and outer cladding elements of the facades.

It is proposed to use both the buildings principally to provide residential units, with 426 units (Class C3) proposed across the two buildings. This includes 67 on-site affordable housing units in Building 6.

At ground floor level retail and leisure floorspace (Classes A1/ A2/ A3/ A4/ D2) is proposed. The base of both buildings would provide active frontages through use as retail units, with the option of the introduction of a cinema in the base of Building 6. Within Building 1 a two storey 'sky bar' is proposed at the top of the building (floors 41 and 42) and this would have a linked restaurant offer at ground level.

As per the approved and extant scheme, the three basement levels proposed would be utilised to provide residential car parking, cycle storage and ancillary space for mechanical plant and servicing activities.

At ground level around the buildings hard and soft landscaping is proposed, which would complete the delivery of Merchant Square, a significant publicly accessible open space between the buildings and the canal basin to the south. Works are also proposed to enhance the public highway around the perimeter of the site.

**Table 1 – Existing and Proposed Floorspace.**

Use	Existing GIA (m2)	Previously Approved GIA (m2)	Proposed GIA (m2)	+/-
Residential	0	39,037	48,664	+9,627
Non-Residential (including hotel in approved scheme)	0	7,853	1,140	-6,176
<b>Above Ground Total</b>	<b>0</b>	<b>46,890</b>	<b>50,341</b>	<b>+3,451</b>
Ancillary Basement Floorspace	0	Not available for direct comparison as approved scheme for Buildings 1, 2, 3 & 6	6,965 (6,067 Residential, 303 Retail & 595 Retail/ Leisure)	N/A
<b>Total Scheme (above and below ground level)</b>	<b>0</b>	<b>Not available for direct comparison</b>	<b>57,306</b>	<b>N/A</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Land Use Principles

Policy S1 encourages mixed use development within the CAZ which is consistent with and promotes its existing vitality, function and character. Within the POA Policy S3 in the City Plan also seeks the delivery of a mix of uses. Whilst the current scheme would deliver two predominantly residential buildings, the wider Merchant Square site, which is also in the applicant's ownership and forms part of the original mixed use masterplan for the Merchant Square site, includes two office buildings (Nos.2 and 5 Merchant Square), one of which has been delivered already and the other is currently under construction. Given this, the delivery of Buildings 1 and 6 as predominantly residential buildings; albeit with retail and leisure uses at ground level and at the top of Building 1, is acceptable in land use terms and would accord with the aims and objectives of Policies S1 and S3 in terms of establishing a diverse mix of uses within the POA and this part of the CAZ.

In terms of Policy S12, which is relevant given the location of the site within the NWEDA, the scheme would accord with this policy as it would improve the quality and tenure mix of housing within the NWEDA and would provide retail and leisure uses that contribute to increasing economic activity (see further consideration of these issues in Sections 8.1.2 to 8.1.4).



## 8.1.2 Residential Accommodation

The application proposes the provision of 48,664m<sup>2</sup> of GIA residential floorspace above ground level. The floorspace is to be utilised to deliver 426 residential units. The units proposed would all comply with the minimum size standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan in terms of their internal floor area. All units would also meet Lifetime Homes requirements. The proposed number of units would optimise the residential use of the site in accordance with Policy S14 in the City Plan. The above ground floorspace would deliver one residential unit (including associated common parts) for every 114m<sup>2</sup>.

The units proposed would comprise a mix as set out in Table 2 below, which would deliver 27.2% of the units as 'family sized' units with 3 or more bedrooms.

**Table 2 – Proposed Mix of Units.**

Tenure	Studio	1 Bed	2 Bed	3 Bed	4 Bed	Total Units	Total hr	hr by %
Market	-	139	127	89	4	359	1,394	84%
Affordable/ Social Rent	1	-	15	15	8	39	174	16%
Intermediate	-	20	8	-	-	20	92	
Total	1 (0.3%)	159 (37.3%)	150 (35.2%)	104 (24.4%)	12 (2.8%)	426 (100%)	1,660	100%

The number of family sized three or more bedroom units falls below the expectation in Policy H5 in the UDP for 33% or more of the units to contain 3 or more bedrooms; albeit it is acknowledged in the supporting text for this policy that it should be applied with some flexibility, for example in locations where a site is in a very busy or noisy environment. In this context, in this instance it is considered that there is an exceptional circumstance that justify the mix proposed. This is namely that many of the additional units would be located at the base of Building 1 on Floors 2 to 8 in place of the previously approved hotel use, immediately adjacent to the busy Westway (A40)/ Harrow Road corridor, where it is more difficult to provide good quality external amenity space due to noise and air quality impacts. Having regard to this significant environmental factor, the proposed mix of units is considered to be acceptable.

In terms of external amenity space, as noted by the Mayor in the GLA Stage 1 response, the scheme would not provide external amenity space for all of the residential units in Building 1 in accordance with 'Standard 12' of the Mayor's Housing SPG (2016) and the external amenity spaces proposed would fall below the size recommended by 'Standard 12'. However, given the adverse external environment close to the base of the building in terms of the noise and air quality environment along the Westway (A40)/ Harrow Road corridor and the height of the building, this is not considered to be objectionable. Of the 271 units in the building 183 would have a small terrace measuring 600mm in depth, with an area between 2m<sup>2</sup> and 4.3m<sup>2</sup>, and this includes all 71 of the 3 and 4 bedroom family size units in the building. All other units would have a Juliet balcony. Furthermore,

it is noted that these small external amenity spaces are similar to those provided in the previously approved scheme for Building 1, which remains extant. In this context, the approach to provision of external amenity space within Building 1, which is wholly market residential housing, is considered to be acceptable.

The external amenity space provided for all of the market and affordable housing units in Building 6 would comprise a mix of balconies, terraces and winter gardens and these would all be compliant with the Mayor's Housing SPG.

### 8.1.3 Affordable Housing

Policy H4 in the UDP, Policy S16 in the City Plan and the Interim Guidance Note on Affordable Housing Policy are relevant to the assessment of the applicant's affordable housing offer. Policy S16 sets out that the City Council will aim to exceed 30% of new homes as affordable homes. The interim guidance note sets out how this overarching threshold will be achieved by specifying varying affordable housing thresholds for different parts of the City. In the case of the application site, it is located within the CAZ and POA and the interim guidance note specifies that new developments should provide 25% of their residential floorspace (GIA) as affordable housing. Policy S16 in the City Plan sets out that the expected tenure split will be 60%.

Policies 3.11 and 3.12 in the London Plan are also relevant. Policy 3.11 sets out that affordable housing should be provided as a mix of tenures with 60% for social or affordable rent and 40% for intermediate rent or sale, although the Mayor's Affordable Housing and Viability SPG (2017) does allow for flexibility in terms of the precise tenure mix to meet local needs. Policy 3.12 sets out the Mayor's expectation that the maximum reasonable amount of affordable housing should be sought in respect of each development having regard to a range of factors including development viability and affordable housing need. As per the City Plan and UDP policies, Policy 3.12 reaffirms that affordable housing should normally be provided on site.

The Mayor's Affordable Housing and Viability SPG (2017) and Policies H5, H6 and H7 in the draft new London Plan are also material considerations in the assessment of the applicant's affordable housing offer. The SPG sets out the Mayor's preferred approach to implementing the affordable housing delivery policies in the adopted London Plan and is consistent with the detailed approach to securing the delivery of affordable housing in the draft new London Plan. The Mayor's long term strategic aim is for 50% of new homes to be affordable. The SPG and draft new London Plan set out a 'threshold approach' aimed at achieving this. Where scheme would deliver 35% affordable housing without public subsidy (by habitable rooms) they do not need to be viability tested (the 'Fast Track Route'). Such schemes are only subject to early stage review of viability post application stage to incentivise the delivery of the development. Those schemes, such as this application, which do not meet this threshold are assessed using the 'Viability Tested Route', which requires the scheme to be viability tested. Additionally, the SPG sets out that the Mayor will expect such schemes to be subject to both early and late stage reviews post determination of the application. The late stage review ensures that affordable housing contributions are increased if viability improves over time.

The Mayor's SPG sets out that when considering development proposals in Opportunity Areas, local planning authorities may apply a fixed affordable housing requirement that

maximises affordable housing delivery. In the POA the City Council has a fixed 25% requirement for affordable housing in the POA, as set out in the Interim Guidance Note on Affordable Housing Policy. It is though noted that the Mayor's SPG identifies that where localised fixed affordable housing requirements are in place, these '*...should increase the affordable housing provision beyond 35% where possible*'.

The application proposes the provision 6,581m<sup>2</sup> of the on-site GIA residential floorspace as affordable housing and this is 14% of the residential floorspace and 16.5% of the habitable rooms. The 67 affordable housing units would be located within Building 6 on floors 2 to 9. The applicant proposes an affordable tenure mix of 58% affordable/ social rent (39 units on floors 2 to 6) and 42% intermediate rent/ sale (28 units on floors 7 to 9).

In terms of affordability, the affordable/ social rent units would be provided at target rent levels, as per the those in the previously approved scheme. In respect of the intermediate rent units, 50% would be provided at the rent levels prescribed in the S106 agreement accompanying the scheme approved in 2012 and provided to those with a household income under £60,000, whilst the other 50% would be provided at the London Living Rent rates for the Hyde Park Ward. The rent levels for the affordable/ social rented and intermediate rent units would accord with London Affordable Rent and London Living Rent respectively, and the intermediate units would comply with the household income cap eligibility criteria for intermediate rent set out in the London Plan. Subject to any representations that may be received from Head of Affordable Housing and Strategy, it is recommended that the affordability, and eligibility criteria described are secured in the S106 agreement.

Given the affordable housing package falls below both the City Council's 25% floorspace threshold for the POA and below the Mayor's 35% habitable room threshold, the viability of the scheme must be assessed under the Mayor's 'Viability Tested Route' as set out in the Mayor's Housing and Viability SPG. The applicant has submitted a detailed viability assessment and this has been independently assessed on behalf of the City Council by development viability consultants Daniel Watney. Following their detailed assessment, they conclude that the viability of the scheme is genuinely constrained such that it would result in a small deficit, which would reduce the developers reasonable profit. This is in part due to the current scheme being Westminster and Mayoral CIL liable (whereas the approved and extant scheme was not) and partly due to changing market conditions. Therefore, at the current time it is concluded that the on-site affordable housing package that has been offered is the maximum that can be viably be provided.

The GLA have undertaken their own viability assessment of the proposed development. They conclude that the current scheme would be delivered to enhanced standards in terms of its design, landscaping and energy sustainability (relative to the previously approved scheme) and that this should enable the development to realise a higher return than is set out in the submitted viability report (potentially up to 5% higher than currently forecast by the applicant). Nevertheless, the GLA accept that the scheme would not generate any additional surplus profit after consideration of development costs and reasonable developer profit, although they consider that amendments that they are seeking in their Stage 1 response could have the potential to increase the value of the scheme, thus reducing or eliminating the deficit the scheme is currently projected to generate. However, the suggestion that the amendments proposed by the GLA would

have such a pronounced impact on the value of the proposed development is considered to be ambitious.

Given the conclusions reached by the City Council's independent viability assessor and the GLA's viability team and having regard to the acceptability of the scheme in all other regards, as set out in this report, it is considered that the proposed affordable housing package accords with the UDP, City Plan and adopted and emerging London Plan affordable housing policies, provided early and late stage review mechanisms are secured via the S106 agreement to ensure that the delivery of the scheme is incentivised and the quantum of affordable housing is maximised post the planning application phase.

#### **8.1.4 Retail and Leisure Uses**

The application proposes the provision of up to 2,575m<sup>2</sup> of retail floorspace (Classes A1 to A4) at ground level with ancillary floorspace at basement level and at the top of Building 1 in the form of the proposed sky bar, which also formed part of the approved scheme; albeit in that scheme it formed part of a hotel use, whereas in the current scheme it would be operated in conjunction with an associated restaurant at ground level. Of the 2,575m<sup>2</sup> of retail floorspace proposed, the applicant is seeking further flexibility in respect of 537m<sup>2</sup> so that there is an option to provide a small cinema (Class D2) within the ground and basement of Building 6.

The applicant initially proposed that the retail floorspace could be used flexibly for uses within Classes A1 (retail shops), A2 (financial and professional services), A3 (cafes and restaurants), A4 (pubs/ bars) and A5 (hot food takeaways). However, following concerns raised by officers regarding the potential adverse amenity impact of Class A5 uses, this has been omitted from the proposed mix of potential retail uses.

The provision of retail (Classes A1 to A4) floorspace at ground floor level across the two buildings would provide active frontages and assist in animating the public realm areas around the base of the buildings in accordance with S3 in the City Plan. The provision of a range of retail uses would provide an appropriate range of shops and services to serve the occupiers of the development and the wider residential population of Paddington. They would also serve the workers and visitors to this part of the City and as such the proposed retail floorspace would be consistent with Policy SS4 in the UDP and Policy S1, S12, S18 and S21 in the City Plan.

A condition is recommended to control the disposition of retail use across the retail floorspace (Classes A1 to A4) that is proposed to ensure that a mix of shops, services and leisure uses are delivered. This condition will also reserve details of the hours of opening of the retail units to ensure these do not harm the amenity of neighbouring residents. Additionally, further details of kitchen extraction equipment and associated mechanical plant for any units to be used for Class A3 and A4 purposes are to be secured by condition.

The provision of some of the retail floorspace as Class A3 or A4 uses would introduce entertainment uses which also require assessment against Policies TACE8-10 in the UDP and Policy S23 in the City Plan. A condition is recommended to ensure that any Class A3 or A4 units created within the retail floorspace proposed would not be of

excessive size and would remain less than 500m<sup>2</sup> as entertainment uses of 500m<sup>2</sup> or larger are only acceptable under TACE10 in exceptional circumstances. This cap on the size of any Class A3 and A4 uses would prevent them from having an adverse impact on the amenity of future occupiers of the development or occupiers of neighbouring buildings, particularly in respect of noise generated from customers arriving at and leaving the premises. Subject to conditions to secure these controls, any Class A3 and A4 uses would accord with Policies TACE8-10 in the UDP and S24 in the City Plan. A further condition is recommended to control external tables and chairs outside any of the retail premises so as to ensure they accord with the requirements of TACE11 in the UDP.

The aspiration to introduce a 'boutique' cinema into the range of ground floor entertainment uses is welcomed and would significantly enhance the leisure offer in Paddington Basin by diversifying the existing range of leisure uses. Provision of a cinema would be in accordance with Policy S22 which directs new arts and cultural uses (including cinemas) to the NWEDA, within which the site is located. Therefore, to facilitate the option of providing a cinema within the ground and basement of Building 6, it is recommended that a condition is imposed allowing the flexible use of 537m<sup>2</sup> of the retail floorspace as a Class D2 cinema.

## **8.2 Townscape and Design**

### **8.2.1 Design Overview**

The latest proposal for Buildings 1 and 6 at Merchant Square form part of a wider masterplan for the redevelopment of this site, which has been partially implemented to date with the completion of Buildings 3, 4 and 5 and the partial completion of Building 2 to date. See Sections 5 and 6 for further detail of the previously approved schemes and the site context. The established principles of the approved masterplan would not be altered or undermined by the currently proposed buildings, which continue to be arranged around a central open space running from the canal basin at the southern end to the tall building on the site (Building 1) at the northern end.

Building 1 remains largely as previously approved, albeit the façade treatment has been amended to accommodate the removal of the previously approved and now omitted hotel from the lowest floors and its replacement by residential accommodation. The other significant amendment to Building 1 in design terms is the proposal to move it 6.5 metres to the west on the site so that it sits more equidistantly between the western façade of Building 2 and the eastern façade of the adjacent hotel block on the Former North Westminster Community School site, which is now under construction, but which had not permitted at the time of the previously approved scheme for Building 1 in 2011. The height of Building 1 would remain as previously approved, measuring 140m in height to the top of the highest habitable floor and 150m in height to the top of its highest 'fin'.

The current proposals for Building 6 are significantly different from those previously approved, with the building increased in height from 15 storeys to 21 storeys and the footprint of the building has been reduced at its northern end to 'open up' the Merchant Square site to North Wharf Road to a greater degree than in the approved scheme. The



detailed design and palette of materials for Building 6 has also been wholly reconsidered.

### 8.2.2 Building 1 Design Considerations

In design terms the current scheme represents an evolution of the scheme for Building 1 that was previously approved in 2011, which remains extant. Building 1 is located to the north west corner of the wider Merchant Square site. The principle of providing a tall building in this location within the POA has been accepted by previous approvals for tall buildings on this part of the site. The building proposed remains the same bulk, height and form as the approved scheme and therefore these aspects of the current scheme are considered to remain acceptable in design terms.

The repositioning of the building 6.5m to the west is supported in the application by a series of verified views, which demonstrate that the relocation of the building would not have a materially greater impact than the approved scheme on the setting of nearby heritage assets, such as in mid to long range views from neighbouring conservation areas, views of St. Mary's Church and from the Royal Parks. In such views the building would be positioned such that its impact would not detract from the quality of the townscape or the skyline, as the building would not appear overly bulky due to its relatively slender form and as it would be located such that it would be seen in combination with other larger buildings that have already been completed within the POA.

In terms of detailed design, the building detailing would remain as previously approved and would have a predominantly solid appearance with windows formed as openings, rather than being a building of predominantly glazed appearance. The proposed façade would be layered such that glazing would be set in from the outer rain screen layer with solar shading forming an intermediary layer to provide the impression of greater façade depth. The predominant facing material is proposed to be 'midnight blue' faience, which will lessen the distinction between the colour of the tinted glazing to the windows (during daytime) and the façade. This will provide the building with a more refined appearance and avoid the significant disparity between the glazed elements and the facades that can occur in some tall buildings that have a predominantly solid design.

The omission of the hotel from the lowest nine floors allows for more irregularity in the façade detailing to these floors than in the approved scheme and this increased playfulness to the façade of the lower floors of the building tie them into the overall building composition better than in the previously approved scheme. The omission of the hotel from the building therefore has a positive impact on the overall design of the building by allowing the fenestration to the lower floors to relate to the upper floors better and by allowing the omission of the plant rooms and louvres that were proposed at ninth floor level in the approved scheme. To the lower floors balconies are not proposed, but on the upper floors balconies and Juliet balconies are used to afford the facades a greater articulation of depth and variation.

White vertical faience fins are proposed running the full height of the building and these would 'hold' the main dark blue faience façade of the building, providing the upper floors with appreciable visual support at ground level, where the façades of the building are otherwise predominantly glazed. At roof level the fins would be taller to the northern side

of the building forming a 'crown' like arrangement around and above the two storey glazed sky bar. This arrangement affords the building an appropriately scaled visual termination, which also relates comfortably with the detailed design of the lower floors of the building.

The glazing to the sky bar is set back 1 metre from the main façade below, making it subservient in appearance, and is designed such that it will extend above the highest habitable floor of the building to screen an area at roof level for plant and to store a building maintenance unit for façade cleaning and maintenance. The provision of a publicly accessible 'sky bar' at the top of the building offering 360 degree views across the City is consistent with Policy DES3, which seeks public access to the top of tall buildings.

The base of the building comprises a double height space, which is appropriate given the buildings large scale. To the ground and first floor levels the façade of the building would therefore be predominantly glazed with a residential entrance and lobby to the south west façade at ground floor level and residents' facilities to much of the first floor. To the remainder of the ground floor and the north west of the first floor it is proposed to provide ground floor restaurant space that can be used in conjunction with the sky bar at the top of the building. Large extended canopies are proposed to provide shelter over the ground floor user and help to 'root' the building to the floor. The canopies also help to create a human scale at the base of the building.

In summary, the amended proposals for Building 1 are supported and where amendments are proposed to the previously approved scheme in the current application, these enhance its design quality and its relationship to its immediate surroundings. The relocation of the building to the west would not have an adverse impact on longer townscape views, nor have an adverse impact on the setting of surrounding heritage assets. The Mayor does not raise any concerns regarding the design of Building 1 or its impact on heritage assets in his Stage 1 response.

### **8.2.3 Building 6 Design Considerations**

The height of Building 6 is proposed to be increased from 47.73m in the approved scheme to 67.2m in the current scheme (an increase from 15 to 21 storeys). Whilst this appears significant, when seen in the context of surrounding development, which is typically around 65m in height, the additional height proposed would not have as significant an impact on townscape and longer views as would normally be the case. Furthermore, the proposed building would often be screened in townscape views by built or approved buildings within the POA, such that the submitted verified views demonstrate that the proposed additional height would not have an adverse impact on the setting of surrounding heritage assets or townscape.

In shorter views around Paddington Basin, the building has been modelled, particularly to its western façade to provide it with a stepped form at 18<sup>th</sup> floor level and above to enable a softer transition between the height of the proposed building and the lower height of the south east corner of 5 Merchant Square.

The form of the building would remain relatively slender, as per the approved scheme, and the reduction in the footprint of the building to enable the northern end of Merchant

Square to interact with North Wharf Road to a greater degree and afford views into and out of Merchant Square along the east/ west section of North Wharf Road is welcomed and is a positive step relative to the approved scheme in townscape terms within the POA.

The detailed design of Building 6 would differ to its east and west facades which face markedly different spaces. The proposed east comprises a two storey grid with a strongly expressed structure. The expression of the structure will accentuate the curve of the eastern façade which faces Merchant Square itself, whilst an overall verticality will be maintained to this elevation by the vertical cast masonry panels and fins which run across two storeys at a time, providing them with a scale that more comfortably relates to the overall scale of the building. Like Building 1, the eastern elevation will have an apparent depth derived from the layering of the glazing, cladding panels and fins, which act as solar shades and project in front of the glazing.

Unlike Building 1, the base of the building is proposed to comprise a single predominantly glazed storey within which retail/ leisure uses would be located to provide animation to the public realm. However, this is considered acceptable given the smaller scale of Building 6. The visual weight of the upper floors would be brought successfully to ground level by the vertical masonry columns that form part of the composition of the upper floors.

The western elevation of Building 6 faces immediately onto the east elevation of 5 Merchant Square, which provides large floor plate office space. The proposals for Building 6 respond to this very different context by comprising a stronger vertical emphasis to the western façade with the vertical columns finished in cast masonry with a textured finish to the corners of the building. Within this strong vertical 'frame' the building is detailed on a single storey grid, which reflects the secondary nature of this façade, relative to the front façade to the east, and also allows for more residential privacy to be provided through the use of lesser amounts of glazing, which is necessary given the proximity of 5 Merchant Square.

As per the approved scheme, the southern façade facing the canal would comprise a slender 'nose', which would predominantly consist of glazed winter gardens and recessed balconies to take advantage of the southerly aspect, whilst also providing for solar shading. The northern façade would be stepped and due to the amended form of the building now proposed, it would present itself more coherently as a building form to North Wharf Road than the approved scheme, where Building 6 appears to present its rear elevation to the street. Furthermore, the retail unit to the northern end of the building at ground floor level and the market residential entrance would be located in this façade, providing significant animation to this street elevation.

The palette of materials to both facades of the building and the two smaller end facades would be consistent, thereby tying the differing façade approaches together as a coherent whole. The 'frame' of the building would be formed in cast masonry (smooth to the east and textured to the western façade), with cast masonry panels and spandrel panels, anodised aluminium framing elements and dark grey metal fins. The overall palette of materials is relatively limited, but this is considered to be acceptable in this instance as the building is designed to be a foil to other buildings around Merchant Square and furthermore, the quality of the façade is intended to be derived from the

finish of the materials, such as the rough finish proposed to the cast masonry to the western façade. A condition is recommended to reserve full details of the façade materials.

In summary, the revised scheme for Building 6 is supported in design terms and although the building is significantly higher than previously approved, the building now proposed is considered to be more appropriately designed in terms of the context of the site within this part of the POA. It is noted that the Mayor does not raise any concerns regarding the design of Building 6 or its impact on heritage assets in his Stage 1 response.

#### **8.2.4 Landscaping and Public Realm**

The landscaping proposed to the public realm has been evolved from that previously approved. The proposals maintain the provision of a predominantly soft landscaped public open space and this is supported. The landscaping has now been amended and extended to follow the desire lines of pedestrians across the site and seek to entice pedestrians into the site from North Wharf Road by presenting a more open and welcoming frontage to the site to its western edge. This has been achieved by increasing soft landscaping to this part of the site, and around the base of Building 1 more generally, and by omission of the hotel taxi drop off in North Wharf Road, the omission of which in the current scheme delivers significant public realm enhancements relative to the approved scheme.

The hard landscaping proposed would predominantly consist of smooth granite pavers with cast iron detailing to the curbs, planters and street furniture, and timber benches, as has been successfully used in the limited areas of landscaping that have been installed to date around Buildings 3, 4 and 5 at Merchant Square. Continued use of this palette of materials across the site is welcomed and will provide the public realm on the Merchant Square site with a distinctive and visually interesting character, but not one that clashes with the character of the public realm found along the public highway in North Wharf Road or on neighbouring development sites.

The design of the landscaping will deliver opportunities for informal play for children by the use of differing heights of landscaping and contrasting surfaces throughout the public realm.

The Arboricultural Manager has raised some concerns regarding the depth and volume of planters and the choice of tree species. However, given the depth of the proposed basement and its prevailing design has been 'fixed' by the prior construction of the earlier phases of Merchant Square (Buildings 2 and 3), there is not scope now to increase soil volumes for tree and soft landscape planting above the basement. Furthermore, given that the use of beach and birch trees has previously been approved and as these are already in the process of being grown off site for provision on site in conjunction with the approved scheme, it is not considered that their continued provision within the latest iteration of the scheme is objectionable.

It is recommended that full details of the hard and soft landscaping are reserved by condition to ensure the detailing and planting is appropriate and that it is consistent with

the landscaping work carried out across the southern and eastern parts of the site to date in conjunction with Buildings 3, 4 and 5.

### 8.2.5 Design Summary

The proposed scheme is considered to be well considered and responds positively and coherently to the emerging context of the site in terms of its layout, size and scale. The amendments proposed to the previously approved scheme would deliver a scheme that is less 'introverted' in terms of its relationship to the emerging townscape to the northern side of the canal basin and this would enhance the appearance of this part of the POA. The architecture proposed would be consistent with that found within the Merchant Square site, but with sufficient differences within the palette of materials to provide the wider Merchant Square site, when complete, with a dynamic and varied appearance.

In terms of the impact of the development on heritage assets, the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to conservation areas, for all planning decisions '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'. In terms of listed buildings, all planning decisions should '*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*'. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

As set out in Sections 8.2.2 and 8.2.3, the site is in proximity of listed buildings and conservation areas. Having regard to the statutory duty in respect of listed building and conservation areas, as set out in the preceding paragraph, it is not considered that the proposed development would harm the setting of the nearby heritage assets. The proposed development therefore accords with the NPPF, the relevant policies in Chapter 7 of the London Plan, Policies DES1, DES3, DES9, DES10, DES13, DES14 and DES15 in the UDP and Policies S25 and S28 in the City Plan.

## 8.3 Residential Amenity

### 8.3.1 Daylight and Sunlight

The impact of the proposed development on daylight and sunlight reaching windows of neighbouring residential developments, both built and those approved but as yet un-built, have been assessed in detail by the applicant. The results of these assessments reveal that against the baseline of a cleared site, the proposed development by virtue of its density and the height of the buildings proposed, would have a material impact on daylight received by a significant number of neighbouring residential windows as summarised in Tables 3 and 4 below.

Table 3 sets out the material losses of daylight that would occur using the Vertical Sky Component (VSC) method of assessment. The Building Research Establishment (BRE) Guidelines (2011) states that a VSC loss of 20% or more of the existing VSC value for a

window would result in a loss of daylight that is capable of being noticed by the occupier of the property served by the affected window.

Table 4 sets out the material losses of daylight that would occur using the No Sky Line (NSL) method of assessment. The BRE Guidelines (2011) states that a NSL loss of 20% or more of the existing NSL value for a room (i.e. the proportion of the working plane within a room that receives daylight) would result in a loss of daylight that is capable of being noticed by the occupier of the property served by the affected window.

**Table 3 – Material Losses of Daylight Using Vertical Sky Component (VSC) Method of Assessment**

Surrounding Buildings	Total No. of Windows	Total no. of windows that achieve VSC levels in excess of 27% or a reduction of less than 20% from the baseline level	Total no. of windows that see VSC reductions beyond the BRE Guidelines			Total
			20% to 29.9% reduction	30% to 39.9% reduction	40% reduction	
Westcliffe Apartments	292	246 (84%)	27	13	6	46
Former NWCS site (school)	15	1 (7%)	1	2	11	14
Former NWCS site Residential Block D	150	97 (65%)	21	14	18	53
West End Green – Residential Block A	701	701 (100%)	0	0	0	0
3 Merchant Square	1198	827 (69%)	118	55	198	371
4 Merchant Square	175	173 (99%)	2	0	0	2
Total	2531	2045	169	84	233	486

**Table 4 – Material Losses of Daylight Using No Sky Line (NSL) Method of Assessment**

Surrounding Buildings	Total No. of Rooms	Total no. of rooms that see a reduction of less than 20% from the baseline level	Total no. of rooms that see NSC reductions in excess of the BRE Guidelines			Total
			20% to 29.9% reduction	30% to 39.9% reduction	40% reduction	
Westcliffe Apartments	234	230 (98%)	4	0	0	4
Former NWCS site (school)	7	5 (71%)	0	2	0	2
Former NWCS site Residential Block D	67	40 (60%)	9	4	14	27
West End Green – Residential Block A	490	489 (100%)	1	0	0	1
3 Merchant Square	425	364 (86%)	27	22	12	61
4 Merchant Square	115	92 (80%)	12	7	4	23

Total	1338	1220	53	35	30	118
-------	------	------	----	----	----	-----

The impact on neighbouring light sensitive windows would, with the exception of 3 Merchant Square, be relatively limited, with the majority of losses restricted to between 20% and 29.9% of existing VSC values. This, combined with the relatively limited number of rooms that would suffer a material loss of light using the 'No Sky Line' method of assessment demonstrates that the development would not have a disproportionate impact on the daylight reaching neighbouring residential windows. This is particularly the case when it is considered that the 'baseline level' is a cleared site and as the site is within the Paddington Opportunity Area (POA), where the Policy S3 in the City Plan encourages development of the scale proposed by the current application. Consequently, within the POA it is accepted that lower daylight levels are likely to be achieved within residential accommodation in new and existing developments than in other established parts of the City due to the density of development that is encouraged by Policy S3.

In terms of 3 Merchant Square, the losses of daylight are more significant than in the case of other neighbouring buildings; however, it is important to note that this neighbouring building forms part of the wider masterplan for Merchant Square and was always intended to receive lower levels of daylight than it currently enjoys. Whilst the current scheme for Building 6 would result in some additional losses of daylight relative to the approved scheme for Building 6, which was lower in height, the additional impact would not be so significant as to warrant withholding permission, given the location of the development within the POA.

With regards to sunlight losses, the applicant has assessed the impact of the proposed development using the Annual Probable Sunlight Hours (APSH) method of assessment that is set out in the BRE Guidelines.

**Table 5 - Material Losses of Sunlight Using APSH Method of Assessment**

Surrounding Buildings	Total no. of windows facing the site and within 90 degrees of due south	Total no. of windows above BRE Guidelines for annual and winter APSH	Total no of windows below BRE Guidelines for total and winter APSH
Westcliffe Apartments	76	76 (100%)	0
Former NWCS site (school)	4	4 (100%)	0
Former NWCS site – Residential Block D	100	79 (79%)	21
West End Green – Block A	516	516 (100%)	0
3 Merchant Square	616	486 (79%)	130
4 Merchant Square	126	126 (100%)	0
Total	1438	1287	151

The instances of material losses of sunlight would be limited to 21 neighbouring windows, when 3 Merchant Square is discounted. These losses would occur to the residential accommodation within Block D of the residential part of the redevelopment of the neighbouring former North Westminster Community School (NWCS) site, to the west of Merchant Square. It is notable that these as yet unoccupied units were approved in light of the approved scheme for redevelopment of the Merchant Square site and that the redevelopment scheme for the former NWCS site will have a similar impact on the

daylight and sunlight reaching the flats within Buildings 1 and 6. As such, the impact in this case is mutual and not a ground on which to reasonably withhold permission.

As above in respect of the impact on daylight reaching the windows of 3 Merchant Square, this neighbouring building within the wider Merchant Square masterplan was always intended to receive a lesser amount of sunlight than it currently enjoys and as such, the impact of the proposed development, whilst material, is not considered to result in such a significant loss of sunlight so as to warrant withholding permission. Again, as per the considerations in respect of daylight losses, within the POA the density of development required to fulfil the policy objectives are such that lower levels of sunlight to residential windows and other light sensitive uses are considered to be acceptable.

In summary, whilst material daylight and sunlight losses would occur, these are not significantly in excess of those accepted as part of the approved and extant scheme. Furthermore, the material losses are consistent with those accepted throughout the POA to enable the delivery of the density of development required to optimise the use of land for residential and commercial use in this highly accessible location. In this context, the daylight and sunlight impact is considered to be acceptable and consistent with Policy ENV13 in the UDP and S29 in the City Plan.

### **8.3.2 Sense of Enclosure**

The proposed buildings, whilst large in scale, would be sufficiently distant from neighbouring properties so as not to cause a significant increase in enclosure. The nearest neighbouring residential building 3 Merchant Square and windows serving properties in this block would retain good outlook over the central landscaped space between the buildings and longer outlook to the north and south in more oblique views. Other residential buildings, such as those being constructed on the former North Westminster Community School site to the west and at West End Quay to the south on the south side of the canal basin are further from the two proposed buildings and would retain relatively unhindered outlook such that they would not suffer a materially increased sense of enclosure.

A new school is under construction on the lower floors of the new hotel and serviced apartments block at the eastern end of the former North Westminster Community School site. This would have a more enclosed outlook than would currently be the case. However, the new school was designed in the context of the approved scheme for redevelopment of the Merchant Square site in which Building 6 extends further to the north. Whilst Building 1 would move to the west in the current scheme, this is slightly to the north of the location of the school on the neighbouring site and therefore the extent of enclosure to the new school would overall be less than in the approved scheme, which remains extant.

To the north, the nearest properties are beyond the Westway/ Harrow Road and would therefore not suffer a significant increase in enclosure, despite the scale of the proposed buildings.

In the context of the above considerations, the proposed development accords with Policy ENV13 in the UDP and Policy S29 in the City Plan in terms of sense of enclosure.



### 8.3.3 Privacy/ Overlooking

Building 1 remains largely as previously approved in terms of the ratio of glazing and balconies to façade area; albeit the base of the building will now be occupied as residential accommodation, rather than as hotel accommodation. However, despite this and the repositioning of the building to the west by 6.5m, it would not result in additional overlooking as it is neighboured by a hotel block to the west (under construction), the Westway/ Harrow Road to the north and an office building (2 Merchant Square) to the east. To the south, windows in Building 1 would overlook the central landscaped open space of Merchant Square and whilst Building 6 and 3 Merchant Square would be visible across this landscaped space, they would be sufficiently distant so as not to suffer a material loss of privacy.

Building 6 faces 3 Merchant Square across the landscaped central open space, but the distance between the two buildings is sufficient to limit the extent of overlooking that would be caused from the windows and balconies of Building 6. Furthermore, this is the same planned relationship between these buildings, which 'frame' the central landscaped open space, as in the approved scheme. The west elevation of Building 6 has been designed to contain smaller window openings, with many of them angled away from the neighbouring office building at 5 Merchant Square, to afford the occupiers of Building 6 with greater privacy than would otherwise be the case. Again, this close relationship between the buildings is consistent with that in the approved scheme. In this context the relationship between the two buildings in the current scheme remains acceptable, indeed the aforementioned detailing to the form of the western elevation and the size of windows will afford occupiers of the development greater privacy than in the approved scheme.

Windows and balconies (south only) to the north and south elevations would be sufficiently distant from neighbouring residential blocks so as not to cause any material increase in overlooking.

In summary, the proposals are acceptable in privacy terms and in accordance with Policy ENV13 in the UDP and S29 in the City Plan.

### 8.3.4 Other Amenity Impacts

The impact of the proposed development in terms of overshadowing has been considered and modelling undertaken to indicate the impact of the development. The scheme would have a similar impact to the approved scheme, with the tall building (Building 1) casting a transient shadow across the southern part of Paddington Green. However, given the transient nature of the shadow and as it would not shadow a significant part of the neighbouring green space, it is not considered that it would have such a significant impact as to warrant withholding permission.

The application includes the provision of mechanical plant to serve the proposed development, which would principally be located at roof level, within appropriately designed enclosures. Environmental Sciences have advised that the mechanical plant strategy is acceptable and would not cause noise or vibration disturbance to neighbouring residents or residents within the development. However, given the

specification of the mechanical plant equipment has yet to be determined, a condition is recommended requiring a supplementary acoustic report. Conditions are also recommended to ensure the plant continues to comply with the requirements of Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan for the lifetime of the development.

## 8.4 Transportation/ Parking

### 8.4.1 Trip Generation

It is considered that the majority of trips associated with the proposed development (excluding servicing activity) will be carried out using public transport or other sustainable modes (e.g. walking or cycling) given the highly accessible location of the site. Given this, the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network.

### 8.4.1 Car Parking

The application proposes the quantum of car parking set out in Table 6 below. Policies STRA25 and TRANS23 in the UDP are relevant to the provision of residential car parking in new developments. The policy seeks up to 1 car parking space per unit for 1 and 2 bedroom units and up to 1.5 parking spaces per 3 or more bedroom unit.

The most recent night time parking survey in 2015 indicates that parking occupancy for residents' parking spaces in the vicinity of the site is 55% overnight and 85% during daytime hours. As such, daytime occupancy in the vicinity is currently above the 80% level which indicates 'serious deficiency'.

**Table 6 – Parking provision and ratios in the 2011 and 2012 approved schemes for Buildings 1 and 6 (including the now completed Building 3).**

Tenure	Building	Units	B-1	B-2	B-3	Total	Spaces/ Unit
Market	Building 1	222	-	133	-	133	0.60
	Building 3	159	-	46	74	120	0.75
	Building 6	57	15	-	23	38	0.67
	Sub-total	438	15	179	97	291	0.67
Affordable	Building 1	-	-	-	-	0	-
	Building 3	42	8	-	-	8	0.19
	Building 6	62	13	-	-	13	0.20
	Sub-total	104	21	0	0	21	0.20
Car Club		-	6	-	-	6	-
Total		542	42	179	97	318	0.58

**Table 7 – Proposed car parking provision.**

Type of Unit	Number of Units Proposed	UDP Maximum	Maximum Parking Spaces under UDP	Total Allowable (by tenure)	Parking Spaces Provided	Difference
--------------	--------------------------	-------------	----------------------------------	-----------------------------	-------------------------	------------

				(spaces per unit)		
1 or 2 bed Market	266	1	266	405.5	191 (0.53)	-214.5
3 bed plus Market	93	1.5	139.5			
1 or 2 bed Affordable	44	1	44	78.5	15 (0.22)	-63.5
3 bed plus Affordable	23	1.5	34.5			
<b>Totals</b>	<b>426</b>			<b>484</b>	<b>206 (0.48)</b>	<b>-278</b>

The Highways Planning Manager notes that whilst the parking ratio proposed (0.48 spaces per unit) falls below the maximum levels of parking permissible under Policy TRANS23 in the UDP, the 2011 Census figures indicate that car ownership within the Hyde Park Ward is 36% of households. This indicates that residents in this part of the City are less likely to own cars. In this context and as the applicant is offering to provide the spaces on an unallocated basis (as per the approved scheme) and provide lifetime (25 year) car club membership to each flat within the development (market and affordable), the market residential parking ratio is considered to be acceptable, despite being lower than the ratio of 0.61 spaces per unit in the approved scheme.

The Highways Planning Manager has raised concern regarding the lower proportion of car parking provided to the affordable housing units (a ratio of 0.22 spaces per unit), as this falls below the parking demand identified in the Census data. However, the ratio of parking spaces per unit represents a marginal increase relative to the 0.2 spaces per unit that were provided in the approved scheme. Given this, the provision of lifetime car club membership, and as the ratio proposed is in accordance with the applicant's preferred affordable housing providers requirements for parking (based on typical demand from their existing residents), it is considered that this level of parking provision for the affordable units is acceptable. As in the approved scheme, the allocation of the affordable housing parking is to be determined by the affordable housing provider. In this context, whilst the concerns of the Highways Planning Manager are understood, the proposal is considered to be acceptable in terms of the parking provision for affordable housing occupiers.

Whilst TfL have raised objection to the ratio of parking proposed on the basis that it is too high, given that the extant previously approved scheme contains a residential parking ratio of 0.54 (across Buildings 1, 3 and 6), refusal of the current scheme on the basis of the level of parking proposed is not considered to be a sustainable ground on which to withhold permission.

The scheme includes the provision of 20% of car parking spaces with active electric charging points and a further 20% with passive provision. This level of provision is consistent with the adopted London Plan requirements and the approved scheme.

Within the combined basement with 3 Merchant Square the scheme includes the provision of six car club spaces for the parking of car club vehicles for use by the occupiers of the development. This provision mirrors the provision within the approved

scheme is welcome in terms of providing an alternative to individual car ownership within the development.

The provision of car parking (including its future management), provision of lifetime car club membership, provision of car club spaces and electric vehicle charging are to be secured via the S106 agreement.

### 8.4.3 Cycle Parking

The adopted London Plan Policy 6.9 requires 1 cycle parking space per 1 bedroom unit and 2 spaces for all other dwellings and 1 space per 175m<sup>2</sup> of retail floorspace. Long term cycle parking for staff use will encourage sustainable transport. Cycle parking must be secured, weather proof, accessible and within the development site.

Based on the applicant's figures (which have been confirmed to be based on GEA floorspace), the quantum of retail floorspace in the current scheme generates a requirement for 10 cycle parking spaces and this level of cycle parking is proposed within the development. The number and mix of residential units in the development generates a requirement for 692 cycle parking spaces and these are provided within the proposed development. It is recommended that the cycle parking is secured via the S106 agreement, as per the approved scheme, given the long stay cycle parking is located within the shared basement below buildings 1, 2, 3 and 6.

Short stay cycle parking for retail and residential visitors will be provided within the public realm areas and this is not objectionable.

As identified by TFL the proposed cycle parking provision falls below the levels expected in the draft new London Plan. However, the shortfall in the number of parking spaces required is limited (4 spaces in the case of the long stay residential provision and 1 space in terms of the retail long stay provision). Given these limited shortfalls it is not considered that permission could reasonably be withheld on this basis, particularly in light of the lower cycle parking levels in the extant previously approved schemes for Buildings 1 and 6.

As per the approved scheme, the applicant has also offered to accommodate space within the newly created public realm for a Mayor of London's Cycle Hire Docking Station. It is proposed that this would be located on the north western corner of the site adjacent to Building 5 where it will be accessible to the public, but within the site (i.e. not on public highway). Whilst the site is close to Paddington Station, given the quantum of the development proposed, demand is expected to increase for other sustainable modes of transport. The provision of an additional cycle hire facility, along with standard cycle parking within the public realm areas on the site would both increase the attractiveness of the scheme to cycle users and increase the sustainable transport opportunities associated with the development. It is recommended that the Mayors Cycle Hire Docking Station site is secured via the S106 agreement.

### 8.4.4 Servicing

The previous scheme included the provision of a vehicular drop off in North Wharf Road linked to the hotel use within that scheme. The omission of this drop off in the current

scheme is welcome and significantly enhances the public realm on the site and the pedestrian environment in North Wharf Road in accordance with Policy S41 in the City Plan and Policy TRANS3 in the UDP.

All servicing in the current scheme is now located within the basement, which is accessed via the ramp located within Building 2, which is outside the scope of this application. The ramp is therefore as previously approved and this application does not alter the previously approved arrangement of the access ramp, which will continue to be secured in conjunction with the extant and partially implemented August 2011 planning permission for Building 2.

The Highways Planning Manager welcomes the continued provision of consolidated servicing facilities at basement level to serve the combined development comprising Buildings 2 and 3 Merchant Square, as well as Buildings 1 and 6. Subject to a servicing management plan being secure via the S106 agreement, as per the approved scheme, the basement servicing provision accords with Policy TRANS20 in the UDP and Policy S42 in the City Plan.

The Project Officer (Waste) has raised concerns regarding the waste and recycling strategy for the proposed development. Whilst the concerns regarding the use of a chute system of waste collection are understood from the perspective of avoiding contamination of recycling, it is a significant material consideration in this case that the extant previously approved schemes contained chutes to transport waste and recycling to basement level. In this context, and as the buildings will be highly managed, the continued use of a chute system for these buildings is a ground on which permission could reasonably be withheld.

The Project Officer (Waste)'s other concerns relate to the floor to ceiling height within the basement to ensure refuse vehicles can use the servicing bays, whether under counter bins will be provided for residential units to aid separation of waste streams and whether sufficient space would be provided for retail waste, including food waste and waste oil. The applicant has confirmed that the basement servicing areas will provide 4.5m clearance for refuse vehicles and that under counter bins for waste storage and separation will be provided. The applicant suggests that additional waste storage for retail units could be accommodated within the retail units, although it is unclear what form this storage provision would take. Therefore, a condition is recommended requiring a detailed Waste Management Strategy that includes labelling of the use of bins and demonstrates where the retail waste stores will be and what their capacity will be. Subject to this condition, the proposed development is considered to be consistent with Policy ENV12 in the UDP, having regard to the waste strategy in the extant schemes.

#### **8.4.5 Other Highways Issues**

The proposed development has been revised during the course of the application to omit planters and other incursions on to the footway of the existing public highway, including hostile vehicle mitigation measures. These are now located within the public realm areas on the site and not on the public highway. These amendments are welcome and serve to maintain an acceptable pedestrian environment to the perimeter of the development in accordance with Policy S41 in the City Plan.

As per the approved scheme, the current scheme includes building on existing public highway land in North Wharf Road to deliver Buildings 6. The stopping up of highway to accommodate Building 6 is considered to be acceptable as the highway land to be stopped up is not required at the junction of the north/ south and east/ west arms of North Wharf Road to provide an environment on the public highway that is compliant with the 'Westminster Way' SPD. As part of the recommendation in Section 1 of this report, the Sub-Committee is asked to authorise the stopping up of this existing highway land.

The elements of Buildings 1 and 6 which oversail the highway remain acceptable, as per the previously approved scheme given their significant vertical clearances above the level of the public highway. These structures will though require Highways Licences from the Local Highway Authority and an informative is recommended to remind the applicant of this requirement.

Solar glaze from the proposed development has been assessed as part of the submitted Environmental Statement. The development would not have any significant impact on road users on surrounding roads including the Westway and Harrow Road and neither TfL or the Highways Planning Manager have concerns in this regard.

TfL and the Mayor have requested residential and workplace travel plans for the development and whilst the Highways Planning Manager does not consider them to be necessary in this highly accessible location, they are to be secured via the S106 agreement as per the previously approved scheme.

## **8.5 Economic Considerations**

The economic benefits of the development of this site, which has been vacant for a significant period, both in terms of during the construction period and following completion of the development through its contribution to the local economy, are welcomed.

Whilst the provision of a hotel has been omitted from this latest scheme, the wider Merchant Square provide a mix of residential buildings (Buildings 1, 3, 4 and 6) and office buildings (Buildings 2 and 5). As such, the wider development site, which the application forms an integral part, delivers a mixed use development with a significant proportion of employment generating uses that accord with Policies S3 and S12 in the City Plan.

As per the approved scheme it is recommended that a strategy for provision of training and employment opportunities for local residents is secured via the S106 agreement using the Local Procurement Code as per the previously approved scheme. The applicant has also been asked to consider agreeing to undertake the development in accordance with the 'Inclusive Local Economy and Employment Guidance Note', which was only recently published on 1 April 2019. This would deliver a financial contribution of £238,644 towards the Westminster Employment Service which helps residents access a wide range of opportunities in a range of employment sectors and supports developers to deliver their agreed targets through a service with a proven track record. As this is a 'Level 1' scheme (as defined by the Code of Construction Practice), it would also require the submission of an Employment and Skills Plan. The applicant's agreement or

otherwise to this obligation pursuant to Policy S19 in the City Plan will be reported verbally to the Sub-Committee.

## **8.6 Access**

All of the units within the development would be designed to be compliant with M4 (2) of the Building Regulations so that they would be 'accessible and adaptable dwellings'. Of these, at least 10% of the units (28 units in Building 1 and 16 units in Building 6) would be compliant with M4 (3) of the Building Regulations so that they would be 'wheelchair user dwellings'. The wheelchair accessible dwellings are located throughout the development to ensure they are not clustered and provide wheelchair users with equal choice of location of flats.

The internal layout and specification of the development has been designed in accordance with Lifetime Homes Standards. Level access would be provided throughout with lift access to all floors, including the basement levels. All of the car parking proposed at basement level would be suitable for disabled users due to the use of valet parking for the car stackers within the basement. The proposals are therefore in accordance with Policy 3.8 in the London Plan and Policy S28 in the City Plan in terms of accessibility.

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

### **8.7.1 Basement Development**

As per the approved scheme the proposed scheme, the proposed development includes the provision of a three storey basement to provide the ancillary floorspace required to support the above ground buildings, including parking, servicing space and space for plant and services. As in the approved scheme the basement would form a continuation of the estate wide basement below Buildings 1, 2, 3 and 6 (which has been partially constructed to date in conjunction with the construction of 3 Merchant Square and the partial construction of 2 Merchant Square. The vehicular access for cars and servicing vehicles to the combined basement is located within 2 Merchant Square, outside the current application site, and would not be altered in terms of its form and size by the current applications.

The applicant has submitted a detailed structural methodology and ground condition assessment with the current application and these documents meet the technical requirements for new basement development set out in Part A of Policy CM28.1 in the City Plan (the 'basement development policy'). Measures are also proposed that would ensure the development would not exacerbate flood risk.

The site is located outside of an Archaeological Priority Area (APA), but immediately adjoins the Paddington and Watling Street APAs and therefore Historic England recommend that further archaeological investigation is undertaken prior to excavation of the site and this is to be secured by condition to ensure any archaeology that may exist on the site due to the close proximity to the APAs is not lost without being recorded.

In terms of construction work, the applicant has agreed to the imposition of a pre-commencement condition requiring this 'Level 1' development to be carried out in

accordance with the Code of Construction Practice. Given this condition, the imposition of a condition to control the hours of work and the location of the site within the POA where it is relatively remote from neighbouring residents, the excavation of the basement and subsequent construction phase of the development would not have a significant impact on neighbouring residents and would therefore accord with the requirements of the basement development policy.

Part B of the basement development policy seeks to ensure that the finished appearance of basement development is suitable and does not harm the appearance of the part of the City within which the development is located. In this case the scheme will deliver a suitable landscaping scheme over the basement (see Section 8.2.4), would not result in the loss of any trees, would deliver an energy efficient development (see Section 8.7.2), incorporate sustainable urban drainage (see Section 8.7.3), would be appropriately designed to maintain the appearance of the area and prevent harm to neighbouring heritage assets (see Section 8.2) and would be protected from flooding (see Section 8.7.3). For these reasons, which are set out in further detail in other reference parts of the report, the scheme would address Part B of the policy.

Part C of the basement development policy is not relevant in this case as the site is located within the Paddington Opportunity Area where there is an acceptance that larger multi storey basements are likely to be required with new development, as in this case, to accommodate suitable space to accommodate other policy objectives such as provision of car parking and space for off-street servicing.

Part D of the policy is not relevant in this case as the proposed basement would not extend under the adopted public highway but would rather sit fully within the confines of the existing site.

## **8.7.2 Sustainability and Energy Strategy**

The applicant has submitted sustainability and energy strategies in support of the proposed development. The development utilises a range of passive design features and demand reduction measures to reduce the carbon emissions from the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Overall, the 'be lean' measures (i.e. energy efficiency derived from the building fabric) would deliver a reduction of 24 tonnes per annum (4%) in regulated CO<sub>2</sub> emissions compared to a 2013 Building Regulations compliant development.

The proposed buildings would be connected to the existing site-wide central energy centre located in 3 Merchant Square, which is designed to serve Buildings 1, 2, 3 and 6. The energy centre accommodates 1 gas CHP and 2 gas fired boilers. The CHP is a 526kWe/569kWth engine with an 87% efficiency. Connection of the proposed development to the energy centre will therefore result in a reduction in regulated CO<sub>2</sub> emissions of 196 tonnes per annum (33%) via the 'be Clean' part of the energy hierarchy.

It is proposed to install a site wide heat network where all flats and non-domestic building uses will be connected. The heat network would be supplied the energy centre



in 3 Merchant Square and connection to the energy centre will be secured via the S106 agreement.

The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 5.5kWp of Photovoltaic (PV) panels on the roof of Building 6. The GLA have raised concern regarding the limited number of PV panels proposed. Whilst it is accepted that the opportunities for significant provision of PVs is limited the applicant has, in response to the GLAs concerns, suggested a further roof area on Building 6 that could be used to provide additional PV panels. A condition is recommended to secure the additional PV panels. The additional PV panels would result in a marginal increase in the reduction in regulated CO<sub>2</sub> emissions of 3 tonnes per annum (1%) that were initially identified as being achievable from 'be Green' measures within the energy hierarchy.

In terms of domestic carbon savings, the scheme would deliver an on-site reduction of 189 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations. This is equivalent to an overall saving of 40% and this accords with Policy 5.2 of the London Plan in terms of on-site reductions; however, to achieve the zero carbon requirements of the policy the remaining regulated CO<sub>2</sub> emissions, equivalent to 285 tonnes of CO<sub>2</sub> per annum, must be mitigated via a financial contribution to the Carbon Offset Fund.

**Table 8 - Domestic CO<sub>2</sub> emission reductions from application of the energy hierarchy.**

	Total residual regulated CO <sub>2</sub> emissions	Regulated CO <sub>2</sub> emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	474		
Energy Efficiency	457	17	4%
CHP	288	169	36%
Renewable energy	285	3	1%
<b>Total</b>		<b>189</b>	<b>40%</b>

In terms of the non-domestic parts of the development, an on-site reduction of 34 tonnes of CO<sub>2</sub> per year in regulated emissions would be achieved compared to 2013 Building Regulations and this is equivalent to an overall saving of 30%. However, this falls short of the carbon dioxide savings target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions.

**Table 9 – Non-domestic CO<sub>2</sub> emission reductions from application of the energy hierarchy.**

	Total residual regulated CO <sub>2</sub> emissions	Regulated CO <sub>2</sub> emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	112		
Energy Efficiency	105	7	6%
CHP	78	27	24%
Renewable energy	78	0	0%
<b>Total</b>		<b>34</b>	<b>30%</b>

The applicant has recognised the shortfalls in carbon emissions savings from domestic and non-domestic parts of the development and proposes a financial contribution of £522,749 to the Carbon Off-setting Fund (using the current £60/ tonne CO<sub>2</sub> offset price), which accords with the methodology for calculating carbon off-setting contributions set out in the Energy Planning (2016) and Carbon Offset Funds (October 2018) guidance documents. Therefore, subject to this contribution and connection to the energy centre being secured via the S106 agreement, the scheme would accord with Policy 5.2, 5.3, 5.6 and 5.7 in the London Plan and Policies S28, S39 and S40 in the City Plan.

### **8.7.3 Overheating/ Solar Shading**

The scheme includes the provision of mechanical background ventilation to all flats, which in combination with the design of the facades, the specification of glazing and the use of low energy fixtures and fittings, would reduce heat gain. Occupiers will though still be able to open windows/ doors to allow for purge venting if required/ desired.

The GLA have raised concerns regarding the effectiveness of the proposed overheating strategy in some cases. Testing carried out by the applicant demonstrates compliance with the CIBSE criteria for all living rooms, but 4 of 8 tested overall units do not fully comply with the CIBSE criteria. The applicant has suggested amendment to the specification of the mechanical ventilation, additional louvres to bedrooms and use of ceiling fans in bedrooms in response to the GLA concerns. It is recommended that a condition is imposed to seek amendments to ensure the scheme is amended to address the shortfalls in CIBSE criteria compliance so that the scheme provides a suitable living environment for future occupiers that accords with Policy 5.9 in the London Plan.

### **8.7.4 Flood Risk and Drainage**

The application is supported by a detailed flood risk assessment. The application site is located within Flood Zone 1 and is therefore at relatively low risk of flooding. The site is though within the 'Westbourne Grove' Surface Water Flood Risk Hotspot, as identified in the 'Basement Development in Westminster' SPD (2016), which indicates a heightened risk of surface water flooding.

The submitted flood risk assessment considers the risk of floor risk in context with Policy 5.12 in the London Plan and Policy S30 in the City Plan, as well as the City Council's Strategic Flood Risk Assessment (2010). The assessment also has regard to the Local Flood Risk Management Strategy 2017-2022 (2017). The assessment considers the risk posed from all forms of flooding, including from ground water, sewers and artificial sources, such as the canal and concludes that the risk from all is low. In terms of surfaces water flooding, whilst the site is within a wider hotspot area, Environment Agency data demonstrates that the risk specifically at the site itself and its immediate surroundings is low and there are no significant records of surface water flooding. The most notable risk is to the Harrow Road edge of the site, although it is understood that records of flooding are likely to relate to the underpass at the northern edge of the site. In this context the need for mitigation measures is limited, but it is recommended that the ground levels are designed to fall away from the head of the basement access ramp and the basement designed structurally to prevent flooding from groundwater.

In terms of the risk of the development increasing flood risk in the area, the applicant notes that the site is currently/ has historically been hard landscaped/ covered by buildings. The drainage strategy has been amended during the course of the application to address concerns raised by Thames Water regarding surface water runoff. Following revision, the proposed surface water discharge rate for the development will not exceed the existing 100 year 30 minute brownfield runoff rate, including a 50% reduction in flow, for design events up to and including the 100 year plus 40% allowance for climate change rainfall event. This is to be achieved by mitigation afforded by the soft landscaping within the public realm areas and by use of a storm water storage tank at basement B2 and B3 levels. In tandem with the provision of storage tanks for pumped discharge into the sewer network at greenfield runoff rates, it is proposed to include a rainwater harvesting for use in the irrigation of the landscaping within the development. Following amendment and subject to any further comments from Thames Water that may be received, it is considered that the approach to drainage now proposed would be consistent with Policy 5.13 in the London Plan.

Thames Water have requested conditions to mitigate the impact of the proposed development on their water and waste water infrastructure and it is recommended that these are imposed to safe guard this strategic infrastructure.

#### **8.7.5 Air Quality**

The whole of the City is an Air Quality Management Area (AQMA) and the location of the site is particularly sensitive in terms of air quality due to the location adjacent to the Westway (A40)/ Harrow Road corridor. Policy S31 in the City Plan and Policy 7.14 in the London Plan are relevant.

During the construction phase the development would have a negligible to minor adverse impact on air quality as a result of on-site activities and construction vehicles. However, the construction impacts on air quality can be adequately mitigated by the measures to control construction activity, including dust control via a management plan, which will be secured via compliance with the Code of Construction Practice. Compliance with the Code of Construction Practice is to be secured by condition.

Environmental Sciences are content with the content of the Air Quality Assessment that concludes that the development would be air quality neutral in terms of transport emissions.

The location of the site next to the Westway and Harrow Road corridor has a significant impact on the air quality at the site in terms of the potential impact on future residents, with raised concentrations of NO<sub>2</sub> identified. Environmental Sciences advise that the mitigation measures identified by the applicant should be adopted to mitigate the impact of poor air quality on occupiers by use of by the installation of NO<sub>x</sub>/NO<sub>2</sub> filters on the mechanical ventilation systems for all flats in the base of Building 1 (between 2<sup>nd</sup> and 6<sup>th</sup> floor levels). A condition is recommended to secure the mitigation measures. The applicant has also agreed to review the specification of the CHP plant to be installed in the already constructed energy centre in 3 Merchant Square to reduce emissions from the development. This is to be secured via the S106 agreement. Further use of NO<sub>x</sub>/NO<sub>2</sub> filters may also be necessary to mechanical ventilation to mitigate against the impact of emissions from the energy centre and this is to be secured by condition.

### 8.7.6 Wind Microclimate

The scheme is accompanied by a detailed wind microclimate assessment. This assesses the impact of the proposed development on the public realm around the site and in terms of the comfort of occupiers using the various balconies and terrace within the development. The assessment uses the Lawson Comfort Criteria.

The assessment undertaken demonstrates that the proposed development, when fully complete with landscaping, will provide an acceptable wind microclimate within the public realm areas, with the areas of the landscaping suitable for the uses for which they are intended (i.e. sitting/ standing/ walking etc.).

The assessment notes that during the development of the scheme the screening between some terraces on Building 6 have been increased in height to between 1.5m and 2m to reduce the wind conditions, so that they are more suitable for their intended purpose (i.e. for sitting out on).

In light of the measures noted above, the proposed development is considered to result in an acceptable wind environment, which would be consistent with the requirements of Policies 7.6 and 7.7 in the London Plan and DES3 in the UDP.

### 8.7.7 Biodiversity

The site is currently a cleared site with negligible biodiversity value. The proposed development would deliver a new landscaped public realm to the centre of the Merchant Square site, which represents an enhancement in terms of the biodiversity value of the site. It is recommended that the details of the landscaping are reserved to ensure the choice of planting supports a diverse range of habitats.

### 8.7.8 Crime and Security

The applicant has assessed the potential for crime and the security needs of the site. This assessment identifies that there is a risk posed by the hostile use of vehicles either by criminals or extremists/ terrorists (i.e. Vehicle As a Weapon (VAW) attacks).

The detailed design of the hostile vehicle mitigation measures have yet to be fully developed; however the position and alignment of the required hostile vehicle mitigation measures has been established to the parts of the site where the boundary is not 'held' by buildings. The applicants advise that the hostile vehicle mitigation measures have been designed in accordance with ACPO (Association of Chief Police Officers) guidance. During the course of the application the scheme has been amended to relocate planters forming part of the hostile vehicle mitigation measures so that they are not on the public highway and this is welcomed.

Where possible the hostile vehicle mitigation measures are to be incorporate into the landscaping features to avoid an overly cluttered public realm (i.e. avoid the use of bollards or similar), although it is likely that bollards will be required in some locations; albeit it is expected that these would be consistent with the bespoke iron bollards already found on the parts of the Merchant Square site that have been completed to

date. A condition is recommended requiring the submission of fully details of all of the structures and bollards forming part of the hostile vehicle mitigation measures. The area within the hostile vehicle mitigation measures is designed to meet the requirements for firefighting access.

In terms of measures to reduce the opportunity for crime, the position and design of the buildings is considered to be such that the development would limit the opportunity for criminal behaviour. The provision of routes through the site on identified desire lines for pedestrians and the provision of active frontages to large proportions of the buildings at ground level would increase passive surveillance and it is noted that the development is intended to be highly managed, with CCTV coverage, thereby further discouraging criminal or anti-social activity. The applicant has met with the Metropolitan Police Designing Out Crime Officer during the course of the application and a condition is recommended to ensure that the scheme achieves Secured by Design accreditation.

In summary, subject to the recommended conditions, the proposed development would accord with Policies 7.3 and 7.13 in the London Plan.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Following this informal consultation, all representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in paragraph 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.9 Neighbourhood Plans**

There are no adopted Neighbourhood Plans that are relevant to this part of the City or the proposed development.

## **8.10 London Plan**

The application is of a strategic scale and is therefore referable to the Mayor of London. The current version of the London Plan was adopted in March 2016 and forms part of the development plan for Westminster. The Mayor is currently in the process of adopting a new London Plan (the 'draft new London Plan') and the draft new London Plan will accrue increasing material weight as it progresses towards adoption in accordance with Paragraph 48 in the NPPF. The draft new London Plan was the subject of formal consultation between December 2017 and March 2018. The Mayor then published consultation responses on the draft new London Plan and a 'Draft New London Plan showing Minor Suggested Changes' on 13 August 2018. The Examination in Public for the draft new London Plan began on 15 January 2019 and is scheduled to run until May 2019, with the Panel report due in summer 2019, after which the draft new London Plan may be adopted.

The Greater London Authority (GLA) have provided their Stage 1 response on behalf of the Mayor, which is provided in full in the Background Papers. Should the Sub-Committee resolve to grant permission for the proposed development, the application must be referred by to the Mayor for his Stage 2 response. Under the Town and Country Planning (Mayor of London) Order 2008 the Mayor may determine that he is content for the City Council to continue to determine the application or alternatively he may either resolve to direct refusal or direct that the application is to be 'called in' so that he may act as the local planning authority in the determination of the application.

The Stage 1 response raises a number of detailed concerns, to which the applicant has responded and these are addressed in respective topic areas set out in this report. In terms of strategic issues, the Mayor's Stage 1 response identifies the following key issues in his conclusions:

- **Principle of development:** The Mayor supports the redevelopment of the site in the form proposed to provide a residential-led mixed use development on the wider Merchant Square site. He considers that the delivery of new housing and commercial floorspace will contribute positively towards the wider strategic functions of this part of the CAZ and Paddington Opportunity Area.
- **Affordable housing:** The Stage 1 response identifies that the application proposes 16% affordable housing, when measured by habitable rooms. In the Stage 1 response issued in October 2018, prior to undertaking any viability assessment of the proposed development, the Mayor concludes that this offer is unacceptable. However, the Stage 1 response notes GLA officers will robustly interrogate the applicant's detailed viability assessment and the Council's independent review to ensure that the maximum level of affordable housing is delivered. This process has since been undertaken and GLA officers have subsequently confirmed that they also conclude that the scheme in the form proposed would not be capable of viably providing additional affordable housing, particularly as the current scheme is liable for both the Mayoral and Westminster CILs (see Section 8.1.3 and correspondence from the GLA in the background papers). In the event that permission is granted, the Mayor is seeking both an early and a near end review mechanisms in accordance with Policy H6 of the draft new London Plan and the Mayor's Affordable Housing and Viability SPG and these are to be secured via the S106 agreement. In accordance with the Mayor's Affordable Housing and Viability SPG and draft London Plan the Mayor requires that the financial viability assessments must be published if the provision of affordable housing remains below 35% in accordance with the Mayor's Affordable Housing and Viability SPG and draft London Plan to ensure transparency of information. Redacted versions of the applicant's viability report and the independent report produced by Daniel Watney on behalf of the City Council have been published on the City Council's website in accordance with this requirement.
- **Urban design:** The Mayor has specific concerns regarding the private amenity space provided to occupiers of Building 1, in terms of the relative compliance with the standards set out in the Mayor's Housing SPG. This issue is considered in detail in Section 8.1.2, which sets out why in this instance an exception to the prevailing standards set out in the Mayor's guidance should not be followed; namely, the quality of the environment at the base of the building, the height and design of the building

and the presence of an extant permission for a building of near identical design in terms of the façade detail and balcony strategy.

- **Climate change:** The Stage 1 response identifies that the carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan and draft new London Plan SI2. The applicant has undertaken to install additional photovoltaic panels at roof level on Building 6. The additional PVs are to be secured by condition.

During the course of the application the initially submitted drainage strategy has been revised to seek to address the concerns of the Mayor and Thames Water in terms of its response to the drainage hierarchy in the London Plan policy and the run off rates to be achieved. Following revision, it is considered that the revised drainage strategy is acceptable and in accordance with London Plan Policy 5.13 and draft new London Plan Policy SI13, having regard to the constraints of the site.

- **Transport:** In his Stage 1 response the Mayor requested that the applicant should provide an amended trip generation assessment with a 'more accurate mode split'. This request has been considered by the Highways Planning Manager who does not consider that the basis on which the trip generation assessment has been undertaken is significantly inaccurate. This is particularly the case as the Mayor's assessment that the retail offer at ground floor level within the development will become 'a destination of its own' is not shared. Rather it will contribute to the existing attractiveness of the canal basin, but is unlikely to drive significant increases in journeys in isolation of the existing wider retail and leisure offer within the POA.

The Mayor has also sought a Cycling Level of Service (CLoS) assessment; however, as the site is relatively contained and does not provide through cycle routes or seek alterations to the arrangement of the public highway to the perimeter of the site, it is not considered that such an assessment is necessary. The Mayor has also requested a Healthy Streets checks to assess the attractiveness of the development to people wanting to walk and cycle. However, whilst the aims of the Healthy Streets initiative are supported, it is not considered that a specific assessment against its indicators is required in this instance where pedestrian desire lines to surrounding transport hubs are supported by the proposed landscaping and cycle parking and suitable pedestrian seating are provided throughout the public realm. In terms of the design of the surrounding highway, this will be designed by the City Council in accordance with standards set out in the 'Westminster Way' SPD, which promotes accessibility for people walking and cycling.

A detailed construction logistics plan, delivery and servicing plan, workplace travel plan, full residential travel plan and a car parking management plan are to be secured, as requested by the Mayor, either via the S106 agreement or by conditions.

### 8.11 National Policy/ Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which

must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice has served relating to the proposed imposition of pre-commencement conditions to secure the following:

- (i) Details of adherence with the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development (Condition 3).
- (ii) Provision and approval of a Construction Logistics Plan (Condition 4).
- (iii) Provision and approval of detailed drawings and method statements demonstrating the impact of the development on nearby London Underground infrastructure (Condition 25).
- (iv) Provision and approval of details of site investigation and mitigation measures to address any on site contamination (Condition 29).
- (v) Details of how the development will be designed to accommodate the existing water main adjacent to the site (Condition 32).
- (vi) Provision and approval of a piling method statement demonstrating the impact of the development on adjoining sub-surface water infrastructure (Condition 33).
- (vii) Provision and approval of a written scheme of archaeological investigation (Condition 37).

The applicant is expected to be agreeable to the imposition of these conditions and their confirmation will be reported verbally to the Sub-Committee.

## 8.12 Planning Obligations

The development generates a requirement for the provision of planning obligations to make it acceptable for the reasons set out in detail in other sections of this report. The draft 'Heads of Terms' are proposed to cover the following issues, which are to be split across two agreements. These comprise a new S106 agreement for planning obligations related specifically to Buildings 1 and 6 and a deed of variation to the original Overarching Agreement from August 2011, which deals with planning obligations that are applicable to Buildings 1 and 6 and Buildings 2 and 3, which form part of the wider Merchant Square masterplan (note that some heads of terms relate wholly or predominantly to Buildings 2 and 3, but these are listed below under the Overarching Agreement for completeness):

### **New Buildings 1 and 6 S106 Agreement**

- 1) Notice of commencement of development.
- 2) Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1).
- 3) Provision and management of CCTV.
- 4) Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.



- 5) Provision of public realm areas prior to occupation.
- 6) Provision of maintenance, use of and access to the on-site public realm.
- 7) Provision of cycle parking within shared basement.
- 8) Provision of lifetime (25 year) car club membership for all market and affordable units.
- 9) Provision of land for installation of Mayor's Cycle Hire docking station.
- 10) Provision and periodic review of a workplace and residential travel plans.
- 11) Provision and maintenance of public access to the Sky Bar in Building 1.
- 12) Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
- 13) Provision of lifetime car club membership for each affordable housing unit within the development.
- 14) Provision of skills and employment opportunities for local residents.
- 15) Costs of monitoring the agreement (£500 per head of term).

### **Deed of Variation to Original 'Overarching' Legal Agreement**

- 1) Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- 2) Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- 3) A financial contribution of £360,000 (index linked from August 2011) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- 4) Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- 5) Provision of towpath works (these have been delivered in conjunction with Building 3).
- 6) Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).
- 7) Off-site provision of a waterways facilities building incorporating the listed canopy.
- 8) Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
- 9) Provision of, and connection to, the Energy Centre within 3 Merchant Square and provision of amended CHP equipment to deliver greater reductions in CO2 emissions and reduce NOx emissions.
- 10) Provision and management of on-site car club spaces.
- 11) Provision and management of on-site residential car parking provision within shared basement.
- 12) Provision of electric car charging facilities.
- 13) Provision and adherence with a servicing management strategy.
- 14) Provision of a green waste composting scheme.
- 15) Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
- 16) Mitigation measures for television signal interference.
- 17) Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).

## 18) Compliance with the Local Procurement Code.

The Overarching Agreement formally required compliance with the Code of Construction Practice (CoCP) in respect of Buildings 1, 2,3 and 6 and the individual S106 agreements for Buildings 1 and 6 secured monitoring of the sites by the Environmental Inspectorate. However, the City Council's procedures to secure compliance with the CoCP and construction site monitoring have evolved since the completion of the original agreements in 2011 and these measures are now secured via a pre-commencement condition. As development of Buildings 2 has already commenced, but not been completed, it is necessary to retain this head of term in the Overarching Agreement, but only in respect of this building and not Buildings 1 and 6. Condition 3 in the draft decision letter attached to this report now secures compliance of the construction works necessary to deliver the development with the CoCP, including monitoring of the construction site by the Environmental Inspectorate, at the applicant's expense.

The proposed development is of significant scale and therefore generates a substantial CIL payment, which can be used to fund new and improved infrastructure in the City. The estimated CIL payment for Westminster's CIL is £23,043,304 whilst the estimated Mayoral CIL payment, based on the Mayoral CIL in force up until 1 April 2019 is £3,616,665. The amended Mayoral CIL liability, reflecting the Mayor's latest CIL charging schedule that came into force on 1 April 2019 will be reported verbally to the Sub-Committee.

### 8.13 Environmental Impact Assessment

The proposed development is of significant scale and consequently it falls within the definition of an 'Urban Development Project' under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015. The development is therefore development requiring the submission of an Environmental Impact Assessment. It should be noted that the application falls to be assessed under the 2015 Regulations and not the subsequent Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as the applicant submitted a scoping opinion application in relation to the proposed development in May 2017, prior to the 2017 Regulations coming into force on 16 May 2017 (see Section 6.2).

The City Council issued a Scoping Opinion on 3 July 2017 (17/03831/EIASCO), following which it was agreed that the following topics were not likely in the particular circumstances of this site to result in significant environmental effects: (i) light pollution; (ii) archaeology (operational and cumulative effects); (iii) ecology; and (iv) waste and recycling. Consequently, these have been scoped out from the ES, but where relevant these topics have been considered elsewhere in this report pursuant to development plan policy requirements.

The applicant submitted a detailed Environmental Statement prepared by AECOM with the application and this has been independently assessed on behalf of the City Council by Waterman who have significant expertise in assessment of environmental impact assessments. They concluded that the initially submitted Environmental Statement required amendment in the form of clarifying information and further information in respect of a number of environmental effects (i.e. a Regulation 22 request under the 2015 Regulations).

In response to the Regulation 22 request and the request for clarifying information the applicant submitted an addendum to the initially submitted Environmental Statement on 8 January 2019, following which reconsultation was undertaken with all statutory consultees.

The Environmental Statement (the 'ES'), as amended and supplemented by the clarifying and further information demonstrates that the proposed development would have a generally have a neutral or beneficial effects on the environment on and around the application site, with limited number of instances where significant adverse effects have been identified. Waterman advise though that where adverse effects are identified by the ES, they are capable of being mitigated by appropriate use of conditions and/ or clauses within the legal agreements. In summary, the main adverse effects that have been identified by the ES and the mitigation measures necessary to mitigate them are set out below:

#### Construction

- The temporary impacts of construction works, which are projected to last 4 years and 3 months, can be suitably controlled by the use of a condition requiring compliance with the Code of Construction Practice (CoCP), a condition to control the hours of works and an informative advising that the contractor should sign up to the nationally recognised Considerate Constructors scheme. In combination these measures would ensure best practices would be carried out on site thereby minimising the impacts of construction work, such as noise disturbance and air borne dust and debris.

#### Socio-Economic Impacts

- These are projected to generally be minor beneficial impacts stemming from the increased employment opportunities and increased spending within the local economy, with sufficient capacity in terms of services in the local area to support the increased residential population. No specific mitigation measures are therefore necessary in respect of this aspect of the scheme, although it is noted that the CIL liability of the development will enable the provision of additional infrastructure to support the residents of the development, should this be identified as being necessary in future.

#### Transport and Access

- The impacts during the construction phase from construction vehicle access to the site would have a moderate adverse impact on traffic flows in the surrounding area. However, this temporary impact can be suitably mitigated by a Construction Traffic Management Plan (CTMP), which would ensure that vehicles arriving and departing the site would be managed to minimise their impact on traffic flows on surrounding roads. A condition is recommended (Condition 4) to secure a CTMP.
- In terms of the completed development the proposed development would have a negligible impact on trips on the local highway network and surrounding modes of public transport. The provision of new publicly accessible open space on the site would have a moderately beneficial impact in terms of pedestrian movement.
- Subject to securing a deliveries and servicing plan, which is to be secured via the S106 agreements, the scheme would have a negligible impact in terms of servicing activity during its operational phase.

### Noise and Vibration

- As noted under the 'Construction' heading, the impacts of the construction phase of the development can be suitably addressed by the aforementioned suite of conditions and informatives.
- The principal impact during the operational phase of the development would be the impact on residents from road traffic noise. However, this can be suitably mitigated, such that it would be a negligible impact, by use of a condition to ensure the specification of the glazing within the development protects future residents from future external noise sources, including traffic noise (see Conditions 20, 21 and 51).

### Air Quality

- Following provision of further information in respect of the energy centre in 3 Merchant Square, the ES accepts that this could have a potentially significant adverse impact in terms of NOx emissions. However, this impact can be suitably mitigated by amendment of the specification of the CHP engine within the energy centre so that it emits less NOx and to introduce NOx filters to the energy centre ventilation, as well as NOx/ NO2 filters to affected residential units within the development. These measures are to be secured via the S106 agreement and by condition.
- The impacts of poor air quality caused by proximity to emissions from road sources can be mitigated by use of mechanical ventilation with NOx filtration up to Level 6. This is addressed in more detail in Section 8.7.5 and Condition 22 secures the necessary mitigation measures.

### Wind Microclimate

- The impact of the development on wind microclimate is considered in detail in Section 8.7.6. The impacts during the construction phase would be negligible. During the operational phase the provision of the proposed landscaping would ensure the public realm on the site would be suitable for its intended purpose. The landscaping scheme is to be secured by condition. The wind conditions on the balconies would be acceptable and the design of the building has been considered so as to maximise screening to balconies so they are more conducive to sitting out on.

### Daylight, Sunlight, Overshadowing and Solar Glare

- During the construction phase the ES notes that temporary structures on site would result in minor to major adverse effect on daylight residential properties negligible to minor adverse for sunlight to surrounding residential properties, moderate adverse (significant) effects to overshadowing of amenity areas and negligible effects (not significant) on all receptors regarding solar glare to surrounding transport uses. However, these impacts would be temporary and as such mitigation measures are not necessary.
- The impact on daylight, sunlight and overshadowing is assessed in detail in Section 8.3. In terms of daylight the resultant impact is classed as being a moderate to major adverse (Significant) effect on Westcliffe Apartments, Paddington Gardens and 3 Merchant Square, with the impact on other receptors less significant. However, as set out in 6.3, if the public benefits of delivering a development of the density proposed within the POA are to be realised then such impacts cannot be avoided. It is also noted that the approved scheme has a comparable impact.
- As noted in Section 8.4 the impact on solar glare along nearby roads and train lines would be negligible.

### Ground Conditions

- The impacts in this regard are considered to be negligible provided suitable mitigation measures are employed. A condition is recommended to require further site investigation reports, prior to excavation works commencing. The Structural Method Statement includes mitigation measures where the basement encroaches on the ground water level. In terms of the completed development, the site will be entirely excavated with new top soil introduced for planting areas and this forms part of the landscaping scheme that is secured by condition.

### Water Resources

- Drainage and flood risk considerations are considered in detail in Section 8.7.4. The impact on water resource receptors during construction works would be controlled by compliance with the CoCP and conditions recommended by Thames Water have been imposed to prevent harm occurring to water and waste water infrastructure surrounding the site.
- The drainage strategy, which is to be secured by condition, would reduce water runoff from the site resulting in a minor beneficial effect.

### Archaeology

- The impact of the development during the construction phase on archaeological deposits that may exist on the site would be significant. However, as identified in Section 8.7.1, this can be suitably mitigated by the condition recommended by Historic England, which would secure a Written Scheme of Investigation to allow for site investigation and recording of any archaeology present (see Condition 37).

### Telecommunications

- The ES considers the potential for interference to all telecommunications and identifies that digital terrestrial and satellite TV signals are sensitive to interference. In this case the impact of the construction and completed phases is only likely to affect terrestrial TV reception to up to 74 residential properties to the north of the site, which would be a minor adverse impact. However, this can be suitably mitigated by setting up of a complaints register, pursuant to which improved aerials or non-subscription satellite TV aerials could be provided. This mitigation measure is to be secured via the S106 agreement as per the approved scheme.
- There would be no adverse impacts on other forms of telecommunications equipment.

### Heritage, Townscape and Visual Assessment

- The ES notes that the appearance of construction works could have a negligible to major adverse effect in local views with a negligible to adverse effect on distant views. However, these would be temporary effects and not grounds on which to withhold permission.
- The impact of the development following completion is considered in detail in Section 6.2. The scheme will deliver a landmark building and improve the appearance of this currently vacant site, without harm occurring to surrounding heritage assets. As such, overall the scheme will have a neutral to major beneficial effect, depending upon the view in which the development is seen.

### Effect Interactions

- The ES concludes that the cumulative impact of construction works would not necessitate further mitigation measures in addition to those measures set out above in response to individual topic areas.
- There is potential for cumulative effects to occur through construction work being carried out on neighbouring sites at the same time, but such impacts can be controlled through compliance with the CoCP and via the Construction Traffic Management Plan.
- In terms of the completed development the ES concludes that the socio-economic benefits of the development are considered to provide balance to the minor to major adverse impacts caused to neighbouring residential properties in terms of amenity impact.
- The ES concludes that the cumulative impact of with other surrounding developments would not be adverse subject to the mitigation measures previously set out, except for the impact on daylight where in combination with Block H at West End Quay (to the north east of the site), 7 additional windows in 3 Merchant Square would suffer a material loss of daylight. However, this minor adverse cumulative impact, would not be so significant so as to warrant withholding permission.

In summary, the ES concludes that, subject to the aforementioned mitigation measures including compliance with the CoCP, which will necessitate provision of a Construction Environmental Management Plan, the construction phase would have limited adverse (including noise and vibration, air quality, daylight, sunlight, overshadowing and solar glare and TVHIA) and beneficial (including socio-economics) residual effects. The majority of these are assessed as minor and temporary/short term at worst (i.e. reversible) and are therefore 'not significant'. The daylight, sunlight, overshadowing and solar glare and townscape effects range from minor to major adverse, however they would be temporary/ medium term effects at worst (i.e. these too would be reversible).

In terms of the completed and operational phase of the development, the ES concludes that there are likely to be limited significant adverse effects. These adverse effects are specifically in conjunction with daylight, and overshadowing (daylight to residential receptors and overshadowing to surrounding amenity areas) and in respect of air quality. In terms of the amenity impact, the significant effects must be balanced against the planning benefits of the development, as set out in detail elsewhere in this report, including but not limited to provision of housing (including affordable housing), employment opportunities and increase spending in the local economy, provision of new public open space and significant enhancements to the local townscape. A number of these benefits are significant beneficial effects and overall they serve to balance the adverse effects.

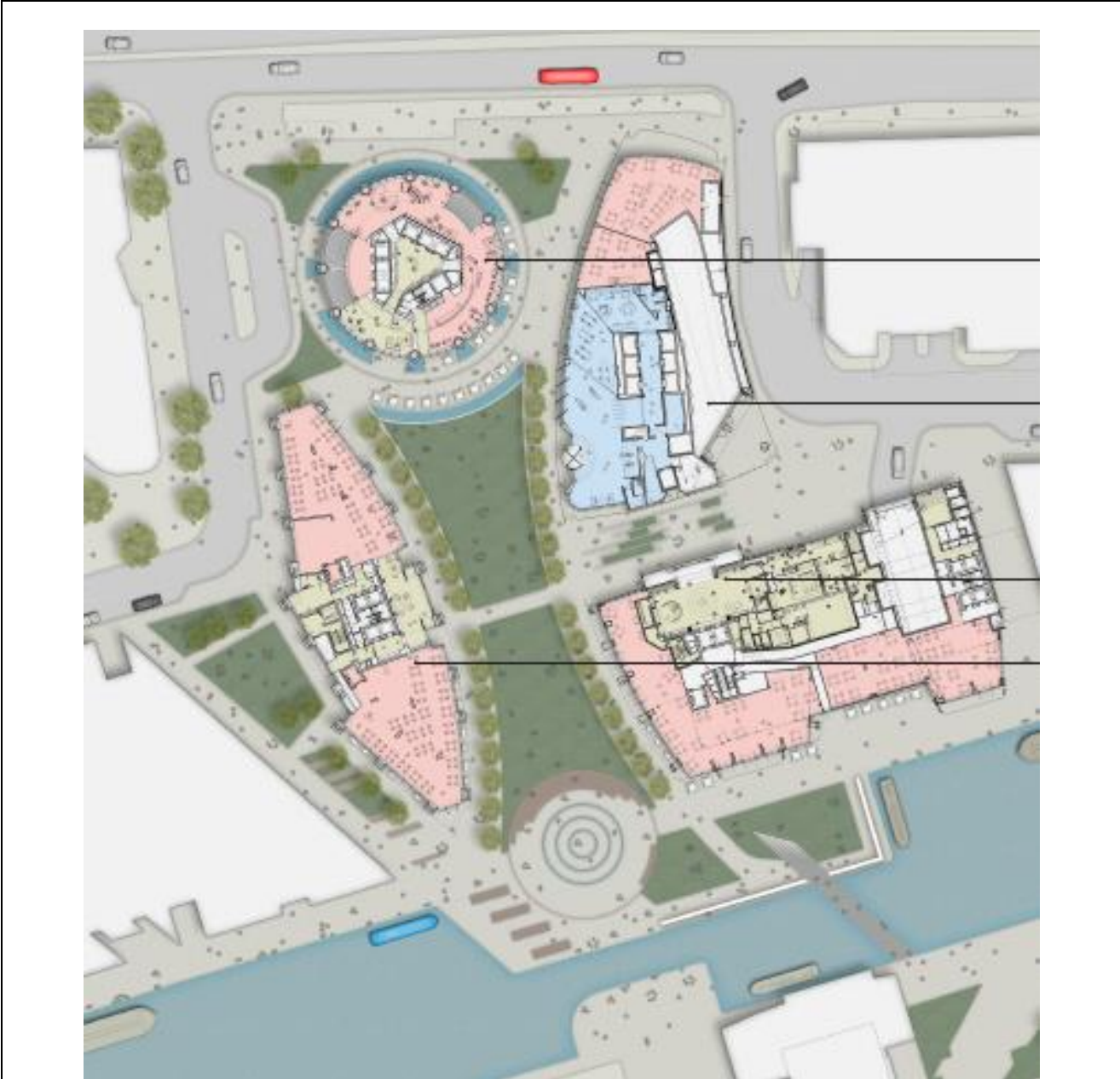
#### 8.14 Other Issues

None relevant.

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

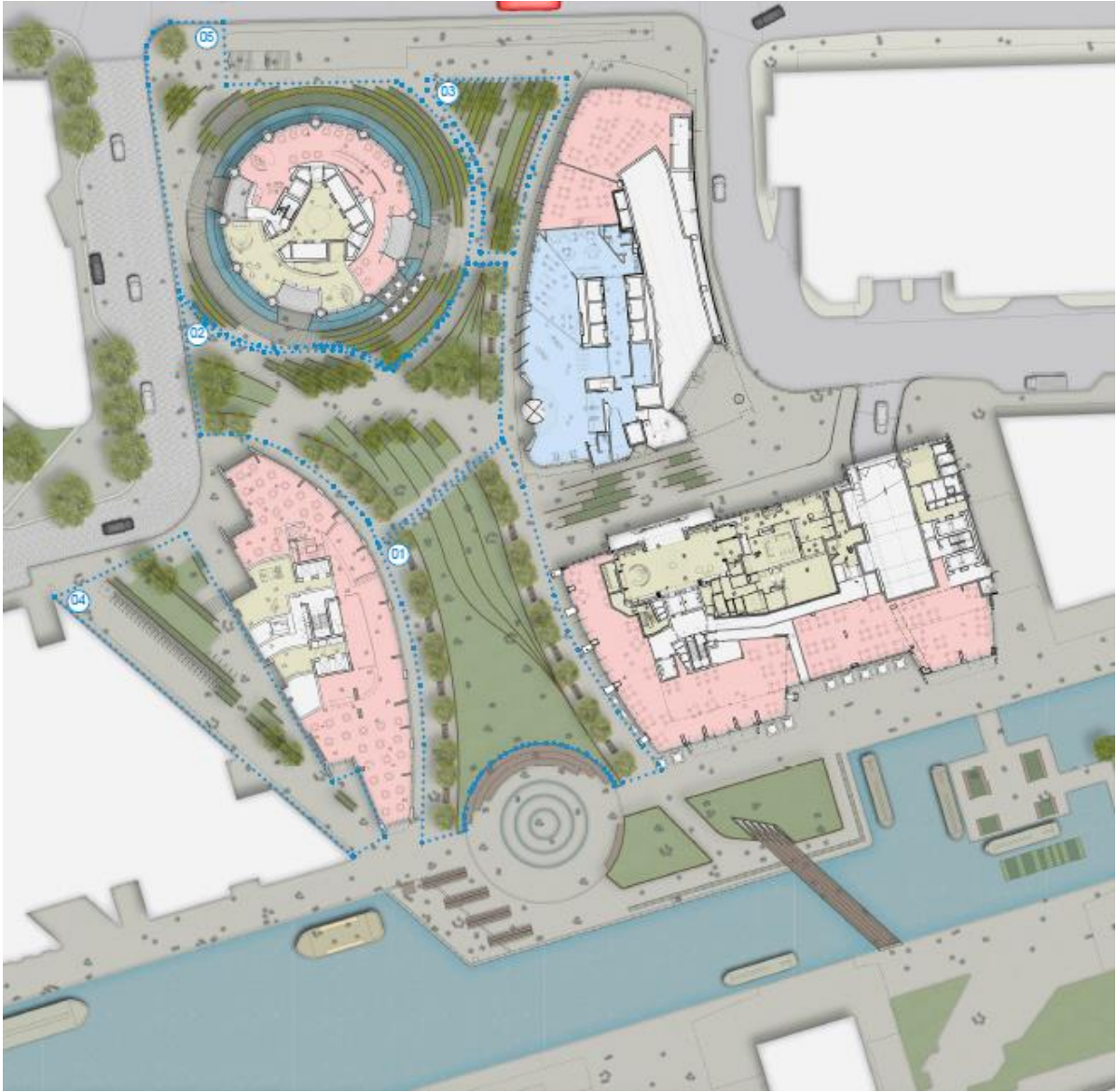
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

**9. KEY DRAWINGS**



Approved Ground Floor Site Plan.





Proposed Ground Floor Plan.

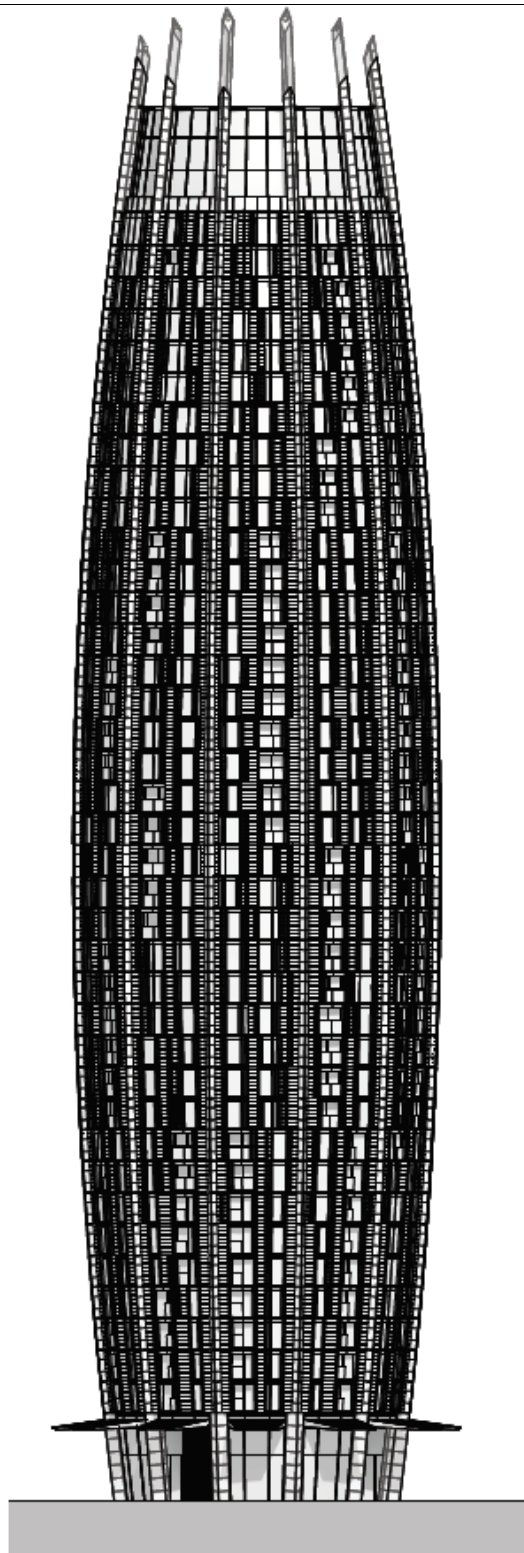




Aerial view of Merchant Square site showing Buildings 1 and 6 in context with surrounding buildings (top) and sectional view of Building 1 in context with Buildings 2 and 3 (bottom).

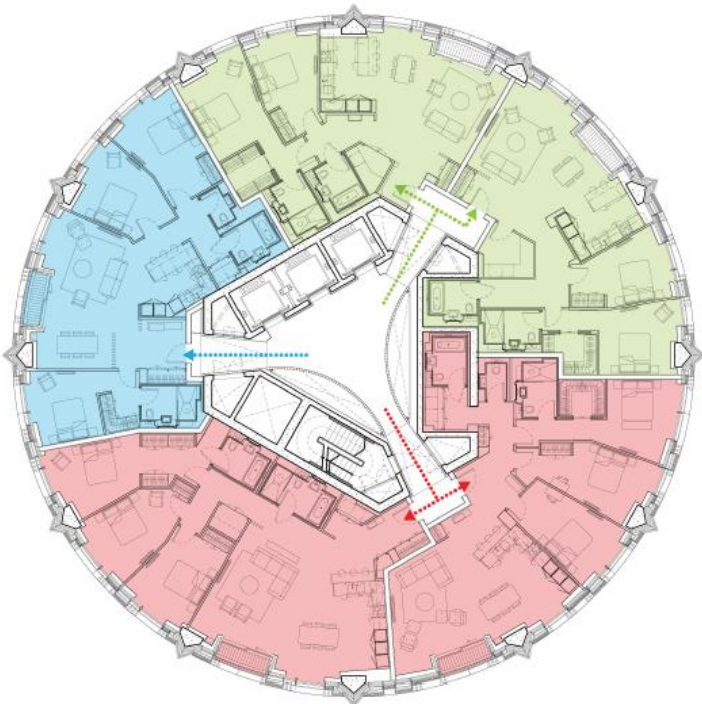


Detailed view of Building 1 façade (top) and view of top of building (sky bar over two floors) (bottom).

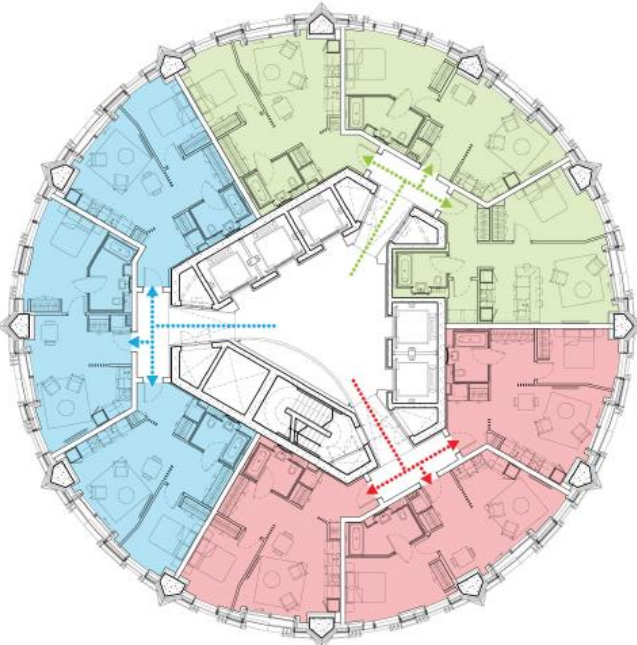


Typical elevation (south) of Building 1.





▲ Figure 5.34  
1 Merchant Square - Level 32 Floor Plan



▲ Figure 5.33  
1 Merchant Square - Level 02 Floor Plan

Typical floor plans for Building 1 (floor 32 at top and floor 2 at bottom).



North elevation of Building 6 as seen from North Wharf Road.

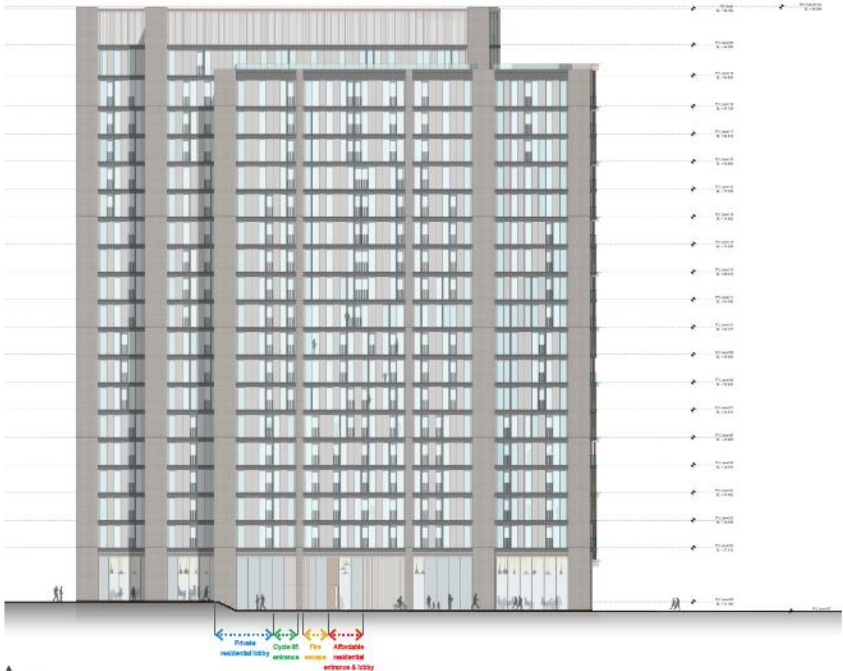


Aerial view of Building 6 (top) and view of Building 6 from south side of canal basin (bottom).



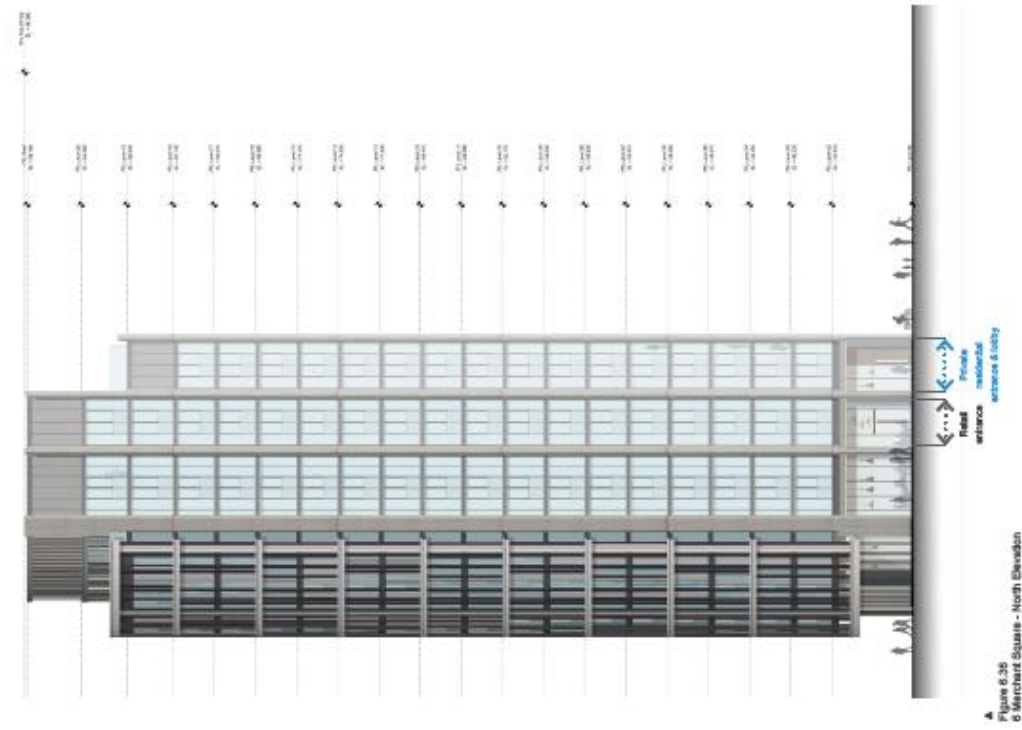
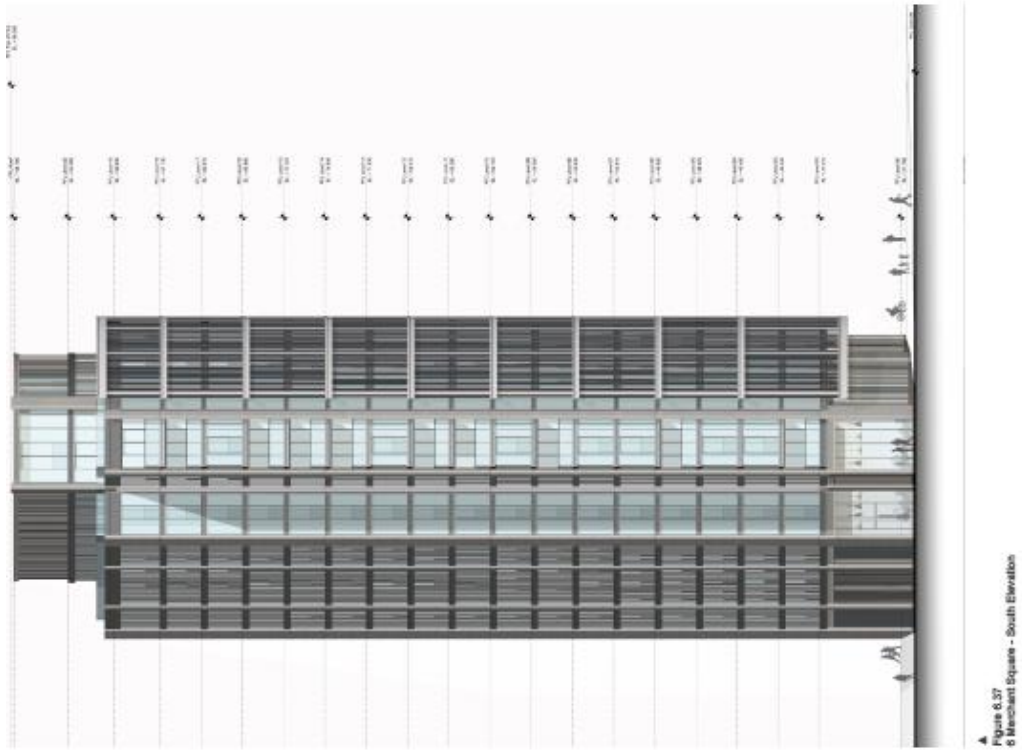


A  
Figure 6.34  
6 Merchant Square - East Elevation



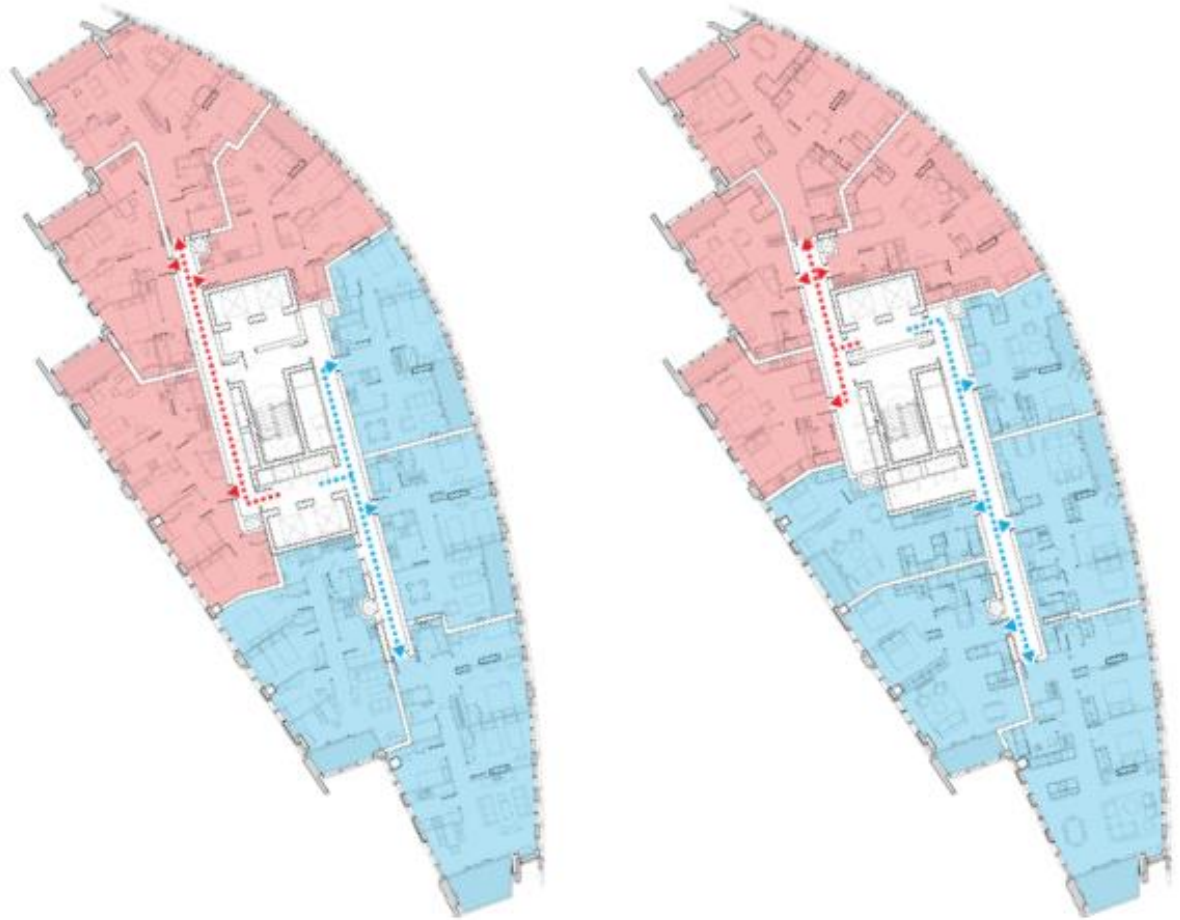
A  
Figure 6.35  
6 Merchant Square - West Elevation

Eastern elevation of Building 6 (top) and western elevation (bottom).



North (bottom) and south (top) elevations of Building 6





▲  
Figure 6.46  
6 Merchant Square - Level 02 Plan

▲  
Figure 6.47  
6 Merchant Square - Level 11 Plan

Key

- |  |   |
|--|---|
|  Communal space 1 |  Apartments accessed from communal space 1 |
|  Communal space 2 |  Apartments accessed from communal space 2 |

Typical floorplans for Building 6 with affordable housing in red (at top of floorplans) and market housing in blue (bottom of floorplans). Floor 2 floorplan on left and Floor 11 floorplan on right.



View of central landscaped space looking north from southern end of the site (top) and view from within the landscaped space looking west along east/ west arm of North Wharf Road.

**DRAFT DECISION LETTER**

- Address:** Development Site - Land At, Harbet Road, London, W2 1JU
- Proposal:** Redevelopment comprising the erection of a 42 storey building (Building 1) and a 21 storey building (Building 6) above three basement levels. Use of buildings as 426 residential units (Class C3) (including 67 affordable housing units in Building 6), retail floorspace (Classes A1/ A2/ A3/ A4/ A5) and retail/leisure floorspace (Classes A1/ A2/ A3/ A4/ A5/ D2); provision of car parking, cycle parking, ancillary space, plant, servicing, highway works, hard and soft landscaping and other associated development (EIA Development).
- Plan Nos:** MS\_A\_PL\_010, MS\_A\_PL\_020 Rev.01 (including HVM measures/ alignment), MS\_A\_PL\_030 Rev.01, MS\_A\_PL\_031, MS\_A\_PL\_032 Rev.01, MS\_A\_PL\_033, MS\_A\_PL\_310, MS\_A\_PL\_311, 1MS\_A\_PL\_100 Rev.01, 1MS\_A\_PL\_101, 1MS\_A\_PL\_102, 1MS\_A\_PL\_103, 1MS\_A\_PL\_104, 1MS\_A\_PL\_105, 1MS\_A\_PL\_106, 1MS\_A\_PL\_107, 1MS\_A\_PL\_108, 1MS\_A\_PL\_109, 1MS\_A\_PL\_110, 1MS\_A\_PL\_111, 1MS\_A\_PL\_112, 1MS\_A\_PL\_113, 1MS\_A\_PL\_114, 1MS\_A\_PL\_115, 1MS\_A\_PL\_116, 1MS\_A\_PL\_117, 1MS\_A\_PL\_118, 1MS\_A\_PL\_119, 1MS\_A\_PL\_120, 1MS\_A\_PL\_121, 1MS\_A\_PL\_122, 1MS\_A\_PL\_123, 1MS\_A\_PL\_124, 1MS\_A\_PL\_125, 1MS\_A\_PL\_126, 1MS\_A\_PL\_127, 1MS\_A\_PL\_128, 1MS\_A\_PL\_129, 1MS\_A\_PL\_130, 1MS\_A\_PL\_131, 1MS\_A\_PL\_132, 1MS\_A\_PL\_133, 1MS\_A\_PL\_134, 1MS\_A\_PL\_135, 1MS\_A\_PL\_136, 1MS\_A\_PL\_137, 1MS\_A\_PL\_138, 1MS\_A\_PL\_139, 1MS\_A\_PL\_140, 1MS\_A\_PL\_141, 1MS\_A\_PL\_142, 1MS\_A\_PL\_200, 1MS\_A\_PL\_300, 1MS\_A\_PL\_301, 6MS\_A\_PL\_100, 6MS\_A\_PL\_102, 6MS\_A\_PL\_103, 6MS\_A\_PL\_104, 6MS\_A\_PL\_105, 6MS\_A\_PL\_106, 6MS\_A\_PL\_107, 6MS\_A\_PL\_108, 6MS\_A\_PL\_109, 6MS\_A\_PL\_110, 6MS\_A\_PL\_111, 6MS\_A\_PL\_112, 6MS\_A\_PL\_113, 6MS\_A\_PL\_114, 6MS\_A\_PL\_115, 6MS\_A\_PL\_116, 6MS\_A\_PL\_117, 6MS\_A\_PL\_118, 6MS\_A\_PL\_119, 6MS\_A\_PL\_120, 6MS\_A\_PL\_121, 6MS\_A\_PL\_200, 6MS\_A\_PL\_300, 6MS\_A\_PL\_301, Environmental Statement (ES) Non-Technical Summary (June 2018), ES Volume 1: Main Report (June 2018), ES Volume II: Heritage, Townscape and Visual Impact Assessment (June 2018), Clarifications Document (October 2018), Supplementary Air Quality Assessment letter by AECOM dated 8 January 2018, AECOM ES Second Review Table (Ref: 60517652 - Merchant Square 1 & 6), AECOM letter dated 20 March 2019 (ref: 60517652), Appendix A - EIA Scoping Report and Scoping Opinion, Appendix B - Traffic Data, Appendix C - Noise & Vibration Technical Appendices, Appendix D - Air Quality Neutral Assessment, Appendix E - Wind Technical Report and Figures, Appendix F - Daylight, Sunlight, Overshadowing and Solar Glare Technical Results, Appendix G - Ground Conditions and Envirocheck Report, Flood Risk Assessment and Drainage Strategy, and Appendix I - Buried Heritage Desk Based Assessment. Design & Access Statement (June 2018), Planning Statement (June 2018), Sustainability Statement (June 2018), Energy Strategy (June 2018), Detailed Drainage Statement dated March 2019 (ref: DRS001-1), Crime Prevention Statement (June 2018) (as amended by email from DP9 dated 4 April 2019), Structural Methodology Statement (June 2018) and Internal Daylight & Sunlight Report (June 2018).



*For Information Only* Transport Assessment (June 2018), Workplace Travel Plan (June 2018), Residential Travel Plan (June 2018), Delivery and Servicing Plan (June 2018), Statement of Community Involvement (June 2018) and Outline Construction Logistics Plan (June 2018).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

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

- 4 **Pre-Commencement Condition** Prior to commencement of development, you must apply to us for approval of detailed Construction Traffic Management Plan. You must not commence the development until we have approved what you have sent us, in consultation with Transport for London. You must then carry out the development in accordance with the Construction Traffic Management Plan we approve.

Reason:

To avoid blocking the surrounding streets and the Transport for London Strategic Road network as set out in S41 and S42 of Westminster's City Plan (November 2016), TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007 and Policies 6.11 and 6.12 in the London Plan (March 2016). (R23AC)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 6 You must apply to us for approval of detailed drawings of shopfronts/ ground and first floor elevations at a scale of 1:50, including large scale detail elevations and sections at a scale of 1:10. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

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

- 8 You must apply to us for approval of details (including drawings, samples and any other supporting documents as appropriate) of public art proposals for the site prior to commencement of any above ground level development. 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 work in accordance with the details we approve prior to occupation of the development. The public art shall thereafter be permanently retained in the approved location.

Reason:

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

- 9 You must apply to us for approval of detailed drawings of any cleaning and maintenance equipment to be fixed to the buildings, including on roofs and the details shall include the storage position of the equipment when not in use. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

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

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site not covered by buildings. The landscaping scheme must include the number, size, species and position of trees and shrubs and the detailed design and palette of materials (including material samples) for the hard landscaping and street furniture (including lighting and externally mounted CCTV equipment). 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 planting season of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S37 and 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. (R30BC)

- 11 Notwithstanding the details shown on the submitted drawings, you must apply to us for approval of detailed drawings showing the location and detailed design of bollards or similar structures proposed within the hard and soft landscaping scheme for the purpose of security and hostile vehicle mitigation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work using the materials that we approve and you must not occupy the building until these bollards and/ or other structures have been installed. Thereafter the bollards and/ or other structures must be retained, unless otherwise agreed by us in writing.

Reason:

To maintain the appearance of the development and in the interests of security/ crime prevention in accordance with S28 and CS29 in Westminster's City Plan that we adopted in November 2016 and DES1 in the Unitary Development Plan that we adopted in January 2007.

- 12 The accommodation described as 'retail' on the submitted drawings shall only be occupied by uses falling within Classes A1, A2, A3, A4 or D2 (cinema use only and no other use within this Use Class) of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it), details of which, including a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. No individual Class A3 or A4 use shall exceed 500m<sup>2</sup> in size. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

Insufficient information has been submitted to demonstrate in amenity terms the acceptability of unrestricted Class A3 or A4 use. In the absence of such information the City Council considers that it would be premature to confer unrestricted Class A3 or A4 use on these parts of the development. This is in accordance with S3, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and TACE 8 and TACE 9 in the Unitary Development Plan that we adopted in January 2007.

- 13 If any of the 'retail' accommodation hereby permitted is to be occupied for Class A3, A4 or D2 purposes, or a combination thereof, each use shall not commence until full details of means of ventilation for the extraction and dispersal of cooking smells (including details of its method of construction and appearance, hours of use and operational noise level, including noise attenuation methods) have been submitted to and agreed by us in writing. The accommodation shall not be occupied otherwise than in accordance with the details thus approved.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 14 The 'skybar' accommodation with Building 1 hereby permitted is to be occupied for Class A3 or A4 purposes, or a combination thereof, and the use shall not commence until full details of the

means of ventilation for the extraction and dispersal of cooking smells (including details of its method of construction and appearance, hours of use and noise attenuation methods) have been submitted to and agreed by us in writing. The accommodation shall not be occupied otherwise than in accordance with the details thus approved.

Reason:

To ensure the use would not harm the amenity of neighbouring occupiers in terms of noise disturbance and odour nuisance. This is in accordance with S3, S29 and S32 in Westminster's City Plan that we adopted in November 2016 and Policies ENV5, ENV6, ENV7 and TACE 8/ TACE 9/ TACE10 in the Unitary Development Plan that we adopted in January 2007.

- 15 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. (C22BA)

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)

- 16 You must apply to us for approval of detailed drawings showing the following alteration(s) to the cycle parking arrangements:

- (a) provision of 772 long stay residential spaces;
- (b) provision of 11 short stay residential spaces;
- (c) provision of 11 long stay retail spaces, and;
- (d) provision of 96 short stay retail spaces.

You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage for the respective uses in line with the approved details prior to occupation of the use to which the cycle parking relates. Thereafter you must retain the cycle storage and you must not use it for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy T5 (Table 10.2) of the draft new London Plan 2016 (with Minor Suggested Changes to the London Plan) (September 2018). (R22FA)

- 17 Notwithstanding what is shown on the submitted drawings, you must hang all doors and gates so that they do not hang over or across the road or pavement, with the exception of doors which form part of a means of escape in case of emergency.

Reason:

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



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

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

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

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

Reason:

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

level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

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

- 22 You must apply to us for approval of full details of the Ventilation Strategy for both buildings, which shall include the following amended details in addition to further details pursuant to the outline strategy set out in paragraphs 9.168 to 9.173 of the Environmental Statement:

(a) Provision of NOx/ NO2 filtration as necessary to protect future residents from emissions from road sources and from the energy centre in 3 Merchant Square.

(b) Provision of all necessary amendments (including any necessary amendments to the appearance of the buildings) to ensure the flats within the development will not be subject to overheating that breaches the CIBSE criteria.

You must not start work on this part of the development until we have approved what you have set us. You must then install the mechanical ventilation in accordance with the details we approve prior to occupation of each building.

Reason:

To improve the energy efficiency of the development and ensure the building provides an acceptable internal living environment in accordance with S28, S29 and S31 in Westminster's City Plan adopted in November 2016 and Policies 5.9 and 7.14 in the London Plan (March 2016).

- 23 No tables and chairs shall be placed outside of the 'retail' or 'sky bar' premises (Classes A1, A2, A3, A4 or D2) hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures, such as enclosure around tables and chairs or sun shades. You must not place the table and chairs or associated structures outside the 'retail' and 'sky bar' premises until we have approved what you have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of neighbouring residents and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with S28, S29, CS32 and S41 in Westminster's City Plan we adopted in November 2016 and DES1, ENV6 and TRANS3 in the Unitary Development Plan we adopted in January 2007.

- 24 **Pre-Commencement Condition.** The development hereby approved shall not be commenced until detailed design and method statements (which should be prepared in consultation with London Underground) for all of the foundations, basements and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by us. The detailed design and method statements submitted should include:

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

The development shall thereafter be carried out in accordance with the details we approve unless otherwise agreed by us in writing.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policies 6.2 and 6.3 in the London Plan (March 2016).

- 25 Notwithstanding what is shown on the approved drawings, you must apply for approval of detailed drawings, sample materials and a full-scale mock up of part of the facade of Building 1, including a section of the perimeter vertical 'tusk'/ 'fin', adjacent cladding and a full window detail. You must not start work on this part of the development until we have approved what you

have sent us. You must then carry out the development in accordance with the details we approve.

Reason:

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

- 26 You must apply to us for approval detailed drawings of the following part of the proposed development: the detailed design and method of operation of the proposed car stacker system (provision of a manufacturer's specification may also be appropriate). You must not start work on these parts of the development until we have approved what you send us. You must then carry out the work in accordance with the details we approve.

Reason:

To ensure that the development provides sufficient parking provision in accordance with TRANS23 in the Unitary Development Plan we adopted in January 2007.

- 27 You must apply to us for approval of detailed Deliveries Management Plan. You must not occupy the development until we have approved what you have sent us, in consultation with Transport for London. You must then operate the development in accordance with the Deliveries Management Plan we approve.

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)

- 28 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

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

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

Reason:

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

- 29 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for Phases 2 and 3 before any demolition or excavation work starts, and for Phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records (submitted and approved under RN: 18/05018/FULL - no further submission pursuant to Phase 1 necessary).

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

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

- 30 Prior to occupation of either building, you must apply to us and received approval of details of the following:

- evidence that all combined water network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. This is as set out in Policy 5.14 in the London Plan (March 2016).

31 Prior to occupation of either building, you must apply to us and received approval of details of the following:

- evidence that all water network upgrades required to accommodate the additional flows from the development have been completed; or,
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to no/ low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. This is as set out in Policy 5.15 of the London Plan (March 2016).

32 **Pre-Commencement Condition** Prior to commencement of development you must apply to us for approval of details of how the development will be designed to accommodate the existing water main located within 5 metres of the development. The details to be submitted shall include details of how the main is to be divert and/ or how the development is to be realigned to prevent the potential for damage to subsurface potable water infrastructure. You must not commence development until we have approved (in consultation with Thames Water) what you have sent us. The development must then be undertaken in accordance with the details we approve.

Reason:

The proposed works will be in close proximity to underground strategic water main utility infrastructure. The works has the potential to adversely impact on local underground water utility infrastructure and this would be contrary to Policy 5.15 in the London Plan (March 2016).

33 **Pre-commencement Condition** No 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 water infrastructure, and the programme for the works) has been submitted to us and approved in writing by us in consultation with Thames Water. Any piling must then be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Damage to this infrastructure would be contrary to Policies 5.14 and 5.15 in the London Plan (March 2016).

34 You must carry out the development in accordance with the drainage strategy set out in the Detailed Drainage Statement dated March 2019 (Ref: DRS001-1) unless you apply to us and we approve an alternative drainage strategy in writing.

Reason:

To ensure that the development utilises appropriate sustainable urban drainage measures to achieve greenfield run off rates and ensure water run off is managed as close to its source as possible, as set out in Policy 5.13 in the London Plan (March 2016).

- 35 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Revision of the roof form of Building 6 to incorporate additional photovoltaic panels.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policy 5.7 in the London Plan (March 2016). (R44BC)

- 36 You must apply to use for approval of a Waste Management Strategy, which includes the following:

(a) Waste generation estimates to demonstrate that the bin capacities proposed for general waste, food waste and recyclable materials are sufficient to meet the demand of the development.

(b) Drawings of all bin stores with bins labelled 'R', 'O' and 'W' as required by the Waste Storage Requirements guidance document (Section 2.3.1).

(c) Amended retail waste storage details (including drawings) to ensure all waste generated by the retail units can be accommodated (for example this should include storage provision for food waste and waste cooking oil in the event a unit is occupied by a restaurant). Note that the retail waste storage should represent a 'worst case' scenario for the retail units.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the Waste Management Strategy we approve prior to occupation of the relevant part of the development. Thereafter the waste stores must be permanently retained for the purpose of waste storage. (C26UB)

Reason:

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

- 37 **Pre-Commencement Condition.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by us in consultation with Historic England. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. The planning application lies in an area of archaeological interest.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

(A) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

(b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To ensure the development does not result in the loss of archaeology on the site, in accordance with Policy 7.8 in the London Plan (March 2016).

- 38 **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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records (Ground Conditions and Enviro Check Report Volume III and ES Volume 1 by Aecom dated June 2018).

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

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



- 39 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 20 and 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise and noise from other sources within the buildings. (R49AA)

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

Reason:

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

- 41 You must apply to us for approval of details demonstrating that the residential and commercial parts of the development have achieved Secured by Design accreditation. You must not commence work above ground floor slab level before until we have approved the details that you sent us. You must then carry out the development in accordance with the details we approve.

Reason:

To ensure the development provides a safe and secure environment for occupiers, service users and workers in accordance with Policy 7.3 in 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, the London Plan, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

The City Council has determined this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

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

- 3 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).
- 4 You should refer to the current "Code of Practice for Works affecting the Canal and River Trust" to ensure that any necessary consents are obtained from the Canal and River Trust prior to the commencement of the development: <http://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).
- 5 You should contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods.
- 6 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 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](http://www.hse.gov.uk/risk/index.htm).

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

- 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 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 11 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.
- 12 You may need separate licensing approval for the retail and sky bar premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 13 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 14 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the

length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 15 Structures oversailing the public highway will require a highways licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the design of the oversailing structures, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter. Please remember that once you have a licence you must implement the oversailing structure in accordance with the licence. (I47AB)
- 16 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 17 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.  
  
If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 18 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 19 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 20 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. Thames Water expect the developer to demonstrate what measures it 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 [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

- 21 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 22 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 23 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 24 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [https://www.westminster.gov.uk/street-naming-numbering-\(I54AB\)](https://www.westminster.gov.uk/street-naming-numbering-(I54AB))
- 25 This permission is governed by legal agreements between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreements relate to:

Buildings 1 and 6 S106 Agreement

- 1) Notice of commencement of development.

- 2) Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1).
- 3) Provision and management of CCTV.
- 4) Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.
- 5) Provision of public realm areas prior to occupation.
- 6) Provision of maintenance, use of and access to the on-site public realm.
- 7) Provision of cycle parking within shared basement.
- 8) Provision of lifetime (25 year) car club membership for all market and affordable units.
- 9) Provision of land for installation of Mayor's Cycle Hire docking station.
- 10) Provision and periodic review of a workplace and residential travel plans.
- 11) Provision and maintenance of public access to the Sky Bar in Building 1.
- 12) Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
- 13) Provision of lifetime car club membership for each affordable housing unit within the development.
- 14) Provision of skills and employment opportunities for local residents.
- 15) Costs of monitoring the agreement (£500 per head of term).

#### Deed of Variation to Original 'Overarching' Legal Agreement

- 1) Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- 2) Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- 3) A financial contribution of £360,000 (index linked from August 2011) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- 4) Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- 5) Provision of towpath works (these have been delivered in conjunction with Building 3).
- 6) Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).
- 7) Off-site provision of a waterways facilities building incorporating the listed canopy.
- 8) Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
- 9) Provision of, and connection to, the Energy Centre within 3 Merchant Square and provision of amended CHP equipment to reduce NOx emissions.
- 10) Provision and management of on-site car club spaces.
- 11) Provision and management of on-site residential car parking provision within shared basement.
- 12) Provision of electric car charging facilities.
- 13) Provision and adherence with a servicing management strategy.
- 14) Provision of a green waste composting scheme.
- 15) Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
- 16) Mitigation measures for television signal interference.
- 17) Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).

18) Compliance with the Local Procurement Code.

- 26 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

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

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

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

- 27 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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