

Item No.
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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> <b>7 September 2021</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning	<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>Former Paddington Green Police Station, 4 Harrow Road, London, W2 1XJ</b>	
<b>Proposal</b>	Demolition and redevelopment of the site to provide three buildings (1x 32 storey, 1 x 18 storey and 1 x 15 storey), providing 556 residential units (including 210 affordable units) (Class C3), commercial uses (Class E), flexible community/affordable workspace (Class E/F.1), provision of private and public amenity space, landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing and disabled car and cycle parking, connecting through to the basement of the neighbouring West End Gate development. This application is accompanied by an Environmental Impact Assessment.	
<b>Agent</b>	Turley	
<b>On behalf of</b>	Berkeley Homes (Central London) Ltd	
<b>Registered Number</b>	21/02193/FULL	<b>Date amended/completed</b> 29 July 2021
<b>Date Application Received</b>	1 April 2021	
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>	Small part of western end of site within Paddington Green Conservation Area	

## 1. RECOMMENDATION

1. Subject to the concurrence of the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:
  - a) Provision of 210 affordable units on-site comprising 84 socially rented units and 126 intermediate units. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships;
  - b) Provision of an early-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
  - c) Developer undertaking to use best endeavours to secure nomination rights to 68 intermediate affordable homes within the London Borough of Barnet;
  - d) Payment of a carbon offset payment of £1,356,600.00 (index linked) payable on

- commencement of the development;
- e) Payment of a financial contribution of £200,000.00 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site payment of commencement;
  - f) Payment of a financial contribution of £200,000.00 towards additional play facilities within the vicinity of the site and payment on commencement;
  - g) A Walkways and Cycling Agreement to safeguard publicly accessible routes through the site;
  - h) Highways works associated with the development on Paddington Green, Harrow Road and Edgware Road;
  - i) Provision of the Affordable Workspace unit within Block I at an affordable rental level prior to first occupation;
  - j) A scheme for the relocation of the existing concrete sculptural relief panels from the southern flank walls of the existing building to a location either on-site or nearby, or a combination of both, including provision of site-interpretation information at the developer's expense;
  - k) Submit an Employment and Skills Plan and a financial contribution of £401.793.00 towards the Westminster Employment Service prior to commencement of development
  - l) Provision of a Car Parking Design and Management Plan for parking for the proposed development, within the WEG developments basement levels prior to first occupation;
  - m) Provision of a Delivery and Service Plan for deliveries and servicing for the proposed development within the WEG developments basement levels prior to first occupation; and
  - n) The cost of monitoring the s106 agreement
2. If the s106 agreement has not been completed within three months of the committee resolution, then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of Newcastle Place before the development takes place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.

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## 2. SUMMARY

The application site occupies the triangle of land bound by Edgware Road (to the east), Harrow Road/the Westway (to the south) and Newcastle Place (to the north). It also overlaps part of the applicant's West End Gate development site to the north, across Newcastle Place. It is occupied by a disused police station and section house (Use Class Sui Generis) which closed in 2018. This use was contained within a complex comprised of a 17-storey element at its eastern end and an 8-storey element at its western end connected by a three-storey podium.

The application site is located within the Central Activities Zone, the Church Street/Edgware Road Housing Renewal Area, an Archaeological Priority Area, a Nature Deficiency Area and an Air Quality Focus Area. Within the Church Street/Edgware Road Housing Renewal Area, this site is noted as one expected to contribute toward the City Council's housing target within the next five years. The western end of the site is located within a Surface Water Hotspot. The site is located opposite and immediately to the south of the Church Street/Edgware Road District Shopping Centre. The Paddington Opportunity Area is located to the south of the application site, on the southern side of the Westway.

The application site does not contain a listed building. The majority of the application site is located outside the Paddington Green Conservation Area. However, part of the site, at its western end is located within the Paddington Green Conservation Area. Several heritage assets are also located in the area surrounding the site. The Grade II listed Paddington Green Children's Hospital is located on the corner of Church Street and Paddington Green; two Grade II listed Georgian houses are located at 17 and 18 Paddington Green; and the Grade II star listed St Mary's Church to the west. Several other listed items are also located in or around Paddington Green, including a pair of K6 telephone kiosks and the Statue of Mrs Siddons

The applicant proposes demolishing the existing police station buildings and construction of three buildings of 15, 18 and 32 storeys in height to accommodate 556 residential units (including 210 affordable units) (Use Class C3) and approximately 6,178 sqm GIA of Class E/F.1 floorspace to provide a mix of retail, office and affordable workspace uses.

Two basement levels would be excavated beneath the site to provide plant, servicing, 18 car parking and 960 cycle parking spaces. These basement levels would be accessed through the applicant's West End Gate developments basement levels and would not be directly accessed from Edgware Road, Newcastle Place or Harrow Road.

The applicant also proposes the stopping up of Newcastle Place to provide new public realm areas. Additional hard and soft landscaping would be provided throughout the site, including a new plaza on the south-eastern corner of the site, at the junction of Edgware and Harrow Roads.

The proposed buildings are named Blocks, I, J and K, in accordance with the naming convention of the blocks at the West End Green (WEG) development. Block I would be located at the western end of the site, opposite Paddington Green, this building would be 18 storeys high or approximately 65 m to the top of the rooftop plant (97.65 m AOD). The ground floor would contain affordable workspace (Class E or F.1) with active frontages to the southern and part of the north-western facades. Two flats and the entrances to the flats above would also be located at ground floor, on the north-western and eastern facades. The upper floors would contain intermediate flats to level 10 and private flats on the floors above.

Block J would be located to the east of Block I, between it and Block K. It would be 15 storeys high. Blocks J and K are connected at ground, first and second floors. The ground level of both blocks contain flexible commercial space (Class E). The first and second floors of both blocks contain 4,762 sqm office floorspace (Class E). The upper floors of Block J would contain social rent flats to level 12, with private flats on the floors above. The roof of Block J would have a roof garden for the use of residents within that block.

Block K would be located at the eastern end of the site, at the junction of Edgware and Harrow Roads. Block K would be 32 storeys high. The upper floors would contain private flats.

The application has attracted 22 objections and one representation in support. The objectors are primarily concerned with the height and bulk of the buildings proposed and their impact on the character of the area and resulting light loss; the developments impact on local amenities, the road network and public transport; and noise, traffic and dust during construction.

The key considerations are:

- Provision of a strategically significant level of residential accommodation, as well as employment uses;
- Provision of on-site affordable housing;
- Provision of high buildings and harm to designated heritage assets, including adjacent listed buildings and conservation areas given the conflict with development plans policies on Tall Buildings;
- Sustainability of the new buildings
- Impact on the amenity of local residents, including from loss of daylight, sunlight and overshadowing;
- The stopping up of Newcastle Place and the highways impacts of the proposal; and
- The likely environmental effects of this proposal as it is an EIA development and how can these be mitigated

The proposed development would result in less than substantial harm to the following heritage assets:

- Bayswater Conservation Area
  - Sale Place listed buildings
- Paddington Green Conservation Area
  - Former Paddington Children's Hospital (Grade II)
  - 17 and 18 Paddington Green (Grade II)
- Maida Vale Conservation Area
  - 2 Warwick Crescent (Grade II)
  - 2-16 Warwick Avenue (Grade II)
  - Grand Union Canal (undesignated heritage asset)
- Lisson Grove Conservation Area
  - Christ Church (Grade II\*)
- Dorset Square Conservation Area
- King Solomon Academy (Grade II\*)
- Kensington Gardens (Grade I Registered Park)
- Hyde Park (Grade I Registered Park)

- Regents Park (Grade I Registered Park)
- Primrose Hill (Grade II Registered Park)
- Primrose Hill Panorama (LVMF Protected Panorama)

Accordingly, special regard must be had to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets when deciding this application. By reason of this harm, the proposed development does not meet policies HC1 and HC3 of the London Plan (March 2021) and policies 39 and 40 of the City Plan (April 2021).

In addition, the proposed development results in significant losses of light to properties around the application site, although these predominantly affect Blocks A, B, C, E-F, G and H on the applicant's WEG site. This would be contrary to policies H6 of the London Plan and 7 of the City Plan.

Although located on a site considered suitable for a Tall Building, the proposed development is also not entirely consistent with policies D9 of the London Plan and 41 of the City Plan. In particular, Block K greatly exceeds the 18-storey height limit indicated by policy 41 of the City Plan; the proposed buildings are not 'slender'; the proposed development would cause harm to the setting of several heritage assets as identified above; the proposed development would cause significant loss of daylight and sunlight to flats of neighbouring sites; and Block K does not include a publicly accessible viewing platform.

However, the proposed development comes with numerous public benefits, and these have to be taken into account. These include, but are not limited to:

- a substantial contribution to the City Council's overall and the Church Street/Edgware Road Housing Renewal Area housing targets;
- a policy compliant level and mix of affordable housing;-
- provision of decent space to facilitate regeneration within the Church Street Masterplan Area;
- provision of affordable workspace;
- the creation of a strong and inclusive community;
- job creation and career opportunities for local residents;
- replacement of an architecturally harmful building with a well-designed and high-quality replacement buildings;
- significant public realm improvements in and around the site, including increased connectivity and legibility for pedestrians/cyclists;
- a 6,157% biodiversity net gain on-site and a significant increase in on-site greening within an Area of Nature Deficiency;
- encouragement of sustainable travel;
- a 35% reduction in carbon emissions on-site and a carbon offset payment that can be used to reduce carbon emissions elsewhere within Westminster;
- annual expenditure from the new residents and employees of approximately £20 million; and
- a CIL contribution of over £18 million that that would improve infrastructure throughout Westminster but particularly in the local area.

Although the proposed development would cause less than substantial harm to the heritage assets listed above, the package of public benefits arising from the development are considered to be very substantial. Whilst great weight and special regard has been given to the desirability of preserving or enhancing heritage assets when deciding this application, the proposal is

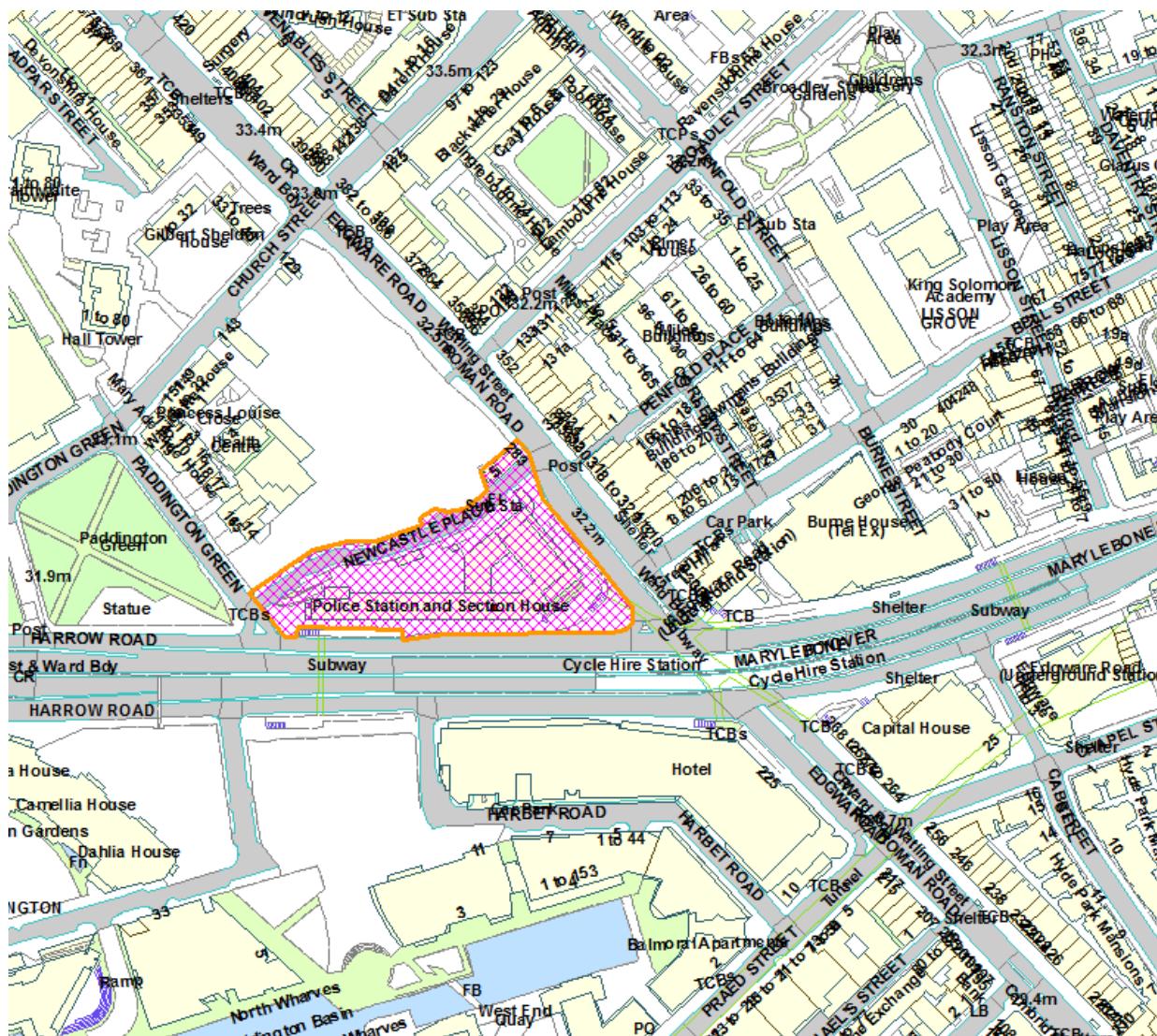
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considered acceptable in terms of its impact on the heritage assets listed above. Therefore, granting permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The package of public benefits would also be significant in terms of the development plans strategic aims, in particular policies GG1, GG2, GG3, GG4 and GG5 of the London Plan (March 2021) and policies 1, 6, 8, 9 and 24 of the City Plan (April 2021). Subject to conditions, the proposed development also meets or largely meets all other relevant development plan policies, including policies SD5, D3, D5, D12, H1, H4, H5, H10, E1, E2, E3, G1, G5, G7, SI1, SI2, SI7, SI13, T4, T5, T6 and T7 of the London Plan (March 2021) and policies 13, 25, 28, 29, 32, 33, 34, 35, 36, 37, 38, 44 and 45 of the City Plan (April 2021). Overall, the proposed development is in accordance with the development plan when read as a whole.

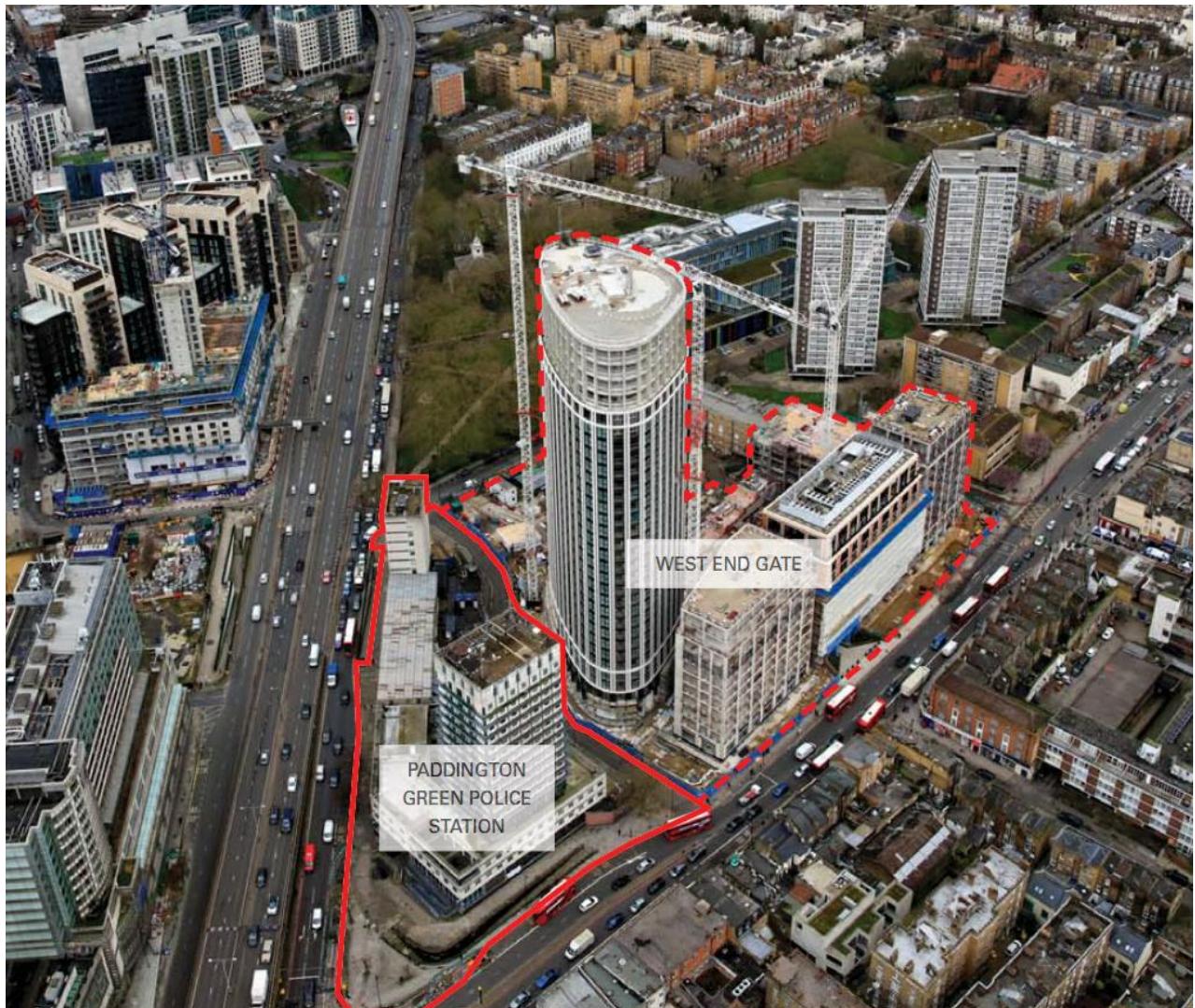
Therefore, it is recommended that permission is granted subject to the conditions set out in the draft decision letter and a section 106 agreement to secure the planning obligations listed above, and subject to referral back to the Mayor of London.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Aerial View of Application Site and West End Gate Development

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**Application Site as Seen from Edgware and Harrow Road Junction.**



**Application Site as Seen from Paddington Green and Newcastle Place Junction.**



**Newcastle Place looking Eastward.  
Westmark Tower to left**

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## 5. CONSULTATIONS

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

No response received.

WARD COUNCILLORS FOR LITTLE VENICE, HYDE PARK, BRYANSTON & DORSET SQUARE AND CHURCH STREET

No response received to date. Any response to be reported verbally.

GREATER LONDON AUTHORITY (GLA)

The redevelopment of the vacant brownfield site within the CAZ, providing a significant number of new homes and commercial floorspace and affordable workspaces is strongly supported.

Support 37% affordable housing by habitable room split 60:40 in favour of intermediate housing together with a further 68 intermediate homes off site. Given the portfolio agreement and subject to further clarifications on tenure mix, the scheme may follow the Fast-Track Route. Further information is sought on affordability.

The principle of a building of significant height at the site can be supported. The visual and environmental impacts caused by the scheme's bulk and massing configuration should be explored further. The scheme's impact on residential quality should also be addressed. A Fire statement must be prepared during the application phase. The development would cause less than substantial harm to a number of heritage assets. The public benefits of the proposal could potentially outweigh the harm identified. Further information in this regard is required.

The applicant has submitted an energy assessment in accordance with policy SI2 of the London Plan. The measures proposed are welcomed and are broadly in line with the London Plan targets of a minimum 10% and 15% improvement on 2013 Building Regulations from energy efficiency. Further clarity is sought on the CHP within West End Gate (WEG) that the energy centre will connect to, particularly with regard to emissions, and whether alternative low carbon heat sources have been investigated.

Further information is also required in relation to carbon reporting, estimated energy cost, overheating, future connection to the Church Street DHN, the PV installation, the centralised Air Source heat pump system and carbon offsetting. Conditions have been requested to ensure compliance with the energy strategy and London Plan policy.

The application is supported by a Whole Life-Cycle Carbon Assessment in accordance with policy SI2 of the London Plan. Further information in relation to the current status and expected decarbonisation are required.

The application is supported by a Circular Economy Statement in accordance with policy SI7 of the London Plan. Further details are required on key commitments, recycling and waste reporting, operational waste and plans for implementation

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The surface water drainage strategy does not fully comply with policy SI13 of the London Plan, as it does not provide a sustainable drainage solution. The strategy should be revisited to avoid surface water pumping where possible. Additional above ground green Sustainable Drainage Systems (SuDS) should be included, as well as rainwater harvesting. The drainage strategy plan should include the attenuation dimensions and proposed connection points into the public sewer.

Subject to confirmation that the emission standards of the WEG CHP will be met, the overall impact of the development on existing air quality will not be significant. A site suitability assessment has been carried out, considering traffic emissions and the emissions from the WEG heat network; the assessment indicates that the site is generally suitable for its proposed use, with concentrations below the relevant air quality objectives at each floor. Residential units on the ground floor are acceptable, as these do not front Harrow Road or Edgware Road, where higher levels of air pollution are predicted at the ground floor. As the emergency diesel generator exhaust is at ground level, the applicant is advised to revise the placement of emergency plant exhausts. Alternatively, the applicant should investigate alternatives to diesel generators for backup power.

The applicant has calculated the Urban Greening Factor (UDF) of the proposed development as 0.29, which is below the target of 0.4 set by Policy G5 of the London Plan. The applicant should review the urban greening proposed, seeking to improve the quality or quantity, to increase the application's UGF. The applicant should also provide evidence demonstrating how the proposed development secures a net biodiversity gain in accordance with Policy G6(D) of the London Plan. If biodiversity net gain is not achievable on the site, the applicant should review opportunities for biodiversity offsetting in consultation with the borough.

Further information and consultation is required regarding the landscaping proposals and interface with the TLRN and the trip generation assessment. Contributions to public realm improvement works and cycle hire infrastructure are sought.

#### HISTORIC ENGLAND (CONSERVATION AND LISTED BUILDINGS)

Advise that they do not wish to comment, and that advice should be sought from the City Council's specialist heritage officers.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No response received.

#### THE NATIONAL AMENITY SOCIETIES

No response received.

#### ENVIRONMENT AGENCY

Advise that given the location and lack of environmental constraints, they have no comments to make on this application.

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## NATURAL ENGLAND

Confirm that they have no objection to the proposed development. Advise that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Encourage the provision of enhanced green infrastructure in the development.

## LONDON UNDERGROUND

Have no objection to the proposal, subject to a condition to secure protection of nearby underground transport infrastructure

## TRANSPORT FOR LONDON

In summary, the proposed development provides a new residential led neighbourhood which improves pedestrian and cycle permeability through the Edgware Road / Paddington area. However, the proposed development does not yet meet the transport policies of the London Plan. Further information / consultation is required with TfL regarding the following issues:

- The applicant should arrange a meeting with TfL to discuss the public realm interaction with TfL's Rain Garden scheme. As the proposal will support active travel users from this development, a financial contribution towards the delivery of this scheme is requested in line with policies T1 and T2 of the London Plan. The public realm issues must be addressed prior to determination;
- Sheffield stand provision should be increased to a minimum of 20% and detailed cycle storage layout plans should be provided prior to determination;
- Further information is required regarding the trip generation and to understand which NUMBAT data was used in line with policy T1 of the London Plan; and
- The PCL pedestrian flow network diagrams should be provided in excel format for TfL technical review.

TfL request that on successful completion of the above issues, the following conditions / obligations would be expected as part of any recommendation for planning approval:

- TfL as the highway authority for Edgware Road must approve the final layout of Newcastle Place (where it interacts with the TLRN). This should be subject to full review and a Road Safety Audit (to SQA-0170 TfL standards);
- An Arboricultural Method Statement (AMS) is required;
- A Parking Design and Management Plan (PDMP) is required in line with Policy T4.B of the London Plan;
- A Travel Plan should be secured by condition in line with policy T4 of the London Plan;
- A Delivery and Servicing Plan (DSP) should be secured by condition and approved by the borough in consultation with TfL in line with policy T7 of the London Plan;
- A Construction Logistics Plan should be secured by condition for each phase of works and approved by the borough in consultation with TfL in line with Policy T7 of the London Plan;
- A separate Section 278 agreement with TfL for both the temporary and permanent

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works is required, as are additional approvals under the Traffic Management Act 2004. A requirement to enter into a S278 agreement with TfL should be secured via a S106 obligation attached to any permission for those works affecting the TLRN;

- £200,000 should be secured towards cycle hire; and
- In accordance with policy T9 of the London Plan MCIL2 was introduced in April 2019. The applicant should ensure they are aware of the regulations.

#### NATIONAL GRID

Advise that applicant should contact them with respect to gas and electricity infrastructure near the application site.

#### SPORT ENGLAND

Advise that existing community sports provision within the area may not be able to accommodate increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.

There does not appear to be sport facility provision proposed onsite and it is not clear how sport facility provision would otherwise be secured. Advise that the City Council could seek contributions through CIL or via a s106 agreement.

If provision for sports facilities is to be made through CIL, they would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Business Plan and direct those monies to deliver new and improved facilities for sport based on the priorities identified in the Council's recent Playing Pitch Strategy and Built Facilities Strategy.

If provision for sports facilities is to be made through a s106 agreement, Sport England would be happy to provide further advice.

In relation to built sport facilities, Sport England's established Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain sports facility types. The SFC indicates that a population of 1334 (calculated by multiplying the number of residential units by the average occupation rate of 2.4) in the City of Westminster will generate a demand for 0.09 sports halls (£315,026), 0.06 swimming pools (£335,336), 0.04 artificial grass pitches (£58,226 if 3G or £52,959 if sand) and 0.08 rinks of an indoor bowls centres (£39,072). Consideration should be given by the Council to using the figures from the Sports Facility Calculator for informing the level of any financial contribution if indoor sports provision was to be made through a s106 agreement.

Sport England recommend use of their 'Active Design' (October 2015) guidance in the master planning process for new residential developments.

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## THE ROYAL PARKS

Object to the massing of the proposed buildings. Consider the proposed development to be an unwanted addition to the sky space of Primrose Hill, which is an important historic Grade 2 listed landscape. The development would be visible from within Primrose Hill and would have a potential impact on the park and its visitors. The height of this development would present a continued and intrusive impact to the views west of Primrose Hill and contribute to the massing of high-rise buildings in the Paddington Area. Additionally, much of the proposed development would be clearly visible from the viewpoint of the Hill and impact a significantly busy park. This response is set out against the policies contained in the Royal Parks, The Regent's Park and Primrose Hill Conservation Management Plan which was prepared in consultation with neighbouring planning authorities and provides the strategic direction for the long-term future of The Regent's Park and Primrose Hill.

## THAMES WATER

Advise that they have no objection to the development on sewage and surface water capacity grounds. Request conditions to ensure that occupation of units is limited until water infrastructure is upgraded and to protect nearby strategic water main. Request informatives relating to work near water, wastewater and sewage infrastructure near the site

## DESIGNING OUT CRIME OFFICER

Advise that they are concerned that widening and repurposing Newcastle Place into a public amenity area is likely to generate crime, engender the fear of crime and raise personal safety concerns for the local community. The landscaping strategy will introduce planting in planters which people will sit on and hide drugs and weapons in. The benches, water features and informal play areas will attract people who are intent on committing crime which will serve to undermine its intended purpose to promote community cohesion thus compromising the sustainability of this development. The windows of the flats on the ground floor open directly onto the pedestrian routes/amenity area where there aren't any defensive buffers in front of them to stop people looking in or climbing in. The proposal for this area needs to be revised to seriously take into consideration local crime issues.

The two residential entrances are set back within a recess which provides others an opportunity to stand in so that the resident cannot see if someone is at their door until they reach it. The glazed office elevation facing the amenity area is stepped back, a design feature which will allow people to congregate unobserved from Edgware Road, particularly at night. This will increase the fear of crime for residents using this route to access their communal entrance.

Consider the proposed routes into the bike stores and their location unsafe. The location of the externally accessed bicycle stores aren't in close proximity to the blocks they serve so surveillance from these residents is very limited which is further exacerbated by residents entering/exiting the bicycle stores in the basement via external ground floor doors which will allow for tailgating resulting in theft of bicycles, personal safety risks and afford unauthorised access into the building. Security rated access-controlled door sets

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will not prevent people entering the building through these doors as residents of multi occupied buildings more often than not don't ensure that the door has in fact shut but are in the process of shutting. Ideally in a development of this size the door to the bicycle stores should be within their respective core entrance lobbies so as to encourage their use otherwise residents will bring them up to their flats. People who have had their bicycles stolen are often unlikely to replace it which frustrates the government objective to reduce carbon emissions whilst promoting a healthy lifestyle.

It is proposed to locate some of the bicycle parking within the basement of the neighbouring building West End Gate which will require an opening to be created between both of these basements. The two developments should operate independently of each other to reduce the potential for crime for residents of this new development and West End Gate. Installing an access-controlled security rated shutter won't design out the issues that this arrangement is likely to introduce for both developments.

It is unclear from the drawings that the different tenures are completely separate from each other which is a must to maintain their integrity from a crime perspective. It appears from the plan drawings that this might not be the case as lifts and stairs from the other non-residential tenures have access to the basement.

Police Preferred Specification doors, windows, shutters and gates are recommended on the ground floor and accessible areas alongside compartmentalisation on each of the residential floors to deter unauthorised access. A lighting Lux plan meeting BS 5489 is recommended. Street Lighting Columns should have commando sockets integrated within them to allow for CCTV cameras to be fitted in the future if required.

Although the applicant will be instructing a security consultant to design a security strategy for this development, this will not design the criminal opportunity out.

#### NHS CENTRAL LONDON

No response received.

#### WESTMINSTER PRIMARY CARE TRUST

No response received.

#### LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No response received.

#### LONDON FIRE SERVICES

No response received.

#### THE LONDON BOROUGH OF BRENT

State that they have no objection to the proposed development.

#### THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA.

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State that they have no objection to the proposed development.

#### THE LONDON BOROUGH OF CAMDEN

No response received.

#### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Consider that the proposed development would cause more than substantial harm to the Little Venice Conservation Area and in particular:

1. The setting of St Marys Church;
2. The setting of properties on Paddington Green; and
3. The views from Warwick Avenue Bridge, Randolph Avenue, Randolph Road, Blomfield Road and other locations within the conservation area with views to the southeast.

Also consider that the proposal causes more than substantial harm in respect of the views from the east to west and in particular Regents Park and Primrose Hill:

Whilst it is recognised that the scheme delivers a significant number of "housing units" which help meet the Boroughs and GLA's targets the cost to the Conservation area is too great.

The principle building at 32 stories is higher than the main block in the West End Gate development which was consented by WCC following a reduction in height from the developer's previous proposal. They see no reason why this proposal should be any higher than that previously consented and consider that it should be subservient to it.

The reduction in height to 25 floors on the adjoining section provides some stepping down on the view along Edgware Road however when viewed from the east in Regents Park it will triple the size of the already unwelcome intrusion on the skyline of the existing West End Gate tower and this substantial bulk and massing is completely unjustified.

The proposed "Flat Iron" building on the corner of Paddington Green and Edgware Road is higher than the middle building which runs contrary to convention that you graduate height up towards the tallest building in the scheme. Due to its bulk and massing, it will cause more than substantial harm to the setting of St Marys Church in particular.

Consider there to be are too many studio flats and these should be omitted and further sustainable homes of 2 and 3 bedrooms provided which will attract people to make a home in the area supporting local businesses and schools.

Efforts to improve the public realm and "greening" do not go anywhere near far enough to improve air quality sufficiently in this area to make it safe or attractive to be used by residents or local people. In particular, they believe that the public realm space on the corner of the junction of Harrow Road and Edgware Road will be little due to its proximity to high traffic volumes and will also prejudice the future ability to re-instate the left turn from Harrow Road into Edgware Road northbound. It would be inappropriate to forestall

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the left turn reinstatement as a result of this development, as the current arrangement is resulting in a significant increase in 'rat running' by traffic by Eastbound traffic through the residential area of Little Venice and the Maida Vale Conservation Area.

Request that neighbour's views and those of PRACT in respect of the impact on Highways and Transportation into account

#### ST MARYLEBONE SOCIETY

Consider one of the towers exceptionally tall for a residential block and query how much taller the next application for Paddington Basin area housing will be. It is a good idea to cluster new tall developments, although they query the impact of so many tall towers on older, low rise areas adjacent, some of which are worth preserving.

The increase in residential accommodation on this site is likely to result in a dramatic increase in the demand for healthcare services. Is additional provision being made for medical and/or dental care, school places or nurseries?

Although one of the proposed towers is excessively high, and they would prefer something lower, they are generally in favour of the use of the site for this mixed development with many new residential units. This site and the adjacent West End Gate site, previously long disused, have blighted the area for many years: such regeneration is very welcome, and will encourage further revival of the local area.

#### SOUTH-EAST BAYSWATER RESIDENTS' ASSOCIATION

Advise that they support and endorses the comments of the Paddington Waterways and Maida Vale Society. The proposed buildings are too high and bulky and will cause more than substantial harm to the adjacent Conservation areas, including (through perhaps to a lesser extent) the Bayswater Conservation area. The mix of the proposed residential units has too many very small units.

Agree that the layout of the site beyond the eastern tower, where adjacent to the junction between Harrow Road and Edgware Road, should facilitate reinstatement of a left turn for vehicles out of Harrow Road into Edgware Road, if necessary, by using part of the land for a repositioned pedestrian crossing or for a new carriageway for left-turning vehicles

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

There is now an opportunity to adjust the layout of the site beyond the eastern tower, where adjacent to the junction between Harrow Road and Edgware Road, so that a left turn for vehicles, out of Harrow Road eastbound into Edgware Road northbound, can be reinstated - if necessary, by using part of the land for a repositioned pedestrian crossing or for a new carriageway for left-turning vehicles.

Consider that the subway system under Harrow Road and Edgware Road should be taken into the Public Realm of the development and improved.

The capacity of trains on the Bakerloo Line needs to be addressed, as does the impact

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of the development on the capacity of the Edgware Road station in peak hours, in particular the capacity of its lifts.

Raised queries and suggestions for access and egress to the site during demolition and construction.

Support the level of off-street parking proposed.

Cycle storage on-site also seems adequate, but strongly object to there being no provision for a TfL Cycle Docking Station. This would be popular, especially for occupants of flats etc.

#### **REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE**

State that they object very strongly to the proposed 32 storey tower that it would harm views from within Regent's Park, which is a listed park.

These views were a key element in the original and surviving design of the park and are of international significance and value. They contribute to the international history of town planning and architecture but are fragile in their vulnerability to intrusive tall structures as proposed here.

There is an obligation to seek to preserve or enhance the character and appearance of conservation areas: these proposals fail this test.

#### **WESTBOURNE NEIGHBOURHOOD ASSOCIATION**

No response received.

#### **BAYSWATER RESIDENTS' ASSOCIATION**

No response received.

#### **HYDE PARK ESTATE ASSOCIATION**

No response received.

#### **NORTH PADDINGTON SOCIETY**

No response received.

#### **FRIENDS OF REGENTS PARK & PRIMROSE HILL**

No response received.

#### **MARYLEBONE ASSOCIATION**

No response received.

#### **HARROWBY & DISTRICT RESIDENTS ASSOCIATION**

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No response received.

#### ST JOHN'S WOOD SOCIETY

No response received.

#### NOTTING HILL EAST NEIGHBOURHOOD FORUM

No response received.

#### FRIENDS OF HYDE PARK & KENSINGTON GARDENS

No response received.

#### MARBLE ARCH BID

Support the proposed development. The current site is tired, run-down and does not positively contribute to the district. The proposed development transforms the public realm at this major entry point to central London, lifting the pedestrian experience and creating a safer, healthier and more attractive interface with Harrow Road and the wider Paddington area. Greener and more interactive spaces will benefit future residents, businesses and the local community, with a greatly enhanced ground floor animation.

The introduction of 556 new homes, including a significant portion of affordable housing, is welcomed, bringing a potential additional annual spend of £19m to the Edgware Road and Church Street district centres.

The applicant has reduced the height of the buildings following consultation with the local community, an important concession, and one that sees the proposed height now proportionate in the context of the area's evolving urban landscape.

The applicant's investment into this key part of Westminster should be welcomed.

#### NEW WEST END COMPANY

No response received.

#### PADDINGTON BID

No response received.

#### WCC PLANNING POLICY

##### *Principle of Redevelopment*

Residential-led redevelopment of this site is supported in principle. The site is in a sustainable location opposite Edgware Road underground station and a range of shops and services at Church Street/ Edgware Road District Centre. The site includes no buildings of architectural merit and offers significant scope for intensification and an

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enhanced local environment.

While the previous use of the site as a police station could be considered community infrastructure, its disposal is part of the MOPAC's wider estate strategy, and there is therefore no requirement to evidence marketing for alternative social and community uses under City Plan Policy 17 (Community Infrastructure and Facilities).

Residential-led redevelopment can make a positive contribution to the wider Church Street/ Edgware Road Housing Renewal Area, helping meet key priorities identified under City Plan Policy 6 (Spatial Development Priorities: Church Street/ Edgware Road and Ebury Bridge Estate Housing Renewal Areas); including the provision of new high-quality homes, new jobs and community facilities, public realm improvements, enhancements to the District Centre, and the efficient use of land.

#### *Building Heights*

On the basis of the findings of the Westminster Building Heights Study, City Plan Policy 41 (Building height) specifies the Marylebone Flyover/ Edgware Road junction (which the site falls within) as one of the areas of Westminster where tall buildings may be acceptable, subject to certain criteria, including a need for exceptional design quality, and sustainable building designs that do not detract from heritage assets. Policy also suggests that tall buildings should step down significantly from those in the Paddington Basin cluster and indicates buildings of 12 – 18 storeys (i.e., 2 – 3 times the surrounding context) may be appropriate. Importantly, these heights provide a guide of what may be considered acceptable and should not be interpreted as a strict limit – particularly given the height of existing buildings on site and in the immediate vicinity. Nevertheless, the tallest element of the scheme, at 32 storeys, substantially exceeds the guidelines within Policy 41, and can only be considered to step down from the very tallest elements of the Paddington Basin cluster. To be acceptable the scheme must therefore offer exceptional design quality, including high standards of building sustainability. As set out in paragraph 3.9.4 of the London Plan, the taller a building is proposed, the greater the level of scrutiny of its design is needed – which includes on matters regarding its impact on surrounding context, materials used, and any microclimatic impacts. If design and heritage officers consider the proposal to inadequately respond to local context and be harmful to nearby heritage assets such as listed buildings or Paddington Green Conservation Area, for the scheme to be treated positively any harm must be outweighed by the public benefits the scheme offers.

If the design and massing of the scheme is considered acceptable in its current form, given its exceptional height a publicly accessible viewing platform should be considered under City Plan Policy 41 (Building height) and London Plan Policy D9 (Tall buildings). While City Plan Policy 41 indicates they should be sought on all exceptionally tall buildings, which the tallest building would clearly be, it is recognised that providing such access may not be appropriate on a predominantly residential building.

#### *Affordable Housing Provision*

The proposed scheme provides 210 affordable homes (38% of the total number of homes provided on site), with a tenure 60/40 split in favour of intermediate. This is consistent with minimum requirements of City Plan Policy 9 (Affordable housing).

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Confirmation from the housing team that they are satisfied with the nature of the affordable housing proposed should be sought.

Given previous use of the site as a police station, and its recent release from public sector ownership, policy H4 (Delivering affordable housing) of the London Plan sets out under clause A4 requirements for 50% affordable housing provision. Scope is provided within policy for this to be met across a portfolio of sites subject to agreement with the Mayor, and this policy requirement may be satisfied by the proposed provision of an additional 12% affordable housing at a site in Colindale, Barnet. Confirmation should however be sought from both the City Council's housing team, and the GLA, that these arrangements can be secured and are acceptable. If they are not, a viability assessment can be sought under clause C of London Plan policy H5 (Threshold approach to applications). Furthermore, this clause also sets out that to follow the fast-track route (where no viability assessment is required), the application must meet 'other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor'. A viability assessment can therefore also still be sought if any elements of the scheme are not considered fully policy compliant.

#### *Living Environment*

Given the sites proximity to the Westway and Edgware Road, there are clear challenges to providing a quality living environment for future occupiers in terms of both noise and air quality. In particular, the site falls within an Air Quality Focus Area. The material accompanying the application indicates the proposed development will be air quality neutral, but there appears to have been little consideration given to achieving air quality positive status, through specific measures either on-site or in the vicinity of the development. As the site falls within a Housing Renewal Area, air quality positive status should be sought in accordance with part C of City Plan Policy 32 (Air quality) and London Plan Policy SI1 Clause C.

#### *Public Benefits*

Despite the above concerns regarding height, affordable housing provision, and air quality, in addition to making a significant contribution towards housing targets, the scheme does offer a number of public benefits.

The inclusion of commercial floorspace at ground floor and storeys 1 and 2 is welcomed. Ground floor uses providing active frontages can help the scheme stitch-in to the adjacent District Centre, enhance the provision of shops and services for the local community, and is compatible with clause G of City Plan Policy 13 (Town centres, high streets and the CAZ). The provision of dedicated affordable workspace is also supported under City Plan Policy 14 (Supporting economic growth). To ensure such provision is fit for purposes, the advice of the economy team should be sought.

The site currently suffers from a poor-quality public realm that is dominated by vehicular traffic, and proposals to soften this through the site's redevelopment are welcomed - in particular, the provision of a new plaza on the corner of Edgware Road and Harrow Road, and a new linear park at Newcastle Place - which dependent on the detail of landscaping proposals could help respond to the area's deficiency in access to nature. CIL contributions secured through the proposed development could also help improved

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pedestrian and cyclist links across the wider area, which is important in the context of the emerging Paddington Places strategy, the sites proximity to Paddington Basin, Edgware Road station and the District Centre, and clause C5 of City Plan Policy 24 (Sustainable transport).

#### *Climate Change*

Given the carbon emissions associated with the demolition and redevelopment of existing buildings, it is particularly important on such a large scale, prominent development that the opportunity is taken to secure a highly sustainable development that responds to the council climate emergency declaration. It is understood from the material accompanying the application that in addition to measures such as connection to a CHP plant at West End Gate, energy efficiency measures, incorporation of some photovoltaics, the use of SuDS, and on-site landscaping, a carbon offset payment will still be required to reach a carbon neutral position, in accordance with City Plan Policy 36 (Energy) and London Plan Policy SI2 (Minimising greenhouse gas emission). This should be secured via legal agreement.

#### AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

#### WASTE PROJECT OFFICER

Object to the waste storage arrangements proposed for the following reasons:

- The bins indicated in the bin stores on the drawings submitted are not labelled R (for recycling), O (for food waste) and W (for general waste) in accordance with council waste storage requirements.
- The applicant has not indicated on the drawing a storage area for bulky waste such as white goods and large furniture to prevent waste dumping in the surrounding area.
- Due to the size of the development, a micro recycling centre (MRC) will be required in the vicinity of the development to capture other types of recycling such as clothes, shoes and small electrical items. The applicant will need to provide space on-site where this MRC will be sited. In addition, the procurement of the bins will be funded by the applicant.
- The applicant is proposing use of a chute in Block K. This is contrary to the council's waste storage. The applicant should propose the same waste storage arrangement as in Block I and J

#### ENVIRONMENTAL HEALTH OFFICER

No response received.

#### HIGHWAYS PLANNING MANAGER

#### *Car Parking*

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No extra parking provision is proposed.

The City Council's new policy is that no car parking should be provided in new developments in areas with the PTAL level that this has, in line with the London Plan. However, we have not yet given permission for any developments of anything like this size with this new policy in place and, as things stand, there would be nothing to prevent residents of the new development from obtaining residents' parking permits and from parking on-street.

With 556 flats within this development and existing car ownership levels in this ward it is likely that having no car parking in such a development could lead to problems on-street, but I have no objection as it is in line with the new policy.

Accepts that a development with no car parking is less likely to attract residents that want to own cars and it is highly likely that car ownership in the new development will be less than the existing level but can still foresee issues on-street as there will not be anything to stop residents from owning cars and obtaining permits.

So, with that in mind, disagrees with TfL and think it would be sensible in this case to allow residents of this development to access the existing car parking spaces within the West End Gate basement, as is proposed.

#### *Cycle Parking*

Cycle parking is generally in line with London Plan standards and generally acceptable. Noted that TfL feels the same way but has made some points which should be taken on board if possible. Number of cycle spaces should be secured by condition.

#### *Servicing*

Servicing is proposed to take place largely off-street. It will be off-street for all servicing related to the commercial activities and some of the residential, which is welcome and in line with policy.

Some servicing of the residential elements would be allowed from what is currently Newcastle Place. Has no objection to this regardless of whether or not it is stopped-up as part of this application (see below).

A Servicing Management Plan is proposed which should be secured by condition.

#### *Stopping-Up of Newcastle Place*

This is the most controversial aspect of the development in highway terms.

The applicant appears to want taxis and other vehicles dropping off and picking up residents to be able to use the area and also for some servicing to take place from there (although the bulk of servicing would take place from the basement of the adjacent development) and we want it to remain open to pedestrians and cyclists at all times, so on that basis there has to be an argument that with all that activity still being allowed, including vehicular activity, it may as well remain highway.

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In terms of the existing public realm, accepts that it is not so nice down there, but it's not like that because it's public highway, it's because it was the back end of a secure Police Station and the high wall on one side and the double yellow lines that presumably are in place for security reasons rather than any traffic-related need to prevent vehicles from parking there, reflect that. The public realm could be improved while it still remains highway.

Advised at pre-app that they still had a case to make that stopping-up would not throw more traffic to the Church Street junction and cause problems there, which could have a negative effect on the TLRN on Edgware Road as well as on Church Street.

This case has now been made in the application in as much as the Transport Statement includes evidence that in 2015, when the police station was in operation, Newcastle Place was surveyed to have 9 vehicles in the AM peak and 20 vehicles in the PM peak, which included an unknown number of vehicles associated with the police station itself. So "existing" traffic levels on Newcastle Place are extremely low which is not surprising as it is one-way and does not really go anywhere.

Therefore, does not object in principle to the stopping-up of Newcastle Place, but must ensure that it remains fully open to pedestrians and cyclists through something akin to a Walkways Agreement, although a Walkways Agreement itself is probably not appropriate given the intention to allow some vehicular access.

Notes inaccuracy in drawing taken from the Transport Statement as it does not appear to correctly reflect the existing highway boundary at the eastern end of the site, where it was set back as part of the West End Gate development, so that the highway on Edgware Road could be widened.

#### *Public Realm Improvements*

These are largely on what is currently Newcastle Place or on or adjacent to TfL highway, so defer to TfL.

#### BUILDING CONTROL

No response received.

#### WCC CHILDREN'S SERVICES

No response received.

#### WCC ECONOMY TEAM

No response received.

#### WCC INVESTMENT SERVICE MANAGER

No response received.

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## LEAD LOCAL FLOOD AUTHORITY

No response received.

## WCC PARKS & GARDENS

No response received.

## WCC PLACESHAPING

No response received.

## WCC SPORT & LEISURE

No response received.

## WCC ADULT & COMMUNITY SERVICES

No response received.

## WCC ARBORICULTURAL MANAGER

No response received.

## CHURCH STREET LARP

No response received.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5685

Total No. of replies: 23

No. of objections: 22

No. in support: 1

In summary, the objectors raise the following issues:

### Conservation, Townscape and Design

- 32 storeys and/or proposed buildings are too tall for this area and out of keeping with prevailing character;
- Height and bulk of proposal will have an adverse impact over a large area, including Little Venice and Regent's Park;
- Height and bulk of proposed buildings will harm views from Little Venice and Regent's Park;
- Dust and vibration during construction will harm nearby heritage assets, including the Grade 2\* St Mary's Church and other Grade 2 monuments;
- The development will disturb archaeological remains on-site;
- Existed building should be listed, not demolished;

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### Affordable Housing

- The proposed development does not provide a policy compliant level of affordable housing;
- Proposed flats should be entirely affordable for the local workforce;
- Affordable housing should be provided on-site, not in Barnet;
- Proposed flats will be too expensive for local residents;
- Separate entrances for different tenures can lead to discrimination;

### Amenity

- Scheme will block daylight, sunlight and/or overshadow nearby residents and park;
- Proposal will result in loss of privacy;
- Tall buildings are boxing people in;
- Construction will cause majorly adverse harmful fumes, dust, vibration and pollution;
- Density of development will cause severe noise and disturbance;

### Highways

- Proposal will increase traffic congestion in the area from new residents and/or during construction and demolition;
- Proposal will exacerbate traffic congestion at junction of Harrow and Edgware Road junction caused by recent changes made by TFL;
- The proposed development will decrease road safety;
- Church Street cannot take the levels of traffic from the proposed development and West End Gate;
- On-street parking already stretched, and proposal will make it difficult for existing residents to park their car in the area;
- Construction traffic to Edgware Road, Church Street and Paddington Green will be excessive;
- Traffic from the development will physically damage the road (e.g. cracks);
- The proposal does not encourage walking and/or cycling;

### Local Environment

- Proposal will increase wind from high buildings;
- Proposal will increase dust in area;
- Proposal will reduce air quality in the area, including from traffic;
- Increased noise, vibration and dust for residents during construction and/or in combination with existing construction at West End Gate;
- Dust and, noise and vibration during construction will harm the biodiversity of St Mary's Churchyard;
- More green space is needed in the proposal;
- Waste collection and storage facilities on-site are inadequate;

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### Impact on Local Services

- Closure of police station has or will increase crime;
- Proposal will increase crime
- Local healthcare facilities already stretched and this will worsen from residents of proposed development;
- Buses too busy at present and this will worsen from residents of the proposed development;
- Public services and resources will not be able to cope with the demands of increased population that development will bring;

### Other

- Proposed units are too small for long-term living and working from home;
- Proposed development gives nothing back in terms of public realm or facilities
- New residents will cause increases in the price of food and other goods, making it difficult for current residents to continue living in the area.
- Proposed flats will remain empty;
- Proposal includes no beneficial facilities
- Proposal will create slum
- Contributions to the repair of the estates of Lisson Grove and provision of reflective surfaces to mitigate light loss should be secured;
- The Environment Statement is biased and downplays the impact of the proposal, particularly its impact on Townscape Views;
- Large trees and other obstruction will block the highway around the site, making it difficult for those mobility or disability impairment; and
- The submitted drawings and other documents contain inaccuracies, particularly where they portray the as yet to be built 1 Merchant Square and blocks on the West End Gate site.

In summary, the supporters raise the following issues:

- The existing police station is of no architectural or historic interest and its demolition is supported;
- Scheme is well-designed and will improve the area;
- Scheme provides new family housing; and
- Scheme provides better cycling infrastructure.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site occupies the triangle of land bound by Edgware Road (to the east), Harrow Road/the Westway (to the south) and Newcastle Place (to the north). It also overlaps part of the applicant's West End Gate development site to the north, across Newcastle Place. It is occupied by a disused police station and section house (Use

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Class Sui Generis) that closed in 2018. This use was contained within a complex comprised of a 17-storey element at its eastern end and an 8-storey element at its western end connected by a three-storey podium. The 17-storey element contained the section house, whilst the podium and 8 storey element contained the police stations front desk, offices and custody suite. A carpark and loading facilities are located on the northern side of the podium. Further parking and plant facilities are located within a basement level beneath the site.

The application site is located within the Central Activities Zone (CAZ), the Church Street/Edgware Road Housing Renewal Area (HRA), an Archaeological Priority Area, a Nature Deficiency Area and an Air Quality Focus Area. Within the HRA, the site is noted as one expected to contribute toward the City Council's housing target within the next five years (See Appendix 1 of the City Plan 2019-2040). The western end of the site is located within a Surface Water Hotspot. The site is located opposite and immediately to the south of the Church Street/Edgware Road District Shopping Centre. The Paddington Opportunity Area (POA) is located to the south of the application site, on the southern side of the Westway.

The application site does not contain a listed building. The majority of the application site is located outside the Paddington Green Conservation Area. However, part of Newcastle Place, at its western end is located within the Paddington Green Conservation Area. Several heritage assets are also located in the area surrounding the site. The Grade II listed Paddington Green Children's Hospital is located on the corner of Church Street and Paddington Green; two Grade II listed Georgian houses are located at 17 and 18 Paddington Green; and the Grade II star listed St Mary's Church to the west. Several other listed items are also located in or around Paddington Green, including a pair of K6 telephone kiosks and the Statue of Mrs Siddons.

Edgware Road and Harrow Road/The Westway form part of the Transport for London Road Network (TLRN), whilst the City Council is the Highway Authority for Paddington Green and Newcastle Place. The Bakerloo and Circle/District/Hammersmith and City Edgware Road Underground Stations are located approximately 120 metres and 250 metres respectively to the southeast of the application site.

The surrounding townscape is varied. To the north of the application site lies the applicant's West End Gate development site. That development consists of seven blocks ranging in height from six to 30 storeys, providing approximately 766 residential units and ground floor commercial units. At the time of writing, the 30 storey Westmark Tower is substantially complete, with Blocks B, C, D, E/F expected to be completed and occupied in 2022. Work has yet to start on Blocks G and H, although they are expected to be completed by 2025.

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

Council housing, including Gilbert Sheldon House, and the 21 storey plus Hall and

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Braithwaite Towers, are located to the north of the application site. This housing dates from the 1960's and 1970's.

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

Within the POA to the south, many buildings exceed 20 storeys and include the consented but not completed 42 storey tower at 1 Merchant Square in height. The POA contains predominantly office floorspace, although residential units, retail, hotel and medical uses can also be found. It also contains Paddington Station which links London to the west of the country and where four London underground lines and the new Elizabeth line meet.

## **6.2 Recent Relevant History**

### **6.2.1 Application Site**

#### 20/05827/EIASCO

Request for a scoping opinion under Regulation 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for redevelopment of the site, including demolition of the existing police station, excavation of basement, erection of three blocks containing approximately 650 flats (including 260 affordable flats) and 8250 sqm of Class E floorspace and stopping up of Newcastle Place.

Scoping Opinion Issued      25 March 2021

#### 20/06527/FULL

Use of the annex part of the site as an office (Class E).

Application Permitted      11 December 2020

### **6.2.2 West End Gate Site (Includes 143 To 147 Church St, 5 Newcastle Place, 11 to 13 Paddington Green, 283 - 329 Edgware Road and 14-17 Paddington Green)**

#### 15/11677/FULL

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

Application Permitted      28 April 2016

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### 16/07226/FULL

Variation of Condition 1 of the planning permission granted 28 April 2016 (ref: 15/11677/FULL) for a redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A2, A3, A4 and B1), up to 652 residential units (including 126 affordable housing units), landscaping and associated car and cycle parking. NAMELY, incorporation of 283 Edgware Road into site, extension of Block B to provide 20 additional residential units (672 in total), with associated swap in housing tenure with Blocks E and F, associated amendments to permitted public realm and landscaping strategy.

Application Permitted      27 January 2017

### 16/12162/FULL

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

Application Permitted      24 May 2017

### 16/11562/FULL and 16/11563/LBC

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

Applications Permitted      21 December 2017

### 18/08004/FULL and 18/08110/LBC

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

Applications Permitted      29 March 2019

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## 7. THE PROPOSAL

The applicant proposes demolishing the existing police station buildings and construction of three buildings to accommodate 556 residential units (including 210 affordable units) (Use Class C3) and approximately 6,178 sqm GIA of Class E/F.1 floorspace to provide a mix of retail, office and affordable workspace uses. The new buildings range from 15 to 32 storeys in height.

Two basement levels would be excavated beneath the site to provide plant, servicing, 18 car parking and 960 cycle parking spaces. These basement levels would be accessed through the West End Gate ("WEG") basement levels and would not be directly accessed from Edgware Road, Newcastle Place or Harrow Road.

The applicant also proposes the stopping up of Newcastle Place to provide new public realm areas, including new tree planting and greening. Pedestrian and cycle access would be prioritised, with vehicle access limited to delivery and servicing by small vehicles only. Additional hard and soft landscaping would be provided throughout the site, including a new plaza on the south-eastern corner of the site, at the junction of Edgware and Harrow Roads.

The proposed development would be an extension of the applicant's WEG development and relies on elements of that development for its delivery. In addition to vehicular access to the basement levels, the proposed development would connect to the WEG developments energy centre and accommodate 10% of this development's cycle parking. The proposed landscaping strategy also overlaps and links into the landscaping approved at the WEG development. The proposed buildings are named Blocks, I, J and K, in accordance with the naming convention of the blocks at the WEG development.

### Block I

Located at the western end of the site, opposite Paddington Green, this building would be 18 storeys high or approximately 65 m to the top of the rooftop plant (97.65 m AOD). The ground floor would contain 328 sqm GIA of affordable workspace (Class E or F.1) with active frontages to the southern and part of the north-western facades. Two flats and the entrances to the flats above would also be located at ground floor, on the north-western and eastern facades.

The upper floors would contain intermediate flats to level 10 and private flats on the floors above. Architecturally, Block I would be constructed primarily from red Glass Reinforced Concrete (GRC) with bronze PPC windows, balconies and spandrels and repeats the bay pattern found on the mansion blocks within the WEG development.

### Block J

Located to the east of Block I and between it and Block J, this building would be 15 storeys high or approximately 58 m to the top of the rooftop plant (90.83 m AOD). Blocks J and K are connected at ground, first and second floors. The ground level of both blocks contains 1,088 sqm GIA of flexible commercial space (Class E) with active frontages to all elevations, except for an area of plant room on the southern elevation of

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Block J. The first and second floors of both blocks contain 4,762 sqm GIA of office floorspace.

The upper floors of Block J would contain social rent flats to level 12, with private flats on the floors above. Like Block I and the WEG mansion blocks, Block J would be constructed primarily from red GRC with bronze PPC windows, balconies and spandrels and repeats the bay pattern found on the mansion blocks. The roof of Block J would have a roof garden for the use of residents within that block.

### Block K

Located at the eastern end of the site, at the junction of Edgware and Harrow Roads, Block K would be 32 storeys high or approximately 114 m to the top of the rooftop plant (146.35 m AOD). As noted above, the ground, first and second floors contain flexible commercial space with active frontages on all elevations. The upper floors would contain private flats.

Architecturally, Block K would be constructed primarily from White GRC, like the Westmark Tower/Block A at WEG. Bronze PPC windows, balconies and spandrels and a bay pattern similar to the Westmark Tower would also be used. Block K has a shoulder at level 25 that would accommodate a garden area for the use of residents within that block. The roof of the link between Blocks J and K would accommodate a biodiverse garden that would not be accessible to residents or the users of the commercial uses.

Table 1: Floor Areas

USE	FLOORSPACE (Sqm GIA)	
	EXISTING	PROPOSED
POLICE STATION (Sui Generis)	-13,148	-
OFFICE (Class E)	-1,316	-
RESIDENTIAL (C3)		
Private Sale	-	+34,230
Intermediate	-	+9,555
Social Rent	-	+8,437
Ancillary Areas	-	+2,408
NON-RESIDENTIAL		
Flexible Community / Affordable Workspace (Class E / F.1)	-	+328
Flexible Commercial (Class E)	-	+1088

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Office (Class E)	-	+4,762
Ancillary Areas to Non-Residential.	-	+280
CAR PARK	-	+1013
COMMUNAL CIRCUALTION AND PLANT		+1,903
<b>TOTAL</b>	<b>-14,464</b>	<b>+64,004</b>

Table 2: Housing Mix

TENURE	NUMBER OF BEDROOMS					TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	
Private Sale	38	101	105	102	0	<b>346</b>
Intermediate	0	82	44	0	0	<b>126</b>
Social Rent	0	8	41	34	1	<b>84</b>
<b>TOTAL UNITS</b>	<b>38</b>	<b>191</b>	<b>190</b>	<b>136</b>	<b>1</b>	<b>556</b>
<b>TOTAL (%)*</b>	<b>6.8</b>	<b>34.4</b>	<b>34.2</b>	<b>24.5</b>	<b>0.2</b>	

\*Total not 100% due to rounding

#### Amendments to the Application

To address concerns raised by officers and the GLA, the application was amended on 29 July 2021 as follows:

1. The floor plan for levels 1-13 of Block I has been amended to remove the single aspect east facing unit, which now becomes dual aspect (north and east). The two single aspect north facing units on these floors are also moved eastwards to provide a wider aspect and outlook. These changes entail associated minor changes to the relevant external elevations;
2. Landscaping has been introduced in front of the ground floor residential units in Block I, facing Newcastle Place to provide defensible space;
3. The office entrances and the flexible commercial space at ground floor have been amended to allow an improved level connection between the retail units and office foyer providing a larger more flexible and fluid commercial ground floor space; and
4. Amendment to the unit mix within the private residential element of the development (included in Table 2 above).

#### Referral to the Mayor of London

Pursuant to the Town and Country Planning (Mayor of London) Order 2008 (as amended) (“the Order”) this application is referable to the Mayor of London as it is a development comprising more than 150 flats, is development including the erection of buildings outside Central London and with a total floorspace of more than 15,000 square metres; and is a development that includes buildings exceeding 30 metres in height, outside the City of London. Accordingly, this application must be referred back to the

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Mayor of London, following the committee's resolution, for a final decision.

### EIA Application

This application is accompanied by an Environmental Impact Assessment.

## **8. DETAILED CONSIDERATIONS**

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan for the area comprises the City Plan 2019-2040 (April 2021) ("the City Plan"), and the London Plan (March 2021) ("the London Plan"). As material considerations, the National Planning Policy Framework (July 2021) ("the NPPF") and the National Planning Practice Guidance are also relevant.

The City Council has recently consulted on the Environmental SPD (Draft - May 2021) which provides further detail on how policies on Air Quality, Local Environmental Impacts, Green Infrastructure, Flood Risk, Energy, Waste Management, Retrofitting and Sustainable Design within the development plan will be implemented within Westminster. Consultation closed on 28 June 2021. As this document remains in draft form and may change, it has not been given any weight in the assessment below.

### **8.1 Land Use**

#### **8.1.1 Loss of Existing Police Station**

Objections have been received to the loss of the police station from this site.

The City Plan 2019-2040 (April 2021) ("the City Plan") does not explicitly protect police stations or their floorspace. Policy S1 of the London Plan (March 2021) ("the London Plan") indicates that its loss may be acceptable where social infrastructure providers are undertaking an agreed programme of social infrastructure re-provision or service reconfiguration.

As noted by the GLA, the police station was identified as surplus to the Metropolitan Police's requirements in MOPAC's 2013-16 Estate Strategy. Changes in the way the Metropolitan Police function are also outlined in the Police and Crime Plan 2017-21 which notes, amongst other things, that the greater use of home working and rationalisation of office space throughout the MOPAC estate means that less back office floorspace is now required. The services that this police station used to provide, such as a front counter, custody suites, office space and the section house have all been relocated elsewhere. For example, the front counter has relocated to Church Street (see RN: 17/07447/FULL) whilst the 2013-16 Estate Strategy notes that new custody suites have been provided throughout London and pan-London uses have been relocated to five large Deployment Bases, including new bases in Brent and Merton. Accordingly, the police station floorspace is no longer required, as demonstrated in MOPAC's 2013-16 Estate Strategy and the Police and Crime Plan 2017-21 and its loss is consistent with policy S1 of the London Plan.

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### **8.1.2 Proposed Residential Use**

Policy 8 of the City Plan and policies GG4 and H1 of the London Plan support the principle of new residential units throughout Westminster, particularly on brownfield sites like the application site. The 556 residential units proposed would make a significant contribution to the City Council's housing target of 985 homes per year as set out in policies 1 and 8 in the City Plan. Given the site's location within the Church Street / Edgware Road Housing Renewal Area, the provision of new residential units is also strongly supported in principle in this location by policy 6 of the City Plan. This is considered a significant public benefit of the proposed development.

As noted by the GLA, policy SD5 of the London Plan supports the provision of residential development in appropriate locations outside of the central core of the CAZ, provided the strategic function of the CAZ is not compromised. In this instance, the application site is on the outer fringes of the CAZ and within the Edgware Road Housing Renewal Area. Given the site's location on the fringes of the CAZ, the prevalence of residential use in the immediate vicinity and that the residential units are largely confined to the upper floors of the proposed buildings, the proposed development would not compromise the CAZ's strategic function and would be consistent with policy SD5 of the London Plan.

Policy 8 of the City Plan limits the size of new residential units to no more than 200 sqm GIA to ensure that site capacities are optimised. None of the proposed flats exceed 200 sqm, in accordance with policy 8 of the City Plan.

Given the above, the proposed residential units are supported in principle by the development plan. Other relevant residential use considerations are set out below.

#### Affordable Housing

Objections have been received to the level of affordable housing proposed.

Policy 9 of the City Plan requires that at least 35% of new homes will be affordable within Westminster. Policies H4 and H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG (August 2017) ("the Affordable Housing SPG") seek to maximise the delivery of affordable housing, setting a strategic target of 50% across London. Policy H4 sets out that to achieve the strategic target of 50%, public sector land should deliver at least 50 % affordable housing on each site and public sector landowners with agreements with the Mayor should deliver at least 50% affordable housing across their portfolio.

The Affordable Housing SPG and Policy H5 sets out the 'threshold approach' to planning applications whereby schemes that meet or exceed the relevant threshold of affordable housing by habitable room without public subsidy, meet the relevant tenure mix and meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor are eligible to follow the Fast-Track Route set out in the Affordable Housing SPG; this means that they are not required to submit a viability assessment or be subject to a late stage viability review.

In this instance, the application site is public sector land by virtue of it having been released from public ownership by the Metropolitan Police. It is also subject to a

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portfolio agreement with the Mayor, where it has been agreed to deliver 50% affordable housing across a portfolio of MOPAC sites. In accordance with policy H5 of the London Plan and in light of the portfolio agreement, a 35% affordable housing threshold is applicable to this site, enabling it to follow the Fast-Track route.

In this instance, the applicant proposes 210 affordable units on-site. This equates to 38% of the 556 units proposed, in accordance with policy 9 of the City Plan. By habitable room, this equates to 576 rooms or 37% of the 1555 habitable rooms proposed. Accordingly, the overall proportion of affordable housing proposed is consistent with policies 9 of the City Plan and H5 of the London Plan and is considered a significant public benefit of the proposed development.

It is proposed that 126 (60%) of the affordable housing units would be provided as intermediate housing (Shared Ownership) and 84 (40%) would be social housing (Low Cost Rent). This tenure split meets policy 9 of the City Plan.

Given the above, the proposed level of affordable housing and accompanying tenure split is in accordance with City Plan and London Plan policy and the Affordable Housing SPG. The proposals can therefore follow the Fast-Track Route and would not be subject to a late-stage review.

The applicant has stated that, in order to meet the requirement of the portfolio agreement with the Mayor, the development will facilitate 68 additional affordable housing units, on other MOPAC sites in order to ensure 50% is delivered across the portfolio. The additional affordable homes are likely to be intermediate units (Shared Ownership) to be located on MOPAC sites in the London Borough of Barnet and the overall affordable housing provision on these sites is expected to exceed 50%.

Nomination rights are proposed to be extended to Westminster residents and it is recommended that this is secured as far as possible in the section 106 agreement, should permission be granted.

In accordance with the Affordable Housing SPG, an early-stage viability review mechanism would be triggered if an agreed level of progress on implementation has not been made within two years of any planning permission. Should permission be granted, it is recommended that the affordable units, tenure split, affordability levels, early-stage review mechanism and off-site nomination rights be secured through a section 106 agreement.

### Residential Mix

Policy 10 of the City Plan requires that 25% of all new homes be ‘family sized’ (i.e. with 3 bedrooms or more) and limits studio flats to no more than 10% of new homes. In this instance, 25% of the proposed units would be family sized with 6% being studios. Accordingly, the residential mix is consistent with policy.

The unit mix within the affordable units has been agreed with the Head of Affordable Housing and Partnerships at pre-application stage. The same standards of accommodation have been used for flats of all tenures and, given there is a mix of tenures within Blocks I and J, the social and intermediate units have the same external appearance as the market units. The entrances to all tenures are also well integrated

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into the blocks and located next to each other. A condition is recommended to ensure that the entrances for each tenure do not differ greatly to one another. Subject to this condition, the tenure mix would be consistent with policy D6 of the London Plan.

#### Standard of Residential Accommodation

All 556 flats exceed the Nationally Described Space Standards, include 2.5 m floor to ceiling heights and the requirements of part F of policy D6 of the London Plan and policy 12 of the City Plan. All flats also have access to a private balcony and accord with the Private Outside Space standards contained within part F of policy D6 and policy 12 of the City Plan. All flats, including the affordable units, will also have access to the communal roof terrace on Block J. 10% of the units would be wheelchair accessible with the remaining 90% of units being wheelchair adaptable, consistent with policy 12 of the City Plan and policy D5 of the London Plan. Should permission be granted, a condition is recommended to secure this.

In response to concerns raised by the GLA, the applicant has added additional landscaped strips adjacent to the ground floor flats to within Block I. This introduces defensible space that improves the safety, security and privacy of these flats.

As also noted by the GLA, a high proportion (i.e. 52%) of the residential units within the originally submitted scheme were single aspect units, including units facing solely northward (i.e. 6%). Of particular concern were the single aspect units facing into the gap between Blocks I and J which are adversely impacted in terms of daylight, outlook and privacy from the 9m window to window/balcony proximity of the building opposite. The applicant was encouraged to revise the proposal to design out these units where feasible.

However, the constraints of this site and the impact of other policy requirements need to also be considered. The application site is unusually long west to east (i.e. approximately 166 m) and relatively narrow north to south (i.e. approximately 72 m at its widest point). All development options for the site therefore result in buildings with longer north or south elevations than east or west elevations, generally resulting in single aspect units on those longer elevations (see para. 3.73-3.81, Volume 1 of the Environmental Statement). Although larger residential units could be introduced to reduce the number of single aspect units, this would result in a reduction in unit numbers. This would reduce the viability of the scheme and therefore its ability to deliver affordable housing whilst also failing to provide development at a high density in a location well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, as per policy D3 of the London Plan. Alternatively, the reduction in unit number from these floors could be offset by an increase in building height. However, this would potentially result in greater harm to the setting of nearby heritage assets and greater conflict with policy D9 (Tall Buildings) of the London Plan and policy 41 (Building Height) of the City Plan. Accordingly, the number of dual aspect units has been maximised whilst optimising site capacity.

Notwithstanding, the applicant has amended the floorplan of Block I to remove the east facing single aspect units on levels 1-13 and shift the single aspect north facing units eastward. This amendment increases the proportion of single aspect units to 55%, although north facing units remain at 6%. However, removal of the east facing single

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aspect units from Block I means that the amended units are no longer reliant solely on outlook eastward. The amended floorplan also locates bedrooms to the east side of the plan and orientates living rooms/kitchens northwards/southwards to mirror the floorplan within Block J. This improves privacy by orientating living rooms, where people tend to congregate and have an expectation of outlook, away from the units opposite.

With regards to passive ventilation and overheating, the north facing single aspect units would not be subject to direct sunlight for much of the year and therefore would not experience high levels of solar gain. All of the single aspect flats include inset balconies that are openable on both sides. This would allow for some passive ventilation and solar shading, although it is recognised that this would not generate the levels of cross ventilation that a dual aspect flat would enjoy.

It should also be noted that the application site is located next to heavy traffic volumes on the Westway and Edgware Road which generate high noise and pollution levels and which may make passive ventilation undesirable, particularly on the southern and eastern elevations. To ensure satisfactory internal noise and air quality levels, all flats include Mechanical Ventilation with Heat Recovery (MVHR) systems to ensure comfortable temperatures and ventilation whilst preventing noise and poor air quality. Accordingly, all flats would not be subject to excessive heat levels and would be adequately ventilated despite the high proportion of single aspect flats.

With regards to daylight and sunlight for the proposed units, the applicant has submitted an Internal Light Study that assesses the development against BRE's 'Site Layout Planning for Daylight and Sunlight' (Second Edition) (published 2011) ("the BRE Guide"). The BRE Guide notes that daylight levels within new rooms can be checked using the Average Daylight Factor (ADF). The BRE guide provides minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. However, the BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The Internal Light Study concludes that 65% of all rooms meet or exceed the ADF levels recommended in the BRE Guide, with 74% of all living, kitchen and dining rooms having ADF results of 1.5% or more. Of the 26% of rooms that do not meet the ADF levels recommended by the BRE Guide, many include inset balconies which reduce ADF levels but are required by policy 12 of the City Plan and policy D6 of the London Plan. As acknowledged by the BRE Guide, these balconies provide a pleasant amenity in themselves. Furthermore, the ADF levels proposed are generally consistent with comparable development in the area and are to be expected for development within central London. Accordingly, and given the flexibility permitted by the BRE Guide, the light levels to the proposed units are acceptable given this sites context.

Overall, and considering the constraints of this sites shape, location, noise and pollution levels, the applicant has maximised the number of dual aspect units whilst optimising the application site's ability to deliver housing in accordance with policy 12 of the City Plan and Policy D6 of the London Plan.

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Out of the 56 residential floors proposed, 40 have cores accessible to more than eight units across all three blocks. As noted by the GLA, standard 12 of the Mayor's Housing SPG (adopted 2016) ("the Housing SPG") states that each core should be accessible generally to no more than eight units on each floor. In response the applicant advises that the proposal is made in the context of there being two lifts within the cores, ensuring that accessibility and circulation will remain appropriate. Given the central locations of the cores in the buildings, corridors remain short. To introduce another core would lead to the loss of residential floor space and create an inefficient layout (given the inability to enlarge the blocks and recover space). Whilst this concern is noted, refusal of permission on this basis would not be sustainable.

Conditions are recommended to ensure that noise transmission between flats and between flats and the commercial units are within acceptable levels. Subject to this condition, the proposed flats would be consistent with policy 33 of the City Plan.

#### **8.1.3 Office Use**

The proposed development includes 4762 sqm of office floorspace on the first and second floors of Blocks J and K.

Policies GG5 and E1 of the London Plan supports the provision of new and refurbished office space and mixed-use development which would improve the quality, flexibility, and adaptability of London's office stock. Accordingly, the proposed office floorspace is supported in principle. Policy 13 of the City Plan supports the provision of new office floorspace, particularly in the CAZ. The CAZ is also recognised in policy SD4 of the London Plan for having nationally and internationally significant office functions which should be promoted and enhanced.

Policy E2 of the London Plan seeks to ensure that development proposals for larger quanta of B Use Class floorspace consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small, and medium sized enterprises, and that these proposals deliver office space that is fit for purpose.

The proposed development includes a range of commercial unit sizes at ground floor level. Whilst the drawings show that the office accommodation at first and second floors is substantial, this could be divided if there is demand to do so. On balance, the proposed development would provide a range of office accommodation and refusal of permission in this basis would not be sustainable.

Given the above, the proposed office floorspace and associated job creation is strongly supported by the development plan and considered a public benefit of the proposed development.

#### **8.1.4 Flexible Commercial Use**

The proposed development includes 1088 sqm of flexible commercial floorspace on the ground floor of Blocks J and K that would contain retail, café/restaurants, offices and professional services open to visiting members of the public.

Policy 14 of the City Plan supports the principle of these uses at ground floor within the

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CAZ, provided they maintain active frontages and are open to visiting members of the public. Should permission be granted, a condition is recommended to secure this. The proposed uses would activate frontages facing onto Harrow and Edgware Roads and the proposed new section of public realm and support the proposed office use. Subject to the recommended condition, the proposed flexible commercial uses would be consistent with policy 14 of the City Plan

#### **8.1.5 Affordable Workspace.**

The proposed development includes 328 sqm of affordable workspace within the ground floor of Block I. This is supported by policies E3 of the London Plan and 13 of the City Plan. Should permission be granted, it is recommended that the affordability of this workspace is secured through a s106 agreement.

#### **8.1.6 Class E**

The proposed office, flexible commercial and affordable workspace uses all fall within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the Use Classes Order"). Although the uses currently proposed are supported, Class E does allow for several other uses that would not be supported in this location due to their highways, air quality and/or noise impacts. Should permission be granted, a condition is recommended that limits the uses to those currently proposed by the applicant. The applicant has agreed to this.

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

#### **8.2.1 Site Description**

The application site is situated on a roughly triangular shaped site forming its own block between Edgware Road to the east, Harrow Road (and Marylebone Flyover / the Westway, A40) to the south, and Newcastle Place to the north.

The site is technically partly within the Paddington Green Conservation Area, in that the red-line boundary for the application does slightly overlap with that of the Paddington Green Conservation Area where it follows the line of Newcastle Place to the western end of the site.

The site is within the Central Activities Zone and Church Street / Edgware Road Housing Renewal Area. The site also falls within the Watling Street Archaeological Priority Area. The site is currently occupied by the former Paddington Green Police Station which more or less completely fills the privately owned sections of the site. This consists of three principal components: to the eastern end of the site, a narrow 17-storey tower block set above a three-storey podium; a low two-storey linking block running parallel with Harrow Road; and to the western end of the site, a lower eight-storey tower. In the middle of the site bounding Newcastle Place is a large hard-surfaced yard enclosed by a high boundary wall and gates which provide vehicular access to each end of Newcastle Place.

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Due to its former use as a high-security police station, the site has a remarkably aggressive but insular relationship with the local townscape, with its broad northern and southern flanks being almost entirely inactive. The eastern corner of the site provides the only real public interaction between the building and the street where the public entrance to the former Police Station is set at the top of a considerable flight of steps and ramp from the street, facing south-east towards Harrow Road. The length of this closed frontage to the site's longest frontages is particularly harmful to the quality of the townscape on Harrow Road, presenting a long street block with no north-south interaction with Newcastle Place. Despite the momentary interest provided by the sculptural relief panels, the footway is an unwelcoming place to be, sandwiched as it is between a dead building frontage, the underpass to Merchant Square and the rising form and vehicular roar of the Westway / flyover to the south.

Largely clad in concrete panels and with a generally horizontal emphasis, the building is considered to be of no real architectural value as a whole with its component parts poorly composed and of a low-grade of design and build quality. Whilst the tower and podium format of the eastern end of the site is a well-tested concept which provides a sense of hierarchy and moderation of scale to the street, in this case the façade design of these two sub-components virtually ignore each other, as they do the lower two-storey link and the western lower tower.

Due in substantial part to its poor relationship with the local townscape, the existing building is considered to be a largely harmful feature which would benefit from redevelopment. Only the sculptural relief panels to the southern flank are considered to be of any real merit and these are not such to merit retention of the bulk of the site. It is therefore accepted that, in townscape and heritage terms, the wholesale redevelopment of the site is to be largely welcomed.

### **8.2.2 Area Description**

The surrounding townscape is varied. Most significantly, to the immediate west and north-west of the site is Paddington Green Conservation Area. It consists of mature and established trees, St Mary's Church (Grade II\* listed) and the former burial ground, which is now in use as a public park. Architecturally, the most significant building is the Church which forms the main architectural, historical and social focal point of the conservation area. The large, modern City of Westminster College building is however now visually dominant, located on the northern side of the green just outside of the conservation area. Fronting the eastern side of the Green, and directly north of the application site are a number of Grade II listed buildings, including the former Paddington Childrens' Hospital.

To the north, and significant to the consideration of this application, is the WEG development, currently being built by the same applicant and same design team and which will eventually redevelop most of the block between Edgware Road and Paddington Green (excepting the listed buildings mentioned above which are retained or outside of that site). This development will consist of a series of mansion blocks set around a central square, with a 30-storey tower to the southern end of the site, directly opposite the current application site across Newcastle Place. The tower and the Edgware Road-fronting blocks are essentially complete, whilst the Church Street fronting and Paddington Green frontages are still being built. The application documentation

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includes good visual representations of how the WEG development will eventually look.

Three to four storey late Victorian and Edwardian buildings with some modern infill are located to the east of the site along Edgware Road, with a strongly retail character, with residential flats above. Council housing, and the Church Street market are located beyond this to the east.

Immediately to the south of the site is the linear vehicular corridor of Harrow Road and the Marylebone Flyover, at the point where it merges into the Westway. This dominates this part of the city and perhaps more so than even the large-scale developments which have been built and are still being built in the area. It acts as a substantial townscape barrier, consisting of two separate parallel roads at two levels, with the flyover acting as an upwards spatially enclosing feature, in addition to its horizontal wall-like effect. To the south of that is the major developments north of Paddington Basin which form the core of the POA. Several buildings within the POA exceed 20 storeys and include the consented but not completed 42 storey tower at 1 Merchant Square which would sit directly south-west across the flyover from the application site.

Cumulatively the POA and WEG developments have had a significant effect on the area, particularly when viewed in combination with the Westway. Whilst the older townscape and park that forms the basis of the surroundings of the site to the west, north and east remain intact, from many angles the taller buildings that have been and are being built are visible and dominant. At the same time, long-term vacant sites such as WEG and Paddington Basin have been regenerated with considerable benefits to the quality and longevity of the local townscape.

The wider townscape becomes ever more varied as it radiates out from the application site, and incorporates both developed streets, public and private open spaces and the more significant public parkland of the Royal Parks and Primrose Hill. The character of these places are discussed further later in this report under 'Views'.

### **8.2.3 Affected Heritage Assets**

There are a large number of heritage assets in the surrounding and wider area which require careful consideration as part of this application, mainly in relation to the way in which their settings may be affected by the application proposals. The majority of these are part of the varied townscape that surrounds the site and can be safely considered as part of the overall assessment of those impacts – for example groups of 'normal' listed terraced housing can be considered as part of assessing the impact of the conservation areas within which they more often than not sit. There are however a number of individual, specifically notable or more affected assets which deserve to be better highlighted below.

Due to the considerable height of what is proposed, the application is accompanied by a full Heritage, Townscape and Visual Impact Assessment (HTVIA) which sets out the applicant's assessment of how their proposals would affect the surrounding townscape and the heritage assets within and, in some cases, beyond it. This covers a wide area, reaching as far as Primrose Hill to the north-east, and Hyde Park / Kensington Gardens to the south. The effects of the development are covered later in this report ('Views'), but below is a list of those assets which officers consider deserve specific consideration

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in relation to their settings:

- Paddington Green Conservation Area (and constituent listed buildings)
  - St Mary's Church – Grade II\* listed
  - 17-18 Paddington Green – Grade II listed
  - Former Paddington Children's Hospital – Grade II listed
- Maida Vale Conservation Area
  - 2 to 16 Warwick Avenue – Grade II listed
  - 2 Warwick Crescent – Grade II listed
  - Warwick Avenue Bridge – Grade II listed
  - Westbourne Terrace Road Bridge – Undesignated Heritage Asset
  - Grand Union Canal – Undesignated Heritage Asset
- Lisson Grove Conservation Area
  - Christ Church – Grade II\* listed
- Dorset Square Conservation Area
- Bayswater Conservation Area
  - Westbourne Bridge – Grade II listed
  - 16-21 Sale Place – Grade II listed
- Portman Estate Conservation Area
  - Samaritan's Hospital – Grade II listed
- Molyneux Street Conservation Area
- Regent's Park – Grade I Registered Park (and a Conservation Area)
- Hyde Park – Grade I Registered Park (and part of Royal Parks Conservation Area)
- Primrose Hill – Grade II Registered Park (London Borough of Camden)
- King Solomon Academy (Older Years Site) – Grade II\* listed

#### **8.2.4 Legislation, Policy and Guidance**

It is considered that the application proposals would affect the setting of a number of listed buildings, conservation areas and registered parks and gardens. Therefore, there are a number of key legislative requirements in respect to designated heritage assets that must be considered, as follows.

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

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, policy 39 of the City Plan requires development to conserve features that contribute positively to the settings of conservation areas and to take opportunities to enhance their settings, wherever possible.

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Furthermore Chapters 12 and 16 of the NPPF require great weight to be placed on design quality and the preservation of designated heritage assets including their setting. This applies equally to Registered Parks and Gardens, as it does to listed buildings and conservation areas. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also consider the relative significance of the affected asset and the severity of the harm caused.

In this considering the effect on the setting of heritage assets it is useful to note the definition of 'setting' given in the Glossary to the NPPF:

*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral."*

The City Plan and the London Plan each include policies which relate to the application site.

City Plan policies 5 (NWEDA) and 6 (Church St / Edgware Road HRA) both influence the weight to be given to housing and other regenerative developments in relation to design and heritage impacts.

Of particular note in relation to design and heritage considerations however are policies 38 to 43:

- Policy 38 – Design principles
- Policy 39 – Westminster's heritage
- Policy 40 – Townscape and architecture
- Policy 41 – Building height
  - This policy specifically picks out the location of this application, the junction of Marylebone Road and Edgware Road, as being suitable for taller buildings of up to 2 to 3 times the prevailing context height, which is 6 residential storeys. This produces an upper tower height under this policy of 18 storeys.
- Policy 42 – Building height in housing renewal areas
  - Whilst the application is within a HRA, this policy is part of the periphery to the 'commercial focus' of the area. This policy is more related to the regeneration area to Church Street however, and Policy 41 is in fact the more relevant policy for this application.
- Policy 43 – Public realm

Strategic policies D1, D4, D8 and D9 set out in the Design chapter of the London Plan set out a series of overarching design principles for major development in London, including in relation to tall buildings, design quality and urban design. This includes specific design requirements relating to maximising the potential of sites, the quality of new housing provision, and tall and large-scale buildings. New development is also required to have regard to its context and make a positive contribution to local character within its neighbourhood.

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In 2019 the Council commissioned a Building Heights Study as part of the evidence base for the new City Plan. This in particular influenced Policies 41 and 42.

The London Views Management Framework (LVMF) published by the GLA and effectively ancillary to the London Plan, is relevant to the consideration of tall buildings across most of central London, but particularly those which might affect directly or indirectly the set of protected views which are set out within it. Each view or vista sets out guidance for the assessment of development proposals which might affect those views.

The council has published Conservation Area Audits of most of its conservation areas, and each typically includes guidance on metropolitan or local views which should be considered carefully as part of this application. Where these identify affected local views, these are discussed in the 'Views' section of this report.

Regent's Park and the Royal Parks Conservation Areas do not currently have audits, but each have Management Plans published by the Royal Parks which the Council considers of weight in the planning process.

### **8.2.5 Proposed Development**

Architecturally the three new buildings, designed by the same architecture firm as WEG, have a similar 'language' and apparent materiality to what is currently being built by the applicant immediately to the north. Their application states this as being part of an overall 'Master Plan' for both sites, although it should be noted that this was not a council plan, nor did the applicant own the current application site at the time of their original approval for WEG. It is useful however to see how they have designed the current application proposals to sit alongside their existing development which it would directly adjoin with.

Following revisions requested by officers during the course of the application, this would be based on a mixture of stone, Glass Reinforced Concrete ('GRC' – a type of cast stone), and brick, with coated-aluminium and glass windows, doors, spandrel panels, vents and plant enclosures.

The façade designs of Blocks I and J are based on vertical columns dividing bays of windows and horizontal spandrel panels. Stone or GRC horizontal bands are used to divide key hierarchical points on both buildings, whilst on Building K, these are used at alternating heights between bays to create a subtly different rhythm.

Each of the buildings would include inset balconies, although not to all units, and opening windows to all flats.

All three buildings, whilst all four-sided, would feature rounded corners and angled facades to address the applicable part of the site within which they sit. This would be most pronounced with Block I, which at its western end facing Paddington Green narrows down to a slender 'nose', which the applicants have defined as a 'flatiron' form.

The application also contains an extensive set of proposals for street-level public realm works within the application site, most particularly for Newcastle Place which would

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become a new, effectively pedestrian, east-west street connecting Paddington Green with Edgware Road. This public realm is based on hard surfacing but incorporates within it a large number of street trees, planters, and new public art pieces. The Harrow Road frontage is also shown to be regenerated with new surfacing and street trees, with a new focal piazza area in front of Block K facing the junction of Edgware Road and Harrow Road.

Landscaped amenity spaces are also proposed to areas of flat roof to Block J and Block K, and to the link-block (between Blocks J and K).

## 8.2.6 Effects and Impacts

### Direct Townscape Effects and Architectural Design

The proposed layout, of three large buildings arranged east to west is considered overall to be a good solution to this scale of development on what is quite an awkward site. Whilst it would present a long and tall ‘wall’ of buildings to the south and north, due to the more positive frontages that would be incorporated, and the north-south connection which is included between Blocks I and J, this would be a notable improvement upon the existing Police Station buildings in terms of permeability between the site’s two longest frontages. This would have a beneficial effect to the wider area, beyond the application site. In particular, the position of the connecting street between Blocks I and J would line up with the underpass which runs beneath Harrow Road / The Westway to Paddington Basin. This would enhance connectivity, surveillance and hopefully usage, in turn then reducing the inherent social problems associated with such underpasses.

A further reality of the site which understandably influences the arrangement of the proposals along the southern edge of the road, is the aggressive and unwelcoming environment of Harrow Road and the Westway, which the new buildings would provide some ‘edge’ to. It would be unrealistic to expect the proposals to fully front the development onto this southern side, and their emphasis to the north instead, whilst sheltered and overshadowed, would create some protection to the new public realm which is proposed to Newcastle Place, whilst still providing some balance to the south and east / west ends of the site. Overall, this is considered to be an acceptable balance, providing some enhancement to activation to the south, whilst acknowledging the limitations of doing so.

Objections have been raised both by members of the public and local amenity groups to the significant scale and height of the proposed new buildings. It is noted however that the GLA have not objected to the principle of locating a building of significant height on this site, nor has Historic England objected to the application proposals (unlike their detailed objection to the 2015 application for West End Gate).

Height is evidently a particular consideration in relation to impacts on views, which are discussed later, but it is also relevant to how the buildings interact with each other and with their immediate environment, including the applicant’s existing development at West End Gate. The emerging context, which is now well-developed, of taller buildings to Paddington Basin and West End Gate is a significant material consideration in this application, and it is reasonable to now consider the situation quite differently to when the original West End Gate application was considered in 2015 – the new development

will inevitably be seen in almost all directions in context with not only West End Gate, but also the large scale of Paddington Basin to the south.

The proposed tallest element at 32 storeys is evidently much greater than what the City Plan's site-specific Policy for this locality (Policy 41C) envisages for this junction, of up to 18 storeys. This is evidently therefore on face-value a departure from the City Plan. However, the GLA have noted their satisfaction that the development's height conforms with its own design criteria for tall buildings from Policy D9 of the London Plan, and so does not object on this basis. Officers agree with this conclusion, noting also that the site's location in the CAZ, Renewal Area and the exceptional quality of architecture proposed, provides some basis (alongside the detailed views assessment) for considering an exception to this Policy in design and townscape terms. Also of relevance to the consideration of this exception is the impact on heritage assets and the wider public benefits of the scheme, which are discussed later in this report.

The GLA have also rightly addressed the 'shoulder height' of Building K, which is currently proposed at 25 storeys. In response the applicants have produced a study considering a lower height of 22 storeys for this element. Whilst the applicants consider this to have an immaterial effect on the massing of the building, it is considered by officers to have a worthwhile effect on the building's appearance, giving greater elegance to the main tower element, and a greater avoidance of coalescence with the Westmark Tower. However, it is noted that this would have a considerable impact on the number of units provided, which is considered separately in this report.

Significantly tall buildings can often relate poorly to the street, due to their upwards focus and often significant breadth in addition to height. The application proposals are considered to be well 'grounded' in this respect, with definable bases to each building, and a well-designed public realm and series of active and semi-active frontages which adequately address the street and translate the building's significant scale down to the human scale.

Noting the points made by the Paddington Waterways and Maida Vale Society about graduating scale across the site, the location of the taller elements to each end of the site is considered to be an equally well proven device in how to deal with a site of this nature. In this case, locating the 'landmark' tower to the site's most significant public face, onto the junction between Harrow Road and Edgware Road, does successfully punctuate the local townscape, creating a marker point and a strong sense of hierarchy. To the western end, the slight rise of Block I from Block J again gives some sense of completing the southern extent of the applicant's West End Gate development, but also acts as a successful western landmark.

The scale of what is proposed is however undoubtedly significant, despite the presence of the WEG Tower and Paddington Basin developments to the south. In particular, the significant rise in scale between Block I (the 'Flatiron' building) and Blocks G and H of WEG (between 6 and 9 storeys) is significant, and will create a fundamentally different, more developed and modern character to that side of Paddington Green.

As stated above, the new buildings would be substantial and imposing in all directions. What would be created is a notable cluster of tall buildings standing above the prevailing height of their local environment. Block K as the focal Tower of the group would rise above the adjacent WEG Tower by an additional two storeys. However, due to its

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differing squared form but similar architectural language, an appropriate balance would be struck between visual coalescence and architectural sympathy – they would be evidently similar but separate buildings.

The same is true for the rest of the scheme, which relates successfully architecturally to each other, and also to the WEG development to the north.

The vertical articulation of the buildings with vertical columns of stone, brick and GRC, divided by lesser horizontal bands successfully breaks up the mass of the facades, creating texture and depth, including the detail shown of the windows and inset spandrel panels. This also provides some sense of hierarchy to each building despite their heights, with a discernible base, middle and crown, although to Block K this is largely only as a result of the graduated intervals between the vertical spacing of horizontal GRC bands, and so is quite loose. The effect is however successful, and perhaps suitably subtle given the significant scale of the building.

The use of high-quality materials, with the highest focussed towards lower levels where the textural qualities of natural stone and brick can be better appreciated, and GRC used to higher levels, aids the provision of some softness to the buildings, as does the rounded corners to each building. This is despite what might otherwise be large areas of glazing and metal spandrels.

The breadth and footprint of the buildings have been noted by the GLA as being substantial, leaving little room for defensible spaces in front of buildings (particularly outside the ground floor residential units of Block I), and meaning that the gaps between the buildings (including those of WEG) is perhaps minimal. More widely spaced gaps, and consequently smaller footprints, could have created a less impacting development, and more meaningful townscape gaps.

Due to the size of units proposed at ground floor, entrances on all sides would be more widely spaced than we might seek for a more overtly retail-orientated development, creating in places some stretches of inactive frontages, in particular on Block J (the central building) on the south face where a large plant room would occupy the bulk of the middle of the ground level frontage. However, with entrances to all sides, in particular to corners, it is considered that this remains a considerable improvement over the existing Police Station, which includes only one public entrance, and otherwise only two heavily defended vehicular entrances.

The quality of the public realm proposed is considered to be high and in townscape terms will help reconnect Paddington Green with Edgware Road and to some extent also with Harrow Road. Whilst it is unfortunate that it is so heavily based on hard-surfacing, the inclusion of planters, enclosed spaces and street trees is to be welcomed.

The proposals for three new primary pieces of public art are welcomed and considered adequate for this site, as is the explicit commitment to pay for the relocation of the existing building's concrete relief panels to the subway, which will help enliven and refurbish this problematic connection.

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### Impacts on Heritage Assets

The site contains no designated or undesignated heritage assets, other than the slight overlap of the site boundary with that of Paddington Green Conservation Area. The only truly direct effect within the conservation area is therefore what is proposed for the public realm at the western end of Newcastle Place, which is considered to be overall positive, as discussed above.

All other effects on heritage assets are in relation to how their settings contribute to their significance, which is covered as part of the next section of this report. It is however noted that, due to its immediacy of location adjacent to the Paddington Green Conservation Area, it can be considered in some regards to be a 'direct' effect. It is nevertheless considered below in relation to views.

### Views and Wider Townscape and Heritage Impacts

The submitted Heritage, Townscape and Visual Impact Assessment (HTVIA) assesses 32 views spread over a wide area. Some of these views are shown by the HTVIA to be unaffected and are representative of the majority of the surrounding area – due to the orientation of streets, and the distance at which the development would be seen, it would not be universally visible by any means. However, from a number of locations it would be a large and imposing new feature on the skyline. This report does not seek to cover every one of those 32 views but focusses instead on a selection of key views which are either representative of a neutral to positive effect, or which demonstrate a harmful effect which requires particularly careful consideration.

When assessing the closer to middle distance views of the tower, the form, materials and architectural detailing of the elevations will be important in helping to inform the viewer's opinion of the quality of the building and its visual impact. In views from a longer distance, for example from the Royal Parks, the appreciation is largely restricted to the basic form and silhouette of the building, although colour of materials can also play some significant part in visual appreciation from distance.

#### *Protected Views*

The development proposed would not intrude upon strategic views, or upon the setting of the Palace of Westminster or Westminster Abbey World Heritage Site. It is located within the London View Management Framework's London panorama incorporating protected vistas from Primrose Hill. This is discussed below in relation to View 26.

#### *View 1 – Marylebone Road, junction with Enford Street*

This viewpoint is not within a conservation area but includes some listed buildings (Samaritans Hospital) and other conservation areas (Dorset Square to left and right, and Lisson Grove to right) within the view.

The development would rise significantly above and from behind the already tall Burne House in the middle of this view. Significantly however, this would be seen cumulatively with 1 Merchant Square which, despite at greater distance, would still be more prominent than the application proposal.

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The impact on the townscape here would be neutral, although the landmark qualities of the tower would be active in guiding one in towards a major centre.

Due to its distance and contextual effect, it is not considered that the proposal would harm the setting of the listed Samaritans Hospital or of the Dorset Square or Lisson Grove Conservation Areas.

*View 2 – Marylebone Road, junction with Old Marylebone Road*

This view is not within a conservation area, nor are there any other designated heritage assets within the view. The development's 32 storey tower would rise, similarly to View 1, above and from behind Burne House. It would however be seen cumulatively with the Westmark Tower which stands to the right of Burne House in this view, and also with 1 Merchant Square which again would be more prominent and more exposed. The impact on the townscape here would be neutral, although the landmark qualities of the tower would be active in guiding one in towards a major centre.

*View 3 – Edgware Road, junction with Chapel Street – KEY VIEW*

This is a key view, despite the low grade of the local townscape in this location and is included in the HTVIA with a night-time version of the view as well as daytime. The view is not from within a conservation area, nor are there any designated heritage in view. However, it is one of the positions from which the application proposals would be dominant and fully exposed. The new tower would almost completely screen the existing Westmark Tower in this view. This is indeed a conscious design intent of the architects, and it is considered that it would provide a good degree of legibility to the approach to the northern end of Edgware Road. The architectural quality of the tower and the lower proposed buildings which would be emerging to the left of the view would be evident and would create a greater sense of townscape continuity from one side of the Westway to the other.

*View 4 – Edgware Road, junction with Crawford Place*

This location has a low to medium townscape value given that it is just within the Molyneux Street Conservation Area and features the Water Gardens Estate to the left (a development of some architectural merit, incorporating a Grade II Registered Gardens behind). The tower of the development would again be prominent but not dominant in this view, stepping slightly forward and above the shape of the London Hilton Metropole Hotel. As with View 3, the tower would aid legibility and townscape continuity, breaking down the apparent barrier to Edgware Road's linear character caused by the Westway even at this distance.

*View 5 – Sussex Gardens, junction with Sale Place*

This is an apparently accidental but notable view given its high townscape value, being with the Bayswater Conservation Area and incorporating several listed terraced houses, both on Sussex Gardens and on Sale Place. The view currently includes the Paddington Basin developments in the background rising above the low-scale rooftops of Sale Place. A secondary version of this view was requested during the course of the

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application in order to demonstrate what is now shown to be a more significant impact on the setting of nos. 16-21 Sale Place as a group of three storey listed townhouses which have not yet been upwardly extended.

The new tower would rise notably above these rooftops, causing some degradation to the setting of the Sale Place listed houses, despite the existing presence of Paddington Basin. This would cause some less than substantial harm to the setting of the listed buildings, and to the character and appearance of the conservation area.

*View 6 – Westbourne Terrace Road Bridge, Little Venice – KEY VIEW and View 36 – Delamere Terrace, west of junction with Westbourne Terrace Road and Bridge (LBs in views)*

View 6 is a key view due to the notably picturesque, high townscape and landscape value of the location. For this reason a winter version of the same view has been presented alongside a summer view. View 36 is taken from the southern side of the bridge and shows another angle on the same basic view east. The bridge is not listed, but is an undesignated heritage asset in its own right, as is the Canal which runs beneath it and which stretches out in front to form the pool of the junction between the two canals which is the highly cherished focal point of this part of the Maida Vale Conservation Area.

The Westmark Tower is already present in this view, rising notably above the previously unbroken treeline by several storeys. This was acknowledged by the previous approval for West End Gate in 2015 as being harmful.

The application's tallest tower would rise beside the Westmark Tower to the right, and visually at the same height as it, forming a broader cluster. From this distance, the two towers would visually coalesce slightly to form one visual object above the treeline, although this is slightly mitigated by their differing shapes. This would be further mitigated if the shoulder-element of the proposed tower were lower by a few storeys, which would allow a greater gap and sense of light and shadow to penetrate the gap between the two towers.

The impact here would be moderately harmful to the setting of the Maida Vale Conservation Area and the individual assets that sit within it, including the bridge, canal and the Grade II listed 2 Warwick Crescent. However, notably both of the applicant's towers would be much less prominent in View 6 than the tower of 1 Merchant Square which would sit more prominently, at closer range and taller than both.

The verdant character of this view is shown by the submitted winter view to be less significant once leaves on the trees which line the canal have fallen. During these months the buildings which sit behind the trees become the defining feature which lessens the contrast with the application proposals that would be seen with the trees in the summer.

The impact here would cause some less than substantial harm to the setting of the conservation area, and to the setting of 2 Warwick Crescent as a listed building. At this distance, this would not be notably mitigated by the quality of the tower's architecture but would be seen in the context of the existing Westmark Tower and as yet unbuilt 1

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Merchant Square.

*View 7 – Blomfield Road*

A similar townscape character to View 6, but the submitted HTVIA demonstrates clearly that the application proposals would sit well below the horizon from this angle and distance, including in winter, and there is therefore no impact.

*View 8 – Bishops Bridge Road near junction with Harrow Road*

This is an area of low townscape quality, the view from which is already dominated by taller modern buildings and the Westway. The application proposals would rise within a current gap in these buildings, adding a new element of positive townscape.

*View 9 – Lanark Road*

There would be no visibility of the proposal from this location.

*View 10 – Hall Place, junction with Crompton Street*

This view is in any area of low townscape value and is shown to be negligibly affected by the development proposals, presenting just a small edge of Building I (the 18 storey ‘Flatiron’ building) to the right of Hall Towers. This would not be harmful to the quality of the townscape in this view.

*View 11 – Adpar Street, junction with Cuthbert Street*

This viewpoint is not within a conservation area, but nevertheless includes some buildings of value to the left, and some pleasant trees to the right. It is nevertheless a view already dominated by the Hall Towers and the new Westmark Tower. The proposed Building K tower would be slightly visible to the left of that, at a lower level due to distance, whilst the lower buildings would emerge slightly to the right, at a notably lower level.

*View 12 – Edgware Road, junction with Maida Avenue*

This is a location of low to medium townscape value, although the view shown does not particularly represent this, excluding as it does the just out of picture canal cutting and the edges of both the Maida Vale and St John’s Wood Conservation Areas which lie just behind the viewpoint – this therefore represents close to what can be seen as one looks out of either of those conservation areas.

The proposed new tower for the application site would slightly step forwards of the under-construction Westmark Tower and would be visibly at the same height as it. This would cause some slight crowding of the outlook from the conservation areas, but this would be difficult to describe as harmful.

*View 13 – Edgware Road, junction with Frampton Street*

This is a low value area of townscape, although a number of individually worthwhile and

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older buildings are within the view. Dominating the view are the existing Westmark Tower and Hall Towers.

The new tower to the application site would project slightly to the left of the Westmark Tower in this view, but at the same visual height. The shoulder of the lower section of the tower would also be visible, slightly closing the gap that might otherwise exist between it and the Westmark Tower. The lower building of the application would be visible slightly to the right of and behind the under-construction lower blocks of WEG. 1 Merchant Square (yet to be built) would be very visible behind all of these once built.

#### *View 14 – Bell Street and Cosway Street – KEY VIEW*

This viewing location is within the Lisson Grove Conservation Area and incorporates the Grade II\* listed Christ Church to the left. The street lines up with the application site to the west, and the existing Burne House tower is already notably visible and harmful to the view. Christ Church due to its architectural design and social focality is the primary element in this view however. The applicant's Westmark Tower is not visible in this view but would be if one were standing on the left (southerly) side of the street.

The proposed Building K at 32 storeys would be highly visible and dominant in this view, taking over from Burne House as the largest building in the view, and due to its central position on the axis of the road, the most prominent.

From here, the scale of the application proposals would degrade the quality of the townscape in the view, detracting also from the prominence of the listed Church, slightly harming its significance. The development would be close enough to be able to judge the quality of its architecture which would slightly compensate for the impact of its scale. Once built the approved 1 Merchant Square tower would also be similarly visible and centrally aligned with the view. Whilst this would cause some cumulative impact through the introduction of a cluster of tall building in this view, and a consequent loss of low townscape scale to the context of the conservation area, it must be acknowledged that the proposal would only be one part of this, and that the context is already heavily altered from its historic context.

#### *View 15 – Lisson Grove, junction with Ashmill Street*

This is in an area of low-grade townscape featuring buildings of mostly little to no architectural value. To the southern corner however, outside of the originally submitted view photographs, is a small group of Grade II listed buildings which provide some remnant of the historic character of the area.

The new tower would rise significantly above the rooflines of the later houses, to the left of and separate from the under-construction Westmark Tower. This would be a significant impact but is not considered to be harmful with respect to the quality of the townscape. The tower would not directly affect the setting of the listed buildings and would not harm their significance.

#### *View 16 – Broadley Street, junction with Salisbury Street*

From this view the townscape value is low to medium, raised slightly by the landscape

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qualities of the Broadley Street Gardens. Beyond the gardens are the older tenement blocks which are of a good degree of group architectural and historic value. To the left of the Gardens is the Grade II\* listed King Solomon Academy.

The existing Westmark Tower can be seen to the right of the trees, and the application proposal would rise similarly above the rooftops of the tenements, but largely screened in this view by the trees in the Gardens. A more forwards (west) view from within the Gardens would be likely to show the new tower with much greater prominence. An additional or supplementary view has therefore been requested.

The tower would be seen in context with the Grade II\* listed school, although from this angle this would not harm its setting (see also View 31).

#### *Views 17 and 32 – Paddington Green, St Mary’s Churchyard – KEY VIEW*

This is the most important view in this assessment, given the immediate presence of the development proposals in this view and its potential effect on the Paddington Green Conservation Area. Whilst it represents one set position, a similar set of effects would be experienced throughout the core area of the conservation area around the Church. The effects would also be seen in relation to the setting of the Grade II\* listed Church.

It is noted that the Paddington Waterways and Maida Vale Society has objected to the application with a heavy focus on the impact it would have on the Paddington Green Conservation Area, stating their view that the development would cause ‘more than substantial harm’ to it. This objection is discussed further in the concluding section of this part of the report.

The Paddington Green Conservation Area is the only designated heritage asset directly affected by these development proposals, as discussed in the previous section of this report, with a section of the north-western edge of the application site being slightly within the conservation area.

The conservation area is centred on the Grade 2\* listed St Mary’s Church and the surrounding churchyard. Paddington Green and St Mary’s Gardens principally comprises the buildings flanking these spaces and also buildings on and just off St Mary’s Terrace. The area was first laid out in the late 18<sup>th</sup> and early 19<sup>th</sup> century, including St Mary’s Church and 17-18 Paddington Green which remain today. A number of other buildings including the Children’s Hospital building (Grade II listed) to the east side of Paddington Green being of later 19th century or early 20th century date. Paddington Green is included within the London Squares Preservation Act of 1931. The Audit for the conservation area notes important views outwards from the conservation area from the green towards the application site.

Much of its character derives from the extensive tree planting which both encloses and punctuates the green open spaces beneath the trees, coupled with the attractive quality of a number of the individual buildings. The setting of the conservation area has been compromised in a number of ways, including by the close presence of the Westway to the south, and the loss of the majority of the original buildings which lined the Green to the north and south, some of which have been replaced by some prominent 20th century buildings.

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Also of note is the outlook from the conservation area to the east and beyond the Westway to the south. Tall buildings are already present in views out from these views, including Hall Tower and Braithwaite tower north of Church Street, Kennet House on Church Street, and the cluster of taller buildings to Paddington Basin to the south, including the yet to be built 1 Merchant Square. Notably for this application the under-construction West End Gate (WEG) buildings and the application site itself (the Police Station buildings) now characterise the view beyond the trees eastwards out of the CA despite the preservation of nos. 17-18 (grade II listed) and the former Children's Hospital.

The majority of these towers are not of good architectural quality, although the WEG buildings are better (sufficiently so to receive the council's approval in 2015), despite their scale.

Most of the extant towers in the surrounding area are of a notably lower scale than the application proposals, with only the new WEG tower (at 30 storeys) being comparable with the application's tallest element, and only the approved but not yet built 1 Merchant Square taller (at 42 storeys). Most are also not seen in such close proximity to the conservation area.

Notwithstanding these points, it must be acknowledged that the under-construction WEG development, including its 30 storey tower, will notably change the eastern side of Paddington Green, both directly where it fronts onto the Green, and in terms of the outlook from the Conservation Area; this was indeed noted in the council's decision in 2015, where it was found that the development would cause less than substantial harm to the conservation area, but that this was justified on the grounds of the developments public benefits. That decision found however that that scheme would not harm the setting of the listed Church, due to the visual thickness of the intervening trees. In relation to the listed buildings on the eastern side of the Green, nos. 17 and 18 and the former Children's Hospital, as with WEG, the significant scale of what is proposed would cause some degree of harm. However, the current applications proposals are evidently separated from those listed buildings by the already approved development, with the scale of the outlook to the south of them being substantially changed already.

The construction of WEG as it continues is demonstrating those findings, in that the scale has had a dramatic and arguably harmful effect, but that the quality of the architecture (the result of careful management by the council through conditions and legal agreements) does provide some mitigation and compensation for that harm. The quality of the new buildings is high, and aside from their scale, will partially repair the eastern flank of the conservation area, which was previously open derelict land.

The application proposals would add a significant additional element of major development to the view's eastwards out of the conservation area and from, in backdrops with the listed Church. The most prominent component of the scheme in these views would be the 18 storey 'flatiron' form of Block I which would directly face onto the Green. It would rise to double the height of the adjacent future Blocks G and H. In townscape terms however, whilst of notable height, it would provide some form of conclusion and definition to the passage of the Westway to the south, and also arguably a positive element of character in itself.

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Beyond Block I, the 32 storey Block K would also be seen infilling the visual gap between I and the Westmark Tower, which would remain the tallest element in these views. The lower should of Block K would project to the left of Block I and would add to the feeling of a tight cluster here and shows again how a lower height to this element would have created a looser and more elegant form of development, had this revision been proposed by the applicant.

View 17 is presented by the applicant as both summer and winter views, which demonstrate very varying levels of visibility due to the deciduous trees which occupy the gardens. From within the conservation area in the summer, the thickness of the tree cover would effectively screen the visible height of the development, as it does already the Westmark Tower. The lower storeys visible beneath the canopy of the trees would be consistent in character with what has been approved for the western face of the West End Gate development and would also provide legibility for the entrance to the regenerated Newcastle Place.

A night-time image is not included with this view, which is unfortunate. It can however be assumed that some greater impact might be experienced at night, even in summer, due to the penetration of light from high level from both windows and façade lighting of the new buildings (whereas currently one would experience a darkened tree canopy only). However, as these are residential buildings (apart from the lowest two to three storeys), this would be notably less than would typically be seen with an office for example – flats tend to be lit more sporadically and will more often than not have curtains and blinds drawn at night, so reducing the light from windows to almost nothing in places.

For these reasons, while some harm would be caused to the conservation area's setting, and to the setting of 17-18 Paddington Green and the Children's Hospital as listed buildings, this would not be substantial as the significance of the conservation area and of those listed buildings would remain essentially as intact as they are today, with only their settings diminished. This impact on setting must in turn, as already stated, be considered in context with what already stands or has been approved to the east and south, and in that respect it is not considered that the harm would increase by a substantial degree.

In summary, View 17 is considered to demonstrate that the proposals would cause a degree of harm to the setting and significance of Paddington Green Conservation Area, and to the setting of and significance of 17 and 18 Paddington Green and the former Children's Hospital as grade II listed buildings, but not of St Mary's Church as a Grade II\* listed building. The harm to these assets would be 'less than substantial', is mitigated to some degree by the quality of architecture proposed and is informed by the existing and emerging wider context to the east and south of the Green.

#### *View 18 – Harrow Road, adjacent to start of flyover*

This location is dominated by the beginnings of the Westway flyover and significant width of the combined roads, but also by the existing Westmark Tower in the centre of the view. The trees and open space of Paddington Green to the other side of the road provides some countering softness which rescues some of the quality of the townscape

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in view.

The new buildings proposed would add further considerable new height and breadth of developed frontage to this view, so reducing the sense of open skies and diminishing somewhat the presence of the Paddington Green treeline. The development would however otherwise present a positive new frontage onto a difficult to deal with area of the city. Whilst this view is not rendered in the HTVIA, at this distance the quality of the new architecture would be clearly evident and would enhance the quality of the area in this view, so mitigating in part the small degree of harm to the setting of the Paddington Green Conservation Area which would be experienced in this view.

#### *Views 19 to 22 – Kensington Gardens and Hyde Park*

From Hyde Park and Kensington Gardens (both within the Royal Parks CA and both Grade I Registered Parks), the presented views are at a considerable distance, with the presence of the development accordingly reduced wherever it might be visible. None of the protected views as set out in the LVMF would be affected.

Due to the maturity of the treeline which surrounds and is interspersed throughout the parks, the development would not be generally visible, with views possible only as glimpses between or in places slightly over trees. Wherever the new tower would be visible, it would be seen in context with other existing or already approved towers which would often, as in the case with 1 Merchant Square, be more prominent / taller in the affected views.

The location from which the new tower would be most visible would be View 19, in Kensington Gardens from just east of the Long Water, but this demonstrates clearly how it would be seen in context with 1 Merchant Square, Westmark Tower, and other tall or closer buildings.

The most sensitive of the locations from within the southern Royal Parks would be View 21 from the southern end of Serpentine Bridge (Grade II listed), which is a position commonly assessed with tall buildings proposals in London. A protected vista from the other side of the bridge is designated by the LVMF (but is not this view).

#### *Views 23 to 28 – Regents Park and Primrose Hill*

Similar to Hyde Park and Kensington Gardens, views from Regent's Park and Primrose Hill would be at a considerable distance, and in most cases would be largely screened by trees. Where views are possible from Regent's Park, these would be brief and would be seen in context with existing or already approved buildings of similar or greater height, such as 1 Merchant Square.

The Royal Parks have objected on the basis of the impact on the Protected London Panorama 4, from Primrose Hill, as designated by the LVMF. The development would be visible to the right of this panorama, which is aided by its significant elevation in comparison to the general topography of most of London. Views of the development site are well beyond the extent of the two protected views (of key London landmarks) that form part of this panorama.

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In this very broad panoramic view, most of London can be seen, with significant detail perceptible of a generally low-lying cityscape interspersed with individual and clusters of taller buildings, including those around the application site.

The proposed new tower K would appear to the left of the Westmark Tower and forwards of 1 Merchant Square, adding some additional bulk to the emerging cluster in this location, forwards of the backdrop of Paddington Basin. Whilst this would increase the clustering in this location, the impact caused is slight from this distance, and is set outside of the principal centre of the panorama as identified by the LVMF.

Where the demonstrated views show visibility of the proposal, the tower would cause less than substantial harm. This would be partly as a result of clustering as noted by the Royal Parks objection, but in this regard the effect is not a new one, nor one which is likely to be further repeated in the surrounding townscape – Paddington Basin being already largely complete (other than the unbuilt but approved 1 Merchant Square), and tall buildings within the rest of the HRA being notably lower in height than this current application proposal.

*View 29 – Gloucester Terrace, junction with Chilworth St*

There would be no visibility of the proposal from this location.

*View 30 – Edgware Road, junction with Old Marylebone Rd*

This view is similar to View 4 (junction with Crawford Place). This location has a low townscape value and is not within a conservation area but features some older but unlisted buildings to the right.

The tower of the development would be prominent but not dominant in this view, stepping slightly forward but below the shape of the London Hilton Metropole Hotel. There would be no harm to the quality of the townscape nor to any heritage assets in this view.

*View 31 – Lisson Street, to east of KSA OYS*

This view looks directly at the Grade II\* listed modernist former Marylebone House North Westminster Community School, now known as King Solomon Academy. It has a distinctive pyramidal roofline, which already features the Westmark Tower and (once built) the 1 Merchant Square Tower.

The proposed Tower K would be similarly rise notably above the roof of the school, causing some individual and cumulative harm to the definition of its roofline. However, the school was not designed specific to its context, and is evidently a central urban building designed for its function and the quality of the inner environment for pupils. This view from Lisson Street is helpful to some degree to reading the distinctiveness of its roof, but is otherwise accidental, not designed. The contribution that its setting makes to the listed building's significance is not considered to be notable, but nevertheless, due to the impact on the roofline's definition, it is reasonable to consider this view to cause to some degree of less than substantial harm.

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*View 32 – Paddington Green*

See View 17.

*View 33 – Marble Arch, junction with Bayswater Road and Edgware Rd*

This is a medium value townscape location, seen from within the Royal Parks Conservation Area and with the eastern point of the Bayswater Conservation Area and its constituent listed building on Bayswater Road marking the junction with Edgware Road. It is a long view demonstrating the strength of linear character of Edgware Road, which is of course unchanged in line since Roman times. The townscape in the view is very mixed, and the existing Hilton Hotel Tower can be seen currently punctuating the visible ‘end’ where the road meets the Westway.

The proposed new tower Building K would be prominent as a new taller tower beyond the Hilton, stepping slightly forward of it and taller in the view. Whilst this effect is slightly harmful to the views through the Bayswater Conservation Area, it is hard to suggest that this has a noticeable effect on its significance, which is extraordinarily broad and multi-faceted. What harm might be caused is largely compensated for by the positive landmark value of the tower, marking the location of the mid-point of Edgware Road.

*View 34 – Dorset Square (SE corner)*

This is a medium to high value area of townscape, within the core centre of the Dorset Square Conservation Area and incorporating a large number of listed terraced houses and in the distance some typical Victorian mansion blocks, contrasted by the verdant canopy of the trees within the garden square.

The new tower, Building K, would rise moderately above the roofs of the mansion blocks in the distance, slightly bleeding into the currently quite defined line between them and the trees which line the southern side of Melcombe Place. This would cause a degree of less than substantial harm to the setting of the conservation area. At this distance, the architectural merits of the tower would not be particularly helpful as a mitigation for this visual impact, other than in the pale tones of its masonry and subtleness of design at the top of the building.

*View 35 – Blomfield Rd, W of junction of Warwick Ave*

This is a location of medium to high townscape and landscape value, at a key point within the Maida Vale Conservation Area, with the listed Warwick Avenue Bridge (Grade II) crossing the canal, the trees of Warwick Gardens providing glimpsed but contextual views of the listed row of mid-19<sup>th</sup> century semi-detached villas of 2 to 16 Warwick Avenue to the southern side of the bridge. The existing Westmark Tower already rises moderately above the roofline of these listed houses, causing some loss of definition and ‘purity’ to their setting.

The proposed new tower would add to this in a similar manner, adding breadth to the existing visual impact. This would cause some less than substantial harm to the setting of these listed buildings, and to the setting of the conservation area.

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*View 36 – Delamere Terrace, west of junction with Westbourne Terrace Road and Bridge (LBs in views)*

See View 6.

*View 37 – Blomfield Rd / Clifton Villas*

There would be no visibility of the proposal from this location.

### **8.2.7 Design, Townscape and Heritage Conclusion**

The application proposals would have a significant but quite variable impact on the local and wider townscape, including on the setting of a number of designated and non-designated heritage assets.

For the reasons set out above, it is considered that less than substantial harm would be caused to the significance of the following heritage assets, by virtue of the development's effects on their settings:

- Bayswater Conservation Area
  - Sale Place listed buildings
- Paddington Green Conservation Area
  - Former Paddington Children’s Hospital (Grade II)
  - 17 and 18 Paddington Green (Grade II)
- Maida Vale Conservation Area
  - 2 Warwick Crescent (Grade II)
  - 2-16 Warwick Avenue (Grade II)
  - Grand Union Canal (undesignated heritage asset)
- Lisson Grove Conservation Area
  - Christ Church (Grade II\*)
- Dorset Square Conservation Area
- King Solomon Academy (Grade II\*)
- Kensington Gardens (Grade I Registered Park)
- Hyde Park (Grade I Registered Park)
- Regents Park (Grade I Registered Park)
- Primrose Hill (Grade II Registered Park)
- Primrose Hill Panorama (LVMF Protected Panorama)

It has already been noted that two of the local amenity groups have stated their opinion that the height of the development would cause ‘more than substantial harm’ to some of the heritage assets within their respective areas. It should be noted however that the established terminology from the NPPF for assessing harm to heritage assets, is:

- no harm;
- less than substantial harm; or
- substantial harm.

‘More than substantial’ is not mentioned anywhere in the NPPF nor in any associated

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guidance from the government or Historic England. Substantial harm is the upper-most limit and would include the total loss of the relevant heritage asset.

It is noted that neither Historic England nor the GLA have raised heritage objections to this application. In 2015 Historic England did however make a substantive and unusually strong objection regarding the then less precedented height of the main tower proposal. Their submission this time is by contrast their standard neutral ‘defer to LPA’ comment. This suggests that, whilst not supportive of the proposals as such, they now recognise that the subsequent development of the area since 2015 has shaped the area such that the current proposals raise little reason for their concern.

Regarding whether the harm caused can be considered to be substantial, either individually or cumulatively, one must recognise that with this application, the points of harm found are to the *settings* of the studied heritage assets. Furthermore, townscape or landscape assets such as Conservation Areas and parks and gardens are almost always multi-faceted and are not reliant upon one view, one space or sequence of buildings or features for their overall significance. For substantial harm to be caused to these, let alone to their settings, would be truly exceptional.

This report, and indeed the applicant’s HTVIA, shows that where harm is caused, it is generally brief, and in many cases mitigated by partial screening of views, or informed by the existing context of a modern townscape setting. This already would be firmly positioned within the ‘less than substantial’ bracket of harm, and likely in most cases at the lower end of that scale.

Whilst therefore officers agree that there are various points of harm caused, as set out above, individually these are each undoubtedly ‘less than substantial’. However, given the weight given by the NPPF and the Act to the preservation of designated heritage assets, this of course does not automatically make that harm ‘acceptable’, and instead it should be weighed carefully against the scheme’s public benefits, including where those benefits might directly relate to townscape, architecture or heritage.

The overall planning balance is discussed later in this report, but here it is appropriate to consider this latter point of the scheme’s townscape, architectural and heritage benefits, which it does possess.

The scheme would secure the replacement of an architecturally harmful existing building which currently blights the city block which it occupies. Architecturally, the new buildings are undoubtedly of a significantly quality of architecture, which shape the site and street-level townscape much more successfully, including enhancements to the public realm and the provision of new public art. These benefits must therefore be weighed also with significant weight, as required by the NPPF in Section 12, and so overall further reduces the overall significance of the points of harm identified.

## **8.2.8 Archaeology**

The site lies within the Paddington and Lillestone Villages Archaeological Priority Area. The application is accompanied by an Archaeological Desk Based Assessment which concludes that redevelopment of the site post the medieval period, particularly construction of the existing police station makes it unlikely that significant archaeological

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assets remain on-site. However, to safeguard any archaeological assets that may remain, a condition is recommended to secure a Written Scheme of Investigation prior to works commencing. Subject to this condition, the proposed development would be consistent with policies HC1 of the London Plan and 39 of the City Plan.

### **8.3 Residential Amenity**

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

Policy H6 of the London Plan requires that the design of the development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Policy D9 of the London Plan also requires that tall buildings address daylight, sunlight penetration and temperature conditions around the buildings and the neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces around the building.

Policy 7 of the City Plan promotes neighbourly development that protects and, where appropriate, enhances amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. Policy 41 of the City Plan also requires that proposals for tall buildings mitigate negative impacts on the microclimate and amenity of the site and surrounding area.

#### **8.3.1 Loss of Light**

Although not specifically referred to in the above policies, the BRE Guide referred to in section 8.1.2 above is widely recognised as the appropriate method for measuring light loss and appropriate light levels. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by GIA ("the Light Study") as part of the Environmental Statement ("ES" - Chapter 10, Vol. 1 and Technical Appendices 10.3 and 10.7) that accompanies the application to demonstrate compliance with the BRE Guide. The Light Study considers the proposed development against the application site and its surrounds at the time of writing (Blocks A to E-F complete - "Existing Baseline v Proposed") and with development at the WEG site (i.e., Blocks A to H) and Merchant Square complete ("Future Baseline v Proposed").

A third scenario has also been provided that compares the development with all blocks on WEG complete only has also been prepared. However, this assessment has not been used as it would be inconsistent to only consider the proposed developments impact on the residents of one future development (i.e., WEG) and not the other (i.e.

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Merchant Square). Considering the proposed developments impact on all anticipated future residential development in the area also represents a worst-case scenario that would not be fully considered if Merchant Square was omitted.

Under the Existing Baseline v Proposed scenario, the following properties were considered:

- 1 Corlett Street;
- 11-64 Penfold Place;
- 131-365 Penfold Place;
- 1-32 Gilbert Sheldon House;
- 17 Bell Street;
- 1-80 Hall Tower;
- 19a-19o Corlett Street;
- 3 Penfold Street;
- 33 Bell Street;
- 96-130 Penfold Place;
- 310-316 Edgware Road;
- 326-364 Edgware Road;
- 368 Edgware Road;
- 372-380 Edgware Road;
- Green Man Public House;
- 18 Paddington Green;
- Network Homes Residential Block A (includes Mary Adelaide House/3 Princess Louise Close);
- Network Homes Residential Block B (includes Winicotte House/1 Princess Louise Close); and
- Blocks A, B, C, D, E-F at the WEG development.

In addition to the above, the following properties are also considered under the Future Baseline v Proposed scenario:

- Blocks G and H on the WEG development;
- 1 Merchant Square; and
- 6 Merchant Square.

Residential properties beyond these do not breach the 25-degree test within the BRE Guide and/or are considered too distant from the subject property to result in potentially unacceptable light loss.

#### Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both

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methods, the BRE guide specifies that reductions of more than 20% are noticeable.

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

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the VSC measured from the centre of the window is less than 27% and a loss of 20% or more occurs or NSL losses are 20% or more.

To determine the magnitude of daylight impact on nearby residential properties, the ES sets the impact criteria contained within Table 3 below. The ES itself has been independently reviewed on behalf of the City Council by Avison Young who concur with its findings.

Table 3: Daylight Magnitude of Impact Criteria.

Magnitude of Impact		Criteria
Negligible		VSC or NSL losses up to 20% from the existing scenario.
Low/Minor		VSC or NSL losses between 20-30% from the existing scenario.
Medium/Moderate		VSC or NSL losses between 30-40% from the existing scenario.
High/Major		VSC or NSL losses greater than 40% from the existing scenario.

For the Existing Baseline v Proposed scenario, a total of 1785 windows servicing 1164 rooms were assessed within 46 existing residential buildings. Those residential properties that would not meet BRE Guidance and the magnitude of impact under the Existing Baseline v Proposed Scenario are summarised in Table 4 below.

Table 4: Summary of Daylight Losses and Impact – Existing Baseline v Proposed Scenario.

Address	Total No. Windows	VSC			Total Below BRE	Total No. Rooms	NSL			Total Below BRE
		20-29.9	30-39.9	>40			20-29.9	30-39.9	>40	
11-64 Penfold Place	28	0	0	0	0	23	2	2	0	4
131-365 Penfold Place	45	25	0	0	25	20	1	3	0	4
19a-19o Corlett Street	24	2	2	2	6	24	1	3	3	7
310-312 Edgware Road	9	6	0	0	6	6	0	0	0	0

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314 Edgware Road	3	0	3	0	3	3	1	2	0	3
316 Edgware Road	6	0	6	0	6	3	0	1	2	3
326 Edgware Road	6	0	0	6	6	3	0	2	1	3
328 Edgware Road	5	0	0	5	5	3	0	2	1	3
330 Edgware Road	2	0	0	2	2	1	0	0	1	1
332 Edgware Road	1	0	1	0	1	1	0	0	1	1
334-336 Edgware Road	5	0	0	5	5	5	0	0	5	5
338 Edgware Road	2	0	2	0	2	2	1	0	1	2
340 Edgware Road	2	0	2	0	2	2	1	0	1	2
342 Edgware Road	6	0	6	0	6	4	0	1	3	4
344 Edgware Road	4	0	4	0	4	2	0	0	2	2
346 Edgware Road	6	5	1	0	6	3	0	0	3	3
348 Edgware Road	6	6	0	0	6	3	0	0	3	3
350 Edgware Road	4	1	0	0	1	0	0	0	2	2
Green Man Public House	11	2	0	0	2	6	0	0	0	0
18 Paddington Green	22	0	0	0	0	20	0	1	0	1
Network Homes Residential Block A	44	0	1	0	1	30	0	0	0	0
Network Homes Residential Block B	69	0	0	0	0	42	13	0	0	13
WEG Block A	629	19	36	203	258	419	21	8	60	89
WEG Block B	128	46	2	36	84	69	13	5	8	26
WEG Block C	170	2	0	0	2	128	0	0	0	0
WEG Block D	48	13	1	0	14	30	0	0	0	0
WEG Block E-F	177	10	12	13	35	114	5	2	0	7
<b>TOTAL</b>	<b>1785</b>	<b>137 (7.7%)</b>	<b>84 (4.7%)</b>	<b>267 (15%)</b>	<b>488 (27.4%)</b>	<b>1164</b>	<b>59 (5.1%)</b>	<b>32 (2.7%)</b>	<b>97 (8.3%)</b>	<b>188 (16.1%)</b>

For the Existing Baseline v Proposed scenario, 1297 (73%) of the windows assessed and 976 (84%) of the rooms assessed meet BRE Guidance. Of the windows and rooms that do not meet BRE Guidance, 267 (15%) windows and 97 (8.3%) rooms would experience high/major losses. The majority of losses beyond BRE Guidance (80% by

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VSC and 65% by NSL) would be experienced at WEG Blocks A, B, C, D and E-F, which are under the applicant's control. WEG Blocks A, B, C, D and E-F also experience the majority of high/major losses (94% by VSC and 70% by NSL).

For the Future Baseline v Proposed scenario, there would be no noticeable change to daylight levels for properties in Penfold Place, Corlett Street and Edgware Road (Even Addresses) compared to the Existing v Proposed Scenario. In comparison to the Existing v Proposed Scenario, 18 Paddington Green, Network Homes Block B and WEG Block D do not now experience VSC or NSL losses beyond 20% due to the screening effect of Blocks G and H.

Under the Future Baseline v Proposed scenario, a total of 2312 windows servicing 1600 rooms were assessed. Those residential properties that would not meet BRE Guidance and the magnitude of impact under the Future Baseline v Proposed Scenario are summarised in Table 5 below.

Table 5: Summary of Daylight Losses and Impact – Future Baseline v Proposed Scenario.

Address	Total No. Windows	VSC			Total Below BRE	Total No. Rooms	NSL			Total Below BRE
		20-29.9	30-39.9	>40			20-29.9	30-39.9	>40	
Network Homes Residential Block A	44	0	1	0	1	30	0	0	0	0
WEG Block A	629	18	29	211	258	419	23	10	63	96
WEG Block B	128	46	11	36	93	69	14	6	11	31
WEG Block C	170	5	3	8	16	128	6	3	12	21
WEG Block E- F	177	2	3	2	7	114	0	0	0	0
WEG Block G	117	2	12	38	52	64	0	0	5	5
WEG Block H	209	10	8	142	160	97	10	7	50	67
1 Merchant Square	240	12	24	25	61	190	17	0	15	32
6 Merchant Square	141	0	0	0	0	85	3	3	1	7
<b>TOTAL*</b>	<b>2121</b>	<b>142</b> (6.7%)	<b>118</b> (5.6%)	<b>482</b> (22.7%)	<b>742</b> (35%)	<b>1372</b>	<b>80</b> (5.8%)	<b>46</b> (3.4%)	<b>186</b> (13.6%)	<b>312</b> <b>(22.8%)</b>

\* Includes Penfold Place, Corlett Street and Edgware Road (Even Addresses) results from Table 4.

Under the Future Baseline v Proposed scenario and for VSC, 1379 (65%) of the windows assessed and 1060 (77%) of the rooms assessed meet BRE Guidance. Of the windows and rooms that do not meet BRE Guidance, 482 (23%) windows and 186 (14%) rooms would experience high/major losses. Like the Existing v Proposed scenario, the majority of losses beyond BRE Guidance (79% by VSC and 71% by NSL) would be experienced at WEG Blocks A, B, C, D and E-F, which are under the applicant's control. WEG Blocks A, B, C, D and E-F also experience the majority of high/major losses (91% by VSC and 76% by NSL).

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To contextualise the results of the Light Study, as per policy H6 of the London Plan, the applicant has provided an Alternative Method Justification (Technical Appendix 10.8 of the ES). This indicates that VSC levels of 11% are typical on sites surrounding the application site, such as the first-floor flats to the north-east of the site on Edgware Road. This retained VSC level is also consistent with what officers typically see in this part of Westminster.

For sites outside the WEG Development, almost all would retain VSC levels of 11% or more. Four windows at 19a-19o Corlett Street, one window at 326 Edgware Road and one window at Network Homes residential Block A would experience retained VSC levels noticeably below 11%.

However, the WEG Blocks, 1 Merchant Square and 6 Merchant Square are either unoccupied or not yet built and the ES also includes an assessment of ADF (see section 8.1.2 above) for these flats. The BRE Guide recommends the use of ADF for new rooms, rather than VSC of NSL. Given these flats contain new rooms with no residents to notice changes in daylight levels, it is considered appropriate to consider ADF for these flats in this instance. The ADF results are summarised in Table 6 below.

Table 6: Summary of Average Daylight Factor Results

Address	Total No. Rooms	Rooms Meeting BRE's ADF Guidance
WEG Block A	419	264 (63%)
WEG Block B	69	38 (55%)
WEG Block C	128	112 (88%)
WEG Block D	30	30 (100%)
WEG Block E-F	114	106 (93%)
WEG Block G	64	41 (64%)
WEG Block H	97	22 (23%)
1 Merchant Square	190	134 (70%)
6 Merchant Square	85	77 (91%)
<b>TOTAL</b>	<b>1196</b>	<b>824 (69%)</b>

The ADF assessment above indicates that a similar proportion of rooms in Blocks A, C, D, E-F and G and at 1 and 6 Merchant Square would have ADF levels consistent with that considered appropriate for the proposed flats in section 8.1.2 above. The applicant has also undertaken a contextual analysis (see Technical Appendix 10.8 of the ES) of the rooms approved on the WEG Development to indicate whether the ADF losses are excessive or consistent with what has already been approved on that site. Like the proposed flats, many of the existing flats in the WEG Development have ADF levels below BRE Guidance due to the inset balconies that have been approved or their relationship with neighbouring blocks. As noted above, these balconies are a useful amenity in themselves that justify lower ADF levels for the adjacent rooms. Lower ADF levels are also to be expected on this central London site. Many of the rooms on the north side of Block A, south-eastern elevation of Block B and north/east elevation of Block H have ADF levels consistent with those now assessed for their counterpart elevations facing the application site and that were previously considered acceptable by the City Council.

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It should also be noted that existing VSC, NSL and ADF levels to the southern elevation of Block A are particularly high given the absence of tall buildings in the middle and western end of the application site. At two storeys, the existing police station building is relatively low across the middle of the site in comparison to the average building height in the area. This will result in higher than average existing VSC, NSL and ADF figures for Block A that will make the losses proposed appear disproportionately large.

### Sunlight

The BRE Guide only requires assessment of rooms with a main window facing within 90 degrees of due south. The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of Winter APSH. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of APSH.

To determine the magnitude of sunlight impact on nearby residential properties, the ES sets the impact criteria contained within Table 7 below.

Table 7: Sunlight Magnitude of Impact Criteria.

Magnitude of Impact		Criteria
Negligible		APSH losses up to 20% from BRE target values.
Low/Minor		APSH losses between 20-30% from BRE target values.
Medium/Moderate		APSH losses between 30-40% from BRE target values.
High/Major		APSH losses greater than 40% from BRE target values.

For the Existing Baseline v Proposed scenario, a total of 1100 rooms were assessed. Those residential properties that would not meet BRE Guidance and the magnitude of impact under the Existing Baseline v Proposed Scenario are summarised in Table 8 below.

Table 8: Summary of Sunlight Losses and Impact – Existing v Proposed Scenario.

Address	Total No. Rooms	Rooms Not Meeting BRE Guidance	Below Threshold for Total APSH			Below Threshold for Winter APSH		
			Reduction (%)			Reduction (%)		
			20-29.9	30-39.9	>40	20-29.9	30-39.9	>40
11-64 Penfold Place	23	1	0	1	0	0	0	0
131-365 Penfold	20	2	2	0	0	0	1	1

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Place								
19a-19o Corlett Street	24	7	1	3	3	0	0	0
33 Bell Street	5	2	1	0	1	0	0	0
326 Edgware Road	3	3	0	0	3	0	0	0
328 Edgware Road	3	3	0	0	3	0	0	0
330 Edgware Road	1	1	0	0	1	0	0	0
332 Edgware Road	1	1	0	1	0	0	0	0
334-336 Edgware Road	5	5	0	0	5	0	0	0
338 Edgware Road	2	2	0	0	2	0	0	0
340 Edgware Road	2	2	0	0	2	0	0	0
342 Edgware Road	4	4	0	0	4	0	0	0
344 Edgware Road	2	2	0	0	2	0	0	0
346 Edgware Road	3	3	0	2	1	0	0	0
348 Edgware Road	3	3	0	1	2	0	0	0
350 Edgware Road	2	2	0	2	0	0	0	2
352 Edgware Road	3	3	3	0	0	0	2	1
Network Homes Residential Block A	4	1	1	0	0	0	0	1
Network Homes Residential Block B	37	1	0	0	0	0	0	1
WEG Block A	409	131	0	0	113	0	0	105
WEG Block B	69	23	2	0	19	0	0	21
WEG Block C	128	1	0	0	0	0	0	1
WEG Block E-F	114	11	0	0	5	0	0	0
<b>TOTAL</b>	<b>867</b>	<b>214</b>	<b>10</b>	<b>10</b>	<b>166</b>	<b>0</b>	<b>3</b>	<b>133</b>

For the Existing Baseline v Proposed scenario, 886 (81%) of the rooms assessed meet BRE Guidance. Of the rooms that do not meet BRE Guidance, 166 (15%) experience high/major losses for Total APSH and 133 (12%) experience high/major losses for Winter APSH. The majority of losses beyond BRE Guidance (70%) would be experienced at WEG Blocks A, B, C and E-F, which are under the applicant's control. WEG Blocks A, B, C and E-F also experience the majority of high/major losses (83% by

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Total APSH and 95% by Winter APSH).

For the Future Baseline v Proposed scenario, there would be no noticeable change to sunlight levels for properties in Penfold Place, Corlett Street and Edgware Road (Even Addresses) compared to the Existing v Proposed Scenario. In comparison to the Existing v Proposed Scenario, 18 Paddington Green, Network Homes Block A, Network Homes Block B and WEG Blocks C, D and E-F do not now experience sunlight losses beyond those they will experience from consented Blocks G and H.

Under the Future Baseline v Proposed scenario, a total of 1232 rooms were assessed. Those residential properties that would not meet BRE Guidance and the magnitude of impact under the Future Baseline v Proposed Scenario are summarised in Table 9 below.

Table 9: Summary of Daylight Losses and Impact – Future Baseline v Proposed Scenario.

Address	Total No. Rooms	Rooms Not Meeting BRE Guidance	Below Threshold for Total APSH			Below Threshold for Winter APSH		
			Reduction (%)			Reduction (%)		
			20-29.9	30-39.9	>40	20-29.9	30-39.9	>40
WEG Block A	409	136	0	0	122	0	0	129
WEG Block B	69	23	0	0	21	0	0	21
WEG Block G	53	29	2	7	18	0	0	28
WEG Block H	79	62	0	0	62	0	0	59
<b>TOTAL*</b>	<b>757</b>	<b>298</b>	<b>10</b>	<b>17</b>	<b>252</b>	<b>0</b>	<b>3</b>	<b>243</b>

\* Includes Penfold Place, Corlett Street, Bell Street, Edgware Road (Even Addresses), Network Homes Residential Blocks A and B results from Table 8.

For the Future Baseline v Proposed scenario, 934 (76%) of the rooms assessed meet BRE Guidance. Of the rooms that do not meet BRE Guidance, 252 (20.5%) experience high/major losses for Total APSH and 243 (19.7%) experience high/major losses for Winter APSH. The majority of losses beyond BRE Guidance (84%) would be experienced at WEG Blocks A, B, G and H, which are under the applicant's control. WEG Blocks A, B, G and H also experience the majority of high/major losses (88% by Total APSH and 98% by Winter APSH).

As noted above, the absence of tall buildings across the middle and western end of the application site is unusual for a site in this part of London. This will make sunlight losses to the WEG Blocks disproportionately higher than they would be if a higher building were located on this part of the application site at present.

### 8.3.2 Overshadowing

The BRE Guide recommends the Sunlight Hours on Ground (SHOG) assessment to determine overshadowing impacts. The BRE Guide states overshadowing of an amenity space or garden may be noticeable if less than half (i.e. 50%) of the area is prevented by

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buildings from receiving two hours of sunlight on the 21<sup>st</sup> March and the area which can receive some sun on the 21<sup>st</sup> March is less 0.8 times its former value (i.e. a loss of 20%).

The ES has assessed the proposed developments impact on nearby amenity areas (Technical Appendix 10.5). Under the Existing Baseline v Proposed Scenario, the overshadowing assessment considers the impact on the following amenity areas:

- Area 1: Paddington Green;
- Area 2: WEG Communal Amenity Area;
- Area 4: 1-32 Gilbert Sheldon House Communal Amenity Area;
- Area 5: Marylebone Road/Edgware Road Green Wall Public Square

Under the Future Baseline v Proposed Scenario, the overshadowing assessment also considers the impact on the following amenity area:

- Area 3: 14-17 Paddington Green Amenity Area.

All other amenity areas and gardens are too far from the application site to be impacted by overshadowing.

To determine the magnitude of overshadowing impact on nearby amenity areas, the ES sets the impact criteria contained within Table 10 below.

Table 10: Overshadowing Magnitude of Impact Criteria.

Magnitude of Impact	Criteria
Negligible	The area which can receive two hours of sun on 21 March is reduced by up to 20%.
Low/Minor	The area which can receive two hours of sun on 21 March is reduced by 20-30%.
Medium/Moderate	The area which can receive two hours of sun on 21 March is reduced by 30-40%.
High/Major	The area which can receive two hours of sun on 21 March is reduced by more than 40%.

The overshadowing assessment finds that Areas 4 and 5 are not overshadowed by the proposed development in either scenario. Under both scenarios, Areas 1 and 2 are overshadowed and under the Future Baseline v Proposed Scenario, Area 3 is also overshadowed.

For Area 1 (Paddington Green), 100% of its area would receive two or more hours of sunlight on 21 March under both scenarios. Accordingly, it would meet BRE Guidance, and the proposed development would have a negligible impact.

For Area 2 (WEG Communal Amenity Area), 65.2% of its area would receive two or more hours of direct sunlight under the Existing Baseline v Proposed Scenario. Accordingly, the proposal meets BRE Guidance under this scenario and would have a negligible impact. Under the Future Baseline v Proposed Scenario, this area would be

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heavily overshadowed by Block H and would not meet BRE Guidance before the introduction of the proposed development. The proposed development would further reduce the overshadowed area to an imperceptible degree and the impact would be minor impact.

For Area 3 (14-17 Paddington Green Amenity Area), this area is already overshadowed by Blocks G and H and does not meet BRE Guidance before the introduction of the proposed development. The proposed development would further increase overshadowing to this amenity area by 29% which would be a minor impact.

### **8.3.3 Sense of Enclosure**

The application site is an island site, with the proposed blocks separated from neighbouring residential sites by the widths of Newcastle Place (approximately 9 m), Edgware Road (approximately 30 m) and Harrow Road/The Westway (approximately 50 m).

Under the Existing Baseline v Proposed Scenario, the proposed blocks would be directly visible from the rear elevation of Winicotte House and the top floor of Mary Adelaide House. However, Block J would be screened by Block A on the WEG Development from these properties. Blocks I and J would be visible but would be over 73 m away from Mary Adelaide and Winicotte Houses. Given this separation distance and screening, the proposed development would not result in unacceptable sense of enclosure for the residents of Mary Adelaide and Winicotte Houses under the Existing Baseline v Proposed Scenario.

Under the Future Baseline v Proposed Scenario, the proposed development remains over 73 m away from Mary Adelaide and Winicotte houses but would also be largely screened by Blocks G and H. Accordingly, the proposed development would not result in unacceptable sense of enclosure for the residents of Mary Adelaide and Winicotte Houses under the Future Baseline v Proposed Scenario.

Immediately to the south of the application site, and under the Existing Baseline v Proposed Scenario, there are currently no residential buildings. The nearest residential buildings to the south-west are the flats within Aster, Betula, Camelia and Dahlia Houses across Harrow Road and the Westway, which are over 116 m away. These flats are screened from the proposed development by the hotel currently under construction on the former North Westminster Community School site. Like the Hilton hotel to the south of the application site, on the corner of Edgware and Harrow Roads, there is no policy protection for amenity impacts on hotel rooms given they are only occupied on a short-term basis. Accordingly, the proposed development would not result in unacceptable sense of enclosure to residential properties to the south, under the Existing Baseline v Proposed Scenario.

Under the Future Baseline v Proposed Scenario, 1 and 6 Merchant Square would be completed to the south of the site and contain residential flats. However, both buildings are over 50 m from the application site. Blocks I and J are of a comparable scale to buildings within the POA and this separation distance is consistent with, if not greater than, separation distances within the POA. Block K is located over 80 m from 1 and 6 Merchant Square and this separation distance is considered sufficient to mitigate sense

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of enclosure from that block. Accordingly, the proposed development would not result in unacceptable sense of enclosure for the future occupants of 1 and 6 Merchant Square given the pattern of development within the POA and the separation distances identified.

To the north-east of the application site, there are residential flats above the buildings at 310 to 342 Edgware Road and this does not change in either scenario. These are all no closer than 30 m from Block K and are already enclosed by the existing 17 storey section house on-site and to a lesser degree by Blocks A and B on the WEG site. Given the low height of 310 to 342 Edgware Road relative to the existing section house and the section house, it is not anticipated that they will experience a material worsening of sense of enclosure.

Under the Existing Baseline v Proposed Scenario, the proposed blocks would be located 18-20 m from Blocks A and B on the WEG site. This is generally consistent with separation distances between blocks within the WEG development and there would be a mutual sense of enclosure between the occupants of the WEG development and the proposed development. Given this and that these blocks remain unoccupied, the proposed development will not unacceptably increase sense of enclosure for the occupants of those flats.

Under the Future Baseline v Proposed Scenario, Block H on the WEG site would be approximately 9 m from Block I. This would be closer than the separation distances within the WEG site. However, Block H has yet to be built, let alone occupied and it is reasonable to assume that a future occupant would be aware of this relationship before moving into a flat in Block H. Any future occupant would only move into flats within Block H if they were satisfied with this relationship. Accordingly, the proposed development would not result in unacceptable sense of enclosure for the occupants of Block H.

Given the above, the proposal would not result in a significant sense of enclosure for the occupants of residential properties surrounding the site and would be consistent with policy 7 of the City Plan insofar as it relates to sense of enclosure.

#### **8.3.4 Overlooking and Privacy**

As noted above, the proposed development is an island site separated from surrounding residential buildings by the widths of Newcastle Place, Edgware Road and Harrow Road/The Westway. The application site is also separated from Blocks A and B under the Existing v Proposed Scenario by approximately 18-20 m and from Block H by at least 9 m under the Future Baseline v Proposed scenario. In the central London context of this site, these separation distances would prevent unacceptable overlooking and loss of privacy and the proposed development would be consistent with policy 7 of the City Plan insofar as it relates to overlooking and privacy.

#### **8.3.5 Noise**

It is proposed to install building services plant on the roof of the development. Plant and substations are also located at several positions throughout the development. Conditions are recommended to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site. Subject to these conditions, the proposal would

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be consistent with policies 7 and 33 of the City Plan.

### **8.3.6 Residential Amenity Conclusion.**

The sense of enclosure, privacy and noise impacts of the development would be acceptable and consistent with development plan policy. However, the proposal would result in daylight and sunlight losses beyond BRE Guidance to some neighbouring properties. For some properties there would be significant reductions in daylight and sunlight beyond the recommended BRE Guidelines. With the development in place the applicant's daylight and sunlight assessment indicates unacceptable levels of daylight for a number of properties. These reductions in daylight and sunlight would be noticeable to occupants and more of the affected rooms will appear poorly lit. The proposed development would also increase overshadowing to the communal garden areas within the WEG development.

However, the BRE Guide is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live.

It should also be noted that the majority of properties impacted are within Blocks A, B, C, E-F, G and H on the WEG site and within the applicant's control. These blocks are either unoccupied or yet to be built so the losses are notional for these buildings as there are no residents to experience them. Notwithstanding this, the ADF assessment carried out indicates that light levels within the affected rooms will be consistent with those found throughout the rest of the WEG development and to an extent the baseline figures are high given the generally low level of buildings on the application site at present.

These light losses must also be weighed against the City Plans aspirations, particularly for this site. The delivery of at least 20,685 homes, of which at least 35% will be affordable, is a strategic priority as set out within policy 1 of the City Plan. To achieve this, policy 8 of the City Plan requires the optimisation of site densities, whilst policy 9 requires that at least 35% of all new homes will be affordable. Located within the HRA, policy 6 of the City Plan expects sites within this area to contribute to the creation of at least 2000 new homes over the plan period and 350 new jobs.

The application site is also specifically mentioned in the Housing Trajectory within Appendix 1 of the City Plan where it is expected to contribute toward the 1216 housing target for this area within the first five years of the plan. The application site is the single largest development site within Westminster and would deliver 556 homes or 2.7% of the strategic target within the first years of the new City Plan. The 210 affordable homes proposed also exceed the 35% target and would make a significant contribution to affordable home delivery within Westminster.

Added to this, policy 41 of the City Plan specifically refers to this site as one where a tall building is acceptable in principle. Policy 41 also notes a context height of 6 storeys, which much of the existing site's area does not meet at present. Any increase in height on this site will inevitably result in light losses beyond BRE Guidance given the

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development plans aspirations for a tall building on this site and the creation of additional housing and jobs within this area.

Overall, light losses and overshadowing from the proposed development conflict with policies H6 and D9 of the London Plan and policy 7 of the City Plan insofar as they relate to light loss and overshadowing.

#### **8.4 Transportation and Highways Considerations**

Objections have been received to traffic and parking congestion from the proposed development, particularly on Church Street. Concerns have also been raised that the development may not encourage cycling and walking.

##### **8.4.1 Trip Generation**

The proposed development is forecast to generate 410 and 399 person trips in the AM and PM peak hours, respectively across all modes. The forecast cycle mode share of 5%, equates to 17 cycle trips in the AM Peak. The Highways Planning Manager raises no objection to trip generation from the proposed development and its ability to be accommodated within the surrounding road network.

TfL advise that the provision of 960 cycle parking spaces and connections to dedicated cycleways, means that the uptake of those choosing to cycle to / from the site should be higher. TfL requested that a sensitivity test should be undertaken to reflect future mode share targets and the 2028 development opening date in accordance with policy T4 of the London Plan. This information has been provided to TfL.

As noted above, PRACT have raised concerns with the impact of the proposed development on station capacity at Edgware Road Station. An assessment of the impact of the development on London Underground (LU) station capacity and line loading has been undertaken. LU have also confirmed they have no objection to the proposed development. Overall, it is anticipated that the impact from the development can be managed on the LU network.

TfL have requested a Travel Plan. A Travel Plan is also recommended in the Health Impact Assessment that accompanied the application to encourage active travel for the occupants and users of the site. A Travel Plan may also help discourage on-street parking. Should permission be granted, a condition is therefore recommended to secure a Travel plan for the site. Subject to this condition, the proposed development would be consistent with policies T4 of the London Plan and 24 of the City Plan.

##### **8.4.2 Stopping-up Newcastle Place**

The applicant proposes stopping up Newcastle Place. Stopping up would result in it ceasing to be public highway. It is understood that the applicant wishes to do this so they can carry out the public realm works proposed, manage their maintenance and ensure continued connection to the WEG development.

As noted by the Highways Planning Manager, the applicant wants taxis and other

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vehicles dropping off and picking up residents to be able to use the area and also for some servicing to take place from there (although the bulk of servicing would take place from the basement). It should also remain open to pedestrians and cyclists at all times, so it may as well remain highway. In terms of the existing public realm the Highways Planning Manager also noted that the public realm could be improved whilst still remaining highway.

The Highways Planning Manager also notes that stopping-up of Newcastle Place may throw more traffic to the Church Street junction and cause problems there, which could have a negative effect on the TLRN on Edgware Road as well as on Church Street.

The applicant's Transport Statement contains survey data indicating that, when the police station was in operation, Newcastle Place was surveyed to have 9 vehicles in the AM peak and 20 vehicles in the PM peak, which included an unknown number of vehicles associated with the police station itself. So "existing" traffic levels on Newcastle Place are extremely low.

Given the above, the Highways Planning Manager raises no objection to the stopping-up of Newcastle Place, provided it remains fully open to pedestrians and cyclists. It should also be noted that the public realm works would increase the area available to cyclists and pedestrians despite the stopping up. Should permission be granted, it is recommended that continued access for pedestrians and cyclists is secured in the s106 agreement. Subject to this agreement, the stopping up of Newcastle Place is supported by policies 24, 25 and 28 of the City Plan.

#### **8.4.3 Car Parking**

The application site is located within the CAZ and within an area has a very high PTAL of 6b. Accordingly, policies T6.1 of the London Plan and policy 27 of the City Plan specify that the development should be car free, except for the provision of disabled spaces.

The proposed development has no parking on-site for, other than 18 disabled spaces for residents and users of the commercial units. The proposed provision of 50% active and 50% passive provision for Electric or Ultra-Low Emission vehicles is welcomed. Overall, the level of parking proposed is consistent with policies T6.1 of the London Plan and 27 of the City Plan.

The applicant proposes extending the 'right-to-park' arrangement within the WEG developments basement levels to the application site's residents. This arrangement currently gives all residents within the WEG development a right to park within the basement levels on a first come first serve basis, despite there being insufficient spaces for all flats within that development.

TfL note that the end-users of the development should not be eligible to use the spaces within the WEG development. The Highways Planning Manager disagrees, as existing residents within this ward own vehicles and it is highly likely that, given the high number of flats proposed, some of the new residents may also own cars. This would lead to more on-street parking pressure. Residents have also objected to the potential impact on on-street parking levels. To ensure that the parking spaces within the WEG

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development are only used by those with a genuine need and are leased, not sold, it is recommended that a Parking Design and Management Plan is secured by a s106 agreement.

#### **8.4.4 Cycle Parking**

A total of 960 cycle parking spaces are proposed which meets the minimum quantum required by policies T5 of the London Plan and 25 of the City Plan. Long-stay spaces are provided in the basement for the residential and office element and will be provided in each ground floor unit for the commercial elements. The cycle storage comprises of 95% two-tier stands and 5% Sheffield stands. TfL note that two-tier stands are not appropriate for all users and have recommended a greater mix of cycle storage racks, including a minimum of minimum of 20% Sheffield stands. However, the proposal is compliant with TfL's London Cycle Design Standards and increasing the number of Sheffield stands will reduce the overall levels of cycle storage to below a policy compliant level. Accordingly, an objection to the development on this basis would not be sustainable.

TfL have also requested a financial contribution of £200,000 to increase provision of cycle hire in the area and mitigate the site-specific impacts of the development in line with Policy T4.C. It is recommended that this is secured in the s106 agreement.

The Designing Out Crime (DOC) Officer has raised concerns with the use of separate external accesses to the cycle stores for each block. The DOC officer advises that the door to the bicycle stores should be within their respective core entrance lobbies so as to encourage their use. Externally doors can allow for tailgating resulting in theft of bicycles, personal safety risks and unauthorised access into the building. Concerns were also raised with people from different tenures being able to access other tenures bike stores.

Whilst these concerns are understood, the applicant has advised that access will be via key fob. Given there would be several security doors between the stores and the external door, it is unlikely that a thief could tailgate all the way to the bike store. The DOC officer also requested a condition that would effectively segregate the bike stores between tenures. Such a condition would not be consistent with policy GG1 of the London Plan, would be unenforceable in any event and has not been recommended.

#### **8.4.5 Servicing**

All delivery and servicing will take place within the site, with the majority being off-street within the basement. Some servicing of the residential uses would take place via a loading bay in what is currently Newcastle Place. Servicing consolidation between the proposed development and the WEG development is also being considered

The Highways Planning Manager raises no objection to the servicing arrangements proposed, subject to a condition to secure a final Delivery and Servicing Plan (DSP). As the proposed drawings show servicing taking place within and accessed from the WEG developments basement levels, it is recommended that the DSP is secured by a s106 agreement. Subject to this agreement, the proposed development would be consistent with policies 29 of the City Plan and T7 of the London Plan.

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#### **8.4.6 Waste Storage and Collection**

As noted above, the Waste Project Officer has objected to the labelling of the proposed bins; the absence of a storage area for bulky waste such as white goods and large furniture; the absence of a Micro Recycling Centre (MRC); and the provision of a waste chute in Block K. The applicant has been asked to amend the application to address these issues. However, these issues would not form a sustainable reason for refusal and could be addressed by condition. The committee will be updated shortly before the meeting or verbally at the meeting.

#### **8.4.7 Public Realm Works at Edgware and Harrow Road Corner of the Site**

TfL have raised several concerns with the compatibility of the applicant's landscape proposals with TfL's own plans for this area of land at the southeastern corner of the site. It is understood that TfL plan to transform the disused subway into a rain garden that will significantly enhance the public realm and environmental for pedestrians and cyclists. In particular, TfL are concerned with the tree species proposed, the provision of cycle parking in this location and the lack of diversity in the landscaping plan. TfL have also sought a financial contribution from the applicant to this scheme. As this land is part of the TLRN, this is a matter for TfL to and the applicant to agree a solution to. As discussions are ongoing, the committee will be updated shortly before the meeting or verbally at the meeting.

As noted above, PRACt have suggested reinstating a left turn for vehicles, out of Harrow Road eastbound into Edgware Road northbound. However, it is understood that TfL have no plans to reinstate this.

### **8.5 Socio-Economic Considerations**

Objections to the proposed developments impact on the capacity of social infrastructure, including healthcare facilities and schools have been received.

Policy S1 B of the London Plan states that in areas of major new development and regeneration, social infrastructure needs should be addressed via area-based planning such as Opportunity Area Planning Frameworks, Area Action Plans, Development Infrastructure Funding Studies, Neighbourhood Plans or master plans.

It should be noted that there is no development plan policy that requires direct provision of school places and healthcare facilities for the residents of new major developments. Policy 1 A (10) of the City Plan seeks to ensure that sufficient infrastructure will be delivered to support growth. Policy 17 A of the City Plan states that new community infrastructure and facilities will be supported where there is an identified present or future need and that the council will use its Infrastructure Delivery Plan alongside other strategies to plan for and deliver new infrastructure.

The socio-economic impact of the proposed development has been considered in the ES (Volume 1, Chapter 6 and Technical Appendices 6.1-6.4). The ES has been independently reviewed on behalf of the Council by Avison Young, who raise no

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concerns with the findings and methodology used.

### Impact on Education Facilities

Policy S3 A (3) of the London Plan states that, to ensure there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice, boroughs should ensure that development proposals for housing and commercial facilities incorporate suitable childcare provision and encourage nursery provision within primary schools, where there is a need.

Based on Department for Education Transport Guidance (2014) propensity to travel radii, the capacity of all primary and secondary schools within 1.6 km and 3.2 km of the site respectively have been assessed. For primary school aged children, the development would generate demand for an additional 64 children. By 2024/2025 (should permission be granted, this is when the proposed units would likely be occupied) this demand can be accommodated within the primary schools located within 1.6 km of the application site, where a surplus capacity of 2190 places have been identified.

With regards to secondary school places, the proposed development would generate demand for an additional 29 children. By 2024/2025, a deficit of 276 places has been identified within all schools within 3.2 km of the application site. Accordingly, there would be insufficient school places for secondary school aged children under current projections. However, the proposed development would result in a substantial Community Infrastructure Levy (CIL) payment that can mitigate this demand through the City Council's Infrastructure Delivery Plan.

### Impact on Healthcare Facilities

The ES uses a benchmark of 1,800 patients per GP to determine the capacity of nearby GP surgeries. This ratio is commonly used by the NHS in healthcare planning. The proposed development would introduce a new residential population of 1,204 people which would create a demand for the equivalent of approximately 0.67 full time GPs. Although the nearest GP surgery (Paddington Green Health Centre in Princess Louise Close) has capacity for 4655 patients, there is currently a substantial deficit in the capacity of local GP surgeries within a 1.6 km radius of the application site of 22,429 places within the 17 GP surgeries within 1.6 km of the site. However, the proposed development would result in a substantial Community Infrastructure Levy (CIL) payment that can mitigate this demand through the City Council's Infrastructure Delivery Plan.

### Impact on Open Space

Policy 34 D of the City Plan states that major developments will be required to provide new or improved public open space and space for children's active play, particularly in areas of open space or play space deficiency.

The proposed development would include 3,553 sqm of new, publicly accessible open space. The application site is also not located within an area of open space deficiency due to the close proximity of Paddington Green. Accordingly, the proposed development would be consistent with policy 34 D of the City Plan insofar as it relates to open space provision.

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### Impact on Play Space

The application site is located within 400 m (approximately 5 minutes' walk) of five children's playgrounds, the nearest of which is located within St Mary's Churchyard and is not located within an area of play space deficiency for the purposes of policy 34 D of the City Plan.

Policy S4 of the London Plan requires development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. Policy S4 and the Mayor's Play and Informal Recreation SPG (2012) expect a minimum of 10 sqm. per child to be provided in new developments. Play space provision should normally be provided on-site. However, off-site provision may be acceptable where it can be demonstrated that this addresses the needs of the development and can be provided nearby within an accessible and safe walking distances. In these circumstances contributions to off-site provision should be secured by Section 106 agreement. The proposed development would deliver 1,138 sqm of playspace.

In their Stage 1 response the GLA note that the development generates a requirement for 1,908 sqm of playspace across all age groups. The scheme makes provision for 1,138 sqm of play space, made up of spaces integrated into the roof level terraces and communal amenity space at ground floor level on Newcastle Place. The provision provides sufficient space for doorstep play and addresses a proportion of the requirement for local playable space for children up to 11, available to all tenures. However, this leaves a shortfall of 776 sqm of floorspace for older and younger children.

The applicant identifies a number of parks and open spaces in both the immediate vicinity of the site (Paddington Green) and in the wider context (Maida Vale, Hyde Park & Regent's Park). The GLA note that existing provision in local parks could address deficiencies in play for older children, but onsite provision for local playable space (for children aged 5-11) should be addressed through the application. Should permission be granted, it is recommended that this shortfall is mitigated through a s106 contribution to secure additional facilities for children aged 5-11 in open spaces near the application site. Conditions are also recommended to secure details and provision of on-site facilities and to secure open access across all tenures to the on-site playspace. Subject to the recommended s106 obligation and condition, the proposed development would be consistent with policy S4 of the London Plan and policy 34 of the City Plan insofar as they relate to children's playspace provision.

### Employment

Policy 18 D of the City Plan states that major development will contribute to improved employment prospects for local residents. Policy 18D goes on to state that financial contributions and an Employment and Skills Plan will be secured, the details of which will be set out in a yet to be prepared Planning Obligations and Affordable Housing SPD.

The ES estimates that the proposed development would directly generate 200 jobs during the construction and demolition phase of the application and indirectly generate another 79 jobs from the need to purchase supplies for the proposed development and from the increased expenditure in the locality by the construction workers. Should

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permission be granted, it is recommended that an Employment and Skills Plan is secured through a section 106 agreement to maximise opportunities for local employment during construction and demolition a contribution of £401,790.30 toward the Westminster Employment Service to secure employment opportunities for Westminster residents.

Once operational, the ES estimates that the non-residential floorspace would create 358-374 gross direct operational jobs, of which 133-139 jobs would directly benefit the local community.

#### Local Expenditure

The ES estimates that the new residential units would result in annual expenditure of £19.8 million. In addition, the jobs created would result in a potential uplift in employee spending of approximately £1.1 million annually.

The applicant has also submitted an Economic Impact Assessment with the application, although this has not been independently reviewed. This Economic Impact Assessment estimates that the proposed development will generate an additional £700,000.00 in business rates per annum and £860,000.00 in Council tax per annum.

## **8.6 Access**

Objections have been received to the impact of the development on mobility and visually impaired residents.

Policy D5 of the London Plan requires that all new development achieves the highest standard of accessible and inclusive design and can be used safely, easily and with dignity by all.

Policy 38 of the City Plan states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

All residential and commercial units benefit from level access from the street. Multiple lift cores to all levels are also provided in all blocks. Ten percent of the proposed units are wheelchair user adaptable, as per part M4 (3) (2) b of the building regulations. Approximately 90% of the proposed units also meet part M4 (2) of the building regulations.

Sufficient disabled parking has been provided, as set out above.

An objector notes that the provision of additional planting and street furniture will make the site difficult to navigate for mobility and visually impaired residents. However, there are significant areas of footway remaining around the proposed planting and street furniture. Accordingly, this objection is not sustainable.

Overall, the scheme is considered to comply with policy D5 of the London Plan and policy 34 of the City Plan in terms of accessibility.

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## 8.7 Other Policy Considerations

### 8.7.1 Climate Change and Sustainability

#### Energy

Policy SI 2 of the London Plan requires major developments to be net zero-carbon. The policy also requires that a minimum on- site reduction of at least 35 per cent beyond Building Regulations is met with residential development achieving 10 per cent carbon reductions, and non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site.

Policy 36 of the City Plan states that all development proposals should follow the principles of the Mayor of London's energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved. Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

The applicant has submitted an energy assessment that demonstrates that the residential and non-residential elements of the development are estimated to achieve a reduction of 55 and 41 tonnes per annum (10% and 22%) respectively. The measures proposed are broadly in line with the London Plan targets of a minimum 10% and 15% improvement on 2013 Building Regulations from energy efficiency. The applicant is proposing to connect to the WEG energy centre. The applicant has stated a gas fired CHP unit has been sized to meet the site's heat loads until a connection to the proposed Church Street DHN is established.

In the GLA's Stage 1 response, clarification was sought on the Combined Heat and Power (CHP) within the WEG energy centre, particularly with regard to emissions, and whether alternative low carbon heat sources have been investigated. Further information was also requested in relation to carbon reporting, estimated energy cost, overheating, future connection to the Church Street DHN, PV installation, the centralised Air Source heat pump system and carbon offsetting.

The applicant has provided the additional information requested by the GLA. In particular:

- The applicant has confirmed that the WEG CHP has been installed and that a hybrid system including Air Source Heat Pumps (ASHP) on the application site is proposed. NOx emissions from the CHP will meet the Mayors Sustainable Design and Construction SPG (April 2014);
- The applicant has confirmed that the PV arrays on the roofs of Blocks I and K will produce an annual output of 15681.8 kWh. Given the communal amenity spaces provided and the accommodation of maintenance equipment no further PV panels can be accommodated on the roofs of the blocks;

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- The applicant has provided further information on the heating and cooling capacity of the ASHP;
- The applicant commits to ongoing monitoring of energy use and this will be secured via a legal agreement/condition;
- Additional SAP worksheets have been provided; and
- The entire development results in a CO2 shortfall of 476 tonnes per annum. This results in a carbon offset payment of £1,356,600.00. Should permission be granted, it is recommended that this is secured via a s106 agreement.

#### Whole Life Cycle Carbon

The applicant has submitted a Whole Life-Cycle Carbon Assessment (WLCA), as required by Policy SI2 of the London Plan. In the GLA's stage 1 response, further information in relation to the current status and expected decarbonisation was requested.

The applicant has provided the additional information requested by the GLA. In particular:

- The missing fields and typo's within the GLA's WLCA assessment template have now been completed;
- The applicant has provided clarifications on sequestered carbon;
- The applicant has confirmed that refrigerants have not been specifically included in the WLCA assessment template but allowance has been made for its carbon impact over the building lifecycle as a % increase. If robust and accurate information becomes available at practical completion stage, this will be included in the final assessment of WLC; and
- The applicant confirms that it is not possible to provide an estimated mass for each individual reuseable and recyclable building material at present but could be included in the 'As Built Practical Completion Assessment'

Given the above, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

#### Circular Economy

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

The applicant has submitted a Circular Economy Statement (CES), as required by policies 37 of the City Plan and SI7 of the London Plan. In the GLA's stage 1 response, further information was requested on key commitments, recycling and waste reporting, operational waste and plans for implementation.

The applicant has provided an updated CES that provides the information requested by the GLA. Should permission be granted, a condition is recommended to secure a Waste Management Plan. Subject to this condition, the proposed development would be consistent with policy 37 of the City Plan and policy SI7 of the London Plan.

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### Sustainable Drainage and Flood Risk

Policy SI13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improve water quality, and enhance biodiversity, urban greening, amenity and recreation.

Policy 35 of the City Plan states, amongst other things, that new development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

The GLA have advised in their stage 1 response that the surface water drainage strategy does not provide a sustainable drainage strategy and the strategy should be revisited to avoid surface water pumping where possible. The GLA have also requested that additional SuDS opportunities be explored, as well as rainwater harvesting. The drainage strategy plan should include the attenuation dimensions and proposed connection points into the public sewer.

In summary, the applicant has responded to the GLA's comments as follows:

- Due to the extent of the podium slab and limited build-up depth above it, gravity discharge to the Thames Water sewer is not possible. Green roofs are proposed on Blocks J and K in order to minimise the amount of rainwater being pumped from the development;
- Due to the extent of the podium slab, rain gardens/swales cannot be included;
- It would not be feasible to include rainwater harvesting or grey water harvesting due to the spatial constraints of the building cores;
- Sufficient surface water attenuation to cope with all storm events up to and including a 1 in 100 +40% climate change event has been provided on-site, within tanks adjacent to the sewer water outfall; and
- An updated SuDs pro-forma has been completed.

Given the above, the proposed development would be consistent with policies SI13 of the London Plan and policy 35 of the City Plan.

### Water Infrastructure

The sustainability statement indicates that daily water consumption of 105 l/person/day will be targeted, in accordance with policy SI5 of the London Plan. This will be achieved through low flow sanitary fixtures and fittings and metering for throughout the development. Thames Water have also advised that they have no objection to the development, subject to conditions to limit its occupation until water infrastructure has been upgraded.

In their Stage 1 response, the GLA requested further consideration of rainwater harvesting and reuse. For the reasons above, this is not considered feasible at present. However, the applicant has advised in their response to the GLA that rainwater

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harvesting shall be considered as detailed designs are developed to supplement irrigation of soft landscaping on-site. Should permission be granted, a condition is recommended to secure this.

#### Air Quality

Objections to the proposals impact on air quality have been received.

Policy 32 of the City Plan states that major developments and developments incorporating CHP should be at least Air Quality Neutral.

Policy 32 of the City Plan and policy SI1 of the London Plan also require that major developments in Housing Renewal Areas and those subject to an Environmental Impact Assessment (EIA) must additionally demonstrate how local air quality can be improved across the proposed development as part of an air quality positive approach.

As EIA development, the Air Quality impact of the development has been considered in detail within Chapter 7, Volume 1 and Technical Appendices 7.1-7.4 of the ES. During the demolition and construction stage, there is the potential that emissions of dust arising from the site could result in a loss of amenity at nearby existing residential and commercial properties. The demolition and construction works present a high risk of adverse dust impacts in the absence of appropriate mitigation. Predicted generation of HDV movements during the demolition and construction stage has been estimated to increase local flows by a maximum of five vehicles per day. Such an increase would have an insignificant impact on air quality in this location. With the implementation of suitable mitigation measures, particularly a requirement to produce and adhere to a Site Environmental Management Plan (CEMP) and Construction Logistics Plan (CLP) it is anticipated that dust impacts would be appropriately mitigated. Should permission be granted, conditions are recommended to secure adherence to the City Council's Code of Construction Practice, which includes a requirement to produce a SEMP. A condition requiring the City Council's approval of a CLP is also recommended

With regards to the completed development, the proposed development would be car-free, with the exception of disabled parking provision as set out above. Together with servicing trips, the total vehicle trip generation for the site would be minimal and therefore the effects of the proposed developments traffic emissions on existing off-site receptors would not be significant. Concentrations of nitrogen dioxide and particulates have been predicted at new sensitive receptor locations within the proposed development. At the new residential receptors introduced by the proposed development air quality is predicted to meet all relevant air quality objectives and therefore the proposed development would not introduce new receptors into an area of poor air quality.

Emerging policy and WCC air quality plan commitments have indicated that the World Health Organization guideline value for PM2.5 (i.e. Particulate Matter that is 2.5 microns or smaller) will be brought into future regulations by 2030. The conservative future PM2.5 concentrations with the development complete are predicted to be slightly above the WHO guideline at some receptors within the proposed development. To ensure appropriate mitigation is provided to those units where façade concentrations are predicted to exceed the guideline, it is recommended that prior to commencement of

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construction, an up-to-date assessment with the latest monitoring data and modelling tools is submitted to establish the baseline conditions at the time of construction and determine the need for mitigation in the form of PM2.5 filtration. Should permission be granted, a condition is recommended to secure this study and any necessary filtration to the affected flats.

The air quality neutral assessment within the ES demonstrates that building and transport emissions benchmarks meet the Mayor of London's Sustainable Design and Construction SPG and would be air quality neutral. With regards to Air Quality Positive, the GLA have only recently published a pre-consultation draft (i.e. March 2021) of guidance on how to achieve this and have raised no objection to the developments Air Quality Positive status. The City Council has also not adopted the Environment SPD which sets out how air quality positive can be achieved in Westminster.

Notwithstanding this, the proposed development would improve air quality in comparison to the existing situation by:

- removal of car parking from the existing site and reduction in vehicular trips, provision of EV charging points to support electric/non-polluting cars, as well as significant cycle parking provision to encourage sustainable transport;
- removal of all existing out-dated plant equipment and connection to the WEG energy centre – with energy provided by CHP and Air Source Heat Pumps; and
- significant greening and tree planting to improve local air quality through the development.

Given the above, the proposed development improves air quality in comparison to the existing situation.

In their Stage 1 response, the GLA have raised concerns with an emergency diesel generators flue venting at the ground level façade of Block J. The placement of this exhaust is not considered acceptable as it would not ensure an adequate and optimum dispersion environment and the placement of a highly polluting exhaust at ground level does not represent high quality, air quality positive design.

The applicant has advised that the generator and flue were added in error and are not proposed. Accordingly, this objection has been addressed.

Overall, and subject to the recommended conditions and removal of the back-up generators flue, the proposed development would meet policy SI1 of the London Plan and policy 32 of the City Plan.

#### Green Infrastructure

Objections have been received to what objectors consider a lack of on-site green space and the impact of the proposal on nearby greenspaces.

Policy G5 of the London Plan states that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

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Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential.

Although no UGF is set within the City Plan, policy 34 requires that developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Policy 34 also states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.

Policy G7 of the London Plan states that development proposals should ensure that, wherever possible, existing trees of value are retained. If trees are removed, adequate replacement should be provided. Policy 34 of the City Plan also seeks to protect trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected. The planting of trees will also be encouraged.

In this instance, the existing site is located within an area of nature deficiency and has low ecological value. With the exception of seven trees, the application site is devoid of vegetation and habitat and has a UGF close to 0. Two of these trees (2x Turkish Hazel trees) will be removed adjacent to the Harrow and Edgware Road junction. Both trees are not TPO trees, are no higher than 6 m, have poor form and have no amenity, ecological and historic value and no objection is raised to their removal.

The proposed development would significantly increase soft landscaping on-site. This includes 121 new trees of various sizes, 51 m of hedgerows and 316 sqm of flower rich perennial planting. Overall, there would be a 6,157 % biodiversity net gain. This is a significant increase on the existing site, provides a more than adequate replacement for the two trees removed and is welcomed within this area of nature deficiency. Should permission be granted, a condition is recommended to secure the landscaping proposed. To provide further habitat, a condition is also recommended to secure bird and bat boxes within the development.

In their Stage 1 response, the GLA have noted that the proposed development would have a UGF of 0.29, which falls short of the target of 0.4 within policy G5 of the London Plan. Whilst this is noted, the City Council have yet to adopt a UGF tailored to local circumstances, as suggested by policy G5, and the target score of 0.4 is only recommended. It is also worth noting that, although yet to be adopted, the Draft Environment SPD notes that UGF may not be appropriate in Westminster. Given this and the significant uplift in greening and biodiversity net gain taking place in comparison to the existing site, the UGF proposed is acceptable to the City Council.

Overall, the proposed development is consistent with policies G1, G5 and G7 of the London Plan and policy 34 of the City Plan.

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### Sustainable Design and Construction

The application is accompanied by a BREEAM Pre-assessment by an accredited BREEAM Assessor. This demonstrates that the commercial areas of the proposed development will achieve a BREEAM 'Excellent' rating, in accordance with policy 38 E of the City Plan. A condition is recommended to secure this.

#### **8.7.2 Fire Safety**

As this application was made before 1 August 2021, the applicant is not required to produce a Fire Statement and the Health and Safety Executive does not need to be consulted.

However, policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

The applicant has provided an independent fire statement by H+H Fire. This statement demonstrates that the matters raised in policy D12 have been addressed. In particular:

- The products, materials and methods of construction will meet Regulation 7 of the Building Regulations. The facades of the buildings, constructed mainly from Glass Reinforced Concrete (GRC), mineral wool insulation and aluminium windows systems will be non-flammable;
- Details of the means of escape have been provided. All flats will adopt a 'defend-in-place' evacuation strategy given the high degree of compartmentalisation within the blocks. The commercial units will evacuate directly to the surrounding highway;
- The blocks will have fire alarms and sprinklers throughout, including the basement levels; and
- All sides of the application site are accessible to Fire Tenders. Firefighting stairs, fire lifts for disabled residents, fire mains and smoke ventilation systems are proposed within all three blocks

Given the above, the proposed development is consistent with policies D5 and D12 of the London Plan

#### **8.7.3 Solar Glare**

The applicant has undertaken a computer modelled analysis of solar glare (Chapter 10, Volume 1 of the ES and Technical Appendix 10.6). The assessment has been undertaken from nearby locations which are considered sensitive in terms of solar glare (numbered 1-29). The assessment considers the potential occurrence, proximity and duration of solar reflections from the proposed development owing to its size and large areas of glazed façade at nearby road traffic junctions and approaches. The assessment

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locations are:

- 1-6: Travelling westward along Bell Street;
- 7: Travelling westward along Broadley Street;
- 8-10: Edgware Road travelling south;
- 11-13: Edgware Road travelling north;
- 14: Harrow Road travelling westward, near junction with Edgware Road;
- 15-18: Harrow Road travelling eastward;
- 19: Newcastle Place travelling westward;
- 20: North Wharf Road travelling northward;
- 21: Paddington Green (East Side), travelling southward;
- 22-23: Penfold Street travelling westward;
- 24-26: Westway travelling westward; and
- 27-29: Westway travelling eastward.

Based on BRE Guidance and the International Commission on Illumination (CIE) Collection on Glare (CIE 146:2002), glare within  $5^\circ$  of a driver's line of sight can dazzle a driver's vision whilst glare within  $30^\circ$  of a person's line of sight can be noticeable. The ES sets out the criteria within Table 11 for determining the magnitude of impact:

Table 11: Solar Glare Magnitude of Impact Criteria.

Magnitude of Impact		Criteria
Negligible		No visible reflections or glare occurs at angles greater than $30^\circ$ from the driver's line of sight.
Low/Minor		Solar glare visible within $30^\circ$ to $10^\circ$ or between $10^\circ$ to $5^\circ$ of the driver's line of sight for a short period of time.
Medium/Moderate		Solar glare visible within $10^\circ$ to $5^\circ$ of the driver's line of sight for a long period of time.
High/Major		Solar glare visible within $5^\circ$ of the driver's line of sight.

This analysis has been independently reviewed on behalf of the City Council by Avison Young who raise no concerns with the methodology used. It should also be noted that the assessment below represents a worst-case scenario that assumes sunshine every day. In reality, solar glare will not occur on cloudy days. The driver's ability to use a sun visor within the car has also been considered as mitigation for the glare levels assessed.

### Locations 1-6

At all six viewpoints, there would be potential for instances of solar glare visible on a limited portion of the façade between 05:00 GMT and 07:00 GMT and 12:00 GMT to 13:00 GMT from mid-February to mid-October. At all six viewpoints, the instances of reflection would occur on very limited portions of the façade, broken up by solid elements and as such any potential occurrences of glare would be visible for only a short period. At viewpoint 1, these would be beyond  $20^\circ$  of a driver's line of sight, and therefore would be unlikely to affect a road users' responsiveness, with a resulting negligible effect. At viewpoints 2-4, these would be between  $10^\circ$  and  $20^\circ$  which would be a minor adverse effect. At viewpoints 5 and 6, there would be potential for occurrences within  $10^\circ$  for

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short periods and these would also be considered a minor adverse effect. All instances can also be mitigated by a sun visor. Overall, the effect to these six viewpoints would be negligible to minor.

### Location 7

There would be potential for instances of solar glare visible on the façade between 05:00 GMT and 07:00 GMT from mid-April to mid-August between 15° to 25° of a driver's line of sight which would be a minor effect. All potential instances are broken up by solid elements of the façade and can be mitigated by a sun visor. From this viewpoint the effect would be minor.

### Locations 8-10

Three locations have been tested along Edgware Road travelling south. Two viewpoints have been considered at 8 (8a and 8b) and 9 (9a and 9b). At viewpoint 8b, there would be potential for instances of solar glare visible on the façade between 05:00 GMT and 08:00 GMT throughout the summer months and from mid-October to mid-November and mid-January to mid-February 5° to 15° of a driver's line of sight which would be considered a Moderate Adverse effect. However, there would be no reflections at 8a and therefore this location would experience an overall minor adverse effect. At 9a and 9b, there would be potential for instances of solar glare visible on the façade between 05:00 GMT and 06:00 GMT throughout the summer months from 10° to 15° of a driver's line of sight which would be a minor adverse effect. At location 10, there would be potential for instances of solar glare visible on the façade between 05:00 GMT and 06:00 GMT throughout the summer months from 7° to 15° of a driver's line of sight which would be a minor adverse effect. With all potential instances broken up by solid elements of the façade and therefore occurring only for a short duration and capable of being mitigated by a sun visor, the effect to the locations along Edgware Road approaching the proposed development would be minor.

### Locations 11-13

Three locations have been tested along Edgware Road travelling north. Two viewpoints have been considered at 11 (11a and 11b), 12 (12a and 12b) and 13 (13a and 13b). At viewpoint 11b, there would be potential for instances of solar glare visible on the façade between 08:00 GMT and 13:00 GMT throughout the year visible from between 7° and 30° of a driver's line of sight which would be a moderate adverse effect. However, at viewpoint 11b, there would be potential for instances of solar glare visible on the façade between 08:00 GMT and 13:00 GMT throughout the year visible from beyond 30° of a driver's line of sight which would be considered a minor adverse effect, thereby serving as a mitigating viewpoint at this location. At 12a and 12b, there would be potential for instances of solar glare visible on the façade between 05:00 GMT and 06:00 GMT throughout the summer months from 10° to 15° of a driver's line of sight which would be a minor adverse effect. At location 13, there would be potential for instances of solar glare visible on the façade between 05:00 GMT and 06:00 GMT throughout the summer months from 7° to 15° of a driver's line of sight which would be a minor adverse effect. With all potential instances broken up by solid elements of the façade and capable of mitigation by a sun visor, the effect to the locations along Edgware Road approaching the proposed development would be minor.

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### Locations 14

At this viewpoint, reflections would occur beyond 30° and would therefore result in a negligible impact.

### Locations 15-18

Four locations have been tested along the Westway travelling east. At viewpoint 15, there would be potential for instances of solar glare visible on very limited portions of the façade throughout the day throughout the year between 15° and 30° of a driver's line of sight. Owing to the short duration of potential reflections, there would be a minor effect.

At viewpoint 16, there would be potential for instances of solar glare visible on the façade between 12:00 GMT and 13:00 GMT between mid-October to mid-February visible from between 18-28° of a driver's line of sight. Owing to the broken-up nature of the reflections, this would be a minor effect.

At viewpoint 17, there would be potential for instances of solar glare visible on the façade between 12:00 GMT and 13:00 GMT between mid-September to mid-March visible from between 18-28° of a driver's line of sight. Owing to the broken-up nature of the reflections, which would be a minor effect.

At viewpoint 18, there would be potential for instances of solar glare visible on the façade between 16:00 GMT and 19:00 GMT throughout the year between 8-15° of a driver's line of sight. Owing to the limited portion of the façade where reflections would occur and broken up nature of the reflections, with any reflections occurring for a short duration this would be a minor effect.

### Location 19

It should be noted that, should permission be granted, Newcastle Place would be stopped up and accessible to delivery vehicles only. Notwithstanding, one location has been tested along Newcastle Place travelling west. At this viewpoint, there would be potential for instances of solar glare visible on the façade between 17:00 GMT and 18:00 GMT from mid-May to mid-July between 8-20° of a driver's line of sight. Owing to the limited portion of the façade where reflections would occur and broken up nature of the reflections, with any reflections occurring for a short duration, this would be a minor effect.

### Location 20

At this viewpoint, there would be potential for instances of solar glare visible on the façade between 17:00 GMT and 18:00 GMT from mid-April to mid-August beyond 20° of a driver's line of sight. Owing to the limited portion of the façade where reflections would occur and broken up nature of the reflections, with any reflections occurring for a short duration, this would be a minor effect.

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### Location 21

At this viewpoint, no reflections would occur and would therefore result in negligible impact at this viewpoint.

### Locations 22-23

Two locations have been tested along Penfold Place travelling west. At both locations, reflections would be visible on very limited portions of the façade between 07:00 GMT and 08:00 GMT from mid-April to mid-August and again from 17:00 GMT to 18:00 GMT during the mid-seasons between 10° and 30° of a driver's line of sight. Owing to the limited portion of the façade where reflections would occur and broken up nature of the reflections, with any reflections occurring for a short duration, the effect to both viewpoints would be adverse.

### Locations 24-29

Six locations have been tested along Westway travelling east and west. At all viewpoints, there would be potential for instances of solar glare visible on the façade between 12:00 GMT and 13:00 GMT throughout the year beyond 15° of a driver's line of sight. Owing to the limited portion of the façade where reflections would occur and broken up nature of the reflections, with any reflections occurring for a short duration, the effect to all six viewpoints would be minor.

Given the above, the proposal would not give rise to significant levels of solar glare and would be consistent with policy D9 of the London Plan and policy 41 of the City Plan insofar as it relates to solar glare.

#### **8.7.4 Wind Microclimate**

Several objectors raise concern with wind turbulence from the proposed development and its impact on pedestrians at ground level.

The applicant has undertaken a wind tunnel assessment of the proposed development and its surrounds to model anticipated wind conditions in and around the application site (ES Chapter 9, Volume 1). The Lawson Comfort Criteria (LCC) has been used as a benchmark against which to determine the acceptability of wind conditions for a range of expected pedestrian activities in and around the site. The LCC defines five categories of pedestrian activity and defines thresholds where wind speed (measured in metres per second (m/s)) occurs for a frequency that would be unsuitable for the intended activity. It ranges from 'Sitting', where wind speed does not exceed 0-4 m/s (defined as light breezes desired for outdoor restaurants and seating areas where one can rear or comfortably sit for long periods) for less than 5% of the time to 'Uncomfortable' where wind speed exceeds 10 m/s (defined as wind considered a nuisance for most activities and wind mitigation typically recommended) for more than 5% of the time.

Using the 'worst case' scenario (i.e. proposed development with Blocks A, B, C, D, E-F, G and H) and outside the application site, the wind tunnel assessment finds that no location would experience wind conditions beyond expected pedestrian activity in that location.

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Within the application site and using the same ‘worst case’ scenario, the wind tunnel assessment finds that three positions would experience wind levels beyond expected pedestrian activity in that location. These locations are:

- North of Block K (measurement location 47);
- South of Block K (measurement location 119); and
- Roof terrace to Block J (measurement location 172).

All three locations would experience ‘standing’ conditions (i.e. wind speed of 4-6 m/s for less than 5% of the time) where ‘sitting’ conditions should be expected. However, the ES notes that these locations are near locations that meet the sitting criteria. Wind speeds can also be lowered further through appropriate landscaping and a condition is recommended to secure this, should permission be granted. Subject to this condition, the proposal would not result in unacceptable wind turbulence within the site.

Given the above, the proposal would be consistent with policy D9 of the London Plan and policy 41 B of the City Plan insofar as they relate to wind microclimate.

### **8.7.5 Telecommunications and Aviation**

Policy D9 C (2) (f) of the London Plan states that tall buildings, including their construction, should not interfere with aviation, navigation or telecommunication.

Policy 41 B 6 requires proposals for tall buildings to avoid unacceptable impacts on aviation and telecommunications.

The impact of the proposal on telecommunications was scoped out of the ES (see RN: 20/05827/EIASCO). As noted at that time, removal of the police station from the application site removes a key sensitive receptor. Potential effects on telecommunication services would be limited to Digital Terrestrial Television, fixed microwave links and other point-to-point radio communications channels only (should such links be present near the site). However, any impact can be readily mitigated by measures such as the addition of a radio relay site on-site. To ensure that telecommunications interference from the development is mitigated as much as possible and should permission be granted, a condition is recommended to secure pre-and post-construction signal surveys.

The proposed buildings are not sufficiently tall or located in a position where it would interfere with air traffic.

Subject to the recommended conditions, the proposed development is consistent with policy D9 of the London Plan and policy 41 of the City Plan insofar as they relate to telecommunications and aviation.

### **8.7.6 Basement Development**

The proposed development includes two basement levels and would be subject to policy 45 of the City Plan.

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With regards to policy 45 A (1), the applicant has submitted a Structural Methodology Statement (SMS) by a suitably qualified engineer. The SMS includes a flood risk assessment, whilst additional comments on the site's location within a Surface Water Hotspot were also received from the applicant following a request from officers. The SMS demonstrates that the basement levels can be constructed without harming the structural stability of nearby buildings or increasing flood risk. Accordingly, the requirements of policy 45 A (1) have been met.

With regards to policy 45 A (2) and 45 B (3) the application site is a large site with four frontages and therefore high levels of accessibility. Accordingly, it is suitable for two basement storeys although it should be noted that only one additional basement storey is actually proposed below the existing basement level. The applicant has also submitted a signed Appendix A to Westminster's Code of Construction Practice, which demonstrates that the applicant intends to build the basement in a manner that minimises the impact of its construction on local residents and the road network as much as possible under planning law. Construction impacts are also considered further below. Accordingly, the requirements of policy 45 A (2) and 45 B (3) have been met.

With regards to policy 45 A (3), the proposed basement is not located beneath or immediately adjacent to any heritage assets. Accordingly, it would not harm heritage assets and meets policy 45 A (3) of the City Plan.

With regards to policy 45 A (4), the proposed basement has no external manifestations, such as lightwell and rooflights. Accordingly, it would have no impact on the character and appearance of the area and meets policy 45 A (4) of the City Plan.

With regards to policy 45 B and the extent and depth of the basement, the application site is located within a highly built-up area and therefore does not have a garden and does not provide a garden setting for the proposed development or adjacent WEG development. Notwithstanding, the proposed basement is largely located beneath the proposed buildings and would not extend under more than 50% of the remaining site area. With the exception of where the basement connects to the WEG basement, a margin of undeveloped land is also retained around the application site.

It is noted that the basement does not include a soil depth of 1.2 m where it extends beyond the above ground buildings. Soil depth ranges from nothing to 0.6 m. However, this area is largely overlain by the carriageway in Newcastle Place, footpaths and paved areas forming the entrances to the ground floor uses and the above ground buildings. It therefore would not be expected to accommodate substantial levels of planting where more soil depth would be required. Where planting is proposed, raised planters are included to provide satisfactory soil depth for the trees proposed. Given this and the almost complete absence of vegetation on the application site at present, the lack of soil depth proposed is considered acceptable in this particular instance.

As the applicant proposes stopping up Newcastle Place, the limitations on basement extent and soil depth beneath highways set out in policy 45 B (5) of the City Plan are not relevant.

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### **8.7.7 Construction Impact**

Objections have been received from neighbouring properties regarding the impact of construction, including noise, fumes and traffic. Objectors are also concerned with the cumulative impact of construction from both the application site and the WEG development.

The construction impact of the development has been considered throughout the ES, but particularly Chapters 5 and 8 of Volume 1. The ES concludes that noise in levels in particular will be significantly adverse for residents living opposite the site on Edgware Road, residents of WEG, residents of Princess Louise Close and the Paddington Green Health Centre, also within Princes Louise Close, throughout the construction period. The City of Westminster College will also be subject to significantly adverse noise during the first year of construction, whilst residents within Block I will be impacted during the last year of construction (2027) when Blocks K and J are built.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. This would be likely to extend for a number of years, until the development is completed in 2028, and will occur cumulatively with construction of the remaining blocks on the WEG site. Whilst the concerns of local residents are understood, it is established planning law that planning permission cannot be refused due to the impact of construction. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team;
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel;
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP), as also recommended in the ES, which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

Prior to commencement of works the Contractor will produce a Construction Logistics Plan (CLP) to manage the sustainable delivery of goods and materials to site in a co-ordinated manner. Should permission be granted, it is recommended that the CLP is secured by condition.

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The standard hours for construction in Westminster are 08:00 – 18:00 (Monday to Friday), 08:00 – 13:00 (Saturday) with no work permitted on Sundays or Bank Holidays. Should permission be granted, it is recommended that this is secured through our standard working hours condition.

### **8.7.8 Crime and Security**

Objections to potential increases in crime in the area as a result of the development have been received.

Policy 38 C of the City Plan states that all development will place people at the heart of design by, amongst other things, introducing measures that reduce the opportunity for crime and anti-social behaviour. The supporting text (para. 38.9) goes on to state that “New developments should make every effort to contribute to increasing safety and security in the built environment through proactive design solutions to reduce crime and anti-social behaviour (including counter-terrorism measures) providing active frontages, avoiding recesses, promoting natural surveillance and defining private and public space to ensure a clear sense of ownership and responsibility. These should be integral to the design from the outset or where added to existing buildings, must be sensitively designed and sited”.

The ES considers crime in Chapter, Volume 1, and concludes that the development will have a minor beneficial effect by delivering a safe and secure design that implements secure by design principles.

As noted above, the Metropolitan Police’s Designing Out Crime (DOC) officer has raised concerns about the proposal principally relating to the conversion of Newcastle Place into a public amenity; the design of the two ground floor flats at Block I; the recessed entrance to the offices between Blocks J and K; and the design and accessibility of the bike stores.

The DOC officer has requested Police Preferred Specification and accessible areas alongside compartmentalisation on each of the residential floors to deter unauthorised access. A lighting Lux plan meeting BS 5489 is recommended. Street Lighting Columns should have commando sockets integrated within them to allow for CCTV cameras to be fitted in the future if required.

Whilst the DOC officers concerns regarding the public realm works to Newcastle Place and the recessed entrance to the offices are noted, the proposed development and the WEG development introduce significant levels of natural surveillance and activity to Newcastle Place in comparison to the existing situation. Blocks I and K also include 24-hour concierges at either end of Newcastle Place that would provide surveillance when the flexible commercial units are closed, and residents are asleep. Although the potential for weapons and drugs to be hidden in the proposed landscaping is noted, this is mitigated to an extent by the high levels of natural surveillance proposed, maintenance of the landscaping and management of this space. The landscaping proposed is also a public benefit of the proposal contributing to urban greening, carbon reduction and people’s enjoyment and therefore use of this space. Accordingly, and whilst the DCO officers concerns are understood, they are considered outweighed by the benefits of the landscaping and public realm improvements to Newcastle Place

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proposed.

However, the DOC's concerns with the recessed entrances to the ground floor flats in Block I are shared with officers. Should permission be granted, a condition is recommended to remove these recessed entrances. Although this may also result in the loss of the private outdoor amenity space that they provide, this is considered outweighed by the improvement in safety for the occupants. Conditions are also recommended to secure a management strategy for the new areas of public realm, Police Preferred Specification doors, windows, shutters and gates on the ground floor, a lighting lux plan meeting BS 5489 for the public realm areas proposed and security compartmentalisation of the uses and tenures. As the proposed development incorporates CCTV, a condition requesting the inclusion of commando sockets has not been recommended.

The DOC officers' comments on the bike store have been considered in the transport section above.

Policy 44 of the City Plan states that development and or public realm improvement proposals will be required to incorporate appropriate counter terrorism measures advised by the Metropolitan Police and / or the council. It is recommended that details of these measures are secured by condition.

#### **8.7.9 Equalities**

The Equality Act 2010 places a duty on public bodies, including the City Council, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics, which includes age, disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The application site contains no housing used by people with protected characteristics. The police stations closure may mean that residents with protected characteristics, particularly the elderly and disabled have to travel further to report crime and may have an increased sense of crime. However, the police station has been closed for three years now as a result of the Metropolitan Polices estate management strategy and its front counter service relocated to Church Street. As such, this impact from its closure has been minimised.

Several nearby properties, including Winicotte House and Mary Adelaide House, contain a high proportion of elderly and disabled residents. The City of Westminster College is also used by a high proportion of young people. As noted above, these sites would be particularly impacted from noise, dust and fumes from demolition and construction of the proposed development until 2028. Whilst regrettable, this impact is short term and can be minimised through the conditions recommended.

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Winicotte and Mary Adelaide Houses also experience particularly high levels of light loss, as noted above. This can have a disproportionate impact on elderly and disabled residents. However, the levels of light loss to these properties will occur as a result of the approved WEG development under construction. The levels of light loss to these properties do not change significantly with the addition of the proposed development and it would be unreasonable to seek amendment to the proposed development to address this.

Overall, due regard has been had to the Public Sector Equalities Duty, as per section 149 of the Equalities Act 2010.

Policy GG1 of the London Plan highlights the diverse nature of London's population and underscores the importance of building inclusive communities to guarantee equal opportunities for all, through removing barriers to, and protecting and enhancing, facilities that meet the needs to specific groups and communities.

As demonstrated by applicant's Statement of Community Involvement (SCI) that accompanies the application, the development has been the subject of two rounds of consultation with local residents, Ward Councillors, business and other stakeholders. Just over half of all respondents considered that the proposals would improve the area.

The development was also amended to address concerns raised during this pre-application consultation, including reducing the height of Block K from an initially proposed 39 storeys to 32 storeys. Overall, the applicant has undertaken early and inclusive engagement with stakeholders and it is worth noting that this application has attracted a relatively low proportion of objections, with only 22 objections received from 5685 neighbouring properties consulted.

The proposed development would contain a policy compliant proportion and mix of market, intermediate and social housing, thereby supporting the creation of an inclusive community. The rooftop gardens proposed would also be open to all residents within that block, regardless of tenure. The proposed development also includes a range of small and large commercial units and an affordable workspace unit. These commercial units provide a wide range of economic opportunity to London's residents and add to the social, civic, cultural and economic lives of local residents and Londoners.

The proposed public realm areas increase the application site's permeability and provide opportunities for children to play. The Stopping Up of Newcastle Place and the associated public realm improvements would also make cycling and walking more attractive options for residents. The new areas of public realm as well as the significant areas of urban greening and biodiversity improvement proposed also make overall positive contribution to London's physical environment.

Overall, the proposed development meets policy GG1 of the London Plan.

#### **8.7.10 Tall Buildings**

The proposed development includes buildings defined as Tall Buildings in policies D9 of the London Plan and 41 of the City Plan.

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### Location

The application site is a location deemed appropriate for a tall building, as per policy 41 C of the City Plan and consistent with policy D9 B of the London Plan. However, policy 41 C indicates that a Tall Building of up to 18 storeys' may be appropriate on the application site, with Block K clearly exceeding this. Policy 41 C also states that Tall Buildings in this location must step down significantly from those in the Paddington Basin cluster, must be slender and elegant in form and be of high-quality design. Para. 41.6 of the supporting text to policy 41 notes that public benefits are required from buildings that are exceptionally tall. All three blocks step down from the Paddington Basin cluster, including 1 Merchant Square and have a high quality and elegant design (see section 8.2 above). Although not necessarily slender, they do deliver a high level of public benefits, as discussed below.

This location is particularly important in Westminster. At the junction of the Westway and Edgware Roads, it is an important gateway for visitors to Westminster, travelling across north London. The proposed buildings, but particularly Block K would serve as an important landmark for people travelling across north London and would form an appropriate gateway to the city given the high quality of architecture proposed.

### Architectural Quality, Public Realm and Sustainability

As discussed in section 8.2, the proposed buildings would be of a high architectural standard and would provide vastly improved public realm, active frontages and connectivity around and through the application site. The proposed development also delivers a significant uplift in urban greening, biodiversity net gain and would be highly sustainable, as set out in section 8.6.1 above.

### Impact on Views and Heritage Assets

As found in section 8.2, Block K in particular will be highly visible in long, mid-range and immediate views. In immediate views, the base of the building is of a high-quality design and relates directly to the street with active frontages on all elevations, unlike the existing police station. In most mid to long range views, the proposed development generally causes no harm. However, harm to the setting of several heritage assets has been identified in some views and this needs to be weighed against the public benefits of the development, as set out below.

### Functional Impact

As set out in sections 8.4, 8.5 and 8.7 above, the functional impact of the development would be acceptable, subject to conditions. In particular, there is sufficient capacity within the transport network to accommodate new residents and users of the development, the servicing requirements of the development can be managed on-site, and the proposed development would have a positive impact in terms of job creation and local spending. The proposed development would not have a negative impact on aviation, telecommunications and wind around the site.

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### Environmental Impact

As set out in section 8.3 above, the proposed development would cause significant loss of daylight and sunlight to neighbouring properties, although these largely impact the applicants WEG development and are considered against the public benefits of the development, as set out below. In terms of solar glare and overshadowing to nearby outdoor amenity spaces, this would be minor and is acceptable. Noise from the development can be mitigated by the recommended conditions.

### Cumulative Impact

As set out in sections 8.2, 8.3, 8.4, 8.5, 8.6 and 8.7 above, the cumulative impact of the development has been considered. An objector notes that several drawings and documents show the development in the context of the as yet to be built 1 Merchant Square. Officers are aware that this development has not yet been built. However, its depiction as well as Blocks G and H of the WEG development assist in considering the cumulative impact of the proposed development and these other schemes.

### Public Access

As an exceptionally tall building, policies 41 B (7) of the City Plan and D9 D of the London Plan require the incorporation of publicly accessible viewing platforms at roof level. However, and as noted by the GLA in their Stage 1 response, the largely residential nature of these buildings makes them unsuitable for publicly accessible spaces. The absence of this is considered against the public benefits of the development below.

Overall, the proposed development meets many of the requirements of policies 41 of the City Plan and D9 of the London Plan but is not entirely consistent with them. This is considered further in the conclusion below.

## **8.8 Neighbourhood Plans**

There is no neighbourhood plan in this part of Westminster.

## **8.9 London Plan**

As noted above, this application is GLA referable. The GLA have advised in their Stage 1 response that whilst the proposal is supported in principle, the application does not currently comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

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

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## **8.10 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of the pre-commencement conditions noted in the decision notice. The applicant has agreed to the imposition of the conditions.

## **8.11 Planning Obligations**

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

- a) Provision of 210 affordable units on-site comprising 84 socially rented units and 126 intermediate units. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships;
- b) Provision of an early-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
- c) Developer undertaking to use best endeavours to secure nomination rights to 68 intermediate affordable homes within the London Borough of Barnet;
- d) Payment of a carbon offset payment of £1,356,600.00 (index linked) payable on commencement of the development;
- e) Payment of a financial contribution of £200,000.00 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site payment of commencement;
- f) Payment of a financial contribution of £200,000.00 towards additional play facilities within the vicinity of the site and payment on commencement;
- g) A Walkways and Cycling Agreement to safeguard publicly accessible routes through the site;
- h) Highways works associated with the development on Paddington Green, Harrow Road and Edgware Road;
- i) Provision of the Affordable Workspace unit within Block I at an affordable rental level prior to first occupation;
- j) A scheme for the relocation of the existing concrete sculptural relief panels from the southern flank walls of the existing building to a location either on-site or nearby, or a

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- combination of both, including provision of site-interpretation information at the developer's expense;
- k) Submit an Employment and Skills Plan and a financial contribution of £401,793.00 towards the Westminster Employment Service prior to commencement of development
  - l) Provision of a Car Parking Design and Management Plan for parking for the proposed development, within the WEG developments basement levels prior to first occupation;
  - m) Provision of a Delivery and Service Plan for deliveries and servicing for the proposed development within the WEG developments basement levels prior to first occupation; and
  - n) The cost of monitoring the s106 agreement

The estimated Westminster CIL payment is £18,150,720.00, subject to any exemptions or relief that may be available to the applicant. As noted above, this would provide mitigation for the impact of the proposed development on education and healthcare facilities.

It is noted that Sport England also recommended additional s106 contributions to provide for additional sports facilities for residents of the new development. However, sports facilities, like education and healthcare facilities, are infrastructure that will be delivered under the City Council's forthcoming Infrastructure Delivery Plan, as set out in the City Council's Infrastructure Funding Statement 2020/2021 and policy 17 of the City Plan. Accordingly, the additional contributions recommended by the Sport England are not necessary.

## **8.12 Environmental Impact Assessment**

The applicant has carried out an Environmental Impact Assessment (EIA) of the development. EIA is a formal procedure underpinned by The Town and Country Planning (EIA) Regulations, 2017 (as amended). The EIA process systematically identifies and assesses the likely significant environmental effects of a development and the results are reported in the ES referred to throughout the report above.

The Council sought independent EIA advice from Avison Young to review the ES submitted and advise upon the adequacy of the ES. Avison Youngs Initial Report dated May 2021 sought clarification and further information on a number of the ES sections. Following receipt of this information Avison Young confirmed their opinion that the ES is sufficiently sound and accurately presents the environmental impacts of the development.

All likely significant environmental effects noted in the EIA have been assessed in the main sections of this report. These effects are:

- Socio-Economics;
- Air Quality;
- Noise and Vibration;
- Wind Microclimate;
- Daylight, Sunlight and Overshadowing; and
- Townscape, Visual and Built Heritage.

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The cumulative impacts of the development and other schemes have also been assessed above. Additional mitigation measures are proposed within the recommended conditions and planning obligations. CIL contributions would also mitigate the impact of the development on primary and secondary education and healthcare facilities.

Notwithstanding this mitigation, the proposed development would have moderate to major adverse noise and vibration residual effects on local residents during demolition and construction. The proposed development would also have major adverse effects on daylight and sunlight to neighbouring residential properties, although the majority of these losses occur within the applicants own WEG development.

## **8.13 Other Issues**

### **8.13.1 Issues Raised in Representations Received.**

The issues raised in the representations received have been largely addressed in the assessment above. The following is also noted:

#### Traffic Levels on Church Street

An objector contends that sharing of the WEG developments Church Street entrance with the proposed development will result in significant traffic congestion on Church Street. This will also be exacerbated by the stopping up of Newcastle Place. However, TfL and the Highways Planning Manager do not agree with this and have raised no safety concerns. The proposed development would not give rise to significant car trips and Newcastle Place was infrequently used when the police station was operational, and less so now. Construction traffic in Church Street will be managed through the City Council's CoCP. Accordingly, refusal of permission on this basis would not be sustainable.

#### Bias in the Environmental Statement

An objector contends that the ES is biased. However, the ES has been independently reviewed on behalf of the City Council by Avison Young. It has also been subject to scrutiny by the City Council's own specialist officers, including highways, environmental health and conservation experts. It has also been examined by external experts at TfL, Historic England and the GLA. Its finding have generally been agreed. Accordingly, its findings are not considered to be unreasonably or irrationally favourable to the applicant.

### **8.13.2 Public Benefits**

The proposed development includes many public benefits, as set out below:

- Delivery of 556 residential units within the HRA. This is just over a quarter of the City Council's housing target for the HRA delivered within the early years of the City Plan. It is also just over half of the City Council's annual housing target delivered on just one site;
- Delivery of a policy compliant level of affordable housing at a tenure split that meets identified need within Westminster, as set out in policy 9 of the City Plan;

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- The affordable units provide decent space to facilitate the City Council's regeneration of Church Street, in accordance with the Church Street Masterplan and policy 6 of the City Plan;
- Provision of family sized housing, as set out in policy 10 of the City Plan;
- Provision of affordable workspace, in accordance with policies E3 of the London Plan and 13 of the City;
- Creation of a strong and inclusive community through the proposed residential mix and complementary town centre uses, in accordance with policy GG1 of the London Plan;
- Additional commercial floorspace to support the adjacent Church Street / Edgware Road District Town Centre;
- Generation of up to 374 jobs from the non-residential uses, of which up to 139 jobs would directly benefit the local community, and generation of up to 279 jobs during construction and demolition as well as apprenticeship training and skills opportunities for local residents to build careers. This is supported by policies 1 and 6 of the City Plan;
- Demolition of an architecturally harmful existing building which currently blights the city block which it occupies and its replacement with buildings that are of a high standard of architecture that shape the site and street-level townscape much more successfully;
- Significant public realm improvements in and around the site, including increased connectivity and legibility for pedestrians/cyclists and public art;
- Active frontages, a resident population and 24-hour concierges to reduce crime and fear of crime;
- A 6,157% biodiversity net gain on-site and a significant increase in on-site greening, including the planting of over 120 new trees, within an Area of Nature Deficiency, in accordance with policy 34 of the City Plan;
- Car parking for disabled residents only and significant levels of safe on-site cycle parking. Coupled with this sites central London location, the development encourages sustainable travel, as per policy 24 of the City Plan;
- A 35% reduction in carbon emissions on-site and a significant carbon offset payment that can be used to reduce carbon emissions elsewhere within Westminster;
- Annual expenditure from the new residents and employees of approximately £20 million; and
- A CIL contribution of over £18 million that could improve infrastructure throughout Westminster but particularly infrastructure serving local residents within the vicinity of the site as per the City Council's Paddington Places strategy.

Overall, the package of public benefits arising from the development are considered to be very substantial, and would meet many of the City Plans aspirations, particularly for this area.

## **9.0 Conclusion and Planning Balance**

The proposed development would result in less than substantial harm to the following heritage assets:

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- Bayswater Conservation Area
  - Sale Place Listed buildings
- Paddington Green Conservation Area
  - Former Paddington Children's Hospital (Grade II)
  - 17 and 18 Paddington Green (Grade II)
- Maida Vale Conservation Area
  - 2 Warwick Crescent (Grade II)
  - 2-16 Warwick Avenue (Grade II)
  - Grand Union Canal (undesignated heritage asset)
- Lisson Grove Conservation Area
  - Christ Church (Grade II\*)
- Dorset Square Conservation Area
- King Solomon Academy (Grade II\*)
- Kensington Gardens (Grade I Registered Park)
- Hyde Park (Grade I Registered Park)
- Regents Park (Grade I Registered Park)
- Primrose Hill (Grade II Registered Park)
- Primrose Hill Panorama (LVMF Protected Panorama)

Accordingly, special regard must be had to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets when deciding this application. By reason of this harm, the proposed development does not meet policies HC1 and HC3 of the London Plan and policies 39 and 40 of the City Plan.

In addition, the proposed development results in significant losses of light to properties around the application site, although these predominantly effect Blocks A, B, C, E-F, G and H on the applicants WEG site. This would be contrary to policies H6 of the London Plan and 7 of the City Plan.

Although located on a site considered suitable for a Tall Building, the proposed development is also not entirely consistent with policies D9 of the London Plan and 41 of the City Plan. In particular, Block K greatly exceeds the 18-storey height limit indicated by policy 41 of the City Plan; the proposed buildings are not 'slender'; the proposed development would cause harm to the setting of several heritage assets as identified above; the proposed development would cause significant loss of daylight and sunlight to neighbouring properties; and Block K does not include a publicly accessible viewing platform.

However, the proposed development comes with numerous public benefits, as listed in section 8.13.2. These include, but are not limited to:

- a substantial contribution to the City Council's overall and the Church Street/Edgware Road Housing Renewal Area housing targets. This is a public benefit of substantial weight;
- a policy compliant level and mix of affordable housing. This is also a public benefit of substantial weight;
- provision of decent space to facilitate regeneration within the Church Street Masterplan Area. This is also a public benefit of substantial weight;

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- provision of affordable workspace;
- the creation of a strong and inclusive community;
- job creation and career opportunities for local residents;
- replacement of an architecturally harmful building with a well-designed and high-quality replacement;
- significant public realm improvements in and around the site, including increased connectivity and legibility for pedestrians/cyclists;
- a 6,157% biodiversity net gain on-site and a significant increase in on-site greening within an Area of Nature Deficiency;
- encouragement of sustainable travel;
- a 35% reduction in carbon emissions on-site and a significant carbon offset payment that can be used to reduce carbon emissions elsewhere within Westminster;
- annual expenditure from the new residents and employees of approximately £20 million; and
- a CIL contribution of over £18 million that would improve infrastructure throughout Westminster but particularly in the local area.

Although the proposed development would cause less than substantial harm to the heritage assets listed above, the package of public benefits arising from the development are considered to be very substantial. Whilst great weight and special regard has been given to the desirability of preserving or enhancing heritage assets when deciding this application, the proposal is considered acceptable in terms of its impact on the heritage assets listed above. Therefore, granting permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The package of public benefits would also be significant in terms of the development plans strategic aims, meeting policies GG1, GG2, GG3, GG4 and GG5 of the London Plan and policies 1, 6, 8, 9 and 24 of the City Plan. Subject to conditions, the proposed development also meets or largely meets all other relevant development plan policies, including policies SD5, D3, D5, D12, H1, H4, H5, H10, E1, E2, E3, G1, G5, G7, SI1, SI2, SI7, SI13, T4, T5, T6 and T7 of the London Plan and policies 13, 25, 28, 29, 32, 33, 34, 35, 36, 37, 38, 44 and 45. Overall, the proposed development is in accordance with the development plan when read as a whole.

Therefore, it is recommended that permission is granted subject to the conditions set out in the draft decision letter and a section 106 agreement to secure the planning obligations listed in section 8.11.

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

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

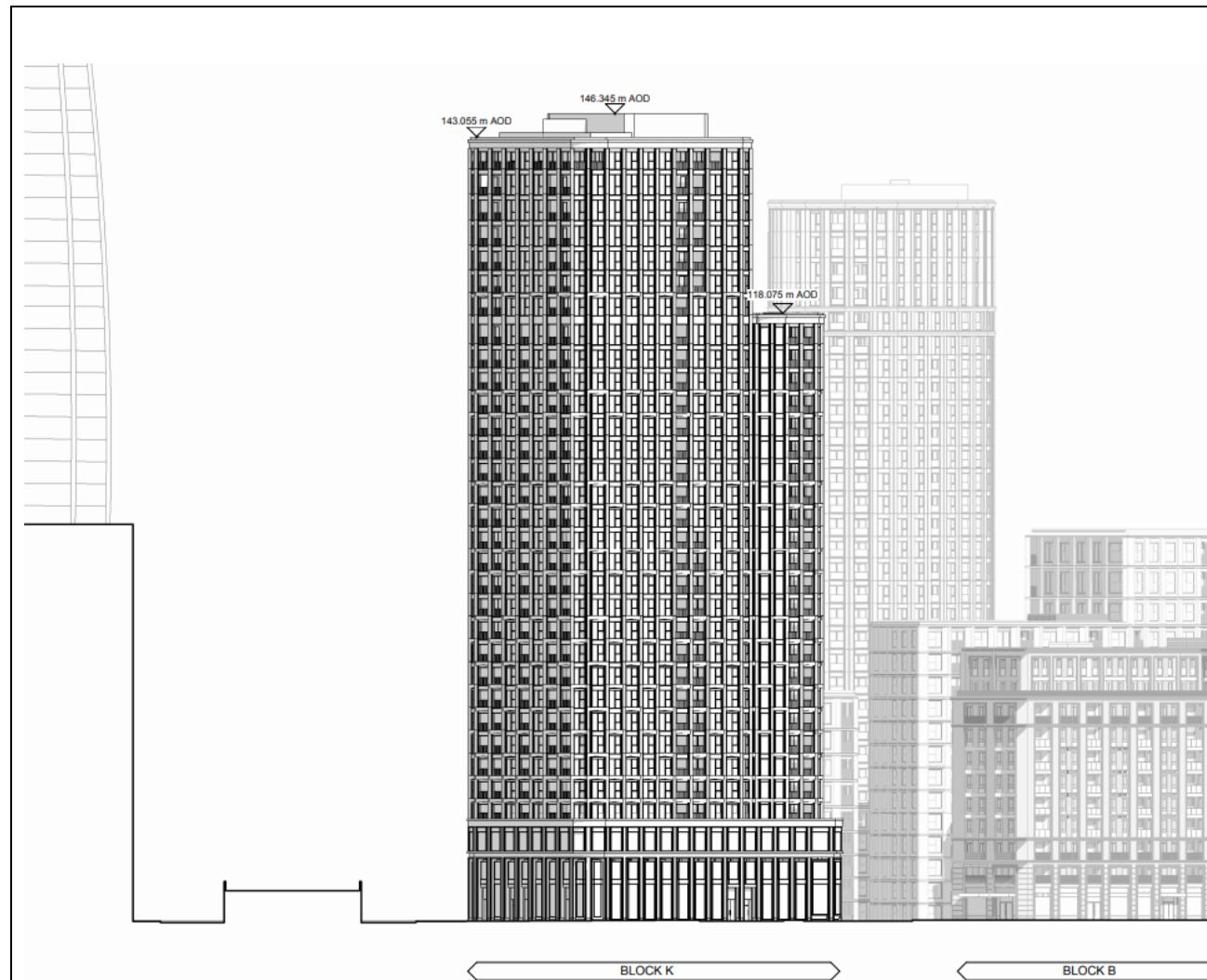
**9 KEY DRAWINGS**

**Applicants Aerial Visualisation of Proposed Development. Yet to be built 1 Merchant Square Left Foreground**

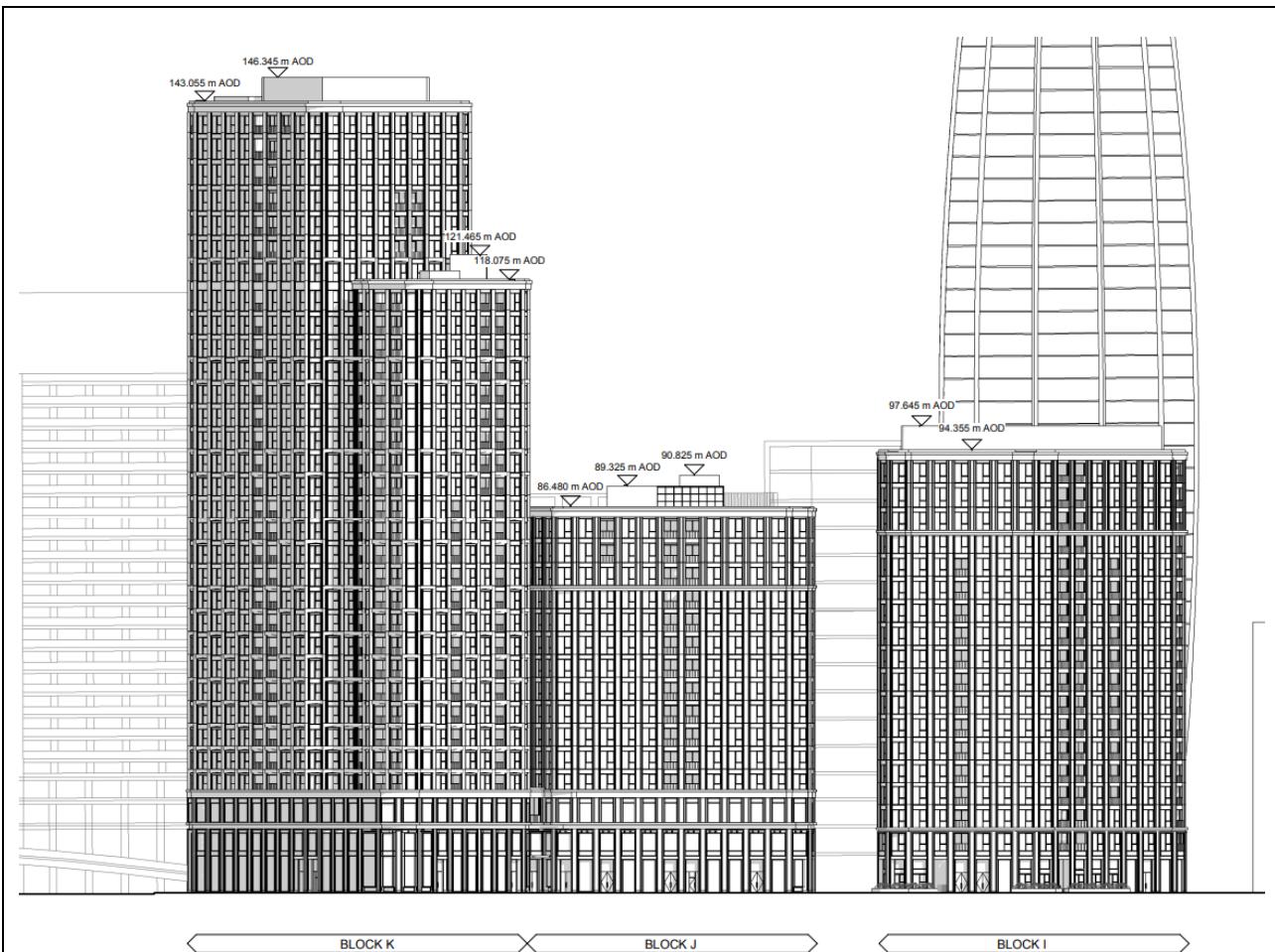


**Southern (Westway) Elevation of Application Site with WEG Blocks to Rear**

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**Proposed East (Edgware Road) Elevation**



**Proposed North (Newcastle Place) Elevation. 1 Merchant Square in Background**

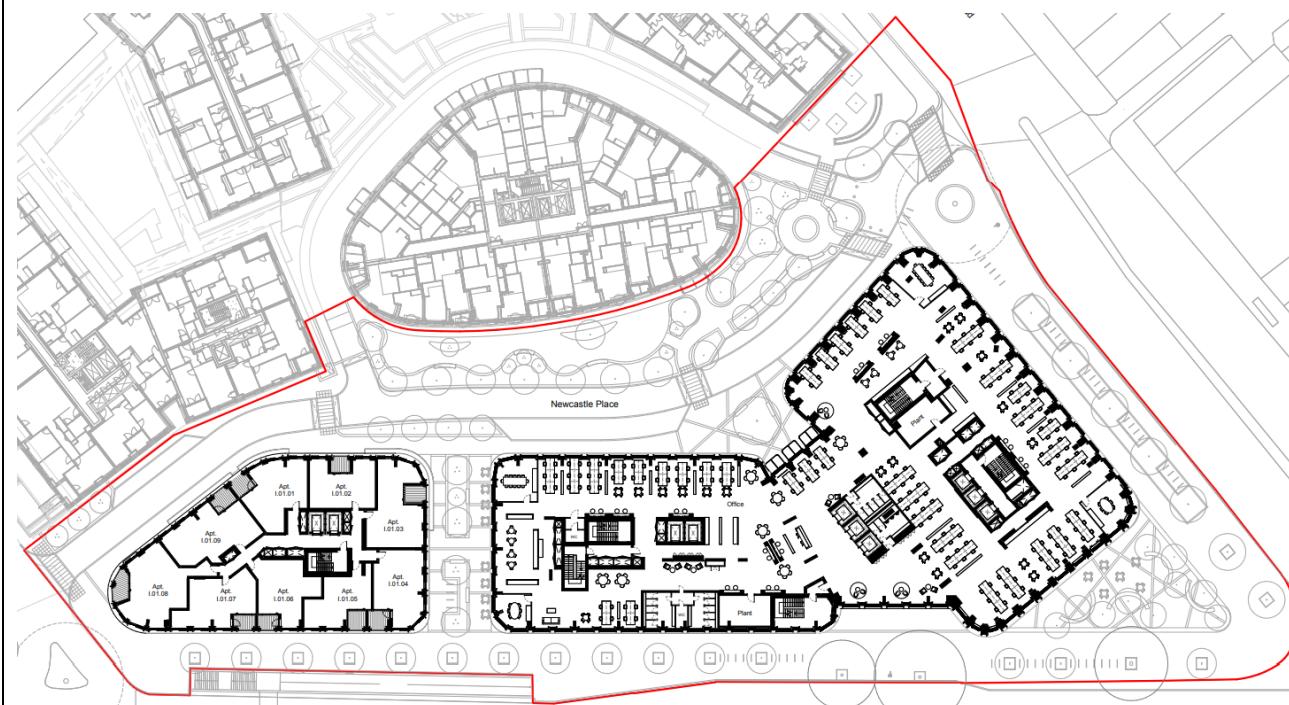
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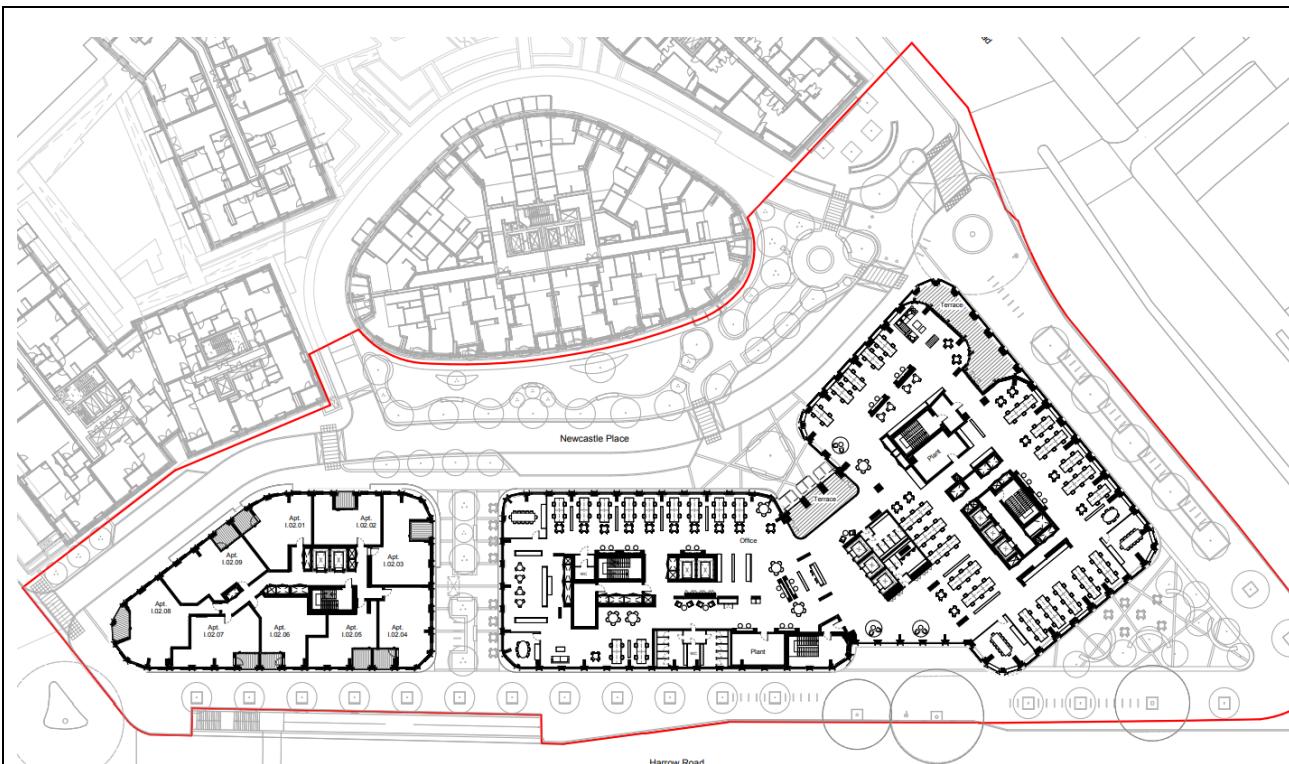
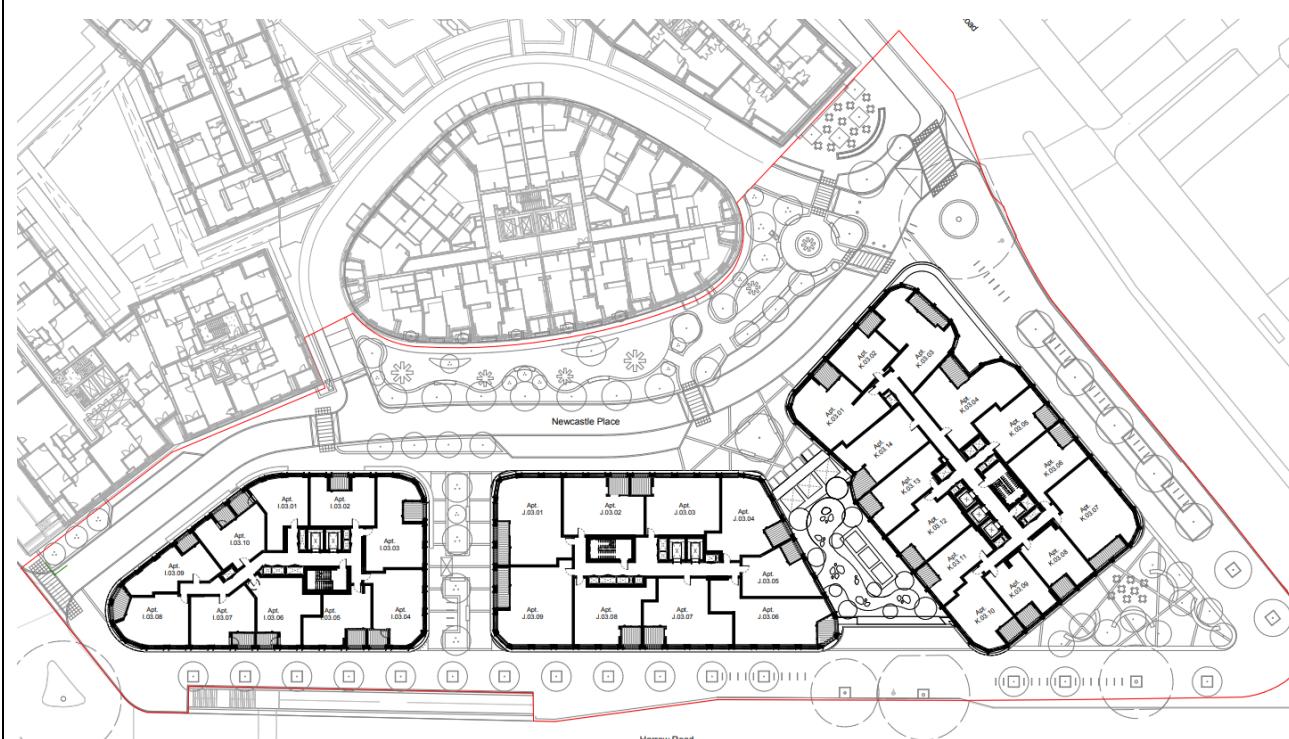
**Proposed West (Paddington Green) Elevation. WEG Block A Centre Background. Yet to be Built WEG Blocks G and H in Foreground**

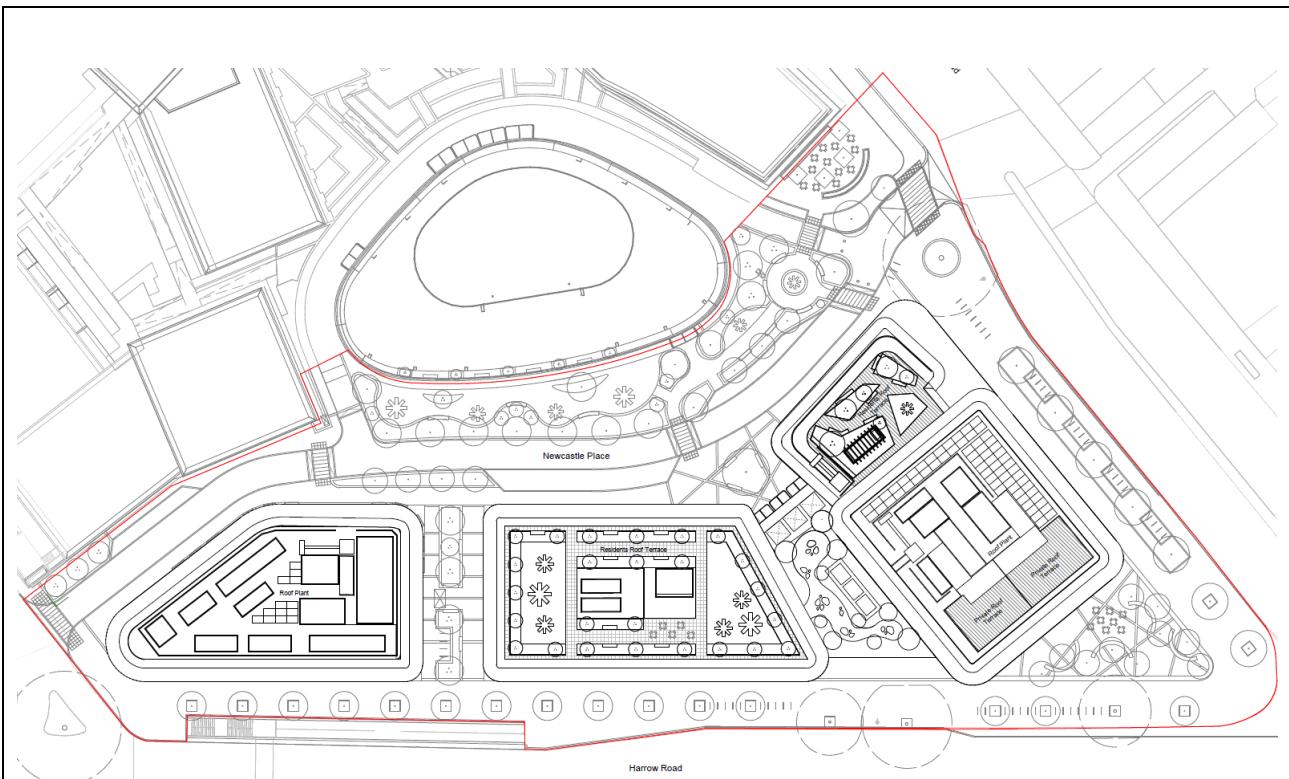
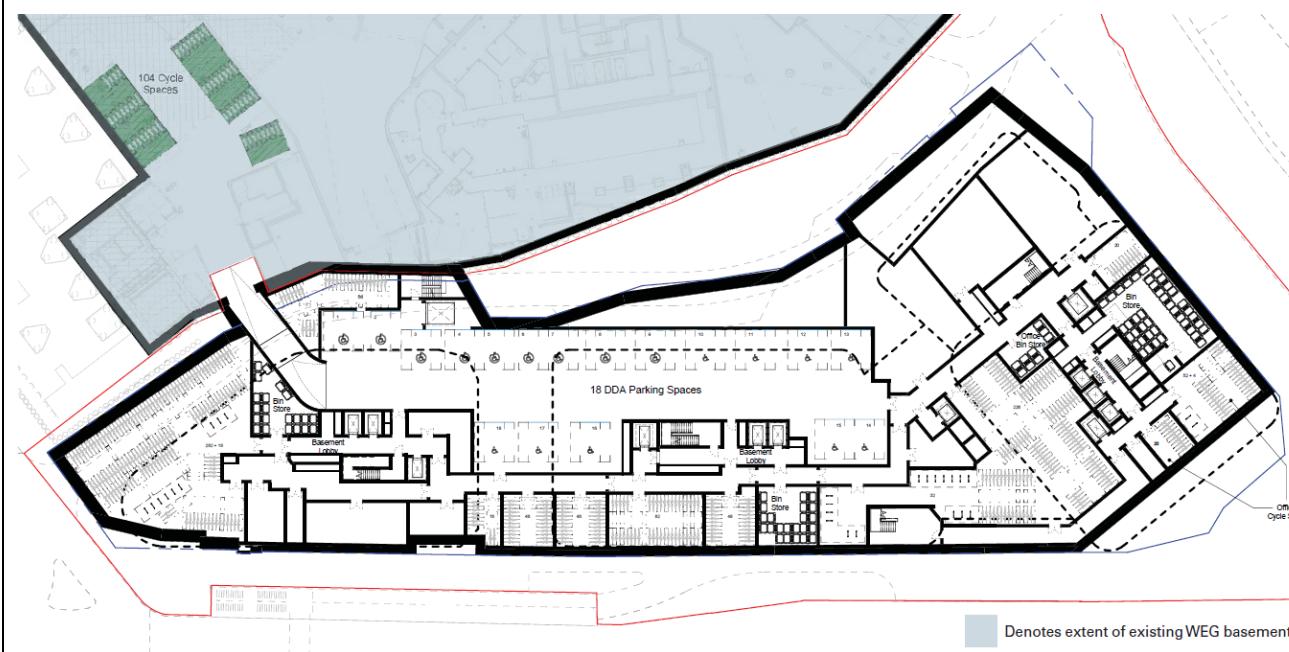


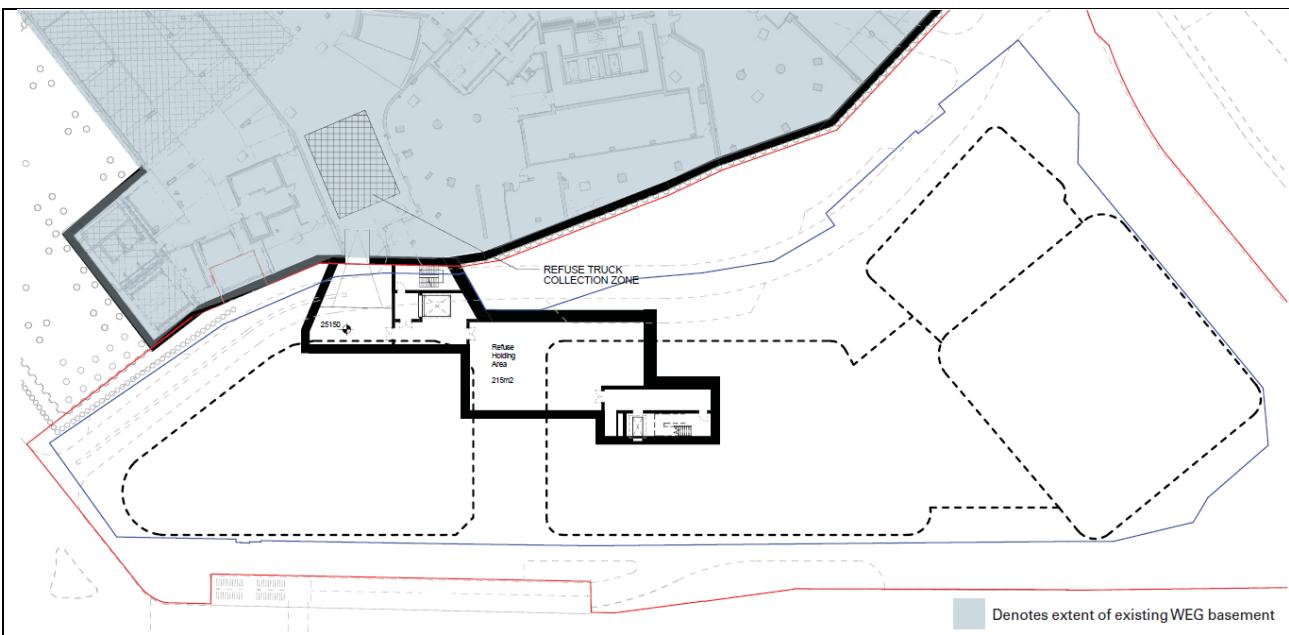
**Proposed Site and Ground Floor Plans**



**Proposed First Floor Plan**

**Proposed Second Floor Plan****Typical Residential Floor Plan**

**Proposed Roof Plan****Proposed Basement Level B1 Plan**



Proposed Basement Level B2 Plan



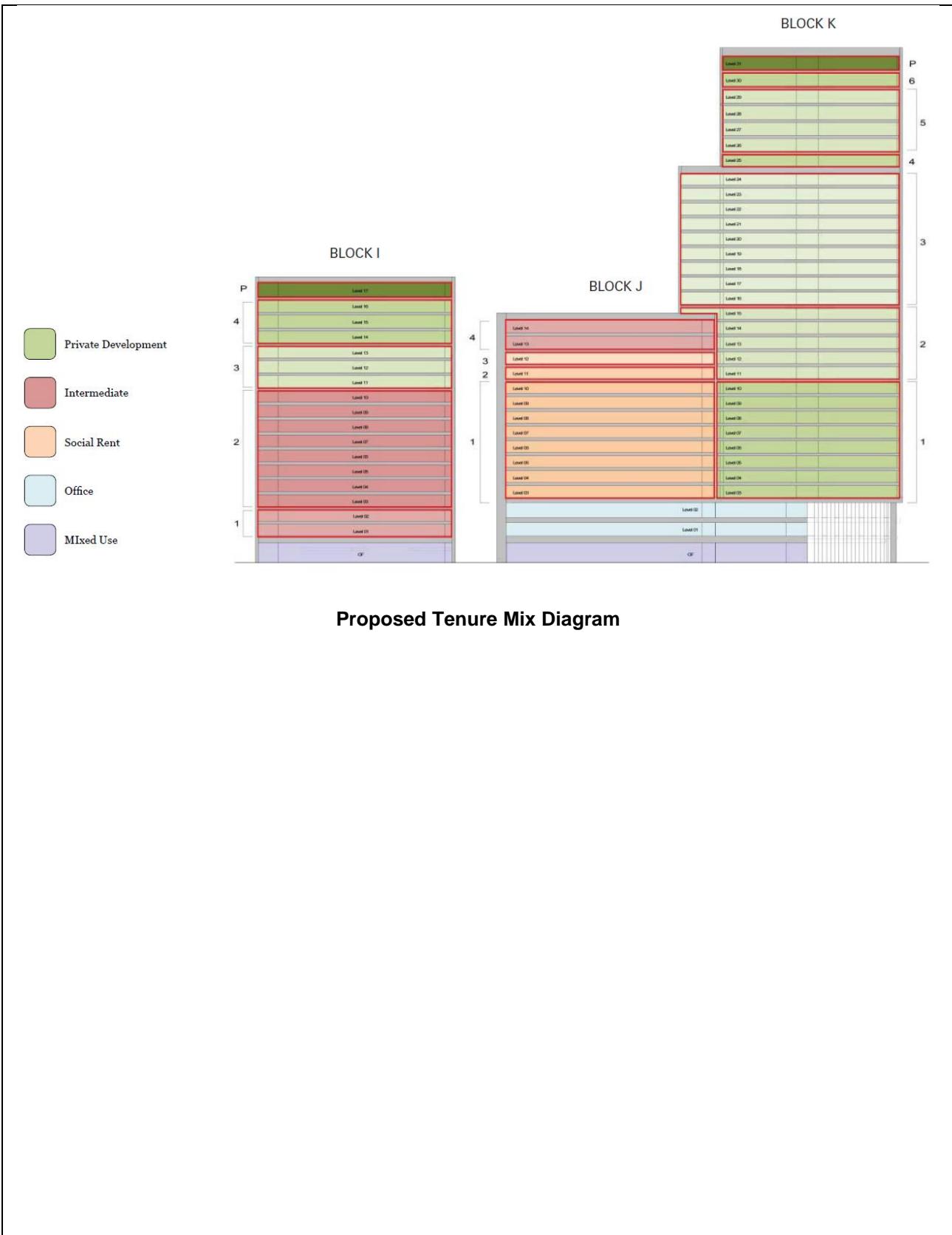
## Landscape Elements

1. Gateway bosque terrace
2. Arrival water feature
3. Linear park
4. Pedestrian link
5. Streetscape improvements
6. Urban glade & plaza
7. Resident's roof garden
8. Nature garden

Illustrative Site and Landscape Masterplan

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**Applicants Visualisation from next to Edgware Road Station Looking Westward, Block K Centre**

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**Applicants Visualisation from Harrow Road looking Eastward. Block I Centre**



**Applicants Visualisation from South Side of Westway. Block J Centre**



**Applicants Visualisation of Stopped Up Newcastle Place at Edgware Road Junction**

Item No.
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## DRAFT DECISION LETTER

**Address:** 4 Harrow Road, London, W2 1XJ

**Proposal:** Demolition and redevelopment of the site to provide three buildings, providing private and affordable residential units (Class C3), commercial uses (Class E), flexible community/affordable workspace (Class E/F.1), provision of private and public amenity space, landscaping, tree and other planting, public realm improvements throughout the site including new pedestrian and cycle links, provision of public art and play space, basement level excavation to provide associated plant, servicing and disabled car and cycle parking, connecting through to the basement of the neighbouring West End Gate development. This application is accompanied by an Environmental Impact Assessment.

**Reference:** 21/02193/FULL

**Plan Nos:** EXISTING/DEMOLITION DRAWINGS

15044-SQP-ZZ-ZZ-DP-A-PL01005 Rev P1 Existing Site Levels Plan  
 15044-SQP-ZZ-RF-DP-A-PL01006 Rev P1 Demolition Roof Plan  
 15044-SQP-ZZ-B1-DP-A-PL01007 Rev P1 Demolition Basement Plan  
 15044-SQP-ZZ-ZZ-DE-A-PL01304 Rev P1 Demolition North Elevation  
 15044-SQP-ZZ-ZZ-DE-A-PL01305 Rev P1 Demolition East Elevation  
 15044-SQP-ZZ-ZZ-DE-A-PL01306 Rev P1 Demolition South Elevation  
 15044-SQP-ZZ-ZZ-DE-A-PL01307 Rev P1 Demolition West Elevation

### PROPOSED SITE WIDE DRAWINGS

SQP\_ZZ\_ZZ\_DP\_A\_PL01101 Rev P1 - Proposed Location Plan

SQP\_ZZ\_B1\_DP\_A\_PL01102 Rev P1 - Proposed Basement 2 Plan  
 SQP\_ZZ\_B1\_DP\_A\_PL01103 Rev P1 - Proposed Basement 1 Plan  
 SQP\_ZZ\_00\_DP\_A\_PL01104 Rev P2 - Proposed Ground Floor Plan  
 SQP\_ZZ\_01\_DP\_A\_PL01105 Rev P2 - Proposed First Floor Plan

SQP\_ZZ\_ZZ\_DE\_A\_PL01400 Rev P2 - Proposed North Elevation  
 SQP\_ZZ\_ZZ\_DE\_A\_PL01401 Rev P1 - Proposed East Elevation  
 SQP\_ZZ\_ZZ\_DE\_A\_PL01402 Rev P2 - Proposed South Elevation  
 SQP\_ZZ\_ZZ\_DE\_A\_PL01403 Rev P2 - Proposed West Elevation

SQP\_ZZ\_ZZ\_DS\_A\_PL01650 Rev P1 - Proposed Section AA  
 SQP\_ZZ\_ZZ\_DS\_A\_PL01651 Rev P1 - Proposed Section BB  
 SQP\_ZZ\_ZZ\_DS\_A\_PL01652 Rev P1 - Proposed Section CC  
 SQP\_ZZ\_ZZ\_DS\_A\_PL01653 Rev P1 - Proposed Section DD

SQP\_ZZ\_00\_DP\_A\_PL01151 Rev P2 - Proposed Ground Floor Access Plan  
 SQP\_ZZ\_00\_DP\_A\_PL01150 Rev P2 - Proposed Ground Floor Uses Plan

### PROPOSED BLOCK I DRAWINGS

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SQP\_ZZ\_02\_DP\_A\_PL01106 Rev P2 - Proposed Second Floor Plan  
 SQP\_ZZ\_ZZ\_DP\_A\_PL01107 Rev P2 - Proposed Typical Floor Plan  
 SQP\_ZZ\_ZZ\_DP\_A\_PL01108 Rev P1 - Proposed Typical Upper Floor Plan  
 SQP\_ZZ\_RF\_DP\_A\_PL01109 Rev P1 - Proposed Roof Plan

SQP\_01\_00\_DP\_A\_PL01110 Rev P2 - Block I - Proposed Ground Floor Plan  
 SQP\_01\_ZZ\_DP\_A\_PL01111 Rev P2 - Block I - Proposed Floor Plan - Level 01-02  
 SQP\_01\_ZZ\_DP\_A\_PL01112 Rev P2 - Block I - Proposed Floor Plan - Level 03-10  
 SQP\_01\_ZZ\_DP\_A\_PL01113 Rev P2 - Block I - Proposed Floor Plan - Level 11-13  
 SQP\_01\_ZZ\_DP\_A\_PL01114 Rev P1 - Block I - Proposed Floor Plan - Level 14-16  
 SQP\_01\_17\_DP\_A\_PL01115 Rev P2 - Block I - Proposed Floor Plan - Level 17  
 SQP\_01\_RF\_DP\_A\_PL01116 Rev P1 - Block I - Proposed Roof Plan

SQP\_01\_ZZ\_DE\_A\_PL01404 Rev P2 - Block I - Proposed South Elevation  
 SQP\_01\_ZZ\_DE\_A\_PL01405 Rev P3 - Block I - Proposed West Elevation  
 SQP\_01\_ZZ\_DE\_A\_PL01406 Rev P3 - Block I - Proposed North Elevation  
 SQP\_01\_ZZ\_DE\_A\_PL01407 Rev P3 - Block I - Proposed East Elevation

SQP\_ZZ\_ZZ\_DB\_A\_PL01700 Rev P2 - Proposed Elev - Block I - Typ Bay Study 01  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01701 Rev P1 - Proposed Elev - Block I - Typ Bay Study 02  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01702 Rev P1 - Proposed Elev - Block I - Typ Bay Study 03  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01703 Rev P1 - Proposed Elev - Block I - Typ Bay Study 01

SQP\_01\_00\_DP\_A\_PL01200 Rev P2 - Block I - Wheelchair Accessible Typical 01  
 SQP\_01\_00\_DP\_A\_PL01201 Rev P2 - Block I - Wheelchair Accessible Typical 02  
 SQP\_01\_00\_DP\_A\_PL01202 Rev P2 - Block I - Wheelchair Accessible Typical 03  
 SQP\_01\_00\_DP\_A\_PL01203 Rev P2 - Block I - Wheelchair Accessible Typical 04

SQP\_01\_ZZ\_DP\_A\_PL01250 Rev P2- Block I - Proposed Mix and Tenure Plan

#### PROPOSED BLOCK J DRAWINGS

SQP\_02\_00\_DP\_A\_PL01117 Rev P2 - Block J - Proposed Ground Floor Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01118 Rev P1 - Block J - Proposed Floor Plan - Level 03-10  
 SQP\_02\_11\_DP\_A\_PL01119 Rev P1 - Block J - Proposed Floor Plan - Level 11  
 SQP\_02\_12\_DP\_A\_PL01120 Rev P1 - Block J - Proposed Floor Plan - Level 12  
 SQP\_02\_ZZ\_DP\_A\_PL01121 Rev P1 - Block J - Proposed Floor Plan - Level 13-14  
 SQP\_02\_RF\_DP\_A\_PL01122 Rev P1 - Block J - Proposed Roof Plan

SQP\_02\_ZZ\_DE\_A\_PL01408 Rev P2 - Block J - Proposed South Elevation  
 SQP\_02\_ZZ\_DE\_A\_PL01409 Rev P1 - Block J - Proposed West Elevation  
 SQP\_02\_ZZ\_DE\_A\_PL01410 Rev P1 - Block J - Proposed North Elevation  
 SQP\_02\_ZZ\_DE\_A\_PL01411 Rev P1 - Block J - Proposed East Elevation

SQP\_ZZ\_ZZ\_DB\_A\_PL01704 Rev P1 - Proposed Elev - Block J - Typ Bay Study 01  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01705 Rev P1 - Proposed Elev - Block J - Typ Bay Study 02  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01706 Rev P1 - Proposed Elev - Block J - Typ Bay Study 03  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01707 Rev P1 - Proposed Elev - Block J - Typ Bay Study 04  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01708 Rev P1 - Proposed Elev - Block J - Typ Bay Study 05

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SQP\_02\_ZZ\_DP\_A\_PL01204 Rev P1 - Wheelchair Accessible Typical 01 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01205 Rev P1 - Wheelchair Accessible Typical 02 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01206 Rev P1 - Wheelchair Accessible Typical 03 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01207 Rev P1 - Wheelchair Accessible Typical 04 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01208 Rev P1 - Wheelchair Accessible Typical 05 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01209 Rev P1 - Wheelchair Accessible Typical 06 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01210 Rev P1 - Wheelchair Accessible Typical 07 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01211 Rev P1 - Wheelchair Accessible Typical 08 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01212 Rev P1 - Wheelchair Accessible Typical 09 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01213 Rev P1 - Wheelchair Accessible Typical 10 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01214 Rev P1 - Wheelchair Accessible Typical 11 Plan  
 SQP\_02\_ZZ\_DP\_A\_PL01215 Rev P1 - Wheelchair Accessible Typical 12 Plan

SQP\_02\_ZZ\_DP\_A\_PL01251 Rev P1 - Block J - Proposed Mix and Tenure Plan

#### PROPOSED BLOCK K DRAWINGS

SQP\_03\_00\_DP\_A\_PL01123 Rev P2 - Block K - Proposed Ground Floor Plan  
 SQP\_03\_ZZ\_DP\_A\_PL01124 Rev P2 - Block K - Proposed Floor Plan - Level 03-05  
 SQP\_03\_ZZ\_DP\_A\_PL01125 Rev P1 - Block K - Proposed Floor Plan - Level 11-15  
 SQP\_03\_ZZ\_DP\_A\_PL01126 Rev P1 - Block K - Proposed Floor Plan - Level 16-24  
 SQP\_03\_25\_DP\_A\_PL01127 Rev P1 - Block K - Proposed Floor Plan - Level 25  
 SQP\_03\_ZZ\_DP\_A\_PL01128 Rev P1 - Block K - Proposed Floor Plan - Level 26-29  
 SQP\_03\_30\_DP\_A\_PL01129 Rev P2 - Block K - Proposed Floor Plan - Level 30  
 SQP\_03\_31\_DP\_A\_PL01130 Rev P2 - Block K - Proposed Floor Plan - Level 31  
 SQP\_03\_RF\_DP\_A\_PL01131 Rev P1 - Block K - Proposed Roof Plan  
 SQP\_03\_ZZ\_DP\_A\_PL01132 Rev P1 - Block K - Proposed Floor Plan - Level 06-10  
 SQP\_03\_ZZ\_DE\_A\_PL01412 Rev P1 - Block K - Proposed South East Elevation  
 SQP\_03\_ZZ\_DE\_A\_PL01413 Rev P1 - Block K - Proposed South West Elevation  
 SQP\_03\_ZZ\_DE\_A\_PL01414 Rev P1 - Block K - Proposed North West Elevation  
 SQP\_03\_ZZ\_DE\_A\_PL01415 Rev P2 - Block K - Proposed North East Elevation

SQP\_ZZ\_ZZ\_DB\_A\_PL01709 Rev P1 - Proposed Elev - Block K - Typ Bay Study 01  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01710 Rev P1 - Proposed Elev - Block K - Typ Bay Study 02  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01711 Rev P1 - Proposed Elev - Block K - Typ Bay Study 03  
 SQP\_ZZ\_ZZ\_DB\_A\_PL01712 Rev P1 - Proposed Elev - Block K - Typ Bay Study 04  
 SQP\_03\_ZZ\_DP\_A\_PL01216 Rev P1 - Block K - Wheelchair Accessible Typical 01

SQP\_03\_ZZ\_DP\_A\_PL01252 Rev P2 - Block K - Proposed Mix and Tenure Plan  
 SQP\_03\_ZZ\_DP\_A\_PL01300 Rev P1 - Block K - Typical 1B1P Apartment  
 SQP\_03\_ZZ\_DP\_A\_PL01301 Rev P1 - Block K - Typical 1B2P Apartment  
 SQP\_03\_ZZ\_DP\_A\_PL01302 Rev P1 - Block K - Typical 2B4P Apartment  
 SQP\_03\_ZZ\_DP\_A\_PL01303 Rev P1 - Block K - Typical 3B6P Apartment

#### EXISTING/DEMOLITION DRAWINGS

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15044-SQP-ZZ-ZZ-DP-A-PL01005 Rev P1 Existing Site Levels Plan  
 15044-SQP-ZZ-RF-DP-A-PL01006 Rev P1 Demolition Roof Plan  
 15044-SQP-ZZ-B1-DP-A-PL01007 Rev P1 Demolition Basement Plan  
 15044-SQP-ZZ-ZZ-DE-A-PL01304 Rev P1 Demolition North Elevation  
 15044-SQP-ZZ-ZZ-DE-A-PL01305 Rev P1 Demolition East Elevation  
 15044-SQP-ZZ-ZZ-DE-A-PL01306 Rev P1 Demolition South Elevation  
 15044-SQP-ZZ-ZZ-DE-A-PL01307 Rev P1 Demolition West Elevation

## SUPPORTING DOCUMENTS

Environment Statement (Comprised of the Non-Technical Summary, Volumes 1 (Main Environmental Statement), 2 (Townscape, Visual and Built Heritage Assessment) and 3 (Technical Appendices)) Prepared by Ramboll and dated March 2021; Design and Access Statement Prepared by Squire and Partners and dated March 2021; Planning Statement by Turley and dated March 2021; Internal Daylight, Sunlight and Overshadowing Report by GIA and dated 31 March 2021; Economic Impact Assessment by Turley dated April 2021; Summary Area Schedule dated 29 July 2021; Circular Economy Statement by WSP and dated July 2021; Energy Statement by WSP and dated April 2021; Heritage Statement by Montagu Evans and dated March 2021; Lighting Strategy by Squire and Partners and dated March 2021; BREEAM Pre-assessment by AESG and dated 25 March 2021; Health Impact Assessment by Ramboll and dated March 2021; Biodiversity Net Gain Assessment by Ramboll and dated March 2021; Aboricultural Report by tree:fabrik and dated April 2021; Below Ground Drainage Report by WSP and dated March 2021; Sustainability Statement by WSP and dated 1 April 2021; Transport Assessment by Arup and dated March 2021; Ventilation Statement by WSP and dated 30 March 2021; Structural Methodology Statement by WSP and dated April 2021; Signed Code of Construction Practice Appendix A dated 31 March 2021; Fire Strategy by H+H Fire and dated 19 August 2021; Document titled "Paddington Green Police Station – Completing the West End Gate Masterplan – WCC – Design Queries Response" and dated 18 August 2021; Letter from Turley dated 29 July 2021; Document titled "Paddington Green Police Station – Completing the West End Gate Masterplan – GLA Review – Design Response Addendum" and dated 16 June 2021; Design Development Note from WSP dated 2 July 2021; Document titled "PGPS – Arup Transport Response to TfL" by Arup and dated July 2021; Document titled "PGPS – Cycle Sensitivity Test" by Arup and dated July 2021.

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 07866036771

## Recommended Condition(s) and Reason(s)

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

### Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which

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can be heard at the boundary of the site only:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

**4** No demolition or construction shall take place at Phase 1 (Block I), until a Construction Logistics Plan has been submitted to and approved in writing by the City Council as local planning authority, in liaison with Transport for London. This document should detail the traffic impact resulting from demolition or construction vehicles and delivery and servicing vehicles on the Strategic Road Network. You must not start construction work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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- 5 No demolition or construction shall take place at Phase 2 (Blocks J and K), until a Construction Logistics Plan has been submitted to and approved in writing by the City Council as local planning authority, in liaison with Transport for London. This document should detail the traffic impact resulting from demolition or construction vehicles and delivery and servicing vehicles on the Strategic Road Network. You must not start construction work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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

- o provide details on substructure design, safeguarding requirements and RAMS;
- o accommodate the location of the existing London Underground structures and tunnels;
- o accommodate ground movement arising from the construction thereof; and
- o mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 of the London Plan (March 2021) and the 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

- 7 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 and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason:**

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

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**8 Pre Commencement Condition.**

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.
- (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

**9 Pre Commencement Condition.** You must apply to us for approval of a method statement, in liaison with TfL, explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

**10** You must apply to us for approval of a detailed written and photographic materials schedule of the facing materials you propose to use, supported by annotated versions of the approved plans / elevations showing where each material would be used. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

**11 A.** You must apply to us for approval of detailed elevations, plans, sections and manufacturers' specifications (as applicable) of all visible façade elements up to 10th floor, to include as a minimum, the following components:

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- a. External doors and windows, including reveals, cills and heads;
- b. Shopfronts and ground level entrances to offices and residences, including associated surrounds and canopies / awnings;
- c. Vents and spandrel panels;
- d. Balcony fascias, soffits and balustrades;
- e. Structural and non-structural masonry cladding, including expansion joints;
- f. Façade lighting;
- g. Signage and wayfinding strategy;
- h. Plant enclosures and Building Maintenance Units; and
- i. Ground level entrances to the market, intermediate and social tenure residential units.

B. Following or at the same time as 2A, you must apply to us for approval of 3m x 3m full-scale fabricated mock-up panel(s) demonstrating the details required by parts A(a) to (e). The panel(s) should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints). You must make the panels available to us for our inspection, and you must include a photographic and drawn record of the panels in your submission.

You must not start any work on the related parts of the facades until we have approved what you submit to us. You must then complete the development according to the approved details and panels.

**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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 12 You must not paint the external masonry of the new buildings without our permission. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 13 Building Maintenance Units must be kept in their fully retracted / parked states at all times other than when they are in use.

**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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 14 You must apply to us for approval of a scheme of public art, to include the full or partial reuse of

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the concrete sculptural relief panels from the southern flank of the existing building. You must not start work on the public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must carry out each part of the scheme of public art that we approve according to the approved details within six months of occupation of the most immediately adjacent building as part of the development. You must then maintain the approved public art on this site in perpetuity.

**Reason:**

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R26GC)

- 15 You must not commence demolition of the southern flank walls of the relevant existing buildings until you have provided us with a conservation method statement for the recording, removal and temporary storage of the concrete sculptural relief panels from the southern flank walls of the existing building.

**Reason:**

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

- 16 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting 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. (C30CC)

**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 17 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

**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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 18 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 Policies 38 and 40 of the City Plan

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2019 - 2040 (April 2021). (R26AE)

- 19 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies and terraces to each flat.

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 20 Before occupation of the residential units, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

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

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

Reason:

To encourage sustainable travel for people using the development in accordance with Policy T4 of the London Plan (March 2021) and Policy 24 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 22 You must apply to us for approval of details of the layout, design and appearance (shown in context) of the long term and short stay cycle storage, including all complimentary facilities, for each of the proposed uses, in line with the London Cycle Design Standards. The storage shall be covered and secure (except for the short stay spaces) and provide for no less than 960 long stay spaces and 86 short stay spaces for visitors. You must not occupy the development until such details have been approved in writing by the local planning authority and all of the cycle storage and complimentary facilities have been provided in accordance with the approved details. You must not use the cycle storage for any other purpose.

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To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 23 You must only use the flexible commercial, office and affordable workspace units shown on the approved plans for:
- a) the display or retail sale of goods, principally to visiting members of the public;
  - b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
  - c) the provision of financial, professional or any other services appropriate to provide in a commercial, business or service locality and principally to visiting members of the public;
  - d) indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public;
  - e) the provision of medical or health services, principally to visiting members of the public; and/or
  - f) an office to carry out any operational or administrative functions, the research and development of products or processes, or any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Any use falling within Class F.1, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it) can also occupy the affordable workspace unit only.

You must not use the flexible commercial, office and affordable workspace units as a supermarket, despite a) above, or for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

**Reason:**

To protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used and to safeguard air quality, as set out in policies 7, 24, 25, 29, 32 and 33 of the City Plan 2019-2040 (April 2021).

- 24 Prior to occupation of the development, a maximum of 18 car parking spaces shall be provided for the use of Blue Badge holders only (or any other scheme that may supersede it). These spaces shall have access to electric vehicle charging points, which are maintained in working order.

**Reason:**

To make sure that there is reasonable access for people with disabilities, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021).

- 25 You must apply to us for approval of details of how waste and recycling is going to be stored and managed on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste and recycling store and manage waste in line with the approved details. You must not use the waste store for any

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other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 26 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 27 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 28 (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 in writing 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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- (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 written 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 LA90, 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. (C46AC)

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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.  
(R46AC)

- 29 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

**Reason:**

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 30 All servicing must take place between 0700 and 2100 on Monday to Saturday and 0700 to 1900 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 31 Before a restaurant or cafe can open within a flexible commercial unit, you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

**Reason:**

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 32 You must apply to us for approval of details of children's play space / equipment to be provided as part of the development. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the details we approve. The children's play space / equipment approved shall be accessible to all residents of the development.

**Reason:**

To ensure that the development provides play and information recreation space for children in accordance with policy S4 of the London Plan (March 2021).

- 33 Within three months of first occupation, a certificated Post Construction Review, or other verification process agreed with the local planning authority, shall be submitted to the local planning authority to demonstrate that the agreed standards set out in the Energy Statement dated April 2021 (or any relevant revised Strategy or Energy Addendum that has been approved in writing by the local planning authority, where appropriate), have been met and it shall be approved in writing by the local planning authority in consultation with the GLA.

**Reason:**

To ensure that the completed development makes the carbon savings anticipated at application stage, in accordance with policy SI 2 of the London Plan (March 2021).

- 34 You must apply to us for approval of details of an Operational Waste Management Strategy, in liaison with the GLA. The Operational Waste Management Strategy shall demonstrate:
- a) how as much waste as possible will be managed onsite;
  - b) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy; and
  - c) how performance will be monitored and reported.

You must not occupy the development until the Operational Waste Management Strategy has been approved. You must then carry out the development in accordance with the details we approve.

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**Reason:**

To ensure that waste from the operational development is minimised, in accordance with policy SI 7 of the London Plan (March 2021) and policy 37 of the City Plan 2019-2040 (April 2021).

- 35 You must apply to us, in liaison with the GLA, for approval of a rainwater harvesting and irrigation system for the soft landscaping on-site or alternatively demonstrate why such a system is not feasible. You must not occupy the development until a rainwater harvesting and irrigation system has been approved or deemed not feasible by us. Where a rainwater harvesting and irrigation system is deemed feasible, you carry out the development in accordance with the details we approve.

**Reason:**

To ensure that mains water use is minimised as much as possible, in accordance with policy SI5 of the London Plan (March 2021).

- 36 You must not allow more than 99 residential units to be occupied until confirmation has been provided that either:
- a) all water network upgrades required to accommodate the additional flows to serve the development as a whole have been completed; or
  - b) a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

**Reason:**

To ensure that there is sufficient water infrastructure for the proposed development, in accordance with policy SI5 of the London Plan (March 2021).

- 37 Before construction commences, an up-to-date assessment of PM2.5 concentrations at the façades of the development shall be carried out and approved in writing by the local planning authority. If this assessment finds that PM2.5 concentrations exceed WHO guidelines, then the assessment must also provide details of any air filtration that may be needed for the affected flats. You must carry out the development in accordance with the approved details and retain any required filtration for the lifespan of the development.

**Reason:**

To safeguard the health of future residents of the development, in accordance with policy SI 1 of the London Plan (March 2021) and policy 32 of the City Plan 2019-2040 (April 2021).

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

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**Reason:**

To enhance biodiversity net gain, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021).

- 39 The development's biodiversity improvements must be carried out in accordance with the Biodiversity Net Gain Assessment by Ramboll and dated 25 March 2021, and shall be maintained as such thereafter.

**Reason:**

To achieve biodiversity net gain, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021).

- 40 Before the non-domestic parts of the development hereby approved are first occupied, a post-construction certificate shall be submitted to and approved in writing by the Local Planning Authority. This certificate shall demonstrate that the non-domestic parts of the development have been constructed to meet BREEAM 'Excellent'. You must then ensure that this standard is maintained thereafter.

**Reason:**

To make sure that the development maximises sustainable design and construction, in accordance with policy 38 of the City Plan 2019-2040 (April 2021).

- 41 The development must be carried out and maintained in accordance with the Fire Statement prepared by H+H Fire and dated 19 August 2021, Revision 3, and retained thereafter.

**Reason:**

To protect residents and users of the development from fire, in accordance with policy D12 of the London Plan (March 2021).

- 42 Details of wind mitigation to be incorporated into the soft landscaping within the site shall be submitted to and approved in writing by the local planning authority. The approved wind mitigation measures shall be retained thereafter.

**Reason:**

To safeguard the pedestrian environment within the site, in accordance with policy D9 of the London Plan (March 2021) and policy 41 of the City Plan 2019-2040 (April 2021).

- 43 Before above ground construction commences, a telecommunications and television signal interference survey shall be submitted to and approved in writing by the local planning authority. Any necessary mitigation arising from the survey shall be implemented before the buildings are first occupied and retained thereafter.

**Reason:**

To prevent telecommunications and television interference around the application site, in accordance with policy D9 of the London Plan (March 2021) and policy 41 of the City Plan

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2019-2040 (April 2021).

- 44 Notwithstanding the drawings hereby approved, details of: CCTV; general external lighting; security lighting; and, Secured by Design measures and counter terrorism measures, on or around the buildings or within the public realm in the development shall be submitted to and approved in writing by the local planning authority (in consultation with the Metropolitan Police) and installed prior to the first occupation of the development. The details shall include the location and full specification of all lamps; light levels/spill; illumination; cameras (including view paths); and support structures. The details shall also include an assessment of the impact of any such lighting on the surrounding residential environment. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason:

To reduce crime and terrorism, in accordance with policies 38, 43 and 44 of the City Plan 2019 - 2040 (April 2021).

- 45 Before the new areas of public realm hereby approved are used, a Public Realm Operational Management Strategy must be submitted to and approved in writing by the local planning authority. The strategy must detail how the security of these public realm areas will be managed. You must then operate the public realm areas in accordance with the approved strategy.

Reason:

To reduce crime and terrorism, in accordance with policies 38, 43 and 44 of the City Plan 2019 - 2040 (April 2021).

- 46 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

-Removal of the recessed entrances to the ground floor flats in Block I.

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

Reason:

To reduce crime, in accordance with policies 38 and 43 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

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- 48 Customers shall not be permitted within the flexible commercial premises before 0700 or after 2300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 49 The development hereby approved shall contain up to 556 residential units, including 210 affordable housing units. The affordable housing units shall be comprised of 126 intermediate and 84 social rent units.

Reason:

To ensure that residential units on the application site are optimised, in accordance with policies 1, 6 and 8 of the City Plan 2019-2040 (April 2021).

- 50 The development hereby approved shall contain up to 328 sqm GIA of Flexible Community/Affordable Workspace, 1088 sqm GIA of Flexible Commercial and 4762 sqm GIA of office floorspace.

Reason:

To ensure that employment opportunities on-site are optimised, in accordance with policies 1, 6, 13 and 14 of the City Plan 2019-2040 (April 2021).

- 51 Block I shall have no more than 18 storeys (97.65 m AOD); Block J shall have no more than 15 storeys (90.83 m AOD); and Block K shall have no more than 32 storeys (146.35 m AOD).

Reason:

To ensure that the townscape and heritage impacts of these buildings are minimised, in accordance with policies 38, 39, 40 and 41 of the City Plan 2019-2040 (April 2021).

- 52 The glazed elevations to the Flexible Commercial and Flexible Community/Affordable Workspace units at ground floor level shall remain in clear glass that allows unobstructed views into and out of these units. Films, vinyl, shutters or obscure glazing shall not be applied to these windows and they shall not otherwise be obstructed substantially internally.

Reason:

To maintain active frontages and natural surveillance, in accordance with policies 14 and 38 C of the City Plan 2019-2040 (April 2021).

### **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 the City Plan 2019 - 2040

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(April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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

## **2 HIGHWAYS LICENSING:**

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

## **CONSIDERATE CONSTRUCTORS:**

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

## **BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

## **3** The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Waters 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-your-development/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) Phone: 0800 009 3921 (Monday to Friday, 8am to

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5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 4 In relation to any conditions which relate to the appearance of the facades, whilst you may commence work on the superstructure of the building before we approve façade details (including mock-up panels), it is at your own risk of the decision we may subsequently make in relation to façade detailing. If the façade detailing which you submit to us relies on a specific underlying superstructure detail, or if the superstructure construction governs what façade options may be viable, you should consider that to be a part of the external façade detailing and it would be unwise to commence related works until we have approved details pursuant to related conditions. You may also wish to seek our early advice on such conditions through our pre-application advice service.
  
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
  
- 6 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
  
- 7 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 email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).
  
- 8 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

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before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to 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.**

- 9 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed, they may also wish to contact the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 10 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, for example by issuing regular bulletins about site progress.
- 11 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate

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(cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

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

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

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

- 12 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Provision of 210 affordable units on-site comprising 84 socially rented units and 126 intermediate units. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships;
  - b) Provision of an early-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
  - c) Developer undertaking to use best endeavours to secure nomination rights to 68 intermediate affordable homes within the London Borough of Barnet;
  - d) Payment of a carbon offset payment of £1,356,600.00 (index linked) payable on commencement of the development;
  - e) Payment of a financial contribution of £200,000.00 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site payment of commencement;
  - f) Payment of a financial contribution of £200,000.00 towards additional play facilities within the vicinity of the site and payment on commencement;
  - g) A Walkways and Cycling Agreement to safeguard publicly accessible routes through the site;
  - h) Highways works associated with the development on Paddington Green, Harrow Road and Edgware Road;
  - i) Provision of the Affordable Workspace unit within Block I at an affordable rental level prior to first occupation;
  - j) A scheme for the relocation of the existing concrete sculptural relief panels from the southern flank walls of the existing building to a location either on-site or nearby, or a combination of both, including provision of site-interpretation information at the developer's expense;
  - k) Submit an Employment and Skills Plan and a financial contribution of £401.793.00 towards the Westminster Employment Service prior to commencement of development;

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- l) Provision of a Car Parking Design and Management Plan for parking for the proposed development, within the WEG developments basement levels prior to first occupation;
  - m) Provision of a Delivery and Service Plan for deliveries and servicing for the proposed development within the WEG developments basement levels prior to first occupation; and
  - n) The cost of monitoring the s106 agreement
- 13 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features will need planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: [www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region](http://www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region).
- 14 This site is inside an 'area of nature deficiency' as set out in Policy 34 of our City Plan 2019-2040 that we adopted in April 2021. So, you should include environmental features that enhance biodiversity, particularly for priority species, when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.
- 15 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 16 Condition 9 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
  - \* how you will remove existing surfacing, and how any soil stripping will be carried out;
  - \* how any temporary surfaces will be laid and removed;
  - \* the surfacing of any temporary access for construction traffic;
  - \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
  - \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
  - \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;

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- \* the place for any bonfires (if necessary);
- \* any planned raising or lowering of existing ground levels; and
- \* how any roots cut during the work will be treated.

- 17 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd  
 Development Planning  
 Maple Lodge STW  
 Denham Way  
 Rickmansworth  
 Hertfordshire  
 WD3 9SQ  
 Tel: 01923 898072  
 Email: Devcon.Team@thameswater.co.uk

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.