

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 12 April 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>Development Site at 285-329 Edgware Road, London, W2 1DH,</b>		
<b>Proposal</b>	Redevelopment to provide buildings of between ground plus six storeys and ground plus 29 storeys including commercial space (Class A1, A3 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).		
<b>Agent</b>	Turley		
<b>On behalf of</b>	Berkeley Homes (Central London) Ltd.		
<b>Registered Number</b>	15/11677/FULL	<b>Date amended/ completed</b>	1 March 2016
<b>Date Application Received</b>	15 December 2015		
<b>Historic Building Grade</b>	Unlisted (Listed buildings on adjacent sites at 17-18 Paddington Green, the Children's Hospital and St. Mary's Church)		
<b>Conservation Area</b>	Paddington Green (part of site only)		

## 1. RECOMMENDATION

For the Committee's consideration:

1. Does the Committee consider that the public benefits of the proposed development outweigh less than substantial harm to heritage assets resulting from the height and bulk of parts of the development?
2. Subject to 1 above and the concurrence of the Mayor of London, grant conditional permission, subject to a S106 agreement to secure:
  - a) Provision of 126 affordable units on-site comprising 49 intermediate units and 77 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
  - b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directly related to the occupancy of this development;
  - c) Provision of a financial contribution of £850,000 (index linked) toward provision of social and community facilities;
  - d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;

- e) Provision of a financial contribution of £13,630 (index linked) toward open space provision/enhancement in the vicinity;
  - f) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
  - g) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
  - h) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
  - i) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TfL on Edgware Road;
  - j) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - k) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - l) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
  - m) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
  - n) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the CSDHS does not go ahead, installation of CHP plant on-site;
  - o) Offering local employment opportunities during construction; and
  - p) Payment of cost of monitoring the agreement (£15,000).
3. If the S106 legal agreement has not been completed by 1 May 2016 then:
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application site is located on the south west side of Edgware Road, north west of the main junction at Harrow Road and Marylebone Road. There is an extant permission for redevelopment of the site which includes a 22 storey tower.

The applicant proposes the erection of seven mansion blocks, up to seven storey's high, and a residential tower of 30 storey's to accommodate 652 residential units (including 126 affordable units) and commercial units within Use Classes A1, A2, A3 and B1. Two basement levels parking levels are located beneath the entire site are also proposed.

The key issues include:

- Provision of a strategically significant level of residential accommodation, as well as retail, restaurant and office floorspace;

- Provision of on-site affordable housing and viability;
- Provision of high buildings and harm to designated heritage assets, including adjacent listed buildings and the Paddington Green Conservation Area;
- Impact on important London views;
- Impact on the amenity of local residents, including from loss of daylight, sunlight and overshadowing; and
- Impact on parking and highways.

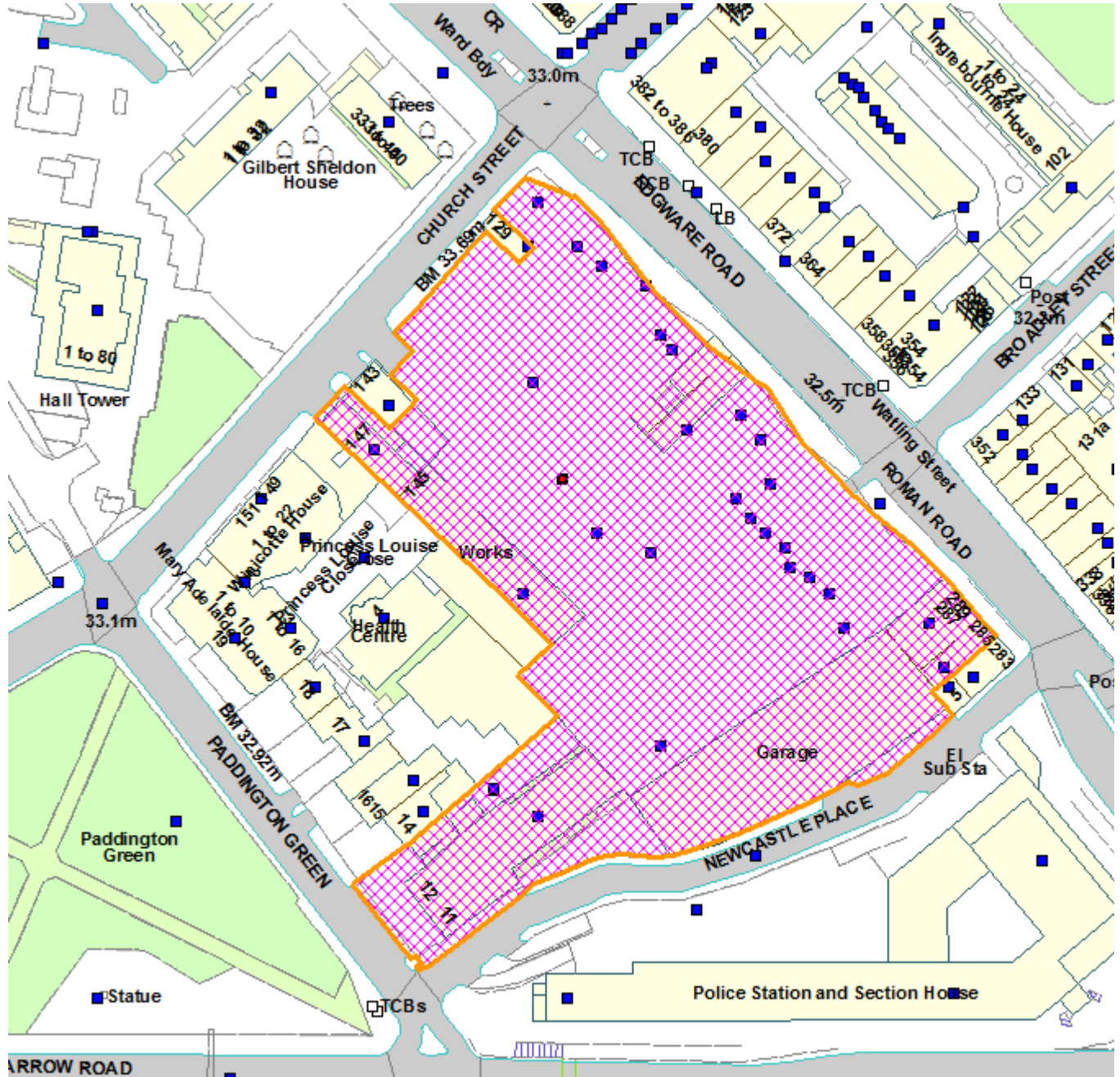
This application has received a significant number of objections, including from Karen Buck MP, Councillors Acton, Adams, Arzymanow, Caplan, Cox, Scarborough and the Labour Group. Historic England has also objected to the development. Whilst many welcome development of this long vacant site, objectors are primarily concerned with the height, bulk and design of the proposed buildings, particularly Block A and harm to conservation areas, listed buildings and views. Many also consider affordable housing provision too low. Many objectors also note that a proposal for a 26 storey tower on this site was dismissed at appeal in 2005 and consider that this development should be resisted. Objectors also consider that current development plan policy, particularly policy S3 of the City Plan and policy DES 3 of the UDP prohibit tall buildings on this site.

Officers consider that Blocks A (the tower), E/F and H would cause less than substantial harm to the character, appearance and/or setting of 17-18 Paddington Green (Grade 2 listed), the adjacent Children's Hospital building (Grade 2 listed) and the Paddington Green and Maida Vale Conservation Areas. However, there are a number of public benefits arising from the development, many of which did not exist when the 2005 appeal was considered. These include:

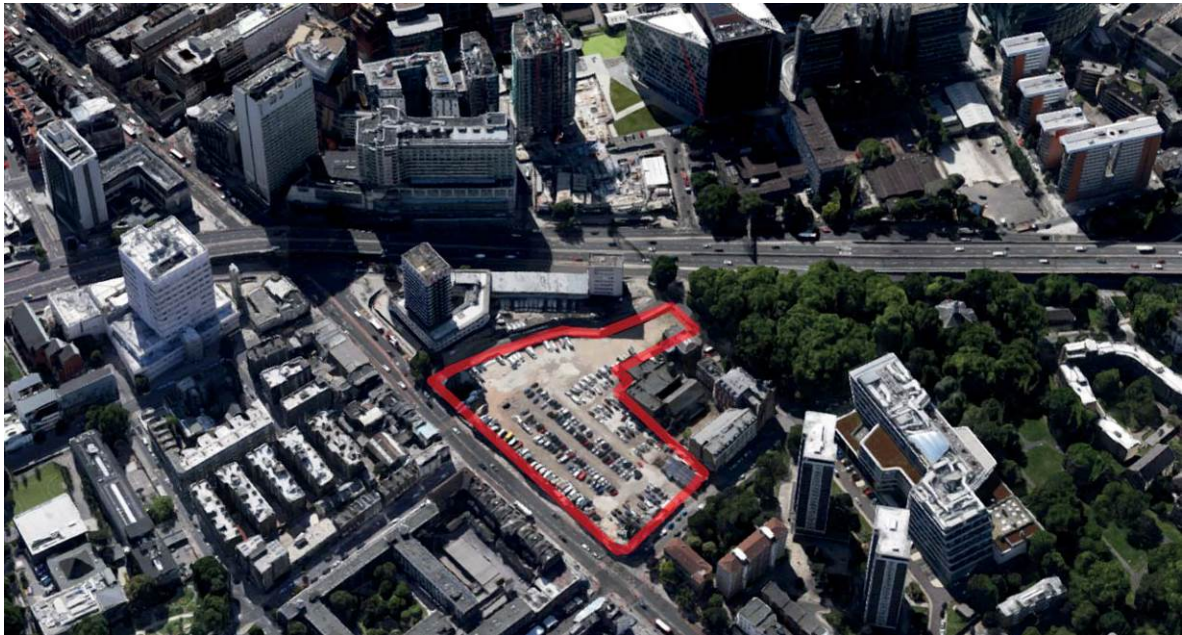
- Facilitating and unlocking the Church Street Regeneration and Edgware Road Housing Zone through provision of decant space through the proposed affordable units;
- Provision of a strategically significant level of market housing on-site;
- Provision of a substantial level of on-site affordable housing (the maximum that the applicant can viably provide);
- Revitalisation and re-activation of this part of the Edgware Road/Church Street district shopping centre;
- Delivery of a long stalled site of strategic importance which is a blight on the setting of neighbouring conservation areas, listed buildings and this major thoroughfare into Central London; and
- Significant public realm improvements around and throughout the site.

In light of the above, Members are asked to consider whether the public benefits of the development outweigh the less than substantial harm identified and form material considerations that warrant approving the development despite conflict with development plan policy. In making this consideration, Members must have special regard to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets. Members must also consider the legislative requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



Site Overview from North



View of application site from northern corner of Church Street/Edgware Road junction.





View eastward across site



View of application site from Paddington Green

## 5. CONSULTATIONS

### RESPONSES RECEIVED TO FIRST ROUND OF CONSULTATION THAT EXPIRED ON 16 FEBRUARY 2016.

KAREN BUCK MP

Object. Pleased that the West End Green site is finally due for development after decades stood empty. London needs more homes and the capacity to continue to grow its (sustainable) economy and it is entirely possible to increase density without having a detrimental impact upon the wider community. However, the following concerns are noted:

1) Westminster Council's tall buildings policy proposes one additional tower in Paddington, at 1 Merchant Square. The policy is due for revision, yet both this scheme and the proposed 72-storey tower at 31 London Street face being rushed from outline to planning permission over the course of just a few weeks, and in the absence of a revised policy. Towers can be aesthetically attractive and are, indeed, a key component of world cities, but there should be proper public consultation on both the policy and these individual major schemes given the level of public concern. This is perhaps especially the case given the proximity of conservation areas and the strong views held by both local residents and many others concerned with the London skyline.

2) Out of the proposed 691 flats, an unacceptably low number of 154 (22%) are designated as 'affordable'. This is despite both the depth of the housing crisis- which impacts especially on lower-middle earners, and Westminster Council's own (already inadequate) guidance that developments should include 30% affordable.

3) The local health practices concerns regarding their capacity to meet the primary care needs of additional population on this scale. Whilst higher population density can be made to work well, it does not happen without the commitment not only of the developers but of the Council and other agencies to ensure there is both the physical capacity (public realm, transport) and service provision (health, education, policing) to meet the needs of residents.

COUNCILLOR KAREN SCARBOROUGH

It is greatly welcomed that this site is finally being developed, which will contribute to the regeneration of the area.

However, objects to this application on two planning grounds.

The proposed development contravenes Westminster's planning policies DES,3,9,10,14 15 and S3 in relation to Tall Buildings.

At 38 storeys, this will detrimentally affect the surrounding skyline.

If the height of the building was limited to a maximum of 20/25 storeys, reduced from 38, this would be more acceptable and in keeping with other buildings in the vicinity.

The second issue is that the provision of intermediate housing is still unacceptably too low.

Whilst a viability study will have been undertaken, there is not now any "real independence" or credibility in such an assessments. This contributes to the "done deal" and Westminster being "too close to developers" perception by many residents and amenity/associations.

In order to maintain and continue to grow our great city we need more intermediate, key worker housing/affordable rents to make this happen.

If we are to accept that the height of future buildings will have to be taller to accommodate the increase in population, then it must go hand in hand that the ratio of housing of the nature described in the previous paragraph must both be increased very substantially, far greater than the present ratio, and a viability study from someone totally and completely independent.

The Council should not be prepared to accept anything less than their required quota of intermediate housing.

Requests that this application is refused.

#### COUNCILLORS ANTONIA COX AND HEATHER ACTON

Welcome proposal to build on this site which has been vacant for over 30 years. However, they believe that the 38 storey tower is too high for this location and a tower of closer to 25 storeys would be more appropriate and in line with other taller buildings in the area including the Hilton Metropole in our ward. Seen from Bell Street, the area from the Metropole to that of the proposed site already includes buildings that have quite an overbearing presence relative to the small scale and attractive Edgware Road Bakerloo Line station and neighbouring public house.

A 38 storey tower would also be unacceptable so close to the exceptionally high quality St Mary's Church of 1791 in the Paddington Green Conservation Area and the award-winning City of Westminster College. On the Paddington Green side the proposal does not take sufficient advantage of the attractive context which this conservation area offers and includes insufficient landscaping.

A previous 22 storey scheme was accepted and rejection of a 26 storey scheme upheld at appeal so they believe there is no case for 38 storeys.

#### COUNCILLOR VINCENZO RAMPULLA (ON BEHALF OF LABOUR COUNCILLORS)

Object. The proposed scheme conflicts with the councils policies relating to affordable housing, tall buildings and protection of views. The proposed development would also impact local school resources. Public consultation is also inadequate.

The site has stood empty for decades; therefore it is welcome that it is being brought forward for development. However this will be a major scheme and it is vital that it is adequately judged against any detrimental impact on local residents/businesses and against the need to maximise benefits for the wider borough. This is especially true given that the supply of on-site affordable housing, school places and access to health services



are all key concerns in Westminster, and especially in the Paddington/Church Street areas.

#### *Affordable Housing*

Policy S16 of Westminster City Council's City Plan sets out the council's intention with regards to affordable housing. It states: "WCC will aim to exceed 30% of new homes to be affordable homes and proposals for housing developments of either ten or more additional units will be expected to provide a proportion of the floorspace as affordable housing."

The council's own housing markets analysis sets out that there are 4,500 households on the waiting list for social housing within the local authority area. In 2014 the council's commissioned housing market study set out that "The backlog need for affordable housing is estimated to be circa 6,068."

It also estimated that local households would need a gross annual income of £63,200 to rent a one-bedroom flat without assistance; a family in need of a three-bed property would need a gross income of £119,200.

Given this desperate need for affordable housing locally and the size of the proposed development, it is unacceptable that the proposal does not meet the council's on-site affordable housing expectations. The current proposals for only 84 socially rented units and only 74 intermediate rented units provides only 158 affordable units or 22.8% out of the total number of 691 residential units proposed. That is a minimum of 50 on-site affordable homes less than the policy intention set out in policy S16.

The previous development plans sought to deliver a total 107 affordable housing units or 35 per cent of the 307 residential units proposed. Consent for the proposed development should be withheld unless the scheme can exceed the council's policy of 30% on-site affordable housing provision.

This is an easily accessible site, a straight-forward flat build and there are reasonable arguments as to why it cannot be compliant with the council's policy S16. They object to the scheme on the basis that unless the scheme can be made to exceed the council's policy S16 with on-site provision, it will not deliver a commensurate benefit to the borough given its proposed size.

#### *Tall Buildings*

The previous planning consent for the site provided for a building of a maximum of 22 stories and a height of less than 120m.

The proposed scheme includes a block of 39 stories, 11 stories higher than that previously consented scheme, reaching almost 160m in height. To put this in context, the proposal includes a building taller than the London Eye (135m) and Centerpoint (127m), and the same height as 20 Fenchurch Street ("the Walkie Talkie") which is the 13th tallest building in London.

The City Plan identified that there was a case for a tall building, 1 Merchants Square, in the Paddington Opportunity Area but that there was very limited scope for new tall buildings in the rest of Westminster, due to the settled character of the townscape and significant concentration of heritage assets.

Given the scale of the proposed tower, unless the scheme can deliver local area changing levels of affordable housing and public amenities, they object on the basis it would otherwise contravene existing strategic council policies.

Even within the context of the City Council consulting on a revised City Plan, including a new tall buildings policy, the City Council's suggested policy identifies that it would not consider a tall or higher building acceptable where it did not "minimise the effects of overshadowing and overlooking, especially within predominantly residential areas".

#### *Overshadowing*

The City Council asked for a comparison of the proposed development against the extant 2005 permission. It is unclear how the overshadowing assessments on the local amenity areas can be considered as having a 'negligible adverse effect'. As indicated in the Vol 2, Chapter 11 of the Environmental Assessment, there are severe concerns about the overshadowing effects on the local residential population would be:

- Minor Adverse in terms of daylight and sunlight when compared to the baseline condition at Winnicote House;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at 1-80 Hall Tower;
- Negligible to Moderate Adverse in terms of daylight and sunlight when compared to the baseline at Gilbert Sheldon House;
- Minor Adverse to Moderate Adverse in terms of daylight and sunlight when compared to the baseline at 352-330 Edgware Road; and
- Negligible to Minor Adverse in terms of daylight and sunlight when compared to the baseline at 328-314 Edgware Road.

Taken together there would be a material impact on the existing local population. They support comments made by local residents concerning the adverse impact of overshadowing and reduced sunlight.

Unless the applicant can show how they plan to realistically mitigate resident concerns, the Labour Councillors object to the scheme on the basis that it would have a significant adverse effect on local resident populations.

#### *Impact on Local School Population*

As the supporting documents indicate, the families in the proposed development will face a deficit in local school places: "...forecasts identify that by 2021 (when the first residential units are likely to be occupied), there will be deficits at both primary and secondary level for those schools in close proximity to the Site".

The Labour Councillors disagree with the EIA's conclusion that a 52% increase in the local residential population would have a 'negligible adverse residual effect' on the projected school deficit places. The latest projections forecast a deficit of 642 secondary school places for 2020/21 and only 18 spare primary school places for the St Johns Wood area. As set out in the environmental statement, this would require the need for 1.83 primary classes (of less than 30 children) and 0.83 secondary school classes across the local authority.

The pressure on the local area is likely to be higher than this. Therefore, it is a more credible conclusion that the effect would be 'moderate' and should be adequately reflected in the developers contributions.

#### *Consultation*

Given the scale of the proposed scheme, it is disappointing that there has been so little time given to public consultation, a public exhibition was only provided between 2-5 December.

#### BAYSWATER RESIDENTS ASSOCIATION

Advised that this is not in the BRA area.

#### HYDE PARK ESTATE ASSOCIATION

No comment received.

#### NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object. More shared space and internal garden should be provided with less balcony and greening. The town planners should develop a coherent policy to applications such as this - we would suggest a 100 foot cornice height then setbacks. Articulation to the roof forms and again shared spaces please. Small shops to be the form for the ground floor and as the predominant streetscape.

#### NORTH PADDINGTON SOCIETY

No response received.

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

This response on transport and traffic aspects should not be taken a support for the application as a whole. They are aware that the 38 storey tower is contrary to tall buildings policy and exceeds by a wide margin the 22 storeys consented by the Secretary of State in 2005 (who also rejected 26 storeys).

Welcome façade setback on Edgware Road and have no objection at all to use of the additional space for a wider pavement/enhanced public realm. There is some advantage in keeping flexibility for a wider carriageway as originally proposed, should conditions change in the future.

The possible types of Community Benefit are listed at 7.111 of the Planning Statement, and include highway and public space works. PRACT suggest further improvements to both surface and sub-surface crossings to the other (eastern) side of Edgware Road, where the Bakerloo Line tube station is, bearing in mind also the likely redevelopment, in the future, of the building that now is Paddington Green Police station.

Parking provision equals 0.35 of a space per dwelling, for 90% of them, after assuming 10% of dwellings are for disabled people and making provision of one space per dwelling for them. Normal policy of both GLA and the City Council is around one per dwelling, yet

the applicants claim that the 0.35 is consistent with the policy that the number of spaces can be reduced where public transport provision is particularly good. This puts an awful lot of weight on the admittedly good provision in the vicinity. The risk of under-provision is that there will be a lot of extra pressure on the existing on-street parking spaces in the vicinity. PRACT suggest a further review in light of the degree of existing pressure on on-street spaces.

Parking spaces for residents will not be allocated. Thus it may be possible to issue rather more permits to residents than spaces, on the basis that not all will be in use at the same time. PRACT suggest a condition either limiting the number of permits to the number of spaces or, if higher, a limit based on justification by the applicant that the inability of a permit-holder to find a space, given the proposed number of excess permits, will be rare.

Vehicle trips are stated to be less than now (car wash) and less than in the consented scheme. PRACT see no grounds to dispute this.

Vehicular servicing on-site (deliveries, rubbish etc.) provision seems OK.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Object. The tower would be visible far and wide, including from points throughout both Hyde Park/Kensington Gardens and Regents Park, and in adjacent conservation areas.

The tower would be contrary to the City Council's tall buildings policy which states that there should be one tower only in the vicinity and this has already been consented within the Paddington Opportunity Area (A tower of 44-45 storeys at 'Merchant Square', called the 'Cucumber' tower).

In 2005, following an appeal, the Secretary of State rejected an option 26 storeys high and allowed one only 22 storeys high. The recent withdrawal of the Sellar application for a very high tower, at 31 London Street, also indicates that a building on the 'West End Green' site higher than the consented 22 storeys is unacceptable.

If the tower were reduced to 22 storeys, SEBRA would comment on other aspects of the present design but, given their objection to the height of the tower, this seems pointless. A revised application could include changes to the heights of the other buildings proposed for the site, and their design. It could also alter the proposed mix of land uses.

SEBRA welcome retention of the set-back of the frontage on Edgware Road as in the previously consented scheme. This feature should be retained in any modification of the present design. We support the other observations on traffic and transport aspects made by PRACT.

It is hardly relevant whether the proposed tower is or is not lower than the 'Cucumber' proposed for 'Merchant Square'. SEBRA understand from another response to the City Council that the tower in this proposal would in fact be 129.6m high, including roof plant, and that the 'Cucumber' would be 128.6m high. Thus a comparison in terms of the number of storeys, 38-39 for 'West End Green' and 44-45 for the 'Cucumber', appears too simplistic. Also, some of the applicant's supporting documents imply that the site is within the Paddington Opportunity Area, which is not correct.

## MARYLEBONE ASSOCIATION

Object. Block A is far too bulky. The height appears arbitrary and driven by commercial rather than townscape considerations and the building meets the sky abruptly without change of façade proportion. Elevation module is relentless and the use of brick adds to the sense of bulk. The Design and Access Statement describes brick Maida Vale mansion blocks as a precedent but the vertical emphasis of the scheme seems to have more parallels with early 20th C Chicago office buildings than the detail and human scale of 19th C mansion blocks.

The height and bulk will intrude on views out of the Portman Estate Conservation area.

Its height and width at the southern end of the scheme will severely overshadow the central gardens within the site.

All the buildings are from the same architect and share the same architectural language and detail. The scheme would have benefited from the richness of using different architects for individual buildings.

The ground floor east and north perimeters have substantial restaurant/retail space and the success of such uses is questionable in this location which does not have the same footfall as the busy southern section of Edgware road. A small cinema is provided but this alone will not provide adequate 'draw' to sustain the quantum of A1/A2/A3.

The provision of 23% affordable housing (of which 12% is to be socially rented) against Westminster's requirement of 30%. There appears to be little safe, segregated external play space for younger members of families occupying socially rented component. The play space concept is to take an integrated approach with spaces shared by all generations and the Design and Access Statement references nearby playground spaces and only contained pocket spaces on-site.

In recognition of the shortfall in affordable provision, some on-site provision of facilities for the wider local community should be provided.

## THE ST MARYLEBONE SOCIETY

The development of this site is long awaited and they are pleased that it is now being developed with more housing.

Removal of the large supermarket has also removed the problem of access for large lorries from Church Street.

The set back of the building line to allow future road widening is also welcome as this allows a tree lined pavement. It is hoped that this situation can remain and the political will for less traffic in Central London is upheld in the future. Pedestrian and cycle access across the site is good and this should be reinforced.

This was the original Paddington Village and the development should create a new 'heart' for the locality. The small public piazza to be created by the retained Georgian terraced



house on Edgware Road could be this focal point if designed as proposed with public uses, alongside physical and visual links to the surrounding streets. It should be increased in size if possible and the traffic calmed to allow the space to work with the existing buildings, restaurants and shops on the opposite side of the Edgware Rd.

Residential development accepted as suitable for the site. Some members queried the amount of affordable housing and the possibility that flats might be 'bought to leave'. It would be a pity if the site became a 'dead heart' of the neighbourhood.

The site will remain Freehold to Berkeley homes and this was agreed as a positive, as the future maintenance and quality of the spaces between buildings can be assured.

Some parking is to be provided in basement levels and therefore resident's parking permits should be restricted to prevent pressure being put on local side streets. This is a highly sustainable location therefore public transport is readily available.

Street level active frontages are ideal to enliven this part of the Edgware Road. Publicly accessible uses such as gym and cinema will be positive additions to this area. The development might benefit from links with the Lisson Gallery and this could help regenerate and link to the surrounding streets and businesses.

Public open spaces between the buildings are well considered and the need for a private communal garden is understood and considered acceptable. Strengthening the 'green link' between the site and Paddington Green would bring further benefits for all.

The location as a suitable place for a cluster of towers has been accepted previously and links the site to Paddington Basin. The proposed 38 storey residential tower needs to be carefully designed, as this is the gateway into Marylebone. With uncertainty over the police station site it is difficult to contextualise the proposed tower. The stated intention for a 'solid' tower is understood, but the relationship of the new tower to the other nearby solid towers (e.g. the Metropole Hotel) was not conveyed in the presentation.

The idea of a "triangular" tower plan works well for those living in the development but creates a wide tower that may block out the sunlight to those north of it for much of the day. This would be particularly unfortunate if the tower was left empty for some of the time by investors, second homers etc. The residential use of the tower brings concerns about windswept balconies and a comparison with the Barbican might illuminate how this works in practice, especially for families with small children.

The reference throughout to 'mansion blocks' is considered somewhat misleading as the proposed buildings along the Edgware Rd are 10 storeys high. The relationship between these and the existing buildings needs further exploration as they are too big. However, some local mansion blocks fronting the Marylebone Road are all nine storeys high, although we do not have overall heights for these. A comparative study of mansion blocks would help them understand the scale of the new development. Some members stated that the lower buildings are not truly 'mansion blocks' but 'blocks of flats' and perhaps these could be more elegant if slightly taller. The Water Gardens further south on Edgware Rd would be a good precedent.

The character of the area is very varied. The choice of brick used in a modern idiom could be an appropriate material. However, it is clear that this scheme makes no attempt to relate to the immediate context in terms of scale and character. Rather than fit into what is essentially a medieval street grain the development is one of separate blocks set within their own landscape. There is an opportunity to create a development that reinforces the local context, one of cosmopolitan and cultural diversity.

The use of the same family of details throughout the whole site creates the effect of an 'estate' or 'complex', quite set apart from the mixed locality. "Could this development be anywhere in London?" and, "How can this better connect into the existing neighbourhood?"

The transference of the mansion block proportions to the tower was discussed at length. Some see the 'extrusion' of brick as an interesting sculptural quality whilst others cannot reconcile this material with the curvilinear shape and scale of the tower. One of the characteristics of a mansion block is its tall floor to ceiling heights and whilst as proposed (at 2.6m) room heights are generous, three metres is more typical.

Residential balconies, which function as a 'room outside', are a good idea in principle, but experience has shown that without careful management these spaces can be abused. They become outdoor store rooms, have washing lines, bikes etc. and present a cluttered view to the street. Balconies in Marylebone are traditionally decorative or for planting only. Edgware Road is a highly polluted area and outdoor living space is not appropriate at the front of these buildings. Glass balconies should be opaque or tinted glass.

Flat roofs of the lower blocks will have no machine plant on them and therefore this is a lost opportunity to create private roof gardens for residents, or penthouses with roof gardens. These roofs are critical in this location as they will be seen by many will be seen by many. They would also contribute to ecological biodiversity.

Overall, there are many positives to the development but the design needs to be addressed in terms of its context. This is a unique opportunity to develop a large site in Central London and make a significant improvement to the whole area.

*Additional comments dated 11 January 2016:*

Some dislike the tower more than was previously expressed. Several members were dubious about the architectural treatment of the tower in brick and stone, given its curved plan and height– and the possible overshadowing of the proposed "mansion blocks" to the north of the tower. Some thought that if this footprint were rotated, the overshadowing effect on other nearby buildings might be less. They would like to see perspectives showing the joint effect of ALL currently proposed towers in this area together, on various local views and on the Royal Parks. The developers, architects, and the City Council should collaborate in order to properly understand the cumulative effects of such changes on the character and appearance of the whole area.

ST JOHN'S WOOD SOCIETY

No response received.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

The site sits outside the Paddington Opportunity Area and is not an appropriate site for a very tall building. This site has a long history and whilst it being brought into residential use is supported the impact of the tower is too great. There have been a number of schemes put forward for the site; the last of which was refused at appeal with the height of the permitted building limited at twenty two floors. They are surprised that officers have advised the applicant that a thirty eight storey building would be acceptable when the City Council's own policy and guidance confirms that twenty two floors is the maximum permitted size for a building on this site. Officers are encouraging applicants to submit schemes that are against the UDP. If Officers consider the policy on tall buildings incorrect then a full and proper consultation with all residents on the impact of tall buildings particularly on the conservation areas of Maida Vale, Hyde Park, Marylebone Road and Bayswater Conservation Areas should be commissioned.

The proposed tower will have a significantly detrimental effect on the conservation area and particularly on the setting of St Mary's on Paddington Green Church, St Mary's Mansions and Park Place Villas but also throughout the wider area. The prospective images of the proposed development are disingenuous for the winter views where all leaves have been retained on the trees. Residents experience from Paddington Basin indicates that the intrusion of tall buildings is particularly marked in the evenings and at night when the large areas of glass combined with interior lighting that is typically on 18-24 hours a day results in an intrusive impact on the nearby conservation areas that is even more pronounced in the hours of darkness.

The proposed tower is higher than the Hilton Hotel on the opposite corner of Edgware Road, the south side of Edgware Road has historically been the dividing line of the height of developments, this application seeks to extend that beyond the Westway and will set a damaging precedent for future developments north of the Westway and indeed could "put in play" all of the low rise properties to the south of the flyover. The massing study in the application clearly shows the low lying conservation area to the west of the site and the inappropriateness of the tower.

In respect of the housing mix, there is no reason why any scheme for the site cannot achieve a minimum of 30% of the units as affordable housing with tenure to suit the current needs of the City Council.

Suggest a scheme limited to twenty two floors with the material pallets as per the current proposals and with the landscaped areas being opened to the public. A significant contribution through Section 106 should be generated to provide play area for teenage children in an area where there is currently a significant need.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY (LFEP)

No response received.

PADDINGTON BID

No response received.

ARBORICULTURAL MANAGER

Welcomes the introduction of trees and soft landscaping but is concerned that the corner of Church Street and Paddington Green seems to be completely void of soft landscaping. Recommends a condition requiring a comprehensive landscaping scheme for the site.

#### BUILDING CONTROL

No structural methodology information has been provided. The block layout plans contain minimal information. At this stage it is clear some block layouts do not comply with conventional guidance in Approved Document B. These are likely to require a fire engineered approach. It is important for the applicant to engage a fire engineer at the earliest opportunity to ensure project will comply with Part B (Fire Safety) of the Building Regulations.

#### CLEANSING MANAGER

The applicant has not demonstrated that site waste management will be managed in accordance with the City of Westminster Recycling and Waste Storage requirements. A full detailed waste management plan or strategy should be provided given the scale of the development.

The number of bins proposed (100 plus) is excessive. Suggest that the waste and the recycling storage containers and equipment for the whole development should be based on the City Council's requirement for waste and recycling storage capacities. There will be a need for a cardboard bailer and 1 or 2 Bergmann Rotary Compactor. This compactor can save the space of 10 Eurobins (1100L).

The entrances to all the waste stores in basement two are too small to accommodate the passage of 1100L bins. A minimum entrance width of 1.5m is required.

There are also eight different waste stores in basement two, with various distances to the waste holding area before collection. The travel distance for the farthest waste store in the southern corner of the basement to the waste holding area is 105 metres which greatly exceeds the maximum limit of 20 metres. The applicant will need to provide measures to mitigate this, including the use of towing vehicle to tow the bins to the holding area rather than manual handling of the bins. Therefore, the applicant should submit a revised basement two plan and a detailed Waste Management Plan.

#### CHILDREN'S SERVICES

##### *Affordable Housing*

Would like to be kept informed of the outcome of affordable housing discussions and advise that they support mixed tenure housing for strong local communities and would like to see affordable housing on-site to support this.

##### *Schools*

The applicants Child Yield calculation differs to Childrens Services. The applicants calculation includes the 0-4 age bracket (89 children), as well as 5-15 (80 children) whilst Children's Services calculation for school place planning covers the 4-15 age bracket (125 children)

As a result of the revised Church Street regeneration proposals, it would be prudent to anticipate the need for further primary school places in the area. The size of additional provision required directly as a consequence of the proposed West End Green development equates to 0.5FE at primary level together with an increase, albeit smaller, at secondary level.

Children's Services therefore seek financial contributions in accordance with the existing formula in order to make provision for additional school places.

#### *Early Years, Extended Schools and Play*

The cumulative effect of several schemes in Paddington over several years on Children's Services is considerable. Experience has shown that some facilities have been provided within developments but have proved unsuitable because of the level of rent being charged.

Although no premises requirement is currently identified for affordable childcare, there will be added pressure on existing provision from new families in the private development. In addition any affordable housing provided on site will impact on the expansion of the City's 2 year old early education programme for eligible families.

A financial contribution could be offered in lieu of premise requirements to increase provision and settings in these wards, or to support the capital investment requirement for the Two Year Old programme.

#### *Children's Centres*

Suitable, available and affordable space is a concern for all children's centre settings across Westminster. 72% of families with children under 5 years' old resident in and around Bryanston and Dorset Square ward access Children's Centres for at least one service. The integration of local health, education, and early years provisions have impacted on how services are now delivered from the Centres which means that space has to be flexible and suitable for a number of diverse providers from different sectors.

Children's Services are currently consulting on changes to Children's Centres. A new model is planned for 1 October 2016. This would see three existing children's centre hubs (which includes Church Street), transformed into 'children's and family hubs' providing services to children and young people up to 19 years-old rather than 0-5 as is now the case. These changes are proposed against the background of increasing and more complex demands but the reduction of resources. Financial contributions in lieu of premise requirements to help deliver the new requirements in the Bryanston and Dorset Square, and the adjoining Little Venice and Church Street wards, should be considered.

#### *Play*

Due to pressures in the locality and lack of open space it is important that play facilities are included within the development, and are available to the whole community at affordable levels of charge. However, the provision for play space for the under 5's will be catered for by 890m<sup>2</sup> identified as private terraced and resident's garden space. 'Older children' aged between 5 and 12+ years will have use of another 930m<sup>2</sup> of play space. The Applicant intends to deliver 5,694m<sup>2</sup> of open space altogether which is less than the Council's standard, therefore a financial contribution from s106 funding towards off-site



provision could be utilised for recreational facilities. Consideration should be given to improving access and facilities for these communal spaces which would create an opportunity to revive these areas and bring them back into use.

#### *Young People*

Children's services requests that the developers consider allocating funding for existing local youth clubs to increase access to positive activities for young people. Young People Services is starting to work across three localities, in the south, northwest and northeast of Westminster. Locality managers would be keen for this development to consider use of financial contributions to increase local opportunities.

#### *Children and Young People with Disabilities*

All premises, play spaces, areas and facilities should be designed to ensure that they are fully accessible to children and young people with disabilities and this can be done in consultation with the children with disabilities team to ensure practical input about how to do this from the start of the process. Additional thought could be given to using financial contributions to contribute to local provision in and around Bryanston and Dorset Square ward, and the adjoining Little Venice and Church Street wards for running services for children with disabilities or to fund enhanced facilities for children and young people with disabilities (e.g. enhanced changing facilities, equipping local children's centres with hoists to use, providing specialist equipment to be used in play areas or by professionals providing services such as occupational therapy to children with disabilities).

#### CITYWEST HOMES

No response received.

#### ENERGY STRATEGY OFFICER

#### *Heating and Cooling Plant*

The key issue for the energy strategy is how heat is sourced and whether or not the connection to the proposed neighbourhood heat network goes ahead. The applicant proposes a standalone on-site solution with the ability to connect to the Church Street Heat Network once constructed. To comply with the City Council and London Plan policy, every effort should be made to deliver a scheme which obtains as much of its heat requirements as possible via a connection to the neighbourhood scheme. Accordingly, the proposals are unsatisfactory at the present time. The applicant should resubmit the Energy and Sustainability Statement with a connection to the network as the primary strategy.

There are several possible situations to consider with regard to connecting West End Green to the proposed neighbourhood heat network and the phasing is important to this. A fall-back position also needs to be agreed and this is discussed below.

#### *Phasing*

The phasing of the development is a key consideration for any requirement to connect to an offsite source. It is unclear from the information provided when fit out of the energy centre will commence but it can be no earlier than summer 2018 and no later than spring 2021. This is key as it represents the 'point of no return' for the applicant to be committed to its own energy centre.

There also appears to be a considerable lag (>2yrs) between the first block requiring heat and the energy centre being available to supply heat (assuming the flue will not be in place until the superstructure is complete) and so it is assumed the developer will be providing temporary heat plant during this period.

The earliest the neighbourhood scheme could provide heat to the site is late-2018/early-2019. This would be >2yrs before the on-site energy centre is assumed to come on line and in time to deliver heat to the first block. In this case, the developer would not need temporary plant.

It is recommended that the development is conditioned to either

- 1) Agree commercial terms for connection and supply agreements with the network owner (using all reasonable endeavours); or
- 2) Implement an agreed fall-back position.

#### *Fall-back position*

If the developer and scheme operator cannot agree connection and supply agreements with the neighbourhood scheme, the developer should be required to implement an agreed fall-back heating system.

The heating system described in the submitted Energy and Sustainability scheme is generally acceptable as a fall-back system from a technical perspective although a planning condition is recommended to require the site wide heat network to be implemented in accordance with the 'CIBSE/ADE Heat Networks: Code of Practice for the UK' (which will contribute to efficient operation and reduce over-heating). Before the proposed scheme can be fully approved, additional information should be sought with regard to the long-term operation and maintenance of the scheme.

In particular, the scheme includes both gas boilers and gas CHP and may choose to obtain heat from either system. The only way the scheme will deliver the carbon savings set out in the Energy and Sustainability Strategy is if the operator chooses to use CHP in preference to gas boilers. The developer should demonstrate a clear imperative (e.g. a contractual obligation or an economic imperative) on the operator to choose CHP. This information could either be sought before planning is approved, or a condition should be put in place requiring the developer to submit details of the operation and maintenance of the proposed fall-back scheme to the Director of Planning for approval within 6-months of commencement.

A condition should be included to ensure the site wide heat network is implemented in a way which meets the common standard for service levels and customer protection advocated by the Heat Trust.

#### *Renewable energy*

The argument put forward for not including solar PV is that the development already meets the London Plan Policy 5.2 target of a 35% reduction in CO2 emissions without requiring renewable energy. However, it is considered practical to install PV on the roofs of the lower mansion blocks and this should be considered in order to comply with the principles of policy s40 of the City Plan.

### *Sustainable construction*

The commitments relating to residential space are extensive and well thought out and it is recommended compliance with the submission is secured by condition. In the absence of the Code for Sustainable Homes or a commitment from the developer to comply with the Home Quality Mark or similar, it is not straightforward to secure the commitments relating to residential sustainability. However, a condition could be considered which secures these by reference to the Energy and Sustainability Statement.

The BREEAM pre-assessment submitted suggests that the site will comfortably meet the BREEAM 'Very Good' rating. However, several of the credits that have not been targeted are achievable and will add value (e.g. site based sustainability champion, thermal modelling, materials life cycle impacts). However, it is recommended that the development is conditioned to achieve a minimum BREEAM score of 'Very Good' (a score of 55). Consideration could be given to requiring a BREEAM score of 60 (i.e. 'Excellent').

### HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No response received.

### AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

### ARBORICULTURAL MANAGER

No response received.

### SPORT & LEISURE

No response received.

### ADULT & COMMUNITY SERVICES

No response received.

### SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

No response received.

### HISTORIC ENGLAND

The NPPF, London Plan and HE/CABE Tall Building Guidance document all emphasise the importance of a plan-led approach when very tall buildings are proposed. Westminster City Council has taken this approach and clearly set out its policy for the provision of tall buildings in the current Westminster City Plan (S3, Paddington Opportunity Area), which states that there is limited potential for the location of tall buildings within the Opportunity Area beyond the consented tall building on Harrow Road.

Thus there is an explicit presumption against further tall buildings in Paddington as set out in current Westminster policy. The developer's justification for the proposals seems to be

based on the premise that 'the perception around tall buildings in Westminster appears to be changing', and that there are other 'emerging' (but not consented) tall building proposals in the Paddington area.

Historic England is of the view that undermining carefully considered current planning policy requires exceptional justification. We have seen no evidence in this case that there are special circumstances or benefits that would necessitate such a breach of planning policies. The justification as presented in the submitted application is based largely on the perceived economic (by increasing commercial floor space), social (by providing 691 new homes) and environmental (by improving the public realm) benefits of the scheme. The tall building is described as being of 'exceptional design quality', that will form a new landmark that contributes to London's character as a world city. Whilst we accept that the proposals will deliver some benefits, we are not clear to what extent these can only be delivered by the current submitted development.

The visual impacts on designated heritage assets close by and further afield are described as either 'neutral' or 'beneficial'. Historic England's view is that a building of this scale and in this location will, in many cases, have a very serious impact on various designated heritage assets across a wide geographical area. The tall building will impact on the setting of four historic registered parks (Kensington Gardens, Hyde Park, Regents Park, all grade I, and Primrose Hill, grade II), where it will interfere with vistas that are currently undisturbed by modern buildings in the backdrop, or will exacerbate the impact of existing or consented modern buildings that are currently visible or may be in future. Some of the views included in the visual impact documents are modelled in summer with trees in full leaf; the visual harm caused by the proposed tower in winter to, for example, Paddington Green (view 21) or the designed picturesque view over the lake from Regents Park Lane (view 28), is very likely to be serious. There will also be harmful impacts on the significance of conservation areas such as Lisson Grove when the proposed tower is seen in the backdrop of Bell Street (view 17).

Even if it can be demonstrated that a building of this height is necessary to deliver the public benefits set out in the application documents, our current view is that the value of the public benefits described appears slight compared to the seriously adverse impact the proposals have on the historic environment.

Based in the submitted information, Historic England believes the proposals will cause serious harm to the historic environment as set out above. We have seen no clear justification for this harm or exceptional circumstances that would justify what we consider to be a clear breach of established national and local planning policy and guidance. In that regard, Historic England objects strongly to the current application and urges the City Council to refuse it.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

The site lies within the Paddington and Lillistone Villages Archaeological Priority Area. In 2009 an archaeological evaluation (PCA, 2009) was carried out as part of the previously consented scheme. The investigation found a sequence of archaeological deposits dating from the 17<sup>th</sup> to 20<sup>th</sup> centuries. These overlay natural horizons of clay and gravel. Five of the trenches (Trenches 2,3,5,8 & 9) contained evidence of post-medieval wall foundations, drains and a number of pits (quarry pits, timber-lined pit, rubbish pits) while

modern basements had truncated deposits within Trenches 4, 6 and 7. The archaeologists note particularly the remains of buildings and backyard activities from the 17th century including an 18th century backfilled well within trenches 8 and 9.

The applicant has submitted an Historic Environment Assessment (MOLA 2015) with the new application. The document provides a very detailed baseline. However, I do not concur with the recommendations for further work. Given the extent of the impact from the proposed scheme, mitigation should comprise a mixture of targeted excavation with elements of a watching brief in areas of lower archaeological impact. This reflects previous advice from this office dated July 2009 following approval of the evaluation report. The scope of the mitigation should be discussed and agreed with this office prior to any demolition or development within the site.

The archaeological interest of this site should be conserved by attaching condition requiring the Local Planning Authorities approval of a Written Scheme of Investigation.

#### ENVIRONMENT AGENCY

Consider this application to pose low environmental risk and have no objections to make to the proposals.

#### GREATER LONDON AUTHORITY

In summary, the Mayor considers that the application does not comply with the London Plan but this could be addressed, as set out below;

- *Housing Mix:* The current housing mix provides for 28.8% three bed units. The City Council should confirm this is acceptable given the development's relationship to the Church Street Estate renewal programme and Edgware Road Housing Zone;
- *Affordable Housing:* The affordable housing offer of 23% by unit and 20% by floorspace deviates from the City Council's policies. The viability appraisal should be independently assessed;
- *Children and Young Person's Play:* The City Council should consider whether a financial contribution to improve existing play facilities is appropriate;
- *Urban Design:* The overall layout is supported. Applicant should confirm that all units meet the London Plan space standard. The single, north aspect studio units in Blocks E-F should also be subject to a review of the floor plan layout. The applicant could eliminate these units from the layout or have them facing the internal courtyard by switching over the layout with the two bed apartments;
- *Tall Buildings / LVMF Views / Heritage Assets:* There are a number of benefits to the historic environment from this scheme, including redevelopment of a long vacant site, part of which is within Paddington Green Conservation Area and the buildings which are being demolished are not identified as Buildings of Merit. The development would also reinstate a long vacant retail frontage, redefine the historic route of Newcastle Place and the street form of Church Street whilst also completing the defining built edge to Paddington Green.  
Although the development is larger than building in the immediate site area, tall buildings already have planning permission in this location (i.e. 1 Merchant Square) and would be prominent in all assessed views. This is reflected in the



assessment of selected views within Maida Vale, Lisson Grove, Bayswater, Royal Park and the Regents Park Conservation Areas where the proposal would blend with the existing and evolving skyline on modern new building additions and would not be overbearing to any listed buildings. On balance, the proposal is compliant with the London Plan;

- *Energy:* The carbon dioxide savings exceed the target within Policy 5.2 of the London Plan. However, the applicant should consider omitting air conditioning to maximise savings carbon dioxide savings as the design of the building indicates that it would not be necessary. If the applicant wishes to retain the mechanical plant, the applicant should provide information on the control strategy for ensuring that it is only used where needed. The applicant should also confirm that the affordable units will be provided with mechanical cooling. The applicant should also provide further information on the timescales of the Church Street District Heating Network role out and how this will relate to the build out of the proposed development. Connection to this external heating network should be prioritised and the applicant should provide further information on how provision will be made for connection to this network; and

- *Transport:* The applicant should identify how usable any spaces mistakenly designed as long stay cycle spaces will be for short stay/visitor use. A large proportion of the designated short stay spaces are shown to lie on land that is adopted highway or which may be adopted. Prior to referral back to the Mayor, the applicant should be able to demonstrate that agreement has been provided from the City Council as to the Church Street on highway provision. The applicant should also demonstrate how secure access to the long stay cycle parking area will be managed.

The vehicle drop off area at the base of the tower appears to over prioritise the needs for vehicle access at the expense of pedestrian movement and this area should be amended.

Section 106 contributions of £54,000.00 and £200,000.00 are sought for Bus Stop facility upgrades around the site and for increasing cycle hire capacity, respectively.

A Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) should be secured by condition or section 106 agreement.

A Travel Plan should be secured via section 106 agreement.

#### CHURCH STREET LOCAL AREA RENEWAL PARTNERSHIP

No response received.

#### LONDON UNDERGROUND LIMITED

Confirmed that they have no comment to make on this planning application.

#### NATURAL ENGLAND

The proposal is unlikely to affect any statutorily protected sites or landscapes.

Natural England have not assessed the application for impacts on protected species. The City Council should consult natural England's Standing Advice as it is a material

consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the City Council should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### SPORT ENGLAND

Object. The applicant proposes the provision of a gym and swimming pool at the basement levels, which the Planning Statement indicates would be for the use of residents in the tower element of the proposal. If their use is planned to be limited to residents of the tower then they would in any event only make a partial contribution to meeting the additional needs generated by the development.

With regards to outdoor facilities, the scheme appears to incorporate informal open space on-site, and potential supplementary off-site proposals would similarly seem to be aimed at the enhancement of existing informal open space/play provision in the area rather than the delivery of new or improved formal sports facilities.

In light of the substantial scale of the proposal and the importance of ensuring that suitable measures are secured to meet the extra demand for sports facilities that the development would create, Sport England object to this application.

#### METROPOLITAN POLICE SERVICE

Object. Support the principle of developing this long underutilised site and agree that represents an ideal opportunity to deliver a high density residential led redevelopment. The Mayor's Office for Policing and Crime (MOPAC) are currently in discussions with the applicant about how the current application impacts the Paddington Green Police Station site.

MOPAC have concerns with the bulk and massing of the proposal and how it will adversely impact on operational access and egress and possible interference with telecommunications and for Met Police systems.

The City Council should ensure that the future of the entire area is analysed. The applicants scheme should maximise the potential to link in and successfully interact with the Paddington Green Police Station site should it come forward for development. This is particularly important in terms of pedestrian routes, townscape, public open space and highways.

#### THAMES WATER

Advise that they have no objection to the foul and surface water drainage strategy, provided that it is carried out in accordance with Chapters 4.146 - 4.150 and 5.61 - 5.65 of the Environmental Statement Main Report. Advise that they have no objection to the development with regard to sewerage infrastructure capacity. Request pre-commencement conditions requiring a piling method statement and an impact study

on existing water supplies. Request informatives regarding surface water drainage and discharges to groundwater.

#### TRANSPORT FOR LONDON

No response received.

#### NHS CENTRAL LONDON

No response received.

#### REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

No response received.

#### THE ROYAL PARKS

Object to the developments height. As an organisation they adhere to the statutory spatial development strategy of the London Plan and through this, would deem the footprint to have an adverse impact on views from Kensington Gardens, Hyde Park, The Regent's Park, and Primrose Hill. 75m AOD is the total height considered acceptable at this distance from the Park, with the proposed tower in this application measuring 87.12m over this, at 162.12m AOD in total.

#### FRIENDS OF HYDE PARK & KENSINGTON GARDENS

No response received.

#### WESTMINSTER PRIMARY CARE TRUST

No response received.

#### LONDON BOROUGH OF BRENT

No response received.

#### LONDON BOROUGH OF CAMDEN

No response received.

#### DESIGNING OUT CRIME OFFICER

No objection. Advises that he has met with the architects and provided advice on Secure By Design. Recommend working toward achieving Secure By Design Accreditation and that the facade of the building is designed to incorporate blast protection measures, including laminated glass. Also recommend that the development incorporates protection from Vehicle Borne Improvised Explosive Device (VBIED). Such protection can include vehicle security barriers/bollards. Barriers/bollards should also be designed to withstand ramming at speed by vehicles.

## QUEEN'S PARK COMMUNITY COUNCIL

No response received.

## FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response received.

## CIVIL AVIATION AUTHORITY

No response received.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5402

Total No. of replies: 201

No. of objections: 182

No. in support: 19

A 275 signature petition opposed to the development was also received.

In summary, the objectors to the proposal raise the following issues:

- The proposed tower and/or surrounding blocks are too tall for the surrounding built environment, landscape and/or this part of London;
- London is a low-rise city and a skyscraper like that proposed would be contrary to this;
- Block A should be reduced in height to 20, 22, 25 or 29 storeys.
- The proposed tower would block or harm views for nearby residents and/or residents located further away;
- The proposed tower would harm views from locations such as Primrose Hill, Maida Vale and Little Venice;
- The proposed tower would be overly dominant to nearby residents;
- The proposed tower and/or buildings would block light and/or overshadow nearby residents and properties;
- The height and bulk of the proposed tower and/or buildings would harm nearby conservation areas (i.e. Paddington Green, Little Venice, Royal Parks (i.e. Hyde Park, Kensington Gardens, The Regent's Park, Primrose Hill) and listed buildings (St Marys Paddington Green). Due to its size, it would also harm conservation areas further afield;
- The height and bulk of the proposed tower and/or buildings would harm London's skyline;
- The proposed tower and the mansion blocks would set an unwelcome precedent for tall buildings north of Marylebone flyover;
- The height of this building does not comply with Historic England's guidance;
- A previous application for a 26 storey building on this site was refused and this one should be too;
- No assessment has been provided showing the cumulative impact of this and other tall buildings approved and/or proposed in the area, including the Paddington Tower (see application ref: 15/11219/FULL which has been withdrawn);

- Object to the 'Gateway Effect' that the proposed tower and 1 Merchant Square would create;
- The proposed tower is a similar height to 1 Merchant Square, not lower as has been stated;
- The visual impact CGIs are totally insufficient for a building of this size. Many more and credible views should have been provided;
- The applicant implies that this site is within the Paddington Opportunity Area when it is not;
- The massing of the proposed buildings is too dense;
- This is a landmark site requiring an imaginative scheme which this current proposal does not offer.
- The design of the development is inappropriate, bland, 1950's, 1960's, 1970's, banal and/or boring. It looks more like an early 20<sup>th</sup> century Chicago skyscraper than a St Johns Wood mansion block. The buildings are blocky, over-bearing and look ordinary.
- The mansion blocks do not look like mansion blocks.
- If this development is permitted, it will open the floodgates for further inappropriate tall buildings, blighting the whole landscape of Paddington and London.
- Insufficient affordable housing is proposed. This site is ideal for affordable housing as it is not in a wealthy area one of the wealthiest areas of the borough;
- Too many affordable units are proposed. The area already has enough affordable units;
- The private flats proposed are luxury flats and/or will be marketed to foreign investors and would not provide homes for Londoners who cannot afford them. There is no demonstrable need for such luxury flats;
- As the flats will be owned by foreign investors they will be empty. This would harm the vitality and vibrancy of the area, making it desolate and lifeless;
- Development should contain entirely residential flats and include no business or retail uses;
- This application and/or the consultation period are being rushed allowing for inadequate consideration of the proposals.
- The application was made and/or consultation took place at Christmas when many residents would have been unable to comment on the development;
- Application was suspiciously made at the same time as the Paddington Tower application;
- Inadequate public realm and amenity space is proposed.
- Inadequate social housing is proposed.
- The proposal would infringe viewing corridors.
- The proposal infringes the City Council's policies on tall buildings, particularly the limitation on one tall building in the area (i.e. 1 Merchant Square);
- The City Council appears to be ignoring its own policies by even considering this application;
- The City Council have encouraged this application;
- The number of flats would put additional strain on already stretched local infrastructure and amenities, such as schools, GP surgeries, nurseries, healthcare facilities, public transport and/or retail shops.
- No indication has been given of the number of people that the development would accommodate and therefore the impact on the community. There have been

many studies and programmes regarding the dangers of over populating an area, primarily focusing on an increase in violence and diagnosed depression.

- The proposed commercial uses may adversely affect shops on Edgware Road. The stretch of road from the flyover to Little Venice is already awash with restaurants and mini-supermarkets, and we also already have a major cinema at Marble Arch, and an independent one in Maida Vale.
- The proposal should include a supermarket, like the approved development.
- The proposal will increase vehicular and/or pedestrian traffic congestion on Edgware Road and surrounding streets and the road and/or footpath need to be widened accordingly.
- Insufficient on-site parking has been provided;
- The proposal will exacerbate existing parking congestion in the area from people living in the development and/or loss of existing parking on-site;
- The proposal would create the sink estates of tomorrow.
- Additional traffic congestion in the area would harm the amenity of local residents.
- Construction would result in noise pollution and inconvenience for a long period. It would also take place at the same time as regeneration of Church Street and Parsons House and residents of the area cannot afford to have two major construction works going ahead at the same time. Residents have just recovered from the noise the building of the college created;
- Construction vehicles would cause traffic congestion around the application site;
- A large shopping centre or local amenity (e.g. swimming pool) should be built on the site, rather than more flats. This would contribute to the regeneration of the area and add value and benefit to current residents.
- The success of the restaurant and retail uses is questionable in this location which does not have the same footfall as the busy southern section of Edgware Road. The proposed cinema would not provide adequate 'draw' to sustain these uses.
- In addition the design is boring: international white towers without individuality or interest. A project half the height and with a more interesting design and more open space at the base might be appropriate for this site.
- By allowing the existing property at 283 Edgware Road (demolition of which would improve traffic flow, particularly for buses) to remain in place this scheme does nothing to improve the traffic congestion northwards at this point. Any scheme on this corner needs to improve traffic flow - otherwise the opportunity to remove a longstanding bottleneck will be lost.
- There is little safe external play space for young families occupying the development.
- In recognition of the shortfall in affordable housing provision, provision of community facilities for the wider local community should be provided.
- The height of this building would allow views into the adjacent Paddington Green Police Station and would therefore pose a security risk;
- The energy requirements and output of this tower will increase heat pollution and/or carbon emissions;
- This application should not be considered at the same planning committee as the Paddington Tower.
- The City Council spent public money opposing a proposal for a tower of 26 storeys on this site and is now encouraging an application for 38 storeys a few years later.

- The developer is clearly trying to cram in as much square footage as possible to make maximum profit without any long term vision for a proper, viable site for the community.
- This proposal identifies the greed above all other considerations that seems to be the arrogant positioning of Westminster Council.
- The proposed tower will increase wind gusts at ground level around the site. This creates a hostile environmental for pedestrians and/or frail and vulnerable people;
- This development would be built close to the 'City of Westminster College' which has been the source of many violent episodes as well as public use of drugs.
- The proposed public areas will be targets for vandalism;
- Towers like this have historically been unsuccessful developments;
- Objector requests a lowering of Council Tax as compensation for perceived harm from this development;
- Retail units will fail here due to their close proximity to Oxford Street and/or Westfield, White City;
- The proposed retail units will harm the viability of retail units in Church Street and/or the market;
- The proposal will infringe rights of light to neighbouring properties, particularly for Hall Tower and Gilbert Sheldon House;
- The proposed tower would block television reception for neighbouring properties;
- The proposed development would result in loss of property value for nearby residents.

In summary, the supporters of the proposal raise the following issues:

- The proposal would increase the supply of new residential units to support London's booming population;
- The proposed tower would be a landmark structure;
- We need more offices, shops and homes for a growing population;
- The proposal would redevelop an unattractive, poorly utilised and/or brownfield site within central London;
- This site has excellent transport links including both Edgware Road stations, Paddington (and the arrival of Crossrail) and the A40;
- The use of brick is both attractive and different from the cladding used in highrises currently existing or proposed in the neighbourhood;
- The 'mansion block' style is in keeping with architecture along Edgware Road and Maida Vale;
- Tall buildings are exciting;
- The vista into London along the raised A40 will benefit from a cluster of tall towers around Paddington;
- We need new businesses and homes to bolster activity in the City of Westminster. We need the income generation to continue the exceptional work of the City Council and to cope with the additional burdens on the public purse;
- We have to be progressive if London is to remain a leading Capital City in World activities. We need to be bold, raise our expectations and deliver beyond historic prejudices;
- You expect tall buildings in a major global city and space is at a premium.
- The only way we can return to a position where middle income earners can live in central London is by increasing the supply of housing which will neutralise house price inflation and high rents;

- The City Council should not listen to an “organised rabble fixated only by height and a dislike of tall buildings”.

PRESS ADVERTISEMENT / SITE NOTICE: Yes - application advertised as EIA development.

RESPONSES RECEIVED TO SECOND ROUND OF CONSULTATION THAT EXPIRED ON 1 APRIL 2016

COUNCILLOR'S ANTONIA COX AND HEATHER ACTON

Welcome development of this site after so long. However, object to the proposed height of 30 storeys which looms over nearby conservation areas. The height contravenes existing WCC policies and there is no reason to make an exception in this case. The development could set unfortunate precedents. A 26 storey tower was previously rejected and this rejection confirmed at appeal. Tower should be no higher than 25 storeys. Site is not in the Paddington Opportunity Area. There are fewer affordable homes than in the previous lower consented scheme.

COUNCILLORS IAN ADAMS, BARBARA ARZYMANTOW AND MELVIN CAPLAN

Keen to see this site developed as it has been vacant for more than 30 years. However, they object to the as the height of the tower. The tower would still be visible from adjacent conservation areas and would damage the setting of the historic church in Paddington Green.

The application is against the council's tall building policy and the site is outside the Paddington Opportunity Area. As such, there is no justification for a very tall building.

A tower no higher than 25 storeys would be supported. The application is contrary to previous consents on the site and 26 storey tower was rejected on appeal. There are insufficient grounds for an exception in this case.

BUILDING CONTROL

Advise that they have no additional comments to make.

CLEANSING MANAGER

The applicant has not demonstrated that site waste management will be managed in accordance with the City of Westminster Recycling and Waste Storage requirements. A full detailed waste management plan or strategy should be provided given the scale of the development.

The number of bins proposed (100 plus) is excessive. Suggest that the waste and the recycling storage containers and equipment for the whole development should be based on the City Council's requirement for waste and recycling storage capacities. There will be a need for a cardboard bailer and 1 or 2 Bergmann Rotary Compactor. This compactor can save the space of 10 Eurobins (1100L).



The entrances to all the waste stores in basement two are too small to accommodate the passage of 1100L bins. A minimum entrance width of 1.5m is required.

There are also eight different waste stores in basement two, with various distances to the waste holding area before collection. The travel distance for the farthest waste store in the southern corner of the basement to the waste holding area is 105 metres which greatly exceeds the maximum limit of 20 metres. The applicant will need to provide measures to mitigate this, including the use of towing vehicle to tow the bins to the holding area rather than manual handling of the bins. Therefore, the applicant should submit a revised basement two plan and a detailed Waste Management Plan.

#### ENVIRONMENTAL HEALTH OFFICER

Objects to the air quality impact of the development. Has recommended conditions to mitigate noise and construction impact of development. Request that environmental monitoring during the redevelopment is secured via a legal agreement, at a cost of £40,000 per annum.

#### NATURAL ENGLAND

Reiterate earlier representation advising that they have no objection to this development.

#### LONDON UNDERGROUND

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

#### DESIGNING OUT CRIME

Whilst not a requirement, recommend that the applicant seek Secured by Design accreditation for the scheme.

#### HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Welcome the provision of 126 on-site affordable housing units, but regrets that the provision of affordable housing represents just 18% of the total residential floor area against a target policy level of 35% for this site and 19% by unit number against a borough wide target of 30%.

Recommend that the 77 social rented units should have rent levels that are set at target rents. This will ensure that these new build social rented homes are an equivalent offer for those council tenants likely to be affected by the regeneration of Church Street. The Head of Affordable and Private Sector Housing also wishes to ensure that that the 49 intermediate homes are made affordable to a range of eligible intermediate households on different income levels.

#### SPORT ENGLAND

No comment to make on the revisions. Have directed the City Council to their previous comments.

**BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally.

**FITZROVIA NEIGHBOURHOOD ASSOCIATION**

Any response to be reported verbally.

**HYDE PARK ESTATE ASSOCIATION**

Any response to be reported verbally.

**MARYLEBONE ASSOCIATION**

The amended proposals do not address their comments on the earlier scheme regarding public space, the height/proportions of Block A, use of brick, lack of variety across the and lack of social/community space.

In addition, the lower Block A now has squatter, fatter proportions and the number of affordable units has reduced by a greater proportion (previously 22% now 19%). They are disappointed that the cinema has been omitted from the scheme (presumably to accommodate additional parking).

**NOTTING HILL EAST NEIGHBOURHOOD FORUM**

Any response to be reported verbally.

**NORTH PADDINGTON SOCIETY**

Any response to be reported verbally.

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY**

Consider there to be no justification for a building on the north side of the Marylebone flyover to be taller than the 22 storeys. They are happy with the height of the intermediate buildings increasing by a further 1-2 floors to still provide the same level of new accommodation overall.

Reduction in affordable housing is unacceptable. This sites high PTAL rating means affordable housing should be the full 30%. Viability is a matter for the developer. The increase in affordable family size units exacerbates the issues of outdoor play and this situation is likely to get much worse during the Church Street redevelopment.

The interface with the college will also need to be considered.

Section 106 money should not be considered for the Cockpit Theatre as this will not provide improved opportunities and outcomes for local residents. Sport and recreation facilities are more likely to have proven outcomes.

**PRACT**

Welcome façade setback on Edgware Road frontage and welcome opportunity to comment later public realm improvement proposals in this area.

Request further improvements to crossings to the eastern side of Edgware Road, where the Bakerloo Line tube station is, bearing in mind also the likely redevelopment of Paddington Green Police station.

Consider that insufficient on-site parking has been provided and that this puts pressure on good public transport provision and on-street parking spaces in the area. Request a further review of this.

Parking spaces for residents will not be allocated. Thus it may be possible to issue rather more permits to residents than spaces, on the basis that not all will be in use at the same time. Suggest condition to address this.

Do not dispute trip generation figures and support vehicle servicing arrangements.

#### SEBRA

Object to 30 storey tower. The tower would be visible far and wide, including from adjacent conservation areas, Regent's Park and Hyde Park/Kensington Gardens and would damage the setting of the historic church in Paddington Green. The tower is also contrary to the Council's own tall buildings policy and contrary to the 2005 appeal decision which rejected a 26 storey tower.

The tower's height should be reduced by at least five storeys before it becomes acceptable. If approved at 30 storeys it would undermine policy and set a precedent. They do not think that there are sufficient grounds for an exception in this case.

They are content with the limited increase in height of the other blocks.

They regret the loss of 32 affordable housing units which is disproportionate. However, they recognise as positive the new inclusion of a number a four bedroom family sized affordable units, which would enable the relocation in the area of large families that will be displaced during rebuilding in the adjacent Church Street Ward area. The open space in the centre of the site should provide play areas for older and younger children, and be open to the general public.

No objection to loss of the roof-top restaurant and cinema; increase in on-site parking and retention of façade setback on Edgware Road.

#### QUEENS PARK COMMUNITY COUNCIL

Any response to be reported verbally.

#### ST MARYLEBONE SOCIETY

Welcome the development in the hope that it will regenerate a wider area. Reduction in height is welcome as this lessens the dominance of the building and overshadowing on

neighbouring properties and open spaces although note that the orientation is still such that the widest part of the building casts the most shadow to its north for long periods of the day and this is still a concern.

Use of the same material for all the blocks might be too repetitious and 'estate-like' for such a large urban development. Each site boundary presents a very different architectural idiom. The curved 30-storey tower is a curious choice and a different architectural language should have been considered for the different typologies.

Describing the 10 storey flats as 'mansion blocks' is misleading due to their scale, siting and number of storeys. The overall impression from the visualisations is that the site is being over developed.

The shop at 283 has been purchased and its site incorporated into the plans to open up the public space fronting the Edgware Rd. They do not object to this.

Loss of affordable housing units was offset by providing larger units and this is supported. The loss of the cinema is understandable as no tenant was interested and the locality is well served by other cinemas.

The development could create disruption for residents and businesses.

#### ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

#### ROYAL PARKS

Object. The proposal goes some way toward reducing the impact of the development on views from Kensington Gardens, Hyde Park, The Regent's Park, and Primrose Hill but continues to be above the height of 75m that they deem acceptable. Accordingly, the proposal would have an unacceptable impact on views from the above mentioned Royal Parks.

#### LFEP

Any response to be reported verbally.

#### CHILDREN'S SERVICES

Any response to be reported verbally.

#### HIGHWAYS PLANNING MANAGER

Undesirable on transportation grounds but could be made acceptable. Comments considered in detail below.

#### ARBORICULTURAL MANAGER

No objection, subject to a condition to secure hard and soft landscaping details.

**SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT**

Any response to be reported verbally.

**HISTORIC ENGLAND**

Any response to be reported verbally.

**CHURCH ST. LARP CO-ORDINATOR**

Any response to be reported verbally.

**NHS CENTRAL LONDON**

Any response to be reported verbally.

**REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE**

Any response to be reported verbally.

**FRIENDS OF HYDE PARK & KENSINGTON GARDENS**

Any response to be reported verbally.

**KENSINGTON GARDENS**

Any response to be reported verbally.

**TRANSPORT FOR LONDON*****Car, Cycle and Coach Parking***

241 Car parking spaces were initially proposed, of which 71 would be wheelchair accessible. This would provide 1:1 parking for wheelchair accessible units, and an overall parking ratio of 0.35 spaces per unit. Given the excellent public transport accessibility of the site and planned future improvements, this level was considered to be excessive, albeit only moderately so. No objection was therefore raised to car parking levels, although it is noted that parking provision has increased since the application was originally submitted. The parking will be unallocated, which should be secured by s106. Electric Vehicle Charging Point provision is proposed at 20% active and 20% passive, in accordance with Policy 6.13. As the take up (conversion) of passive provision relates to ongoing management and implementation, the delivery of this element should be secured by s106, potentially as part of a car parking management plan. Car Club provision (one space, Zipcar) is being explored by the applicant and this is supported by TFL.

1153 residential cycle parking spaces are proposed (1135 long stay internal and 18 short stay external). 114 commercial spaces are also proposed (85 long stay and 29 short stay). The total number of cycle spaces meet the London Plan minimum levels, though it is noted that the numbers of long and short stay spaces proposed appear to have confused how many short or long stay spaces are required, as approx. 85 short stay and 29 long stay spaces are instead required. The applicant has since corrected this in the

application revisions. It is also noted that a large proportion of designated short stay spaces are shown to lie either on land within the adopted highway (Church Street, a borough road) or upon land which may be the subject of adoption on the Edgware Road frontage. Prior to referral back to the Mayor, the applicant should be able to clearly demonstrate that agreement has been provided from the City Council as to the Church Street on highway provision, which should then be explicitly secured by way of s106 / s278 clause.

The long stay cycle parking includes large (290-440 space) blocks of parking, and the applicant is advised to set out, prior to the determination of the application, how access will be managed to these areas, with measures such as card access and CCTV taken to ensure that the lack of subdivided, smaller groups of spaces, does not lead to excessive risk of theft or damage.

#### *Public transport*

By virtue of the predicted impact upon public transport services, informed by the improvements arising from local infrastructure improvements underway, Crossrail at Paddington in particular, no s106 contribution for bus service capacity would be required as a result of the proposed development.

The development would exert a significant additional demand upon Bus Stop facilities, and as such a s106 contribution of £18,000 is sought towards improvements to local bus stops in the immediate locality.

Additional demand would also be placed upon the use of the Mayor's Cycle Hire network, as local stations are already among the most heavily used in London. An increase in capacity equivalent to a standard sized station (27 cycles) should therefore be secured by s106. The applicant proposes to enlarge an existing local station, which may be acceptable, but for which a s106 contribution of £200,000 will be necessary.

#### *Pedestrian Environment & Highway alterations*

The enhancement of routes through and around the site are supported in principle. It is noted that the previous permission and current local planning policy seeks to safeguard the Edgware frontage in order to allow for road widening on this part of the TLRN.

The scheme has been designed to ensure that the built form would not encroach onto the safeguarded area of land, though the specific treatments of the land forward of this frontage remains to be determined in detail. In the event that full length carriageway widening (to provide an additional lane of motor vehicle traffic) is not to be delivered on the Edgware Road frontage, it is anticipated that highway enhancements, potentially including lane widening, pedestrian and / or cyclist environment improvements, and the resolution of an existing pinch point at the southernmost part of this frontage, would nonetheless be secured by s106 / s278.

#### *Servicing and Construction*

Servicing is proposed to continue to occur within the site and this is welcomed by TfL. The management of this activity should be secured within a detailed Delivery and Servicing Plan (DSP), for which a draft Plan has been submitted with the application. A draft Construction Management Plan (CMP) has also been submitted, including limited details of logistics impacts / approach. The securing by s106 / condition of a Construction

Logistics Plan (CLP), in addition to the DSP would allow the development to accord with London Plan Policy 6.14.

The detailed CLP should be submitted and agreed prior to commencement of development, and the DSP prior to first occupation. In regard to the CLP, TfL wishes to ensure that construction vehicles are fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment to reduce the risk of collisions on the capital's roads. TfL requests that these requirements be secured in the s106 agreement. TfL would also encourage more effective steps to discourage the use of on-site parking provision, and greater incentives towards the use of sustainable travel by construction workers, than that suggested within the draft CMP.

#### *Travel Plan*

A framework Travel Plan has been submitted, though is noted to be contradictory and appears incomplete in regard to establishing baseline and proposed mode share targets. The Census data informed adjusted (which the Travel Plan does not set out) baseline mode share and minimum targets should be provided prior to determination of the application, and the subsequent detailed Travel Plans should be secured, enforced, funded, and monitored as part of a s106 agreement in line with London Plan Policy 6.3.

#### LONDON BOROUGH OF BRENT

Any response to be reported verbally.

#### LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

#### CIVIL AVIATION AUTHORITY

Any response to be reported verbally.

#### SKYLINE CAMPAIGN

Object. The amendments are significant and substantial, and not appropriate for consideration as minor amendments. This tactic is very confusing for those who wish to comment on the scheme, and only useful to avoid paying another application fee and to rush through the decision process, allowing objectors very little time to get to grips with the changes proposed.

The proposed reduction in height is welcome but the tower is still excessively high and should be no higher than the 22 storeys approved under the previous appeal for this site.

This site does not fall within the Paddington Opportunity Area. Redevelopment should not therefore absolutely not include a super-tall building.

The City Council's policy states that only one tall building is allowed and that this should be at 1 Merchant Square. The proposed tall building is contrary to this. If allowed, this building would become a dangerous precedent.

This site is adjacent to several conservation areas and listed buildings. The proposed tower would completely change the character of several distinctive neighbourhoods.

This tower would be seen from all surrounding Royal Parks, causing significant harm to their settings.

This building is contrary to Historic England's guidance and objection.

The ratio of affordable homes is significantly below the target of 30%. The benefits for the local community are minimal.

The Skyline Campaign, local residents and amenity groups welcome the redevelopment of this site but this should not mean that development disregards The City Council's policies, the guidance of conservation groups and the opinions of hundreds of local residents and Londoners.

The CGIs presented with the revised scheme are inadequate. The use of 3D modelling should be encouraged as a much more reliable method of assessing impact and views.

WCC should encourage the developer and its architect to withdraw this application and to consider a more modest and appropriate development that will not jeopardise the future of this Borough and of other significant parts of London. WCC should also not rush through this application, ignoring due process. Time must be taken to think through such a large scale development, and to consult widely so as to reach agreement with all stakeholders and Londoners as a whole.

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

No. Consulted: 5402

Total No. of replies: 83

No. of objections: 82

No. in support: 1

A 479 signature petition opposed to the development was also received.

In summary, the objectors to the proposal raise the following issues:

- The proposed tower and/or surrounding blocks are too tall for the surrounding built environment, landscape and/or this part of London;
- The proposal would be contrary to the City Council's policies which restrict tall buildings to the Paddington Opportunity Area and/or 1 Merchant Square;
- The proposed tower conflicts with a previous appeal decision for this site;
- The proposed tower would set a precedent;
- The new buildings would damage and disintegrate this neighbourhood;
- The height and bulk of the proposed tower and/or buildings would harm nearby conservation areas (i.e. Paddington Green, Little Venice, Royal Parks (i.e. Hyde Park, Kensington Gardens, The Regent's Park, Primrose Hill) and listed buildings (St Marys Paddington Green). Due to its size, it would also harm conservation areas further afield;
- The proposed tower would be overly dominant to nearby residents;



- The proposed tower and/or buildings would block light and/or overshadow nearby residents and properties;
- The proposed tower should be reduced to 12, 15 or 22 storeys;
- The proposed tower would harm the skyline;
- This proposed tower is contrary to Historic England's guidance;
- The buildings are an eyesore. The design is banal and shows no ambition. The site is a prime location and should warrant a more interesting and sensitive proposal;
- There is not enough green space within the development;
- The proposal would add more traffic and/or parking congestion in an already congested area. The proposal should include more parking;
- Buildings will block light and/or infringe rights of light for neighbouring properties;
- Buildings are unsuitable for their location near the low rise heritage environment around St Mary's Church and Church Street market;
- The City Council has not taken any notice of resident's objections. Instead of one tall building, we are now getting several;
- The decrease in affordable units is unacceptable as there are insufficient affordable units in the area. The revised plans reduce the number of open market units by 1.3% but the number of affordable units by 20%;
- The proposed affordable housing units will not be genuinely affordable for residents of London and/or they will be sold to overseas investors.
- The cinema and roof top restaurant were public benefits to local residents and they have now been removed;
- The project is sheer greed. It is an exercise in cramming in as many units as possible to maximise the developer's profits;
- Local amenities, such as schools and GP surgeries are already stretched to capacity. This amount of units will put further pressure on these services. There is no inclusion of these facilities within the area or development;
- The additional parking spaces are still not adequate for the proposed units or the area;
- The vehicle access on Church Street is inadequate for a development of this size. This area is already congested and the proposal will make this worse. This may compromise the emergency response from Paddington Green Police Station;
- The proposed development will create a wind tunnel at ground level;
- The consultation period is too short, shouldn't have taken place around Christmas and/or the City Council has delayed sending notification letters;
- The applicant has deliberately left the site vacant for a long time to take advantage of increasing land value;
- Development needs to be properly regulated and designed;
- Skyscraper development is unsustainable as it uses 60% more energy to build than development that is seen storey's or less;
- We have confused being successful with making money. If the only criteria of being successful is making money then let's cut all our forests to sell it as wood, let's consider being contract killers, or better still let's demolish all historical buildings and build monstrous structures to make more money. It is fundamentally wrong and the society will pay for this, which means all of us;
- Councils have demolished tower blocks in the past yet borough plans and the London plan appear to be doing a 180 degree turn;

- This site is at the centre of an area of poor east-west permeability for cycling across the heavily-trafficked Edgware Road and could be an opportunity to remedy this;
- The notes in the Design and Access Statement indicate that Council officers have encouraged this application, despite the policy conflict;
- The City Council spent money opposing a proposal for a 26 storey tower, only to now entertain an application for 30 storeys.

In summary, the supporters of the proposal raise the following issues:

- Great to see something useful done with this site as it has been a mess for a long time;
- The proposal would improve the retail offer in this area; around it as well, it certainly couldn't make things worse;
- Young people will be able to afford to move into the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is located on the south west side of Edgware Road, north west of the main junction at Harrow Road and Marylebone Road. With an area of approximately 1.065 hectare, it occupies approximately three quarters of the block bound by Church Street (North West), Edgware Road (North East), Newcastle Place (South East) and Paddington Green (South West). It is largely vacant, with the exception of two buildings located on the Edgware Road and Church Street corner of the site and a further building located halfway along the Church Street frontage. A recently erected hoarding encloses the site.

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

An area roughly corresponding to the south western half of the site is located within the Paddington Green Conservation Area. The remaining half of the site is not within a conservation area. The Edgware Road frontage is located within the Core Frontage of the Church Street/Edgware Road District Shopping Centre. The application site is also located within the Paddington and Lilestone Villages Archaeological Priority Area.

Edgware Road is part of the Transport for London Road Network (TLRN), whilst the City Council is the Highway Authority for Church Street, Paddington Green and Newcastle Place. The Westway, which is also part of the TLRN, is located approximately 130 metres to the south of the site. The Bakerloo and Circle/District/Hammersmith and City Edgware Road Underground Stations are located approximately 120 metres and 250 metres respectively to the south east of the application site.

The Paddington Opportunity Area (POA) is located to the south of the application site, on the southern side of the Westway. Several heritage assets are also located in the area

surrounding the site. The Grade 2 listed Paddington Green Children's Hospital is located on the corner of Church Street and Paddington Green; two Grade 2 listed Georgian houses are located at 17 and 18 Paddington Green; and the Grade 2 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 application site is also located within the area covered by the City Council's Futures Plan. The Futures Plan covers the next 15 to 20 years and aims to improve existing homes and build new homes; provide new and better parks and children's play areas; improve shops, jobs and business opportunities; and to ensure that all those who live and work in the Church Street and Paddington Green area have access to good quality schools, healthcare and other services. In particular, the Futures Plan aims to deliver 776 new homes, including the replacement of 306 existing Council homes.

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

The surrounding townscape is varied. The only buildings directly abutting the site are on Church Street and Paddington Green. The Paddington Green buildings are the oldest in the vicinity, dating back to Georgian times, whilst those on Church Street are Victorian. The buildings on Paddington Green contain residential flats and a self-storage facility. The buildings on Church Street contain flats and a health centre.

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

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

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

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

## **6.2 Relevant Planning History**

The application site has a long and complex planning history. Only those applications relevant to the current proposal are set out below.

The City Council resolved to grant planning permissions, subject to legal agreements, in 1989 and 1991 for mixed use redevelopments comprising residential, retail, offices, restaurants, open space and/or car parking. These legal agreements were never completed. It is understood that most of the buildings on the application site were demolished in the early 1990's as part of attempts to develop this site at the time.

In 1998, the City Council resolved to grant planning permission, subject to a legal agreement, for a supermarket, 228 residential units and 162 holiday let units in buildings of 5-12 storey's high. The legal agreement required acquisition of 283 Edgware Road to enable road widening to proceed and the applicant was unable to do so.

In January 2000, the City Council agreed to pursue the compulsory purchase of 283 Edgware Road. However, the City Council's highway responsibility for Edgware Road passed to Transport for London (TFL) with the coming into being of the latter in July 2000. TFL did not proceed with the road widening and the earlier resolutions to compulsorily purchase this site were rescinded.

Planning permission (ref: 03/03463/FULL) and Conservation Area Consent (ref: 03/03464/CAC) were granted by the Secretary of State (SOS) in October 2005. This approval also excluded 283 Edgware Road. Known as Option A, these approvals allowed demolition of the buildings on the application site and provision of buildings of between five and seven and 22 storeys including a retail supermarket, two retail shops, 307 residential units (including 107 affordable), 156 holiday let units and associated car parking and landscaping. A High Court decision initially quashed the SOS's approval, although a Court of Appeal decision reinstated this approval in 2007. This approval was accompanied by a Unilateral Undertaking.

At the same time, the SOS dismissed an appeal (ref: 03/03465/FULL) for a redevelopment to provide buildings of between six and 26 storeys including a retail supermarket, two retail shops, 326 residential units (including 116 affordable), 156 holiday let units and associated car parking and landscaping. The dismissed development was known as Option B. Like Option A, Option B also excluded 283 Edgware Road. The SOS concluded that, in the absence of any visual or urban design need for a 26 storey building, a tower on the application site should reflect the more general heights of the tall buildings north of Harrow Road and should not seek to match those to its south. Accordingly, a 26 storey tower would appear incongruous in its surroundings, despite the quality of the design. With regards to building E2 under Option B, the Inspector also concluded that its height (i.e. 23.5 m), size and close proximity would have an uncomfortable relationship to buildings within the Paddington Green Conservation Area, thereby harming its character and appearance. This harm was not outweighed by the planning benefits of the scheme (i.e. regeneration of a brownfield site and provision of affordable housing).

Conservation Area Consent ref: 03/03464/CAC, which allowed for the total demolition of 143, 145 and 147 Church Street and 11, 12 and 13 Paddington Green, has been implemented and these buildings have been removed from the application site. Through the construction of a foundation to Block E.1 in September 2010, application ref: 03/03463/FULL has been implemented as per section 56 of the Town and Country

Planning Act 1990 (as amended). Accordingly, the Option A permission remains extant (“the extant permission”).

Despite the implementation of application ref: 03/03463/FULL and 03/0464/CAC, the scheme has not been built out, and the majority of the site has been most recently used as a temporary car park pursuant to a succession of temporary permissions starting in 1993.

More recently, the City Council issued a scoping opinion (ref: 15/07737/EIAOP) on 24 September 2015 pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 (as amended) in 2015 (the EIA Regulations) in connection with the proposed redevelopment.

## 7. THE PROPOSAL

The applicant proposes the erection of seven mansion blocks and a residential tower to accommodate 652 residential units (including 126 affordable units) and commercial units within Use Classes A1, A2, A3 and B1. A gym would also be located within Block A.

Two basement levels beneath the entire site are also proposed. These levels would provide parking for 270 cars and 1080 bicycles accessed from Church Street. A spa would be located within part of Basement Level 1. The basement levels would also contain services for the development, including refuse/recycling storage and an energy centre.

The site would be laid out around a central courtyard garden, with mansion Blocks B, C, D, E, F and G located around its western, northern and eastern sides and Block A located at the courtyard's southern end. Block H would be located to the west of Block H, on the Newcastle Place and Paddington Green corner of the site. Blocks B, C and D have been set back from the carriageway on Edgware Road to accord with a road widening designation.

All blocks would have red brick as the primary facing material with stone dressing, including upstands, window surrounds and cornices. Bronze coloured PPC aluminium window frames, rainscreens, cladding and ventilation grilles would also be used in places. Inset and/or projecting balconies would also feature on all blocks. Green roofs would cover much of the roofs of Block's B, D, E, F, G and H.

### Block A

This building would have a height of ground plus 29 storey's or approximately 105 metres (136.32 m AOD). A crescent shaped porte-cochere would be located at ground floor level on the Newcastle Place frontage. The ground floor level would contain a reception area and gym for the use of the occupants of Block A. The basement spa would be located below Block A and would be accessible to its occupants only. The upper floors would contain 296 private sale flats.

### Block B

This building would have a height of ground plus 10 storey's or approximately 41 metres (73.08 m AOD). The ground floor would contain an A3 unit and an A1 unit. The upper

floors would contain 52 intermediate and social rent flats, with a ground floor entrance lobby accessed off Edgware Road.

### Block C

This building would have a height of ground plus 10 storey's or approximately 42 metres (74.08 m AOD). The ground floor would contain three A1 units. The upper floors would contain 92 private sale flats, with a ground floor entrance lobby accessed off Edgware Road. A plant room would be located on the top level.

### Block D

This building would have a height of ground plus 10 storey's or approximately 40 metres (73.08 m AOD). The ground floor would contain two A1 units. The upper floors would contain 40 social rented flats, with a ground floor entrance lobby accessed off Edgware Road.

### Block's E and F

These two buildings are connected by the full height of the eastern elevation of Block E. Block E would have a height of ground plus 18 storey's or approximately 64 metres (96.88 m AOD). Block F would have a height of ground plus 10 storey's or approximately 38 metres (70.93 AOD) and would include a roof terrace. The ground floor of both would contain one flat, a B1 unit and substation, as well as the car park entrance. The upper floors would contain 99 flats. Floors ground to 5 would contain socially rented units, floors 6-10 would contain intermediate units and the remaining floors would contain private sale flats.

### Block G

This building would have a height of ground plus six storey's or approximately 24 metres (58.03m AOD). Space for the basement entrance ramp would occupy much of the ground floor. This block would contain 31 private sale flats, accessed via a ground floor entrance lobby located on the southern elevation.

### Block H

This building would have a maximum height of ground plus seven storey's or approximately 29 metres (61.45 m AOD), although the majority of this building would not exceed ground plus six storey's (58.18 m AOD). With the exception of a small substation accessed from Newcastle Place, Block H would contain 41 private sale flats. A courtyard area for the use of residents of the development would be located to the north of Block H, between it and the neighbouring site at 4 Paddington Green/4 Princess Louise Close.

Public realm improvements, including hard and soft landscaping, are proposed on the area of land covered by the Edgware Road widening designation and on the pavement surrounding the site. Additions to public realm are also proposed around Block A and to the south of Block B, between it and 283 Edgware Road.

The composition of the development is summarised below:

**Floor Areas**

USE	FLOORSPACE ( M <sup>2</sup> )	
	GEA	GIA
RESIDENTIAL (C3)		
Private Sale	60,549	55,371
Intermediate	4,894	4,413
Social Rent	8,663	7,832
Ancillary Spa	1,262	1,146
NON-RESIDENTIAL		
Retail (A1)	1153	1060
Restaurant (A3)	296	267
Office (B1)	158	144
Car Parking and Services	16,487	15,616
<b>TOTAL</b>	<b>93,462</b>	<b>85,849</b>

**Housing Mix**

TENURE	NUMBER OF BEDROOMS						TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	SIX	
Private Sale	36	171	190	118	9	2	<b>526</b>
Intermediate	0	21	28	0	0	0	<b>49</b>
Social Rent	0	10	21	31	15	0	<b>77</b>
<b>TOTAL UNITS</b>	<b>36</b>	<b>202</b>	<b>239</b>	<b>149</b>	<b>24</b>	<b>2</b>	<b>652</b>
<b>TOTAL (%)</b>	<b>5.5</b>	<b>31.0</b>	<b>36.7</b>	<b>22.9</b>	<b>3.7</b>	<b>0.3</b>	<b>100</b>

**Amendments to the proposed development.**

The applicant submitted revised drawings and documents, following discussion with officers, on 1 March 2016. The revised submission included the following amendments:

1. Reduction in the height of Block A from ground + 38 storeys to ground + 29 storeys. Increase in height of other blocks;
2. Reduction in number of units proposed from 691 (including 158 affordable units) to 652 (including 126 affordable housing units). Omission of top floor restaurant to Block A and omission of D2 (Cinema) from site;
3. Increase in number of on-site parking spaces from 241 to 270; and
4. Associated internal amendments.

**Referral to the Mayor of London**

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

## **8. DETAILED CONSIDERATIONS**

### **8.1 Extant Permission**

In this particular instance, it is reasonable and appropriate to use the extant permission for Option A (ref: 03/03463/FULL) as the baseline for considering the impact of this development, instead of the existing site. The City Council are not aware of any reason why the extant permission could not be built and the conditions and legal agreement attached to that permission are not unusual or unduly onerous. Accordingly, the applicant could continue to implement that permission and it is a valid fall-back position.

The long term vacant and cleared nature of a site of this size is also unusual for a Central London site. Comparison solely between the existing situation and the proposed development would be unrealistic and unreasonable for a site in this part of London. The development allowed by the extant permission forms a reasonable model against which to compare the proposed development in the absence of built development on the site.

The extant permission allows a development that includes the following:

- A 22 storey tower in a similar position to Block A;
- Eight buildings of between five and seven storey’s in similar positions to Blocks B-G but forward of the road widening line on Edgware Road;
- A retail supermarket, two retail shops, 307 residential units (including 107 affordable units) and 156 holiday let units; and
- Basement car parking accessed off Church Street.

### **8.2 Land Use**

#### **8.2.1 Residential**

Policies H3 of the Unitary Development Plan (adopted 2007) (“the UDP”) and S14 of Westminster’s City Plan: Strategic Policies (adopted 2013) (“the City Plan”) seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Policy S8 of the City Plan also states that this part of Edgware Road is an appropriate location for residential uses. As a Strategic Proposals Site located within the Edgware Road Housing Zone, the provision of new residential units on this site is also a priority. The proposal also includes a large proportion (i.e. 82% by floor area) of private sale housing, thereby contributing to the more balanced mix of tenures sought by policy S12 of the City Plan. The proposed affordable units would also provide decant space for the estate renewal programme stated within policy S12. Accordingly, the provision of residential flats on this site is supported in principle.



Other relevant residential use considerations are set out below.

### Density

The density of the proposed scheme is 612 u/ha or 1,823 hr/ha. Given this sites PTAL rating of 6b and its central location, the proposed development exceeds the appropriate density range set out in policy 3.4 of The London Plan (FALP – March 2015) (“the London Plan”) (i.e. 215-405 u/ha or 650-1100 hr/ha). The density proposed would also exceed that specified in policy H11 of the UDP for this location (Zone 2 – 250-500 hr/ha).

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

### Affordable Housing

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

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

Based on the total residential floorspace of approximately 75,368 square metres GEA and the City Council’s Interim Guidance Note on Affordable Housing (November 2013) (“the Interim Note”), there is a requirement for 26,379 square metres (i.e. 35%) of affordable floorspace to be provided.

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

In this instance, the applicant proposes 126 affordable units on-site, with a total floor area of approximately 13,557 square metres (GEA) or approximately 18% of the residential floorspace proposed. The applicant has provided a viability appraisal by Gerald Eve that indicates that this is the maximum possible contribution that the scheme can afford to

make without becoming unviable. This viability appraisal has been reviewed on behalf of the City Council by GVA Grimley Limited who concur with its findings. Accordingly, the 126 unit contribution proposed is the maximum reasonable contribution that the applicant can make.

It is proposed that 77 of the affordable housing units would be provided as social rented units and 49 would be provided as intermediate housing. This tenure split would be consistent with the GLA guidance of 60:40.

The Head of Affordable and Private Sector Housing has concerns about the future affordability of the intermediate units proposed. The current income threshold for eligible intermediate households in London as determined by the GLA is £71,000 for one and two bedroom intermediate homes. However, the income profile of households registered for intermediate housing opportunities in Westminster evidences that household incomes are lower than the GLA threshold. The median household income for registrants requiring one bed intermediate homes in Westminster is approximately £34,000 while that for units is approximately £39,000.

To address this disparity, the Head of Affordable and Private Sector Housing recommends that 50% of the intermediate homes proposed, by size of unit (i.e. 11 x1 bed and 14 x 2 bed) should be made affordable to intermediate households whose income does not exceed the median level. For a further 25% of the intermediate homes proposed (i.e. 5 x 1 bed and 7 x2 bed), these should be made affordable to intermediate households whose incomes do not exceed upper quartile levels (i.e. £44,000 and £50,000 for one and two bed intermediate households respectively).

For the remaining intermediate homes (i.e. 5 x 1 bed and 7 x 2bed), these should be made affordable to intermediate households whose incomes do not exceed the mid-point between upper quartile income levels and the GLA threshold income (i.e. £57,000 and £61,000 for one and two bed intermediate households respectively).

The Head of Affordable and Private Sector Housing also has some concerns regarding the future affordability of these 49 intermediate affordable housing units where these are provided on a shared ownership basis within the income bands described above. Where shared ownership cannot be made affordable to these income groups, then these intermediate homes should be provided at sub-market rents instead.

Subject to a legal agreement to secure the above, the proposed affordable housing offer is considered acceptable.

### Residential Mix

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP. In this instance, approximately only 27% of the proposed units would be family sized. The GLA have noted in their stage 1 response that this appears low and that there is an expectation that this should be higher given the developments relationship to Church Street and the renewal programme envisaged by the Futures Plan. The GLA have noted that the City Council should confirm that they are happy with this housing mix and that it will help to deliver the decant required to support the Futures Plan and Edgware Road Housing Zone programme.

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

#### Standard of Residential Accommodation

Of the 652 flats proposed, 626 or 96% would meet the size requirements within the Governments Nationally Prescribed Space Standard (March 2015) (“the Space Standard”). The 26 units that do not meet the Space Standards are studio and 1 bedroom flats located within Block A. The shortfalls proposed are marginal and in most instances do not exceed 1-2 square metres, although three of the flats would have shortfalls of 3-4 metres. These shortfalls are not likely to be noticeable to occupants of the flats and an objection to the proposal on this basis could not be sustained.

The majority of the units are also dual aspect and most blocks do not have more than eight units per lift core, as required by the Mayor’s Housing SPG (adopted 2016) (“the Housing SPG”). Blocks B and E-F do have some floors where up to 10 units are served by a single lift core. However, this is acceptable in this instance given the need to provide retail and office units at ground floor level which limits the ability to provide additional cores. All the units would also be Lifetime Homes compliant and 10% of the units would be wheelchair accessible or easily adaptable, consistent with policy H8 of the UDP.

Most of the proposed flats would have private outdoor amenity space, in the form of balconies and terraces, in accordance with policy H10 of the UDP and standards 26 and 27 of the Housing SPG. These balconies and terraces are also designed so as not to result in unacceptable noise and overlooking of neighbouring properties and flats within the development and are therefore acceptable. In addition to this, all residents would have access to the communal garden areas located within the site. Of the 652 flats proposed, 108 flats or approximately 17% of the total would not have any outdoor amenity space. This would be consistent with the supporting text to policy H10 of the UDP which envisages balconies and terraces for only one quarter of all units within a development within the CAZ. Notwithstanding this, these flats are generally one or two bedroom units, rather than family sized units with a greater demand for private outdoor amenity space or are located in close proximity to the communal gardens. Accordingly, the proposal would provide an appropriate level of outdoor amenity space for future residents

The supporting text to policy ENV 13 of the UDP specifies that the recommended standards for daylight and sunlight contained within the BRE’s ‘Site Layout Planning for Daylight and Sunlight’ (Second Edition) (published 2011) (“the BRE Guide”) should be applied when considering the standard of accommodation. The BRE Guide notes that daylight levels within new rooms can be checked using the Average Daylight Factor (ADF). The BRE guide provides minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms (Para. 2.1.8). However, the BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher

degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Deloitte (December 2015) ("the Internal Light Study") to demonstrate light levels within the proposed flats in comparison to the BRE Guide. The Internal Light Study indicates that Living rooms and Kitchens throughout the development would have ADF results that do not meet BRE guidance. Several bedrooms would also have ADF levels that do not meet BRE guidance, although as the BRE Guide notes, light to bedrooms is less important. The light levels are largely constrained by the balconies proposed which shade rooms or push the windows to be assessed further into the proposed blocks. However, and as acknowledged by the BRE guide, these balconies provide a pleasant amenity in themselves. Accordingly, their removal would harm the living conditions of future occupiers whilst also compromising the proposed design. Furthermore, the ADF levels proposed are generally consistent with comparable development in the area and are to be expected for development within central London. Accordingly, and given the flexibility permitted by the BRE Guide, the light levels to the proposed units are acceptable.

The Environmental Health Officer has reviewed the proposal and notes that the proposed residential units are capable of having satisfactory internal noise levels. Conditions are recommended to ensure that noise transmission between flats and between flats and the commercial units are within acceptable levels. Subject to the recommended conditions, the proposal would be consistent with policy S32 of the City Plan and policies ENV 6 and ENV 7 of the UDP.

### **8.2.2 Retail**

Objectors have raised concerns with the impact of the proposed retail units on existing retail units within Church Street.

Policy S21 of the City Plan states that new retail floorspace will be directed to Designated Shopping Centres, such as the Church Street/Edgware Road District Shopping Centre that this site is located within. Accordingly the proposed retail units are appropriately located. The proposed units are also not substantial (i.e. they do not exceed 450 sqm) unlike the supermarket approved under the extant scheme and which would have the potential to have a greater impact on existing retail in this area.

The proposed retail units would also reinstate a large section of Primary Shopping Frontage that has been missing for some time. As well as increasing the retail offer within the Church Street/Edgware Road District Centre, this would bring significant townscape benefits by introducing an active frontage to an area of Edgware Road that has been long blighted by a vacant site and advertisement hoardings.

To safeguard the amenity of residents above, a condition is recommended that limits the opening hours of the retail units.

### **8.2.3 Office**

As per policy S12 of the City Plan, B1 uses are acceptable throughout NWEDA as part of major redevelopments like that proposed. Policy S8 of the City Plan also states that

Edgware Road is an appropriate location for commercial uses. The proposed office unit is also not large enough to be subject to the Mixed Use policy revision set out within emerging policy S1 of the City Plan. Accordingly, the office unit proposed is acceptable.

#### **8.2.4 Restaurant**

Policy S12 of the City Plan notes that the City Council may be flexible about uses within the Church Street/Edgware Road District Shopping Centre. The supporting text to policy S12 also notes that A3 uses can help support the retail function of the District Shopping Centre. The application site is outside a Stress Area but within the CAZ. Accordingly, policy TACE 8 of the UDP also applies.

As the proposed A3 unit would be only a small part of the reinstated frontage, it would support the retail function of the District Shopping Centre and be secondary to it. Conditions are recommended to limit the opening hours of this unit, the provision of tables and chairs outside the unit and the provision of kitchen extraction equipment. Given its limited size and location, and the recommended conditions, the A3 unit would not have an adverse effect on amenity, character of function of the area or traffic. Accordingly, the A3 unit proposed would be acceptable.

#### **8.2.5 Mix of Uses.**

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

The proposed development is predominantly residential, although does include some retail, restaurant and office floor space. Accordingly, the development does feature a mix of residential and employment uses that may encourage some occupants to live and work on-site. Notwithstanding this, the application site is located within Zone 1 and has the highest possible PTAL rating of 6b. Residents within the development would therefore be located within central London where employment uses are prevalent and where short journeys to work are possible. Accordingly, the mix of uses are considered appropriate in this location.

#### **8.2.6 Social and Community Facilities**

Objectors are concerned with the impact of the proposed development on community facilities, including schools and GP surgeries within the area.

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

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

Policy H10 of the UDP specifies that, on sites suitable for large housing developments (i.e. 50+ units) the City Council will require the provision of a community facility as part of the development, where appropriate. The supporting text to this policy specifies that in some

cases, a contribution proportionate to the size of the development, rather than provision, may be an acceptable alternative and will be appropriate where:

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

Community facilities are not provided on-site as part of the development. However, the applicant has agreed to provide a fund of £950,000 to contribute toward various community projects within the vicinity, including the following:

- a) St Mary's Church and Churchyard project. This project would see the crypt converted into a community function space and partially fund redevelopment of the land to the rear of the Church into a community space;
- b) The Cockpit Theatre. This funding would contribute to new theatre facilities as part of a proposed redevelopment;
- c) Improvements to Paddington Green. This would include tree works, planting and lighting and furniture improvements; and
- d) Adpar Street Play Project. A project to provide open space for the community above an existing single storey car park to address anti-social behaviour in the local area. Currently the plans are for two sports pitches and a community gardening space for older residents.

It is recommended that this funding is secured by section 106 agreement.

The Environment Statement (ES) that accompanied the application concludes that the proposal would generate demand for additional primary and secondary school places, although much of this would be absorbed by existing school places. Children's services have requested a contribution toward provision of these school places using the child yield formula attached to the Section 106 Planning Obligations SPG (2008) although this formula cannot be used as it would result in a pooled contribution that would be contrary to the Community Infrastructure Levy Regulations 2010 (as amended). However, the applicant has offered £631,000 toward providing additional school places at King Solomon Academy and Paddington Green Primary School which would be directly impacted by the development. It is recommended that this contribution is secured by section 106 agreement.

The ES also notes that the proposal would result in additional demand on GP surgeries but notes that this can be accommodated within existing surgeries. The ES does suggest that a financial contribution should be considered. However, it would be unreasonable to make such a request given the surplus identified. The City Council is also not aware of any other evidence to suggest that an additional GP surgery would be required. Accordingly, it is recommended that this contribution is not sought.

With regards to children's play space, the garden and terrace areas proposed are capable of accommodating much of the demand from this development. A condition is recommended to secure details of this play space on-site. Despite this, the ES indicates that the proposal would generate an off-site demand for play space equating to 145 square metres. The social and community fund recommended above would also allow provision for this as part of the Adpar Street Play Project. The applicant has also offered

a contribution of £13,360 toward open space provision and enhancement. Accordingly, the play space provision is considered acceptable.

Subject to a section 106 agreement to secure the above contributions, the proposed development would meet policy 3.6 of the London Plan, policy S34 of the City Plan and policies SOC 3, SOC 6 and H10 of the UDP.

### 8.3 Conservation, Townscape and Design

Most objectors raise concerns with harm from the proposed building on nearby heritage assets and views. Many also do not consider their sufficient public benefits arising from the development to outweigh this harm. Many also object to the design proposed.

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

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

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issue of harm to designated heritage assets. Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or inter alia, the harm or loss is outweighed by the benefit of bringing the site back into use. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

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

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

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings and indicates that development proposals involving the demolition of unlisted buildings may be permitted where the existing building(s) makes either a negative or insignificant contribution to the character or appearance of the area, and/or if the proposed development will result in an enhancement of the conservation area’s overall character or appearance.

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

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

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

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

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

### **8.3.1 Public Realm and Urban Design**

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

The arrangement of buildings within the currently proposed scheme is similar to the extant permission. A common theme between the previous appeal schemes and the current



proposals is that the Edgware Road frontage accommodates a series of mansion block style buildings which continue around onto Church Street and to the west side of the site. All of these buildings wrap around and define a central rectangular shaped landscaped garden square to the centre of the development. As with the extant permission a tower building is sited to the south side of this central garden, with the tower building also flanking the north side of a retained street alignment of Newcastle Place. New mansion block style buildings are also proposed to line the north side of the western end of Newcastle Place with these continuing around onto Paddington Green.

There are differences of some significance however, to both the form and character of the spaces being created. In comparison with the previous appeal scheme, the Edgware Road frontage has been set back notably further from the street, progressively so towards the northern end of the site, which gives a more recessed and straightened front elevation line to these blocks which sits more comfortably with the established building line on Edgware Road. The additional frontage space created allows for a greater degree of planting to soften the urban realm adjacent to the busy Edgware Road, which is welcomed in itself.

As with the extant permission and dismissed appeal scheme, the proposals do not include works to, or the demolition of, 283 Edgware Road which remains as an awkward feature on an otherwise fully redeveloped adjacent site. A more preferable approach would be its full removal and the landscaping of this area. However, it is understood the applicant has recently acquired this site and that it will come forward for development at a later stage pending the outcome of this application. In this scheme 283 Edgware Road remains and flanks the southern side of the tree lined square fronting Edgware Road with subtle suspended lighting proposed across the square, which will help screen an impression of the retained blank side elevation. Given this, it is considered that the applicants have made some reasonable efforts to meet the challenging task of integrating it into the redevelopment of the site. The line of trees in the square provides an appropriate formal landscaped approach to the base of the tower, and gives an attractive visual amenity in the Edgware Road townscape.

The mansion blocks lining Edgware Road are now proposed to continue uninterrupted to the corner with Church Street, whereas in the extant permission and dismissed appeal schemes the side elevation of the Church Street frontage was revealed and set back, giving a more stepped arrangement to the corner. The creation of a longer, more continuous building frontage lining the principal route of Edgware Road is considered a more appropriate arrangement than the arrangement in the previous scheme.

The proposed Church Street frontage now also takes a straighter more recessed line than in the previous schemes, which helps create a wider paved footway with associated tree planting which will notably improve the pedestrian route from Paddington Green and Westminster College to Edgware Road. The slight step in the building line between this element of the new development to the adjacent existing terraced properties follows the arrangement of these terraced properties with the Children's Hospital building to their west side, and in this context the step created in the Church Street building line is considered appropriate.

The more curving form of the tower as compared to the previous schemes influences the arrangement of the other buildings and the general layout on site. The curving north

elevation softens what was previously a hard edged element to the development, and this aspect, and the greater distance between the tower and the mansion blocks proposed to the north side of it allows for a curving landscaped pedestrian route through the site. This area north of the tower is not publically accessible in the extant permission and the greater permeability through this large site is a welcome benefit of the current proposals, with the route being flanked by a number of active ground floor uses which serve to give an active frontage animating this route.

The GLA have referred to the Newcastle Place frontage of the proposed tower, expressing concern that the vehicular drop off zone prioritises the needs of vehicle access at the expense of pedestrian movement. Though noting their concerns, this area would be uniformly paved in granite setts, and the drawings and visuals submitted suggest an intention for an area with the character of a shared space. Though there is less of a clearly defined pedestrian only zone, it will nonetheless not appear unduly dominated by vehicles. This area must also be considered in context with the additional pedestrian only route to the north side of the tower. Given the greater permeability of the scheme in comparison to the extant permission and the design approach taken to the south side of the tower, the concerns raised by the GLA are not considered so significant as to warrant a wider scale re-design of this space to the south side of the tower.

The applicants state that the amount of open space provision has increased from 20% of the area in the previous appeal scheme to 54% in the current scheme. However, the 54% includes the central landscaped garden square to the development, whereas the 20% figure does not include this area. The square in the extant permission was notably higher than pavement level and was significantly screened from view from the public realm. The garden square in the currently proposed scheme, whilst not publically accessible space, does nonetheless directly abut a public pedestrian route and therefore has a significantly greater visual amenity role in the current scheme. Overall, there is a notable increase in the extent of landscaped open space within and around the current proposed development, both in terms of publically accessible space and other green space of visual amenity, which is welcomed in itself.

The applicants are proposing a package of public art installations and the considered use of night time illumination to further enhance the experience of using the public realm. Other 'incidents' are provided by such installations as the water features. Conditions are recommended to secure full details of hard and soft landscaping, public art and illumination.

With regards to the tower, a curving form creates challenges for the public realm at the base in terms of its definition and enclosure of public space. However, the surrounding mansion blocks respond to its footprint and together create a series of well-defined public spaces. The curving nature of the tower has other advantages in terms of the impact on some of the longer distance views and with other microclimatic considerations. Overall, it is considered that the tower and mansion blocks create a varied but nonetheless well-defined public realm to the site.

The GLA have expressed a view that the layout of the new scheme is generally well considered and creates a mostly legible and permeable development which is considered a significant improvement on the previous consent. Historic England also advise that they welcome the overall public realm/urban design approach proposed.

The existing site is also a large vacant site through which no public access is possible and which is considered a blight on the area. In this context, the principle of a permeable and attractively landscaped development of the site is welcomed.

The proposals are therefore an improvement on the extant permission and a significant improvement on the existing site. It is considered to meet the specific test set out in Policy DES 3 of the UDP which seeks to ensure that high building proposals serve to enhance accessibility and pedestrian movement, incorporate open space and active frontages at street level and secure an enhancement of the public realm.

In summary, the proposed arrangement of buildings and resulting public realm would accord with policies S28, S35 and S41 of the City Plan and policies DES1, DES 3 and ENV15 of the UDP.

### **8.3.2 Block A (tower element) - Design Overview**

A tower element to this southern part of the site, with mansion block style buildings elsewhere on site, forms an integral part of the extant permission. The location of the tower flanks Newcastle Place as in the extant permission, although it is located further to the west on the site, and therefore further back from the Edgware Road frontage and closer to Paddington Green, than under the previous schemes.

The proposed tower, by virtue of its height and location, would have a city-wide impact. Policy DES3 of the UPD requires the quality of architectural design to 'visibly contribute to the character of London as a World Class City'.

The current proposal is for a tower comprising 30 floor levels and which rises to 133.32m AOD with the set-back plant room rising a further 3m and with a smaller flue rising 1m above the plant room. In terms of its footprint, the tower in the extant permission had a floorplate 47m long (roughly E-W) by 22m (roughly N-S) at their widest points. The current proposal is for a tower which has a floorplate 52.5m (roughly E-W) and 31m (roughly N-S) at their widest points, with this floorplate rising un-modulated to the top of the building.

The tower contains a series of uses to its ground floor, with several reception areas, a gym and a resident's lounge, and residential flats above. The more public uses to the ground floor of the tower do help animate the edge of the building appropriately, with the series of clearly expressed framed openings which light these uses helping give a defined base to the tower, 'grounding' it within the surrounding landscaping.

The tower in its revised shortened form does not incorporate any form of bar, restaurant or viewing platform to its upper levels, which is not consistent with policy 7.7 (C) (h) of the London Plan nor the accompanying text to policy DES 3 of the UDP which both seek to encourage tall buildings to incorporate publicly accessible areas on the upper floors, where appropriate.

### **8.3.3 Block A - Height and Views**

During the course of the application, the height of the tower was reduced from the initially submitted 39 stories to the revised height of 30 storeys. A significant number of objections have been received to the height, bulk and/or visual prominence of the tower, with a number of objectors suggesting an appropriate maximum of 25 stories and others suggesting that the 22 storey tower under the extant permission should be a maximum. The GLA and several other commentators advised that they consider the height appropriate (received in response to the originally submitted scheme for a 162.1m AOD, 38 storey tower).

The 22 storey tower under the extant permission would rise to 110.70m AOD in height to its main shoulder with a plant room rising several metres above. The 26 storey tower previously refused on appeal in 2005 on grounds of its visual impact rose to 123.5m AOD in height to its main shoulder with a plant room rising several metres above.

In the surrounding area, the tower approved at 1 Merchant Square would have a height of 181.40m AOD (to the top of its external fin structures) and 42 floors. There are also other prominent 21 storey towers (Hall Tower and Braithwaite Tower) to the north of the site, the Paddington Green Police Station tower rising to 16 floors and 57m from ground (not AOD), and other high buildings in the surrounding area including the Metropole (Hilton Hotel) tower at 91m from ground and Burne House, amongst others.

Policy DES 3 of the UDP requires high building proposals to be assessed in terms of their impact on certain views. In this case the most sensitive views are those affecting conservation areas, listed buildings and the Royal Parks, though there are also clear views from other viewpoints in the surrounding area. To help illustrate the visual impact that the tower (and other buildings) would have upon the townscape of Westminster, the applicants have produced a number of AVR's (Accurate Visual Representations) of the scheme.

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. Due to the elongated curved form of the proposed tower, the visual form in terms of height, bulk and mass differs notably depending upon the direction of view.

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, as discussed below.

Policy DES 3 (2) states that high buildings will not be permitted where the development would have an adverse impact upon the character and appearance of designated conservation areas. Given its significant height, there are views of the tower from a number of surrounding conservation areas. The applicants have submitted a comprehensive set of views that show the existing view, this same view with the proposed scheme included, and this same view showing the proposed development and also other

development proposals in the vicinity including the tower previously approved at 1 Merchant Square.

### Paddington Green

The Paddington Green Conservation Area is the one most directly affected by these development proposals, and a section of the west edge of the application site is within this conservation area. The applicants consider the impact on this Conservation Area to be beneficial. 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, and from that period St Mary's Church and 17-18 Paddington Green remain, with a number of other buildings including the Children's Hospital building to the east side of Paddington Green being of later 19<sup>th</sup> century or early 20<sup>th</sup> century date. Paddington Green is listed within the London Squares Preservation Act of 1931, though not the Churchyard or St Mary's Gardens. Much of its character derives from the extensive tree planting to the green spaces, and the attractive quality of a number of the individual buildings. Nonetheless, the existing setting and character of the conservation area is compromised in a number of respects, including by the creation of the Westway to the south side of the conservation area, the loss of the majority of the original buildings which lined these public spaces with replacement in several cases by prominent 20<sup>th</sup> century buildings, and the more disjointed townscape now in place rather than the more continuous enclosure of the public spaces by buildings originally conceived.

Also of note is the outlook from the conservation area. Tall buildings are already present in views out from the conservation area, including Hall Tower and Braithwaite tower north of Church Street, with Kennet House visible in longer views east on Church Street. The existing tower to the Paddington Police Station site is also clearly visible from Paddington Green. None of these towers are considered of good architectural quality. The emerging dense development of Paddington Basin, including approved proposals for a 42 storey tower at 1 Merchant Square, are also to the south side of the Westway in relatively close proximity to the conservation area.

Though the approved tower at 1 Merchant Square would be considerably larger than the tower in this current scheme, none of the extant towers in the surrounding area are of the scale of the tower proposed in this application submission, and none are seen in such close proximity to the backdrop to the east side of Paddington Green which retains, aside from St Mary's Church and several monuments and statues, the only listed buildings to the conservation area. Though the coherence of the original conservation area in its early 19<sup>th</sup> century form has been weakened, the application proposals nonetheless represent a very large development in close proximity to a remaining historic segment.

In the decision notice on the two previous appeal schemes, the Inspector noted that in his opinion the trees within the Green obscure the detail of the buildings beyond, until one gets closer to the eastern edge of the Green. He noted that slightly lesser height and mass of the 22 storey tower was nonetheless preferable in the context of what else can be seen specifically in the context of the Conservation Area.

View 21 submitted by the applicant shows the impression of the proposed tower from the west side of Paddington Green. The view presented is taken in summer time when the trees are in leaf and in this particular view from the west side of the Green the tower would be set behind the heavy screen of trees and below the tree line.

View 21 has also been shown as a winter time view, and it is clear that the trees to Paddington Green are deciduous trees. Accordingly, the winter time visual impact would be more dramatic and this point was noted by Historic England in their objection. The visual impact would clearly be greater than either of the previous appeal schemes, including the 26 storey tower dismissed at appeal. However, the view of the tower proposed would nonetheless be through trees, either with or without leaves, with the winter time view showing a visually prominent tower which is nonetheless appreciated through what remains a relatively significant screen of tree branches.

View 33 shows the impression of the proposed tower (and other buildings) from the east side of Paddington Green and in this view clear of the tree cover the impression of the tower seen rising above dramatically above the height of the existing buildings flanking the east side of Paddington Green could only appear intrusive in the view.

As set out above, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This area was originally designed to be a small scale garden square and church grounds beyond, lined by relatively small scale domestic buildings. Though a number of elements of the character of the area have changed significantly, this impression still remains to some extent to the east side of Paddington Green. In these views east from the conservation area the more slender (in relative terms) tapering end of the tower will be more clearly appreciated rather than an impression of its fuller E-W width, though it is to be appreciated that its N-S footprint is notably larger than in the extant permission, adding to the visual impact. The tower is therefore higher and wider than as previously considered inappropriate by the Inspector, and seen in this context a 30 storey tower would be a very high and imposing feature, significantly prominent in the visual impression in views of the buildings on the east side of Paddington Green, and views east out of the conservation area generally.

Overall, Block A would give rise to harm to the setting of the Paddington Green Conservation Area, although this harm would be less than substantial.

With specific reference to views from Paddington Green, but also from the wider surrounding area, the Paddington Waterways and Maida Vale Society express specific concern about the visual impact of a tall building when the lights are on at night. However, given the relative visual solidity of this block, and mindful of the impression given in the several night time views presented, this is not considered an unacceptable issue in itself, over and above the comments expressed above and below.

### Maida Vale

View 8 is from Westbourne Terrace Road Bridge and offers one of the clearest views to the development from within the Maida Vale Conservation Area. Both summer time and winter time views are presented in the submission from this viewpoint. The applicants have commented with specific regards to the summertime view that they regard the

impact of the tower as beneficial. In summer time, the tower would be readily visible in this view, with the view study showing that four floors will be fully visible clear above the tree line, with a further six visible above the tree line though partially screened by the canopy of a larger tree in this view. The winter time view shows the tower as a more dramatic skyline feature in this view. Twelve floors are fully visible about the lower height building in line with this view, with only very limited screening from tree branches without leaves to mitigate the visual impact.

The Inspector for the previous appeal schemes noted his opinion that the taller 26 storey tower would sit more comfortably in the left-to-right progression from Hall and Braithwaite Towers through to the proposed GU Tower (location for no. 1 Merchant Square approval), and that there is little to choose if the GU tower is not built. He continued, stating that what might favour a restriction to 22 storeys is the fact that, like Hall and Braithwaite Towers, the 22 storey building would barely project above the summer skyline when the trees are in leaf.

It is clear that the summer time view would be of a prominent and imposing tower building notably visible above the tree line, and that in winter time the building would have a more dramatic visual impression, though one seen then in context with both Hall and Braithwaite towers which are readily apparent in winter rising above the general built context surrounding. The Inspectors comments regarding the townscape implications are of note, and the visual impression of the West End Green site tower forming a role in a stepping up in scale from Hall and Braithwaite Towers through to the 1 Merchant Square site (then GU Tower site) would still remain. It is also clear that in both the summer time and winter time views the tower approved at 1 Merchant Square would, when built, be dramatically prominent in this view. The 22 storey tower previously approved on appeal would also be readily apparent in the winter time view to a comparable degree as Hall Tower and Braithwaite tower.

There are therefore existing towers on the skyline in winter time already present in the view, in addition to the approved tower at 1 Merchant Square, which would be visually dramatic all year round in this view. Notwithstanding this, the view from this bridge is an attractive one to a significantly treed part of Maida Vale, and although 1 Merchant Square would dramatically break the tree line in this view, a further tower clearly prominent above the skyline in the view would cause some harm. Given the context, particularly in winter time when the other surrounding buildings would be more notable in this townscape context, and also in light of 1 Merchant Square and the Inspectors comments, the impact of the tower on the setting of the Maida Vale Conservation Area would cause less than substantial harm.

View 9 is from Blomfield Road and has also been presented in both summer time and winter time views. The summer time view shows that the tower would be screened by heavy tree cover in this viewpoint and would not be visible. In winter time, the building is visible as an impression through, but not above, the foreground trees but that the dense arrangement of tree branches would screen it largely from readily appreciable view. This viewpoint however does suggest that there will likely be glimpsed views of the tower between trees and buildings in a number of viewpoints along Blomfield Road, although these more glimpsed views would not be anticipated to be focussed with the tower on clear axis of the view to the degree as is the case with view 8.

View 11 shows the view south on Lanark Road and in this view the existing tower blocks of Parsons House, Hall Tower and Braithwaite Tower are clearly visible. The tower proposed would be visible. However, it would sit within the existing cluster of high buildings in this view, and as such would not unduly affect the setting of the conservation area from this viewpoint.

Overall, Block A would give rise to less than substantial harm to the setting of the Maida Vale Conservation Area.

### Lisson Grove

View 17 is from Bell Street and is considered in more depth below with regards to the impact on the setting of Christ Church on Cosway Street. Historic England make specific reference to what they consider to be a harmful impact of the tower in this view. However, officers consider that, although the tower will be a prominent feature on the skyline, given the street context with relatively substantial residential buildings rising in the foreground, it does not appear unduly obtrusive in this view.

View 18 is along Ashmill Street and is also considered in more depth below with regards to the impact on the setting of the listed buildings on the south side of this street. Whilst a large scale intervention into the skyline, the tower is seen in context with the large modern building to the junction with Lisson Grove, is seen above modern buildings to the street and does not rise above the crown of street trees also visible in this view. In addition, the tower under the extant permission and the approved tower at 1 Merchant Square would both be notably visible above the roofscape. The tower will be a high and prominent feature on the skyline in this view. However, it does not appear unduly obtrusive in the context.

### Bayswater

Views from the Bayswater Conservation Area are restricted to those viewpoints where the alignment of streets and foreground buildings and trees allow views on axis with the site. View 5 is from the junction of Sussex Gardens and Sale Place and shows that the tower would be largely hidden by foreground development and tree cover. View 6 from the junction of Sussex Gardens and Southwick Street shows that the development would not be visible. View 7 from the junction of Gloucester Terrace and Cleveland Street shows that the building would be visible but would be a minor feature not notably breaking the skyline in that view.

### St Johns Wood

View 12 is taken from the St John's Wood Conservation Area, on Maida Vale just south of the junction with St John's Wood Road. In this view, the tower would be fully obscured by tree cover in summer time, and though visible in winter time, would be screened to a significant extent by the dense arrangement of branches to this part of the street. At the very south edge of the conservation area on Maida Vale the tower would be readily visible, though in this view would be seen in context with Parsons House which will appear more imposing given its greater proximity to the viewpoint. With the Metropole (Hilton Hotel) in the background of the view, the tower proposed would be seen in this context of other buildings higher than their immediate townscape context. Other views from the



conservation area are not anticipated to show the tower other than as a more distant feature not unacceptably intruding on views.

### Portman Estate

Two views are given in locations on Marylebone Road which are both just outside the Portman Estate Conservation Area. View 1 is taken from the north end of Enford Street and shows the tower set behind the canopy of a large tree to Marylebone Road in summer and little higher than nearby Burne House to the north side of Marylebone Road in the clearer winter time views. View 2 is taken further to the west at the junction with Old Marylebone Road and the tower is no longer screened by trees, but still remains visually at the height of and set partially behind Burne House. Given that it does not introduce a greater degree of bulk to the skyline on this section of Marylebone Road, this visual impact is considered acceptable. Though the Marylebone Association express concern that the tower would intrude on views out of this conservation area, the impact is not considered harmful.

### Dorset Square

No views are provided from the Dorset Square Conservation Area but view 17 shows the development from a location on Bell Street which is close to the line of view from the south side of Dorset Square. The tower would be anticipated to be visible on the skyline in views west from this location. However, it would not be intrusively so given the heights of the existing buildings and street trees to this location.

### Fisherton Street Estate

No views are provided from the Fisherton Street Estate Conservation Area. Whilst the tower would be anticipated to be visible from the edge of the conservation area at the junction of Luton Street and Fisherton Street, the existing Hall Tower, Braithwaite Tower and Kennet House are all already visible in the viewpoint.

### Molyneux Street

The streets comprising the Molyneux Street Conservation Area are not quite on axis with the application site, and it is not anticipated that the tower would have any intrusive impact on views from this Conservation Area.

In summary, the tower element of the application proposals is considered to give rise to less than substantial harm to the Paddington Green Conservation Area and to the Maida Vale Conservation Area. However, the impact on other conservation areas in the wider surrounding area is not considered harmful. The Committee are therefore asked to consider whether the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider to be caused, mindful of the statutory, policy and guidance tests set out above.

## **8.3.4 Block A - Views from the Royal Parks**

Policy DES 3 (A) (2) (b) of the UDP states that high buildings will not be permitted where the development would have an adverse impact upon the views obtained from the Royal

Parks. A significant number of views studies have been provided by the applicants from both Regents Park and Hyde Park/Kensington Gardens, which are within conservation areas, and also from Primrose Hill. Historic England have noted that Kensington Gardens, Hyde Park and Regent's Park are all Grade 1 historic registered parks, with Primrose Hill being grade 2, and have expressed concerns with regards to the impact from all these locations.

The Royal Parks have also objected to the proposals and have advised that they consider there would be an adverse impact on views from Kensington Gardens, Hyde Park, Regent's Park, and Primrose Hill. In their opinion, 75m AOD is the total height considered acceptable at this distance from these locations. However, the height limit they suggest would be significantly broken by the extant permission and also by 1 Merchant Square.

The tower proposed would be visible above the tree line in a number of views from these parks, although this is mitigated to an extent by the distance and, in some views, by the existence of other high buildings on the skyline and by the intended presence of 1 Merchant Square.

In views 23 and 24 (Kensington Gardens/Serpentine), the tower would not rise above the prevailing tree line, and though visible in view 25 from Serpentine Bridge this is within a depression in the prevailing tree line where other tower buildings are also visible. The tower would be clearly visible above the skyline from view 26 to the east end of Hyde Park, although it would sit within a cluster of higher buildings in this view. Historic England have expressed strong concerns about the impact of a winter view from the Long Bridge over the lake from Regent's Park Lane (view 28) and it is recognised that the tower would be visible from this bridge. However, the tower would still principally be viewed through or between areas of tree branches, for a relatively short stretch of this bridge, and it is noted that the tower approved at 1 Merchant Square would also be readily visible in this view.

Though the tower now proposed is significantly higher than either the previous 22 or 26 storey schemes, the Inspector opined that in a view from Hyde Park he saw no argument in favour of the smaller 22 storey tower as compared to the 26 storey tower where it was seen between existing towers. The Inspector also commented that from Regent's Park the 26 storey tower is to be preferred as it would stand more comfortably alongside the GU tower (location for 1 Merchant Square), and that he considered that there was something in his opinion more satisfactory about its positive projection above the skyline. He commented further that the distance of the appeal site from Regent's Park is enough on its own to ensure that a tall building upon it would not appear unduly intrusive, let alone dominant.

### **8.3.5 Building A - Other Views**

#### Primrose Hill

View 30 is taken from the summit of Primrose Hill. The London View Management Framework (LVMF) illustrates a panorama of central London from this viewpoint containing two protected vistas to the Palace of Westminster and to St Paul's Cathedral. The site is a significant distance away from the protected vista to the Palace of Westminster and other landmarks referred to such as the BT Tower and London Eye, and

further still from St Paul's Cathedral, and the principal interest in the LVMF view is not in the direction of the site. The panorama of central London from the summit of Primrose Hill is clearly an attractive one, and the tower would be clearly visible and would be prominent above its current immediately surrounding townscape. However, this visual impact is mitigated by the tower proposed being sited directly on axis from this view to the site of 1 Merchant Square which will be anticipated in time to contain a larger tower building, and also with other towers surrounding such as the London Hilton Metropole, Hall and Braithwaite Towers, and others.

### Edgware Road

Several views have also been provided showing the visual impact of the tower from both north and south on Edgware Road. View 4 is taken from the junction of Edgware Road and Crawford Place to the south of Harrow Road and in this view the tower is significantly screened by the bulk of the London Hilton. Views 15 and 16 are taken from north of the application site on Edgware Road. Both these views show the tower set in a context of other high buildings in the surrounding townscape of Parsons House, Hall and Braithwaite Towers and the London Hilton Metropole. It is recognised that the tower proposed would be larger than these surrounding buildings by some significant degree in the case of the towers north of Harrow Road. It is also recognised that from these views from the north, the wider width of the tower than in the approved appeal scheme would be apparent. In the previous appeal scheme, the Inspector advised that he did not consider that there was a visual or urban design need for a taller building, and that in his opinion the 26 storey tower would be more or less the same height as the London Hilton Metropole on the south side of Harrow Road which he considered inappropriate in urban design terms.

Though recognising these concerns, the area both north of Harrow Road and on the west side of Edgware Road has a somewhat disjointed townscape which incorporates the three high buildings (Hall and Braithwaite Towers and Parsons House) which are all set back from the Edgware Road frontage, and has the London Hilton Metropole and future tower at 1 Merchant Square in the backdrop of a view south. The tower now proposed is set notably further back from the Edgware Road frontage than in the previous appeal schemes, which acts to reduce the length of Edgware Road in views from the south. This also allows some degree of an impression of a step down in scale from the tower to buildings B-D and to the bulk of the Hilton Metropole beyond in views from the north, whereas the appeal scheme had the impression of the tower rising up more directly from the Edgware Road frontage which in its own terms gave it an imposing impression on the street frontage. The impression of a set back tower is more in line with the character of the townscape north of Harrow Road where three such towers are located.

The greater width of the tower as compared to the previous appeal scheme will be apparent in these views. The Hilton Metropole has a north (Harrow Road) facing frontage of approximately 36m, and with Burne House, Parsons House and Capital House in the surrounding area also having in excess of 30m frontages to the street, there is some context for a wider tower. The site sits close to a junction of significant central London routes (Edgware Road, Harrow Road/Marylebone Road) which has a distinct cluster of tall buildings surrounding. Though recognising the concerns of the Inspector, and recognising the greater height and width than in the dismissed appeal scheme, officers consider that there could be justification for a tower building of this scale set back from the Edgware Road frontage in the context noted above.

Overall, the proposal would have greater visual presence than the scheme allowed under the extant permission, due to its greater height and width. Officers consider that it is the visual impact of the tower from the Paddington Green and from the Maida Vale Conservation Areas which is considered to give rise to less than substantial harm. From other locations, and despite being visible, the proposed tower is not considered harmful to the character and appearance of the townscape or setting of other conservation areas.

The Committee are therefore asked whether or not they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider to be caused to the character, appearance and setting of the Paddington Green Conservation Area and Maida Vale Conservation Area by the tower in these regards, mindful of the statutory, policy and guidance tests set out above.

### **8.3.6 Block A - Impact on Setting of Listed Buildings**

Policy DES 3 (2) in the Unitary Development Plan states that high buildings will not be permitted where the development would have an adverse impact upon listed buildings and their settings. There are a number of listed buildings in close proximity to this development site, with the ones most closely affected being within Paddington Green.

#### Nos 17-18 Paddington Green and Children's Hospital building – Paddington Green

Nos. 17-18 Paddington Green are a pair of Grade 2 listed buildings originally constructed around 1800 as separate houses. They are formed by main wings faced in yellow stock brickwork and covering lower ground, ground and three upper floors, with subsidiary flanking wings also in brickwork.

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

With regards to the effect on the significance of these heritage assets, the applicants advise that they consider the impact would be major beneficial. They state that the extant permission has already established the acceptability of a tall building within this location as not harming the intrinsic significance of the listed buildings, and that the development would regenerate a vacant, degraded site that detracts from their particular significance.

The buildings to the east side of Paddington Green are relatively small scale properties, and their scale sits comfortably in context with the remainder of the run of traditional buildings to the east side of Paddington Green. Though it is recognised that the currently site is an unattractive feature of the area, by virtue of the lack of buildings to the site, there are currently no structures to create bulk in the backdrop of views from Paddington Green. Though the list description of the Children's Hospital building refers to tiling as a principal reason for listing, it nonetheless has an elaborate and attractive roofline, with nos. 17-18 Paddington Green having a characteristic 19<sup>th</sup> century classically inspired approach of elevations rising to a parapet with a low pitched roof structure behind intended to stay visually hidden by the parapet. The tower will be visually dominant in the backdrop of

these buildings. Though noting the 22 storey tower allowed under the extant permission, officers consider that a wider tower with a further eight floors of accommodation, and to a location closer to these buildings, could only be a retrograde step in terms of their setting. The change from the existing almost cleared site is a dramatic one, though clearly less so in comparison with the 22 storey tower allowed under the extant permission. Nonetheless, the significant disjunction in scale between these low scale traditional properties and the new development is particularly marked.

It is recognised that the existing site is harmful to the character of the area by reason of being a large void of derelict appearance in what should be a developed section of townscape. Though harmful in its own right, the cleared site does allow these relatively small scale buildings to be appreciated without very large scale development behind, though this consideration is mitigated by the buildings allowed under the extant permission. Notwithstanding this, the greater height and visual presence of the tower building in this current application proposal is considered to have an impact which constitutes less than substantial harm to the setting of these listed buildings.

The Committee members are therefore asked to consider whether they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm caused to the setting of these listed buildings, mindful of the statutory, policy and guidance tests set out above.

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

Approximately 170m to the west of the proposed tower is St Mary's Church on Paddington Green, a Grade 2\* listed church building dating from 1788-91 which was originally designed by John Plawwith, though with later 19th century alterations and a 1972 restoration by Raymond Erith. The building is built to a Greek cross plan giving it an essentially square building form and it is faced in yellow-brown bricks with ashlar dressings, and with a slate roof and prominent cupola above. Particular reference was made in a number of the representations received to the impact on the setting of this Church building.

The applicants advise that they consider that the principal experience of the Church is from the square at the centre of Paddington Green and also the open space to its north. They consider that these focus views towards this heritage asset and that whilst there would be an appreciation of a taller element in some views this would form part of the wider urban backdrop and would not impair an understanding of the building's architectural or historic interest.

Officers consider that though the surrounding area was originally designed with relatively low scale domestic buildings, those traditional buildings remaining are not clearly apparent when standing at the Church, and that the principal experience of the setting of the Church now is of its significantly treed surrounding Churchyard and adjacent Paddington Green and St Mary's Gardens, with the tree cover significantly screening views out from the building. Though some sense of a low scale urban setting still remains, from the perspective of the Church, set within a heavily treed context this is not readily perceptible, and not to the extent that the Westway forms a prominent element of the surrounding character of the Church building. In the decision notice on the two previous appeal schemes, the Inspector

noted that in his opinion the trees within the Green obscure the detail of the buildings beyond, until one gets closer to the eastern edge of the Green.

Overall, it is considered that given the heavily treed church grounds, and the significant change to the context of the church and the skyline in the clearer views south from the Church, the impact of the tower to the West End Green site would not adversely affect its setting.

#### Other Listed Buildings to Paddington Green

In addition to the above buildings, there are also a number of listed monuments and telephone kiosks within Paddington Green. Within the grounds of St Mary's Church are a monument to the Chandless family, a monument to the Wood family, and a monument to the Thrupp family. In addition there is a statue of a Mrs Siddons located within the main garden square to Paddington Green and also a pair of listed K6 telephone kiosks at the edge of Paddington Green opposite nos. 8-10. The tower particularly, and also the other buildings proposed would be visible from these structures. However, there is no intrinsic link between these listed monuments and structures and a particular setting. The family monuments are most appropriately seen within the treed Church grounds, though the wider setting of those monuments and the other listed structures in themselves are considered to make little contribution to the significance of these listed buildings.

#### Wider Setting of Other Listed Buildings

Given its height, it is recognised that the tower element will be visible in the wider setting of a number of listed buildings in the wider surrounding area.

The tower will be visible in views west on Bell Street from the Grade 2\* Christ Church building on Cosway Street (which flanks Bell Street). This early 19<sup>th</sup> century Church building designed by notable architect Philip Hardwick, and is a classically inspired composition with an entrance portico and high tower element above as some of its principal features. The tower proposed on the application site would be readily visible in the same viewpoint as the Church building. However, in these views its visual impression would not rise dramatically above the height of the mansion block buildings in the view further west on Bell Street. The impression of the Church building with its tower above as a principal townscape feature to this section of Marylebone will not be diminished by the 30 storey tower proposed to West End Green. There are limited views of the very upper section of the cupola to this church tower from the western end of the Dorset Square Conservation Area, and the tower is anticipated to be visible in the view, however the very truncated views of this feature mean that its setting would not be adversely affected in such views by the tower proposed further to the west.

The tower would also be readily visible from both views out from the Grade 2\* listed North Westminster Community School and would be seen in context with the building in views west on Broadley Street. View 19 shows a view west on Broadley Street, and the tower building is a high and very prominent feature of the townscape on axis with Broadley Street. However, the listed school building itself is set well back from the Broadley Street frontage, is a building of modernist styling and its setting would not be adversely affected by the proposals.

The tower would rise markedly above the building line in Ashmill Street which contains several listed buildings to its eastern end. However, the buildings are seen in context with a quite modern townscape to the street with relatively high buildings directly across the street. In this context the impression of a more distant tower building on the skyline would not unduly affect their setting, and it is noted that the 22 storey tower under the extant permission and the approved tower to 1 Merchant Square would be readily visible in this skyline.

In the wider area, the tower would be visible above the existing roofscape from several views in Bayswater, in views from Little Venice/Maida Vale, and in other more distant locations where listed buildings are present. However, the distance and setting of the development site means that there is no clear relationship between those buildings and developments to the application site. Consequently, it is not considered that the proposed development would have any detrimental impact upon these listed buildings to these other wider areas.

In summary, the tower would cause less than substantial harm to the setting of 17-18 Paddington Green and the adjacent Children's Hospital building. The Committee are therefore asked whether they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider is caused to the setting of these listed buildings, mindful of the statutory, policy and guidance tests set out above.

### **8.3.7 Block A - Massing and Modelling**

The building has a footprint in a form of curved lozenge shape, though with this shape notably swelling out towards the north-east. The footprint to ground floor level is extruded unchanged up through the height of the building, with the curving and unchanging footprint giving it a powerful visual presence which differs notably in terms of the direction it is viewed from.

This form/footprint of building differs notably from the tower approved under the extant permission. The previous building had a distinctive curved south elevation extending out to sharp corners to its east and west ends, with the north elevation being conceived as an engaged though clearly differentiated northern wing with a rectangular form incorporating a flat north elevation rising up the height of the building.

The building will be capable of being viewed from all sides, and the curving form of the building is considered a more elegant silhouette than the previous building which, to its north side at least, had a more bulky and blocky rectangular visual effect. The curved footprint of the tower is also considered to respond more closely to the cylindrical form of the approved scheme at 1 Merchant Square.

However, the building does have a markedly increased footprint and the impression is of a building of some considerable bulk and visual prominence, which would stand out in some contrast to the more slender and tapering form of the approved scheme to 1 Merchant Square. This greater width has implications for the setting of conservation areas and listed buildings, as discussed above. The impression of bulk is mitigated to some extent by the 'fins' that rise from ground level to the top floor of the building which provide a vertical

accent offsetting the impression of the bulk of the building, with the visual impression of horizontal floorplates not strongly emphasised in the composition.

In terms of its massing and modelling, the building proposed presents a distinctive silhouette to the skyline and is considered of acceptable form in its own terms.

### **8.3.8 Block A - Detailed Design**

The tower building has been designed with a distinct vertical emphasis to the composition, expressed by columns clad in brick with reconstituted stone framing which are set forward of the line of glazing and balcony fronts and which provide a sense of visual solidity and structure to the building. The vertical emphasis provided by the fins is further enhanced by the five paired groups of inset balconies to the residential units which rise up the elevations in five distinct vertical bands. These are sited relatively evenly around the elevations, though including at key points on each end of the tapering east and west ends of the footprint and to the centre of the south elevation.

The appearance of the tower is further defined by a distinct base, middle and top being incorporated into the composition. A strong base is formed by the ground and first floor levels having prominent two storey high reconstituted stone framed portals, and with the second and third floors being framed above and below by horizontal bands of reconstituted stone. This approach is reflected towards the top of the tower by the 25<sup>th</sup> floor being framed above and below by bands of reconstituted stone and with the 4 floors above capped by a clearly defined parapet to main roof level helping give a defined climax to the top of the composition. The highlighting of these areas on the building is for stylistic reasons only and does not closely reflect any differing internal uses, nonetheless the arrangement is considered appropriate in terms of helping to break up the massing/bulk of the building, providing a greater visual interest to the composition and a more defined base to, and termination of, the tower, and by reflecting the similar approach taken on the design of the mansion block buildings.

The fins are to have red brickwork facing, with light coloured reconstituted stone framing the window openings. These materials are also to be used on the mansion block buildings, and it is the applicant's intention for the tower to reflect the general design and colouring of the mansion blocks to help visually tie it in to a more unified overall development aesthetic. Though noting that the Marylebone Association express concern at this, and stated that they wished a greater diversity of design to the various building, nonetheless as a general approach this is welcomed by officers.

The brickwork detailing to the fins is to be secured by condition, as the current proposals are not considered either fully detailed or appropriate in so far as they are shown to the application submission. The applicants refer to the use of 'brick façade panels' to the tower (and also buildings B-H). This describes a cladding system where thinner brick elements are mounted onto larger panels fixed back to the main building, thereby revealing regular jointing between these panels, the appearance of which is a concern to a building which would more appropriately appear with seamless brickwork facing. To the areas at the base of the tower therefore an amending condition is recommended to secure a more appropriate and traditional brickwork finish. To the areas higher on the tower this approach could be considered acceptable in principle, subject to full details and a sample of the panels which would be secured by condition.



Conditions are also recommended requiring a further sample of materials, as officers have concerns that the materials submitted by the applicants are not appropriate with the brick in particular having an notably pale and somewhat orange appearance, rather than the desired more reddish brick facing.

The vertical fins are the principal design feature of the elevations, and the darker colour of the bronze aluminium cladding to the windows, spandrels and inset balconies and their inset position gives them a visually recessive impression and avoids the more traditional arrangement of a stacked series of horizontally expressed floor plates. This approach to the elevations is welcomed by officers.

The use of a consistent colour palette to metalwork across the facade will prevent the impression of the openings and cladding distracting to the building's overall profile. There is also a degree of richness to the detailing which adds some interest to the elevations, and the spandrels and inset balconies help emphasise the residential character of the building and provide some human scale to the building.

The building maintenance unit required to access and maintain the elevations will be an extendable structure though it is located discreetly within the plant room to roof level, and will retract from view when not in use to maintain a neat appearance to the skyline profile of the tower. However, the submitted drawings are not clear with regards to any requirement for edge protection to the main roof level to the tower (or buildings B-H), with some visuals giving an impression of a glazed parapet to roof level which would clutter the skyline impression of the tower. A condition is added requiring the submission of a full package of drawings detailing all required maintenance support structures, with an informative strongly advising against the use of any such edge protection upstands.

Overall and although the building does not incorporate a notably dynamic or dramatic approach to its form, modelling, skyline presence or cladding, the relative visual solidity of the elevations and the approach to cladding will assist in making the tower appear more as a residential development, distinct from the more commercial developments of Paddington Basin to the south. The composition is considered well resolved, including a definitive and appropriate capping to the roof level, and with the detailing well considered. Though a tower with lesser footprint, or one tapering more towards its apex could be considered to have the potential for a more slender profile on the skyline, the tower is nonetheless considered acceptable in its own right in terms of its bulk, form, detailed design and skyline presence.

The concerns expressed by objectors regarding the design of Block A are noted. However, the architectural quality of the new building is considered appropriate and to meet the tests set out in policy DES 3 in terms of its quality of architectural design contributing to the character of London as a world class city.

### **8.3.9 Block A – Design Summary**

The accompanying text to policy DES 3 of the UDP states that, on the whole, Westminster is an unacceptable location for high buildings. It continues, stating that given the demanding criteria that high buildings need to meet and the sensitive context of the greater part of the City with regard to conservation areas, listed buildings and views, it is

considered that the Paddington Special Policy Area/POA is the only appropriate location for high buildings within the City. However, it goes on to note that this does not preclude proposals for individual buildings coming forward on an exceptional basis. As such, these proposals must overcome the tests set out in DES 3 to ensure their positive contribution. Significant consideration must also be given to the Inspectors comments in the 2005 appeals for 22 and 26 storey towers on this site.

As set out above, officers have concerns with regards to the impact of the tower on the setting of the Paddington Green and Maida Vale Conservation Areas and on the setting of nearby listed buildings at 17-18 Paddington Green and the Children's Hospital building. As such, the proposal would be contrary to policy DES 3 (A) (2) which states that proposals for high buildings will not be permitted where the proposals would have an adverse impact upon the character and appearance of designated conservation areas or upon listed buildings and their settings, nor upon the views obtained from London Squares. This harm would be less than substantial.

Accordingly, the Committee are asked to consider whether the benefits of the scheme, as set out elsewhere in the report, outweigh the less than substantial harm officers have identified, having regard to the statutory, policy and guidance tests set out above and the Inspector's comments on the previous appeal schemes.

#### **8.3.10 Blocks B to H (Mansion Blocks) - Design overview**

The applicants have stated that they have drawn inspiration for the design of buildings B to H from the late 19<sup>th</sup>/early 20<sup>th</sup> century residential mansion blocks found commonly to Edgware Road and Maida Vale. Several objectors have queried this although officers are persuaded about a visual link with the red brick mansion blocks common to the street and in light of this inspiration, these new buildings are designed with a regular fenestration pattern, a composition divided into a defined base, middle and attic storeys, and with prominent use of red brick as the facing material. With reference to the comments on the brickwork facing to block A set out above, the brick to the main sheer elevations should be conditioned to ensure appropriate traditional detailing, though officers consider that the use of a brick panel system could be considered acceptable to the set back roof stories.

These buildings are considered to form an appropriate complementary development as a foil for the greater height and visual presence of the tower, with the consistency of form, detailing and materials of the various mansion block style buildings around the site, helping them respond well to the tower and not to compete in architectural terms. The unity in approach to design and materials will give the development as a whole distinctiveness of form. Officers agree with the GLA who advise that the mansion blocks would be acceptable as they would respond well to their local context and make a positive contribution to the skyline, and would signal the regeneration of this housing zone and long empty site. Historic England have also stated that they welcome the mansion block elements of the application proposals.

#### **8.3.11 Blocks B, C and D – Edgware Road frontage - Heights, Views and Massing**

These buildings are located to the east side of the site where they flank the Edgware Road frontage, and they are readily visible in relatively long views from north and south on Edgware Road and the surrounding area, particularly from Broadley Street. They are

designed as three distinct and separate structures with townscape gaps between each above a continuous frontage to ground floor level.

The buildings rise sheer from ground to eighth floor level, with two further floor levels above as slightly recessed attic storeys. This proposed height is approximately three floor levels higher than in the extant permission. It is clear that the height is considerably larger than the principally three and four storey high buildings to the east side of Edgware Road at this point. However, the development is also appreciated in the wider context of the scale of developments in Edgware Road and Maida Vale where buildings approaching or exceeding this scale are not uncommon. The impression of greater height is also mitigated by the gaps between buildings, lessening an impression of a continuous high solid wall of development to the site. They will appear a high and imposing development to the Edgware Road frontage, though notwithstanding the concerns of objectors, these buildings are considered acceptable in themselves in terms of their height and bulk. The plant rooms rise 2m high above blocks B and D and 3m high above block C, though given the height of the buildings and the set back from the front elevation of these plant rooms they will not form prominent features in views from street level.

These buildings have a large footprint, which is appreciable particularly from the clear views from Edgware Road of the south facing elevation of block B, however this depth is not dissimilar to the extant permission scheme. The buildings are arranged with the two end buildings having a notably narrower frontage to Edgware Road than the wider central building, giving a B-A-B rhythm to enliven the frontage, with further rhythms incorporated into the design of the bays to the buildings as discussed further below.

### **8.3.12 Blocks E and F – Church Street - Heights, Views and Massing**

These buildings are conceived as one unified, stepped development to the Church Street frontage. Block E rises from ground to fifteenth floor in sheer form, with three further floors set slightly back above. Block F rises from ground to tenth floor. This compares to the approved buildings to this site which rose from ground to fifth floor level and with a further set back storey at sixth floor. The visual impression therefore is of a new unified and stepped block of considerable height and bulk, though one which does reduce in scale towards the west.

The buildings proposed therefore are high and imposing structures, and would be highly prominent in views from the Paddington Green Conservation Area both in views along Church Street and over the rooflines of the buildings to the east side of Paddington Green. These buildings are in relatively close proximity to the listed buildings on the east side of Paddington Green. Block F is within the conservation area, with block E sited on the edge of it.

The harm caused is mitigated to some extent by the context of this section of Edgware Road, which is characterised to a certain extent by a series of tower buildings set back from the street either behind frontage buildings or other forms of set-backs. In this regard, Parsons House, Braithwaite Tower, Hall Tower, Burne House and to a lesser extent Kennet House on Church Street all have an imposing visual effect on the street scene to this part of Edgware Road whilst not forming part of the Edgware Road frontage. Seen in this regard, a higher building set back from the Edgware Road frontage is not unknown in this part of the townscape, and it is of note that a 22 storey tower has

previously been allowed on appeal elsewhere on the site. Viewed from Paddington Green, Hall Tower is prominent to the north side of the road. Notwithstanding that, these new buildings which have seen principally together as one largely unified stepped block, clearly overshadow those listed buildings to Paddington Green and present a high and prominent intrusion into the skyline in views east out of the conservation area.

Mindful of the site context, it is considered that less than substantial harm is caused by these buildings to the setting of 17-18 Paddington Green and the Children's Hospital building, and to the Paddington Green Conservation Area.

To the rear, block E closes the view north into the central garden square, and reads as an appropriate focal point to this urban space and its scale is considered appropriate when seen in that particular context.

The plant room to block E is set adjacent to its west elevation, and it would be preferable for this to be a more recessive structure to roof level. Should the application proposals be considered acceptable, a modifying condition would be recommended requiring the re-siting of this plant room.

### **8.3.13 Block G – Newcastle Place - Heights, Views and Massing**

This proposed building rises through ground to sixth floor level, and is not notably higher than the building to this location in the scheme allowed on appeal which rose from ground to fifth floor level with a further floor level slightly recessed to the roof. The building flanks the western side of the central garden square.

Block G rises notably above the height of the buildings to the east side of Paddington Green and will be seen as some degree of bulk in their backdrop in views from Paddington Green, however whilst these buildings are set slightly closer to Paddington Green than in the Option A appeal scheme, given the similarity of the height and bulk to the previous scheme allowed on appeal, and the proposed arrangement of windows to enliven the west facing elevation, this height and bulk is considered acceptable.

### **8.3.14 Block H – Paddington Green - Heights, Views and Massing**

This proposed building rises from ground to seventh floor to its eastern end where it is arranged in a curving form acting as a foil for the tower building and terminating the view west from the pedestrian route to the north side of the tower, with this element rising to 61.45 AOD. This section of block H is roughly in the location of Building E2 in the previous appeal schemes which rose from ground to fourth floor with a set-back roof storey at fifth floor under the allowed appeal giving a height of 52.7 AOD with plant room above of approximately 2m above. The dismissed appeal had this building rising from ground to fifth floors with a set-back roof storey at sixth floor giving a height of 55.9 AOD with plant room of approximately 2m above.

The height of proposed block H drops to ground to fifth floor with a set-back sixth floor level to the western section of the block where it fronts onto Paddington Green, with this element rising to 58.2 AOD. This section of block H is roughly in the location of building E1 which in both previous appeal schemes rose from ground to fourth floor levels giving a height of 49.5 AOD. Building E1 stepped well forward of the building line to the adjacent

Paddington Green buildings, in contrast to the currently more recessed proposed building line.

In the previous appeal decision, with regards to building E1 concerns were expressed by the Inspector that the conservation area and the setting of the listed buildings in Paddington Green 'deserve a more sensitive architectural composition' than was proposed in that scheme, though concluded that the benefits of the allowed appeal scheme overcame those stated concerns. However, the Inspector also concluded that the height, footprint and proximity to Paddington Green of the E2 building under the dismissed appeal would harm the character and appearance of the Paddington Green Conservation Area, though the lower E2 building in the allowed appeal was considered appropriate.

In this current scheme, the Paddington Green frontage of block H is set significantly further back from the pavement edge in Paddington Green than in the previous appeal schemes, though still forward of the building line adjacent. This Paddington Green frontage rises two floor higher than in the previous appeal schemes, being approximately 4.5m higher to the height of the sheer elevations of the main block, and approximately 8m higher to the height its set back roof storey. The eastern section of proposed building H is two floors higher and approximately 8m higher than building E2 in the allowed appeal, and is one storey higher and approximately 4.5m higher than building E2 in the dismissed appeal.

In comparison with either of the previous appeal schemes, the marked set back of the Paddington Green frontage of proposed block H is considered a welcome benefit and significant improvement extant permission in this regard, and will help integrate this building better into the Paddington Green townscape in terms of building lines. However, the height of these blocks is an issue of significance, and the notable increase in height above that previously considered inappropriate for building E2 in the dismissed appeal would have an impact upon the Paddington Green Conservation Area within which building H is almost entirely set. Though the rear areas of proposed building H (i.e. those not directly fronting towards Paddington Green) are more recessed from the Paddington Green buildings than in the previous appeal schemes, nonetheless the increase in height is notable and they would be readily apparent and appear somewhat bulky above the impression of the existing Paddington Green frontage buildings.

Though the impact of this is somewhat offset by the greater set back to Paddington Green now proposed, block H is considered to adversely affect the Paddington Green Conservation Area, and the setting of the listed buildings at 17-18 Paddington Green particularly, though less so the listed Children's Hospital building to the north end of Paddington Green given its greater distance from block H. However and given the context and the notable improvements to the building line to Paddington Green and more recessed north elevation as compared to the previous appeal scheme, the impact is considered to represent less than substantial harm to these designated heritage assets.

The Newcastle Place elevation is kinked to help follow the building line to that street and it acceptably defines the north side to that public street.

### **8.3.15 Blocks B to H – Detailed design**

The mansion block buildings are characterised by having a good degree of visual solidity, with the elevations designed with a red brick facing with stone detailing to the main elevations, with a series of inset balconies and bronze coloured aluminium for framing window openings and inset spandrels between floor levels. The bronze panels between paired windows have notable use of bronze cladding with diamond patterning, giving a subtle visual richness to the elevations. The bronze sample submitted by the applicants however is considered to appear excessively dark, and should the Committee consider the proposals acceptable, an appropriate sample would be secured by condition.

The compositions are characterised with a marked base created by the framing of ground and first floors by large framed portals, the use of rusticated brickwork to these two floors, and the banding of second floor above by reconstituted stone. The top sheer floor to each building made distinct in the composition by similarly being framed by banded reconstituted stone panels, with the floors above recessed back from front elevation lines. The detailing of these buildings are considered an improvement as compared to the extant permission which had a relatively stark visual appearance with notably large scale window openings. The compositions now proposed have an attractive rhythm to the elevations with bays with inset balconies, and paired windows of differing widths often alternating.

With regards to the design of the mansion block buildings, an objector considers that the scale, design and use of the same family of details through-out the whole site creates an 'estate' or 'complex', quite set apart from the mixed locality. However, the development site is a scheme of considerable scope, and it is common in the surrounding area for relatively large scale development to adopt a unified style to large urban blocks, as many of the mansion blocks to Edgware Road and Maida Vale already do. The site is considered large enough to have its own distinct design identity without a particular need for this to defer wholeheartedly to surrounding buildings.

The St Marylebone Society also expressed a view that the balconies should have opaque or tinted glass to screen any structures such as bikes or washing lines on these balconies. However, a more opaque panel or a more visually dominant dark glass panel could detract from the traditionally inspired character of these mansion blocks and conditions are attached to ensure that more permanent structures are not added to these balcony areas.

### **8.3.16 Mansion Blocks – Summary**

As set out above, blocks E/F and H are considered to adversely affect the character, appearance and setting of the Paddington Green Conservation Area and the setting of the listed buildings to the east side of Paddington Green though this harm would be less than substantial. In other respects, these buildings are considered acceptable in architectural and townscape terms, and are considered an improvement upon the extant permission.

The Committee are therefore asked whether they consider that the public benefits of the scheme as set out elsewhere in the report outweigh the less than substantial harm officers consider to be caused, mindful of the statutory, policy and guidance tests set out above.

### **8.3.17 Archaeology Considerations**

The site lies within the Paddington and Lilestone Villages Archaeological Priority Area. An archaeological report has been submitted to accompany the application, which has

been reviewed by Historic England. They raise no in-principle concerns but recommend that the archaeological interest should be conserved by attaching a condition as suggested by them, and advise that the scope of the mitigation should be discussed and agreed with this office prior to any development within the site.

### **8.3.18 Public Benefits**

Whilst the harm identified above is noted, the proposed development also includes a number of public benefits, many of which did not exist at the time the extant permission was considered and the dismissed appeal were considered. These public benefits include the following:

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

As noted above, the application site is located within the Edgware Road Housing Zone (“ERHS”), within NWEDA and within the area covered by The Futures Plan. The ERHS envisages the addition of 1113 new homes within the housing zone, including an additional 537 affordable homes. The Futures Plan proposes the replacement of 306 Council owned homes. Policy S12 of the City Plan also encourages, amongst other things, redevelopment of some housing estates and the provision of more intermediate and market housing within NWEDA.

Whilst the proposed development intrinsically makes a significant contribution to these policy priorities through the addition of 652 new homes, the affordable units provide decant space for existing tenants within the Church Street regeneration area. As demonstrated above, this is the maximum possible contribution the applicant can make without harming the viability of this development. The Head of Affordable and Private Sector Housing is also happy with the mix of social rented units proposed.

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

Accordingly, the proposed development would make a significant contribution to the number of units proposed under the EHRS and Futures Plan, but would also enable the latter to take place. In doing so, the proposed development would make a substantial contribution to the Church Street, Paddington Green and Lisson Grove renewal programme beyond just the number of residential units proposed. This regeneration would bring about substantial benefit to the wider locality and is a benefit that did not exist at the time the extant permission and dismissed appeal were considered.

#### Remedying Harm Caused by Existing Site

Many of the representations received note that the vacant nature of the existing site detracts from the townscape in this area and has done so for over 20 years. This site has seen a number of proposals to develop it over the last two decades fail to be built

out. This harm has also persisted for another decade since the extant permission and dismissed appeal were considered.

The proposal would result in comprehensive redevelopment of the site. This is welcomed in principle with the development of the existing unattractive gap site, and will lead to blocks B, C and D restoring a built frontage to Edgware Road, with blocks E/F and H also restoring a built frontage to Church Street and to Paddington Green respectively. The more appropriate recessed line building line of block H onto Paddington Green as compared to the extant permission is also an improvement in townscape terms.

The ground floor retail and restaurant units proposed on Edgware Road would reinstate the Core Frontage of the Church Street/Edgware Road District Shopping Centre, and would provide an active frontage to the street. The existing site forms a large gap in the shopping frontage which is harmful to the legibility and overall retail offer within the Church Street/Edgware Road District Shopping Centre. The proposed development would remedy this.

The urban design approach to the site is considered to allow for a better defined and more permeable layout to the site than in the previous appeal schemes and is a significant improvement upon the existing site.

Given the above, there are aspects of the proposed development that would enhance the Paddington Green Conservation Area and improve the townscape of the streets surrounding the site.

#### Contribution to Housing Targets

The supporting text to policy S16 of the City Plan notes that there is an acute shortage of, and that it is difficult to develop, affordable housing within Westminster. Furthermore, the City Council cannot meet its affordable housing need of 5,600 additional affordable homes per annum. At present, an identified supply of only 1564 units has been identified within the City Council's five year supply. The deficit between identified need and supply has grown greater since the extant permission and dismissed appeal were considered.

The 126 affordable units proposed would provide approximately 8% of this identified supply of affordable units. This is the maximum viable contribution this development can make. It would also provide a 19 unit 'windfall' over and above this identified supply in comparison to the extant permission. Accordingly, the provision of these units on-site, particularly within the Church Street regeneration area is a substantial public benefit of this development.

The proposed development would also be the largest single housing development within the Westminster and is of strategic importance. The 652 units proposed would provide approximately 61 % of the City Council's annual London Plan housing target (i.e. 1068 units) on one site and would be a significant 'windfall' in comparison to the 307 units under the extant permission. This target is also a minimum that is intended to be exceeded to close the gap between London's identified housing need and supply (see para. 1.1.5 of the Housing SPG). The deficit between this identified need and supply has also grown greater since the extant permission and dismissed appeal were considered and this has



been a contributor to housing unaffordability, not just in Westminster but throughout London.

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

### Other Benefits

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

- Creation of a mixed and balanced community through the proposed residential mix and complementary town centre uses;
- Contribution to social and community facilities exceeding the impact of the development;
- Job creation and training for local residents during the construction and operational phases;
- Training for local residents during construction;
- Significant public realm improvements around and throughout the site;
- Provision of private and public open space;
- Significant greening and tree planting;
- Provision of public art;
- Provision of play space;
- Highways improvements;
- Promotion and provision of sustainable transport and a reduction in road traffic generation compared to the extant permission; and
- Re-purposing of Newcastle Place as a shared surface

The committee are asked to consider whether the cumulative weight of the public benefits above outweigh the less than substantial harm identified to designated heritage assets set out above. When making this consideration, the committee must have special regard to the desirability of preserving or enhancing the setting and special architectural and historic interest of adjacent listed buildings and the character and appearance of the conservation areas affected.

## **8.4 Residential Amenity**

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

### **8.4.1 Loss of Light**

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

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

The applicant has submitted a Daylight and Sunlight Report by Deloitte (“the Light Study”) as part of the Environmental Statement that accompanies the application to demonstrate compliance with the BRE Guide. The Light Study considers the properties below:

- Paddington Police Station Section House;
- 14 Paddington Green;
- 15-16 Paddington Green;
- 17 Paddington Green;
- Mary Adelaide House;
- Winicotte House;
- 1-80 Hall Tower;
- 1- 32 Gilbert Sheldon House;
- 390-394 Edgware Road;
- 354-386 Edgware Road;
- 330-352 Edgware Road; and
- 314-328 Edgware Road.

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

### Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents’ amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining

space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

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

The Light Studies conclusions on daylight are summarised in the table below:

### **Daylight Loss: Extant Permission v Proposed Development**

SITE	No. of Windows With VSC Losses Exceeding 20%	VSC Losses (%)	No. of Rooms with NSL Losses Exceeding 20%	NSL Losses (%)
Paddington Police Station Section House	0 out of 55	NA	0 out of 44	NA
14 Paddington Green	7 out of 7	22 - 75	4 out of 5	22 - 69
15-16 Paddington Green	13 out of 32	21 - 58	1 out of 23	23
17 Paddington Green (Unimplemented Permission)	2 out of 13	21	0 out of 8	NA
Mary Adelaide House	34 out of 60	21 - 25	10 out of 42	22 - 43
Winicote House	31 out of 95	21 - 62	26 out of 56	21 - 43
1 -80 Hall Tower	60 out of 320	21 - 65	7 out of 160	21 - 25
1- 32 Gilbert Sheldon House	30 out of 72	21 - 35	0 out of 48	NA
390-394 Edgware Road	0 out of 20	NA	0 out of 20	NA
354-386 Edgware Road	73 out of 119	21 - 29	28 out of 50	21 - 72
330-352 Edgware Road	10 out of 48	21-23	16 out of 31	22 - 48
314-328 Edgware Road	5 out of 41	21	0 out of 29	NA
<b>TOTAL</b>	<b>265 out of 882 (30%)</b>		<b>92 out of 516 (18%)</b>	

Having regard to the comparison between the extant permission and the proposed development, the proposal would result in VSC losses of greater than 20% for 29% of the windows tested. The proposal would also result in NSL losses of greater than 20% for 18% of the rooms tested. As set out in the BRE Guide, a 20% loss in VSC is where the light loss becomes 'noticeable'. 'Noticeable' does not mean 'harmful' as set out in the Inspectors report for the extant scheme. Most of these losses are relatively minor for a Central London site, falling between 20 and 30% and in the case of the Police Station

Section House there would be some improvement on the extant permission. Where losses do exceed 30% and could be considered harmful, these account for approximately 7% of windows and 10% of rooms tested. The worst affected properties would be at 14 Paddington Green where three kitchens experience VSC losses of up to 75% and NSL losses of up to 69%. Whilst these losses are regrettable, they affect a comparatively small number of properties relative to a development of this scale.

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

### Sunlight

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

### **Sunlight Loss: Extant Permission v Proposed Development**

SITE	No. of Eligible Windows With Sunlight Loss Exceeding BRE Guidelines
Paddington Police Station Section House	0 out of 22
14 Paddington Green	3 out of 3
15-16 Paddington Green	2 out of 2
17 Paddington Green (Unimplemented Permission)	0 out of 2
Mary Adelaide House	0 out of 6
Winicote House	7 out of 83
1 -80 Hall Tower	28 out of 320
1- 32 Gilbert Sheldon House	5 out of 68
390-394 Edgware Road	0 out of 20
354-386 Edgware Road	41 out of 96
330-352 Edgware Road	10 out of 45
314-328 Edgware Road	0 out of 41

<b>TOTAL</b>	<b>96 out of 708 (86%)</b>
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The sunlight loss proposed would be relatively modest for a Central London site such as this with only 14% having losses exceeding BRE Guidance. The worst affected property would be 14 Paddington Green where all eligible windows result in sunlight losses exceeding BRE Guidance. When considered against the public benefits of this development and the strategic importance of this site for housing delivery, this level of sunlight loss would not warrant refusal of this application.

#### **8.4.2 Sense of Enclosure**

The proposed development would be separated from the properties to the north, east and south by the widths of Church Street (approximately 11 m), Edgware Road (approximately 22 to 30 m) and Newcastle Place (approximately 8 m), respectively. Additional separation distance is also provided by the large open spaces to the south of Gilbert Sheldon House and Hall Tower. The south eastern wing of Gilbert Sheldon House also does not have any windows that are orientated towards the proposed development and would have only oblique views of it.

The layout of the proposed development minimises the sense of enclosure impact from the tallest blocks (i.e. Blocks A and E-F). The mansion block design proposed also prevents large expanses of bulk that would increase sense of enclosure. Block A is located away from residential properties to the north and east and screened from them by the lower mansion blocks. Block A is also located so that it does not directly face the northern or western elevations of the section house at Paddington Green Police Station, allowing only oblique views of it from that property. Block B is also separated from the section house, by the public realm at proposed at the south eastern corner of the site. Block E-F is also located so that the open area to the south of Gilbert Sheldon House provides additional separation distance. Accordingly, the proposed development does not result in significant sense of enclosure for the occupants of sites beyond

With regards to the impact of the proposal on those sites located on the same block as the application site (i.e. 14-18 Paddington Green, Mary Adelaide House and Winicote House), a combination of separation distance, screening and design ensures that sense of enclosure is not increased significantly. The self-storage facility on the rear of 16 Paddington Green and the GP surgery in Princess Louise Close partially screen the bulk of Block G from 14-18 Paddington Green whilst also creating a separation distance of at least 30 m. Similarly, these same buildings would partially screen Block H from Winicote House whilst also providing a separation distance of at least 60 m. The flats within 14-18 Paddington Green would also have oblique views of Block H whilst Winicote House would have only oblique views of Block G and part of Block F. Block A is also located in a position where it does not directly face either of these properties.

The rear of Queen Adelaide House is separated from Blocks F and G by at least 30 m. A gap between these blocks above ground floor and visible from the rear of Queen Adelaide House, also further reduces sense of enclosure.

Given the above, the site's urban context and when compared to the extant scheme, the proposal would not result in a significant sense of enclosure for the occupants of

residential properties surrounding the site. Accordingly, the proposal would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.4.3 Privacy**

As noted above, the proposed development is separated from surrounding properties by the widths of Church Street, Paddington Green and Newcastle Place. It is also separated from surrounding properties and partially screened by buildings on the rear of 16 Paddington Green and the GP surgery in Princess Louise Close. As also noted above, the layout of surrounding sites, such as Gilbert Sheldon House, Hall Tower and the section house at Paddington Green Police Station, provide further separation distance or prevent elevations directly facing and therefore overlooking one another. These separation distances and screening provide adequate mitigation for potential overlooking for most surrounding residential properties.

It is noted that windows are located on the rear of Block H and are orientated toward the rear of 14-15 Paddington Green. However, there is approximately 20 m between these windows, which should provide sufficient separation distance to prevent significant levels of overlooking.

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

### **8.4.4 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. The Environmental Health Officer has reviewed the proposal and has recommended conditions to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site. Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

## **8.5 Transportation/Parking**

### **8.5.1 Trip Generation.**

Concerns have been raised with additional traffic from the development and its impact on the surrounding road network.

TFL and the Highway Planning Manager have reviewed trip generation from the proposed development. In comparison to the extant permission, which featured a large supermarket served by 223 parking spaces, the proposal would result in 149 less vehicle movements at AM peak and 512 less vehicle movements at PM peak. The extant permission did include a scheme to widen Church Street between the car park entrance (which was in a similar position to the current proposal) and the junction with Edgware Road. This meant that there could be two lanes of traffic leaving Church Street, one for right turners and one for left. The current proposals do not do this, with the overall ground floor plans showing Church Street to be approximately 8m wide. However, this

additional lane will not be necessary given the significant reduction in vehicle movements proposed.

### 8.5.2 Car Parking

Concerns have been raised with the impact of the proposed development on on-street parking within the area.

No parking is provided for the office and A class uses. This would be consistent with policy TRANS 22 of the UDP.

The proposed development includes 270 car parking spaces for the residential units. This would result in a parking ratio of 0.41 spaces per residential unit. TFL consider this ratio excessive but have not formally objected on this basis. It should also be noted that the parking standards appended to policy 6.13 of the London Plan require up to one space per residential unit and in areas with good public transport accessibility, such as the application site, development should aim for significantly less than 1 space per unit. The proposed parking ratio of 0.41 spaces is clearly significantly below this.

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

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

The introduction of increased levels of residential in this area without adequate off-street parking or on-street parking restraint is likely to increase these stress levels.

Ideally, a higher ratio of car parking spaces to dwellings should be provided. However, the applicant has offered to provide the parking on an unallocated basis and to provide lifetime car club membership for the occupants of all flats. This is supported by TFL and the Highways Planning Manager. Should permission be granted, it is recommended that this is secured via section 106 agreement. A condition is also recommended to ensure that parking is provided prior to occupation of each phase of the development.

Electric Vehicle Charging Point provision is proposed at 20% active and 20% passive, in accordance with Policy 6.13 of the London Plan. As the take up of passive provision relates to ongoing management and implementation, it is recommended that this is also secured via section 106 agreement.

A porte-cochere type vehicle drop off area is proposed at the base of Block A. This is considered to be adequate to meet the needs of taxi / private hire vehicle drop off and collection arising from the development, in terms of capacity.

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

### **8.5.3 Cycle Parking**

The proposal included 1139 residential cycle parking spaces and a further 57 spaces for the commercial parts of the development. The total number of cycle spaces meet the requirements of policy 6.9 of the London Plan. It is noted that many of the short stay spaces are located externally on the Church Street frontage and TFL have queried whether these would be located on the City Council's public highway. The Highways Planning Manager has confirmed that they are located within the application site.

TFL have noted that the long stay cycle parking within the basement levels includes large blocks of parking that may be at excessive risk of theft. TFL have requested that the applicant set out how they intend to mitigate this risk before the application is determined. To address this, a condition has been recommended that requires the provision of measures such as card access and CCTV to manage access to these areas.

### **8.5.4 Servicing**

All servicing would take place on-site, within the basement levels proposed and this is welcomed by TFL and the Highways Planning Manager. The servicing area, ramp and internal headroom are also large enough to accommodate the largest vehicles likely to need to use the building. Most vehicles will approach from/leave to Edgware Road and the only issue is that while this is occurring it will not be possible for two vehicles to pass each other in the part of Church Street between the access point and Edgware Road. Removal of two parking bays on the south side of Church Street will have to be removed to mitigate this. Whilst this is regrettable, the only alternative would be to widen Church Street which would be unreasonable. Accordingly, an objection to the development on this basis would not be sustainable.

The applicant has proposed managing servicing through a detailed Delivery and Servicing Plan (DSP), for which a draft Plan has been submitted with the application. A draft Construction Management Plan (CMP) has also been submitted, including limited details of logistics impacts / approach. Conditions are recommended to secure an up to date Construction Logistics Plan (CLP) and DSP prior to development commencing and being occupied, respectively.

Subject to the recommended conditions, the proposed development would be consistent with policy 6.14 of the London Plan, policy S42 of the City Plan and policy TRANS 20 of the UDP.

### **8.5.5 Waste Provision**



The Cleansing Manager has raised several concerns with how waste will be managed and notes that an excessive number of bins are proposed. The Cleansing Manager has suggested that the applicant reduce the number of bins in accordance with the City Council's requirements; amend the door size to the waste stores to allow passage of 1100 litre bins; and provide a detailed Waste Management Plan to ensure that waste can be moved to the holding area on collection days. A condition is recommended to address these issues. Subject to these conditions, the proposed development would accord with policy ENV 12 of the UDP.

### **8.5.6 Impact on Public Transport Infrastructure**

London Underground have raised no objection to the proposed development.

TFL advise that this development would exert a significant additional demand upon bus stop facilities around the site and they have requested a contribution of £18,000 toward improvements to stop EM on Edgware Road. Additional demand would also be placed upon the Mayor's Cycle Hire network, as local stations are already among the most heavily used in London. To accommodate demand from the development, TFL have requested a contribution of £200,000 toward an extension to the existing docking station at Paddington Green. It is recommended that these contributions are secured by section 106 agreement.

Subject to the recommended conditions, the proposed development would be consistent with policy 6.7 and 6.9 of the London Plan.

### **8.5.7 Road Widening**

Policy TRANS 18 of the UDP safeguards the Edgware Road frontage of this site for road widening. The proposed development respects this road widening designation, with Blocks B to D no encroaching on it and this is supported by TFL and the Highways Planning Manager. Accordingly, the current proposal accords with policy TRANS 18 of the UDP.

With regards to implementing this road widening designation, TFL are the Highway Authority for Edgware Road and it will be up to them to decide what proportion of the extra land should be carriageway and what proportion should be footway. It will also be TFL's decision as to whether it should become adopted public highway or remain in the applicant's ownership.

The applicant envisages that this area will be devoted to pedestrian space / public realm with little or no change to the existing kerblines. It is understood that TFL are considering a scheme that would widen the footway on the east side of Edgware Road, and widen the southbound bus lane and therefore not provide as much footway/public realm on the west side. This scheme could also address an objectors concerns regarding cycle traffic around the site. However, this scheme is in its infancy and it would not be reasonable to require the developer to fund it in its entirety. The applicant has however agreed to contribute £200,000 toward progressing TFL's scheme. It is recommended that this sum is secured by section 106 agreement.

## **8.6 Economic Considerations**

The proposed development would include several retail units and a restaurant that would complete the primary shopping frontage on Edgware Road, with the Church Street/Edgware Road District Shopping Centre. This would provide employment opportunities, whilst also contributing to additional footfall within the shopping centre, to the benefit of existing and future retail uses.

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

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

## **8.7 Access**

All residential, retail, restaurant and office 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, which replaces the previous requirement for all new homes to be built to the former lifetime homes standard.

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

Overall the scheme is considered to comply with Policy DES1 in the adopted UDP and Policy S28 in the City Plan in terms of accessibility.

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

### **8.8.1 Overshadowing**

In addition to sunlight loss to residential properties noted above, the applicant has provided an overshadowing assessment that considers the impact of the proposal on the following areas:

- Public amenity space at Paddington Green; and
- Private amenity space on the roof of the City of Westminster College, to the rear of 14 Paddington Green and to the front of 1-80 Hall Tower and Gilbert Sheldon House.

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

The overshadowing assessment indicates that Paddington Green, Westminster College and the front of 1-80 Hall Tower and Gilbert Sheldon House would receive adequate sunlight. The assessment does indicate that the proposed development would result in total overshadowing of the amenity area to the rear of 14 Paddington Green. However, this would be no worse than the extant permission and is therefore acceptable, particularly when weighed against the public benefits of the development. Accordingly, the proposal is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to overshadowing.

### 8.8.2 Wind Turbulence

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

Outside the application site, the wind tunnel assessment notes that the area worst affected by wind turbulence would be a position at the southern corner of the City of Westminster College (i.e. receptor 35). This position would experience wind gusts exceeding Beaufort Scale 6 for 1.3 hours per year. As this position is a pedestrian thoroughfare and these gusts occur for a very limited annual duration, the proposal is unlikely to cause unacceptable wind turbulence outside the site.

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

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

### 8.8.3 Solar Glare

The applicant has undertaken a computer modelled analysis of solar glare at the following positions:

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

Of these, no instances of glare were observed at the Edgware Road/Church Street and Edgware Road/Bell Street junctions. Glare was visible at one or more of the other positions at 0900 on 21 March, 0900 on 21 June and/or 0900 on 21 December and may be repeated on other days of the year. Given the short duration and dispersed nature of the glare observed, an objection to the development on this basis would not be sustainable. Waterman's have also raised no concerns with respect to the Solar Glare assessment that forms part of the Environmental Statement.

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

### 8.8.4 Telecommunications and Television Reception

Objectors, including the Metropolitan Police Service, are concerned that the proposal may interfere with radio telecommunications and television reception.

A Telecommunications Assessment forms part of the Environmental Statement that accompanied the application. This assessment considers the impact of the proposal on two forms of telecommunications:

- Microwave Links - line-of sight wireless communication technology that uses high frequency beams of radio waves to provide high speed wireless connections. Microwave links are used for point-to-point communication because their small wavelength allows them to be transmitted in narrow beams that do not interfere with one another. Because of this, microwave links are particularly vulnerable to physical obstructions which can obscure the beams; and
- Airwave /TETRA Network – a mobile communications network used by Great Britain's emergency services.

The Telecommunications Assessment concludes that the proposed development may cause interference with 10 microwave links. This interference can be addressed through re-direction of the microwave links to avoid possible obstruction or use of a relay site to bypass and possible obstruction. A condition is recommended to secure these mitigation measures.

With regards to the impact on the Airwave / TETRA network, the network operator (Airwave Solutions) notes that the complexity of the network makes modelling the impact of the development on it difficult. However, they have suggested monitoring of network performance during the demolition and construction phases and the implementation of remedial measures, such as the addition of new base stations and/or infrastructure and modification of the output of existing base stations should harm be identified. A condition is recommended to secure these mitigation measures.

Subject to the recommended conditions, the proposed development is consistent with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to telecommunications.

The applicant has not provided an assessment of the proposed developments impact on the television reception around the application site. This has been requested from the applicant and the outcome of this request will be reported verbally to the committee.

### **8.8.5 Aviation**

The proposed tower is not tall or located in a position where it would interfere with air traffic. Accordingly, the proposed development would accord with policy 7.7 of the London Plan and policy DES 3 (c) (4) of the UDP insofar as it relates to aviation.

### **8.8.6 Trees and Biodiversity**

The proposed development would not require the removal of any trees nor is it located within the Root Protection Areas of any protected trees. Accordingly, the proposed development would be consistent with policy ENV 16 of the UDP.

The application site is located within an area of wildlife deficiency as identified in policy S38 of the City Plan. The existing site has very limited habitat and therefore its redevelopment will have a negligible impact on local ecology. The proposed landscaping to the communal amenity areas, green roofs and public realm areas offer the opportunity to provide biodiversity enhancement. A condition is recommended to secure hard and soft landscaping. Subject to these conditions, the proposal would be consistent with policy S38 of the City Plan.

The Arboricultural Manager generally welcomes the landscaping strategy for the site but has some concerns with the limited soft landscaping proposed on the Church Street/Edgware Road corner of the site. This can be addressed through the hard and soft landscaping condition recommended.

### **8.8.7 Sustainability**

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

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

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

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

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

Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considered it not appropriate or practical due to site-specific considerations. However, it should be noted that the London Plan now seeks 40% carbon reductions over the 2010 Building Regulations.

### Sustainable Construction

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

The BREEAM pre-assessment submitted indicates that the non-residential parts of the development will comfortably meet the BREEAM 'Very Good' rating. A condition is recommended to secure this.

### CO2 Emissions

The proposed development would achieve a 35% reduction in CO2 emissions. This would be achieved without requiring renewable energy generation on-site. The Energy Strategy Officer has advised that consideration should be given to inclusion of solar PV panels on the mansion blocks to maximise on-site energy regeneration. However, the proposal would achieve the savings required by the London Plan and policy s40 of the City Plan without these panels and an objection to the development on this basis would not be sustainable.

The GLA have noted that the applicant should provide information on the control strategy for the air-conditional units proposed to ensure that it is only used where needed. The applicant should also confirm that the affordable units will be provided with mechanical cooling. This information has been requested from the applicant and will be reported verbally to the committee.

The applicant should also provide further information on the timescales of the Church Street District Heating Network role out and how this will relate to the build out of the proposed development. Connection to this external heating network should be prioritised and the applicant should provide further information on how provision will be made for connection to this network.

### Heating and Cooling Plant

The proposal would include a site wide heat and cooling network for the development. The applicant proposes a standalone on-site solution with the ability to connect to the Church Street District Heating Scheme (CSDHS) once constructed. To comply with the City Council and London Plan policy, every effort should be made to deliver a scheme which obtains as much of its heat requirements as possible via a connection to the CSDHS.

There are several possible situations to consider with regard to connecting the application site to the CSDHS and phasing is important to this. It is unclear from the information provided when fit out of the energy centre will commence but it can be no earlier than summer 2018 and no later than spring 2021. There also appears to be a considerable lag (>2yrs) between the first block requiring heat and the energy centre being available to supply heat (assuming the flue will not be in place until the superstructure is complete) and so it is assumed the developer will be providing temporary heat plant during this period.

The earliest the CSDHS could provide heat to the site is late-2018/early-2019. This would be more than two years before the on-site energy centre is assumed to come on line and in time to deliver heat to the first block. Accordingly, the Energy Strategy Officer has recommended that the development is conditioned or subject to a legal agreement that requires either;

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

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

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

#### **8.8.8 Air Quality**

The ES notes that emissions from the proposed developments traffic and energy centre would result in a moderate adverse effect on air quality for future residents and at two points on Church Street, particularly from NO<sub>2</sub> emissions. The ES recommends provision of mechanical air filtration for units on the facades affected and implementation of a Travel Plan to encourage sustainable travel. Conditions are recommended to secure this. Subject to these conditions, the proposal would accord with policy S31 of the City Plan and policy ENV5 of the UDP.

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

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

The proposed development would include 1672 square metres of green roofs and a significant area of soft landscaping within the communal amenity areas. Whilst this would not achieve greenfield run-off rates, it would provide significant attenuation at source for run-off from the proposed development. The Lead Local Flood Authority has also been consulted and any comments received will be reported verbally. Accordingly, the drainage system proposed is considered acceptable.

#### **8.8.10 Contamination**

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

#### **8.9 London Plan**

The application is referable to the Mayor as it contains more than 150 flats and is a development over 30 metres in height. The Mayor has advised in his 'Stage 1' response received on 4 February 2016 (see background papers) that as initially submitted (i.e. prior to amendments referred to elsewhere in this report), the application does not comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

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

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

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

#### **8.11 Planning Obligations**

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the



development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations 2010 (as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council will be introducing its own Community Infrastructure Levy on 1 May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- a) 126 affordable units on-site comprising 49 intermediate units and 77 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
- b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
- c) Provision of a financial contribution of £850,000 (index linked) toward provision of social and community facilities;
- d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
- e) Provision of a financial contribution of £13,630 (index linked) toward open space provision/enhancement;
- f) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
- g) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
- h) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
- i) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;

- j) Provision of lifetime car club membership (25 years) for each residential unit in the development;
- k) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
- l) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
- m) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site;
- n) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant;
- o) Offering local employment opportunities during construction; and
- p) Payment of cost of monitoring the agreement (£15,000).

The proposed development is also liable for a Mayoral CIL payment.

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

## 8.12 Environmental Impact Assessment

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

The City Council issued a scoping opinion (see ref: 15/07737/EIAOP) and the applicant has submitted an ES that contains consideration of the environmental effects noted in that scoping opinion. The ES has been reviewed on behalf of the City Council by Waterman Infrastructure and Environment Limited ("Waterman's") who advise that no further information is required pursuant to regulation 22 of the EIA Regulations.

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

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

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

- Negligible – imperceptible effect;
- Minor – slight, very short or highly localised effect;

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

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

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

- Moderate Beneficial at a local level with regard to housing delivery;
- Negligible Adverse with regard to additional secondary education and health care demand;
- Minor to Major Beneficial with regard to the creation of operational jobs;
- Moderate Beneficial with regards to the creation of additional expenditure;
- Moderate Beneficial in relation to open space and playspace provisioning;
- Moderate Beneficial in relation to reducing crime and perceptions of crime;
- No cumulative effects to buried heritage assets;
- Negligible Adverse in respect of pedestrian movement and facilities, cycle movement and facilities; pedestrian amenity, pedestrian delay, pedestrian fear and intimidation, public transport services, dust and dirt;
- Negligible to Minor Adverse in respect of pedestrian severance;
- Moderate Adverse in relation to air quality;
- No to Negligible effects in relation to traffic noise;
- None to Moderate Adverse in relation to off-site traffic noise;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline condition at Winicote House and Negligible to Major Adverse when compared to the 2005 Consent;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at 1-80 Hall Tower and Minor Beneficial to Major Adverse in terms of daylight and Negligible to Major Adverse in terms of sunlight when compared to the 2005 Consent;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at Gilbert Sheldon House and Negligible to Moderate Adverse in terms of daylight and Negligible to Major Minor Adverse in terms of sunlight when compared to the 2005 Consent;
- Negligible to Major Adverse in terms of daylight and sunlight when compared to the baseline at 352-330 Edgware Road and Minor Beneficial to Moderate Adverse when compared to the 2005 Consent at 352-330 Edgware Road;
- Negligible to Minor Adverse in terms of daylight and sunlight when compared to the baseline at 328-314 Edgware Road and Minor Beneficial to Minor Adverse in terms of daylight and Negligible in terms of sunlight when compared to the 2005 Consent;
- No effects in relation to overshadowing to existing amenity spaces above those reported in ES Chapter 11 for the Proposed Development;
- No effects in relation to overshadowing to the proposed amenity spaces within the Proposed Development;
- No effects in relation to solar glare;

- Moderate Beneficial to Negligible in relation to wind conditions along pedestrian thoroughfares;
- Minor Beneficial to Negligible in relation to wind conditions at entrances and drop off areas;
- Minor Adverse to Negligible in relation to wind conditions at external amenity areas;
- No cumulative effects in respect of telecommunications networks;
- Minor Adverse effect at the local level in respect of operational waste generation; and
- Negligible Adverse effect at the local level in respect of operational waste generation.

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

## **8.13 Other Issues**

### **8.13.1 Basement**

The proposed development includes two basement levels. While the Building Regulations determine whether the detailed design of buildings and their foundations will allow buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The City Council has developed emerging policy CM28.1 which would revise the City Plan with respect to basement development. Once adopted, it would place additional constraints on basement development to commercial and new build residential schemes such as this. This policy was the subject of an examination on 8 March 2016 and the City Council are awaiting the Inspectors report.

Unresolved objections remained in the lead up to the Inspectors examination with regards to part C of emerging policy CM28.1 which would apply to the basement proposed. Having regards to the tests set out in paragraph 216 of the NPPF, and as per the Deputy Leaders Statement of 23 October 2015, the emerging basement policy does not have sufficient weight to allow consideration of the proposed development.

Notwithstanding the above, the extant permission includes two levels of basement car parking. These basement levels roughly correspond to the depth and siting of the basement levels proposed. Accordingly, the structural implications of this basement development could take place without further consideration by the City Council.

### **8.13.2 Construction Impact**

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

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require the City Council's approval of a Construction Management Plan to minimise harm to the amenity of local residents and traffic flow. The applicant has also agreed to enter into a s106 agreement to secure compliance with the Council's Code of Construction Practice and toward monitoring of the construction impact of the development by the City Council's Environmental Inspectorate and Environmental Sciences.

### **8.13.3 Crime and security**

The proposed development has been reviewed by the Secure By Design Officer who has raised no objection, but recommends that the applicant work toward achieving Secure By Design Accreditation for the development, the inclusion of blast protection measures and protection from Vehicle Borne Improvised Explosive Device (VBIED). An informative is recommended to address this. Subject to these conditions, the proposed development would accord with policy 7.13 of the London Plan.

### **8.13.4 Consultation**

Many objectors to the development are concerned that the City Council may not have publicised the development appropriately. However, the City Council have greatly exceeded legal requirements for this application. For example:

- To meet legal requirements, a single site and press notice would have sufficed. Despite this, over 5400 letters were sent to residents within the vicinity of the site, in addition to site and press notices;
- The City Council undertook an initial consultation of 42 days between 5 January and 16 February. This greatly exceeds the 21 days required to meet legal requirements. A second consultation period exceeding 21 days also took place between 4 March and 1 April with respect to the amendments to the development;
- These same regulations also only require the placement of a single site notice. The City Council put up four, during both consultation periods; and
- This application was made shortly before the Christmas holiday period and many objectors feel that residents would have been away and therefore unable to comment. Whilst the City Council has no control over when an application is made by an applicant, the consultation periods took place after the Christmas holiday period and for an extended period.

Several objectors also suggest that the amendments to the scheme are significant and a new application should have been made. However, the NPPG notes that it is entirely at the discretion of the local planning authority to accept amendments to an application. In this instance, the essence of this scheme remains the same and in the context of this very large redevelopment the amendments are not considered so significant as to materially alter the proposal.

### 8.13.5 Precedent

Many objectors are concerned that approval of this tower would set a precedent for other tall buildings. Many also refer to the 2005 dismissed appeal and consider that it limits building height on this site to 22 storeys.

However, each application must be considered on its merits having regard to the policy context and development plan at the time, the specific development proposed and site circumstances. In this instance, the application site is particularly unusual, being a large, vacant, Strategic Proposals Site within central London that is largely outside a conservation area. It has also been largely cleared and vacant for over 20 years. Accordingly, it is not directly comparable to any known or conceivable development site within Westminster and approval of this development would not set a precedent for other tall buildings.

Whilst the 2005 appeal decisions are noted, this application must be considered on its merits in light of current policy and material considerations. Officers are satisfied that present circumstances warrant consideration of a taller building than those previously approved and dismissed.

## 9 CONCLUSION

Officers consider that Blocks A (the tower), E/F and H would cause less than substantial harm to the character, appearance and/or setting of 17-18 Paddington Green (Grade 2 listed), the adjacent Children's Hospital building (Grade 2 listed) and the Paddington Green and Maida Vale Conservation Areas. However, there are a number of public benefits arising from the development, many of which did not exist when the 2005 appeal was considered. These include:

- Facilitating and unlocking the Church Street Regeneration and Edgware Road Housing Zone through provision of decant space through the proposed affordable units;
- Provision of a strategically significant level of market housing on-site;
- Provision of a substantial level of on-site affordable housing (the maximum that the applicant can viably provide);
- Revitalisation and re-activation of this part of the Edgware Road/Church Street district shopping centre;
- Delivery of a long stalled site of strategic importance which is a blight on the setting of neighbouring conservation areas, listed buildings and this major thoroughfare into Central London; and
- Significant public realm improvements around and throughout the site.

In light of the above, Members are asked to consider whether the public benefits of the development outweigh the less than substantial harm identified and form material considerations that warrant approving the development despite conflict with development plan policy. In making this consideration, the Committee must have special regard to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets. Members must also consider the legislative requirement for applications

to be determined in accordance with the development plan unless material considerations indicate otherwise.

## 10 BACKGROUND PAPERS

1. Application form
2. 2005 Secretary of State Decision and Inspectors Report
3. Response from Greater London Authority, dated 4 February 2016
4. Representation from Karen Buck MP, dated 20 January 2016
5. Representation from Councillor Adams, Araymanow and Caplan, dated 31 March 2016
6. Representations from Councillors Cox and Acton, dated 22 February and 29 March 2016
7. Representation from Councillor Rampulla (on behalf of the Labour Councillors), dated 16 February 2016
8. Representation from Councillor Scarborough, dated 3 February 2016.
9. Response from Transport for London, dated 18 and 23 March 2016
10. Response from Metropolitan Police, dated 4 February 2016
11. Responses from Royal Parks, dated 25 January and 21 March 2016
12. Response from Natural England, dated 9 March 2016
13. Response from Thames Water, dated 4 March 2016
14. Responses from Sport England, dated 11 March 2016
15. Response from London Underground Limited, dated 5 January and 4 March 2016
16. Response from Environment Agency, dated 18 January 2016
17. Response from Historic England, dated 5 January 2016
18. Response from Historic England (Archaeology), dated 11 January 2016
19. Response from Highways Planning Manager, date 24 March 2016
20. Responses from Building Control, dated 18 January and 22 March 2016
21. Response from Arboricultural Manager, dated 29 January 2016
22. Response from Head of Affordable and Private Sector Housing, dated 14 March 2016
23. Responses from Environmental Health, dated 23 and 14 March 2016
24. Response from Children's Services, dated 18 January 2016
25. Response from Cleansing Manager, dated 14 January 2016
26. Response from Energy Strategy Officer (Undated)
27. Responses from Safer by Design Officer, dated 14 March and 21 January 2016
28. Response from Notting Hill East Neighbourhood Forum, dated 21 January 2016
29. Response from Bayswater Residents Association, dated 11 January 2016
30. Response from Marylebone Association, dated 22 January and March 2016
31. Response from The St Marylebone Society, dated 13 January 2016
32. Response from Marylebone Association, dated 21 March 2016
33. Response from Paddington Waterways & Maida Vale Society, dated 15 February and 4 March 2016
34. Response from SEBRA, dated 7 February and 25 March 2016
35. Responses from PRACT, dated 5 February and 28 March 2016
36. 275 Signature Petition from the Skyline Campaign, dated 29 March 2016
37. 479 Signature Petition from the Skyline Campaign, dated 1 April 2016
38. Letter from occupier of 390 Edgware Road, London, dated 14 January 2016
39. Letter from occupier of 390 Edgware Road, London, dated 28 January 2016
40. Letter from occupier of 15 Park Place Villas, London, dated 2 February 2016
41. Letter from occupier of 71 St Marys Mansions, St Mary's Terrace, dated 2 February 2016
42. Letter from occupier of 32 John Aird Court, London, dated 2 February 2016
43. Letter from occupier of 98 Westbourne Terrace, London, dated 2 January 2016

44. Letter from occupier of 24E Randolph Crescent, London, dated 19 February 2016
45. Letter from occupier of 21-24 Millbank, London, dated 9 February 2016
46. Letter from occupier of Flat 65, Braithwaite Tower, dated 10 February 2016
47. Letter from occupier of Flat 65, Braithwaite Tower, dated 18 March 2016
48. Letter from occupier of Flat 65, Braithwaite Tower, dated 18 March 2016
49. Letter from occupier of Property Services- Asset Management, 11th Floor, dated 9 February 2016
50. Letter from occupier of 30 Formosa Street, London, dated 10 February 2016
51. Letter from occupier of 141 Sutherland Ave, London, dated 10 February 2016
52. Letter from occupier of 35 Bristol Gardens, W9 2JQ, dated 17 February 2016
53. Letter from occupier of 11 Cuthbert House, Hall Place, dated 17 February 2016
54. Letter from occupier of 15 Cuthbert House, Hall Place, dated 17 February 2016
55. Letter from occupier of 86b Randolph Avenue, London, dated 1 February 2016
56. Letter from occupier of 77, Hereford Road, London, dated 19 January 2016
57. Letter from occupier of 128 John Aird Court, Porteus Road, dated 6 February 2016
58. Letter from occupier of 58 Goldney Road, London, dated 17 February 2016
59. Letter from occupier of 42, Warrington Crescent, dated 29 January 2016
60. Letter from occupier of 85b Stamford Street, Waterloo, dated 26 March 2016
61. Letter from occupier of 91 Castellain Mansions, London, dated 23 January 2016
62. Letter from occupier of 10 Boldero Place, Gateforth Street, dated 13 January 2016
63. Letter from occupier of 41E Warwick Avenue , London W9, dated 10 February 2016
64. Letter from occupier of 3 Mary Adelaide House, 19 Paddington Green, dated 25 January 2016
65. Letter from occupier of 14c Wilmot Place, LONDON, dated 25 March 2016
66. Letter from occupier of 7F Clifton Gardens, London, dated 25 January 2016
67. Letter from occupier of 390 Edgware Road, London, dated 14 January 2016
68. Letter from occupier of 26 Vincent Court, Seymour Place, dated 4 February 2016
69. Letter from occupier of Flat 18, Braithwaite Tower, dated 9 February 2016
70. Letter from occupier of 8 the dell, London, dated 18 February 2016
71. Letter from occupier of Hyde Park Ward, , dated 22 February 2016
72. Letter from occupier of hall tower, hall place, London, dated 1 February 2016
73. Letter from occupier of 45 Connaught Square, London, dated 3 February 2016
74. Letter from occupier of Braithwaite Tower, Hall Place, dated 26 March 2016
75. Letter from occupier of 32 Molyneux, London, dated 26 March 2016
76. Letter from occupier of 70 Gloucester Terrace, London, dated 28 March 2016
77. Letter from occupier of 70 Gloucester Terrace, London, dated 28 March 2016
78. Letter from occupier of 29B Denbigh Street, Pimlico, dated 23 March 2016
79. Letter from occupier of 2 Wytham House, dated 14 January 2016
80. Letter from occupier of 2 Wytham House, dated 25 January 2016
81. Letter from occupier of 37 Braithwaite Tower, Hall Place, dated 14 March 2016
82. Letter from occupier of Garden Flat, 9 Pomfret Road, dated 12 February 2016
83. Letter from occupier of Garden Flat, 9 Pomfret Road, dated 12 February 2016
84. Letter from occupier of 43 Ruskin House, London, dated 16 February 2016
85. Letter from occupier of 37 Hall Tower, London, dated 23 March 2016
86. Letter from occupier of 36 Golden Square, London, dated 2 February 2016
87. Letter from occupier of 22 Westbourne Park Villas, London, dated 22 January 2016
88. Letter from occupier of 7 Belgrave Gardens, London, dated 22 January 2016
89. Letter from occupier of 29 tufton street, London, dated 20 January 2016
90. Letter from occupier of Flat 314, 8 Dean Ryle Street, dated 26 March 2016
91. Letter from occupier of 6 Lonsdale Square, London, dated 28 March 2016



92. Letter from occupier of 36 Belsize Avenue, London, dated 28 March 2016
93. Letter from occupier of Flat 15, The Old Aeroworks, London, dated 29 March 2016
94. Letter from occupier of 118 St Mary's Mansion, London W2 1SZ, dated 29 March 2016
95. Letter from occupier of 98 Westbourne Terrace, London, dated 23 January 2016
96. Letter from occupier of 141 Sutherland Avenue, London , dated 8 February 2016
97. Letter from occupier of 61 Braithwaite, Hall Place, dated 9 February 2016
98. Letter from occupier of 5 Castellain Road, Little Venice, dated 9 February 2016
99. Letter from occupier of Flat 8, Clarendon House, Strathearn Place, dated 31 March 2016
100. Letter from occupier of 37 Blomfield Road, London, dated 4 February 2016
101. Letter from occupier of 37 Blomfield Road, London, dated 25 January 2016
102. Letter from occupier of 121 Hamilton Terrace, St John's Wood, dated 9 February 2016
103. Letter from occupier of City of Westminster, 64 Victoria Street, dated 14 February 2016
104. Letter from occupier of 23 Kildare gardens, London, dated 29 February 2016
105. Letter from occupier of 98 Westbourne Terrace, London, dated 31 March 2016
106. Letter from occupier of 98 Westbourne Terrace, London, dated 11 March 2016
107. Letter from occupier of 98 Westbourne Terrace, London, dated 22 March 2016
108. Letter from occupier of 36 Warwick Avenue, London, dated 25 January 2016
109. Letter from occupier of 13 Clifton Gardens, London, dated 26 January 2016
110. Letter from occupier of 13 St Marys Terrace, LONDON, dated 14 March 2016
111. Letter from occupier of 108 Westbourne Park Road, London, dated 26 January 2016
112. Letter from occupier of Flat 12 Lampard House, 8 Maida Avenue, dated 10 January 2016
113. Letter from occupier of 89A Sutherland Avenue, London, dated 22 February 2016
114. Letter from occupier of Flat 1, 76 Randolph Avenue, dated 2 February 2016
115. Letter from occupier of 1 Bristol Gardens, London, dated 3 February 2016
116. Letter from occupier of 139B Upper Street, London, dated 4 February 2016
117. Letter from occupier of 8 Lanark Place, London, dated 9 February 2016
118. Letter from occupier of 72 Hall Tower, Hall Place, dated 10 February 2016
119. Letter from occupier of 72 Hall Tower, Hall Place, dated 10 February 2016
120. Letter from occupier of 43A Warwick Avenue, London, dated 12 February 2016
121. Letter from occupier of 16 Granville Square, London, dated 26 March 2016
122. Letter from occupier of 16c Vicarage Road, Strood, dated 18 February 2016
123. Letter from occupier of 22 St Albans Road, London, dated 26 March 2016
124. Letter from occupier of 59 Cavendish Rd, London, dated 26 March 2016
125. Letter from occupier of 16 Randolph Road, W9 1AN, dated 1 February 2016
126. Letter from occupier of 6 Clifton Road, London W9 1SS, dated 1 February 2016
127. Letter from occupier of Lonsdale SQ. 37, London, dated 31 March 2016
128. Letter from occupier of 37 Braithwaite Tower, Hall Place, dated 2 February 2016
129. Letter from occupier of 54 Hall tower, Hall place, dated 3 February 2016
130. Letter from occupier of 60 Braithwaite Tower, Hall place, dated 3 February 2016
131. Letter from occupier of 3 Sandringham Court,, 99 Maida Vale,, dated 3 February 2016
132. Letter from occupier of 18 Braithwaite Tower, Hall Place, dated 10 February 2016
133. Letter from occupier of 11 Hall Tower, Hall Place, dated 10 February 2016
134. Letter from occupier of Flat 3 Hall Tower, Hall Place, dated 10 February 2016
135. Letter from occupier of 48 Hall Tower , Hall Place, dated 15 February 2016
136. Letter from occupier of Paddington Green Health Centre, 4 Princess Louise Close,

- dated 15 January 2016
137. Letter from occupier of 17 Upper Mall, Hammersmith, dated 19 January 2016
  138. Letter from occupier of 68b Blomfield Road, London, dated 9 February 2016
  139. Letter from occupier of 29 Denbigh Street, London, dated 17 January 2016
  140. Letter from occupier of 60 Westbourne Park Villas, London, dated 24 January 2016
  141. Letter from occupier of 26 Bristol Mews, London, dated 25 January 2016
  142. Letter from occupier of 21 Bristol gardens, London, dated 27 January 2016
  143. Letter from occupier of 8 Clifton gardens, London, dated 27 January 2016
  144. Letter from occupier of 16 Granville Square, London, dated 26 March 2016
  145. Letter from occupier of 4 Park Village West, London, dated 27 March 2016
  146. Letter from occupier of 33 Ampton street, London, dated 6 February 2016
  147. Letter from occupier of 85a Warrington Crescent, London, dated 12 February 2016
  148. Letter from occupier of Flat 3, 17 Uxbridge Road, Kingston upon Thames, dated 12 February 2016
  149. Letter from occupier of flat d, 114 Elgin avenue, dated 28 March 2016
  150. Letter from occupier of 23 Casslee Rd, London, dated 29 March 2016
  151. Letter from occupier of 58 Westbourne Park Villas, London, dated 31 March 2016
  152. Letter from occupier of Apartment 3, Munkenbeck Building, 5 Hermitage Street, dated 14 February 2016
  153. Letter from occupier of 1 Little Venice, Maida Avenue, dated 29 January 2016
  154. Letter from occupier of Flat 501 Clive Court, 75 Maida Vale, dated 1 February 2016
  155. Letter from occupier of 21 Warrington Crescent, London, dated 1 February 2016
  156. Letter from occupier of 15 Bristol Mews, London W9 2JF, dated 1 February 2016
  157. Letter from occupier of 5 Bristol Mews, London, dated 4 February 2016
  158. Letter from occupier of 37 Blomfield Road, London W9 2PF, dated 1 February 2016
  159. Letter from occupier of 3c Chilworth mews, London, dated 2 February 2016
  160. Letter from occupier of 83 Warrington Crescent, W9 1EH, London, dated 4 February 2016
  161. Letter from occupier of 40 Hall Tower, Hall Place, dated 4 February 2016
  162. Letter from occupier of 23 Bellclose Road, London, dated 5 February 2016
  163. Letter from occupier of 36 Newton Road, London, dated 29 February 2016
  164. Letter from occupier of 43 Daventry Street, London, dated 11 February 2016
  165. Letter from occupier of 26D, Clifton Villas, little Venice, dated 31 March 2016
  166. Letter from occupier of 38 Bark Place, London, dated 25 January 2016
  167. Letter from occupier of 38 Bark Place, London, dated 9 February 2016
  168. Letter from occupier of 36 John Aird Court, London, dated 30 January 2016
  169. Letter from occupier of 4g Shirland Mews, London, dated 20 January 2016
  170. Letter from occupier of 46 Holland Street, London, dated 19 January 2016
  171. Letter from occupier of 46 Holland Street, London, dated 29 March 2016
  172. Letter from occupier of 10 Randolph Road, London, dated 4 February 2016
  173. Letter from occupier of 72 Marylands Road, London, dated 11 March 2016
  174. Letter from occupier of 27 Newton Road, London, dated 25 January 2016
  175. Letter from occupier of 177c, Randolph Avenue, London, dated 22 January 2016
  176. Letter from occupier of Flat 4, 79 Randolph Avenue, London, dated 12 February 2016
  177. Letter from occupier of 4 Park Place Villas, London, dated 9 January 2016
  178. Letter from occupier of 202 Wymering Road, London, dated 26 March 2016
  179. Letter from occupier of 21-24 Millbank, Millbank Tower, dated 25 March 2016
  180. Letter from occupier of Flat 14, St Edmunds Terrace, dated 28 March 2016

181. Letter from occupier of 93 Warwick avenue, Little Venice, dated 3 February 2016
182. Letter from occupier of 46 Clifton Gardens, London, dated 3 February 2016
183. Letter from occupier of 15 Dunloe Avenue, London, dated 31 March 2016
184. Letter from occupier of 78 Bankhurst Road, London, dated 31 March 2016
185. Letter from occupier of Flat 3, 3 St. Mary's Terrace, dated 31 January 2016
186. Letter from occupier of 110 Sutherland Avenue, London, dated 31 January 2016
187. Letter from occupier of 24 Cuthbert house, hall place, dated 13 January 2016
188. Letter from occupier of Flat 38, Hall Tower, dated 4 February 2016
189. Letter from occupier of 53E Warwick Avenue, London, dated 5 February 2016
190. Letter from occupier of 8 Gilbert Sheldon House, Edgware Road, dated 18 January 2016
191. Letter from occupier of 37 Hall Tower, Hall Place, dated 23 March 2016
192. Letter from occupier of Flat 5, Shene Building, Portpool Lane, dated 28 March 2016
193. Letter from occupier of 70 Kendal Steps, St George's Fields, dated 28 March 2016
194. Letter from occupier of 40 Cote d'Eich, Luxembourg, dated 29 March 2016
195. Letter from occupier of Westminster City Hall, 64 Victoria Street, dated 29 March 2016
196. Letter from occupier of Flat 1, 151 Sutherland Avenue, dated 30 January 2016
197. Letter from occupier of 15 Lanark Road, London, dated 8 February 2016
198. Letter from occupier of 51 Northumberland Place, London, dated 19 January 2016
199. Letter from occupier of 65 Penfold Street, Wallis building, dated 16 February 2016
200. Letter from occupier of Flat 37, 5 Harbet Road, dated 12 March 2016
201. Letter from occupier of St Marys Terrace, London, dated 17 January 2016
202. Letter from occupier of 1 Bristol Gardens, London, dated 25 January 2016
203. Letter from occupier of 9A Douglas House, 6 Maida Avenue, dated 26 January 2016
204. Letter from occupier of Flat 2,, 17 Hatton Street, The Old Aeroworks, dated 30 January 2016
205. Letter from occupier of 44, London, dated 3 February 2016
206. Letter from occupier of 152 Sutherland Avenue, London W9 1HP, dated 4 February 2016
207. Letter from occupier of 33 Bristol Gardens, Little Venice, dated 4 February 2016
208. Letter from occupier of 65 hall tower, hall place, dated 5 February 2016
209. Letter from occupier of 70 Gloucester Terrace, London, dated 5 February 2016
210. Letter from occupier of 6, The Old Orchard, dated 26 March 2016
211. Letter from occupier of 16 Belsize Park, London, dated 27 March 2016
212. Letter from occupier of 29 tufton street, London, dated 28 March 2016
213. Letter from occupier of 5 hall tower, London, dated 13 February 2016
214. Letter from occupier of Flat 229, Dibdin House, Maida Vale, dated 30 March 2016
215. Letter from occupier of Steinwiesstrasse 63, Zurich, dated 31 March 2016
216. Letter from occupier of Flat 3, 45-47 Daventry Street, dated 23 February 2016
217. Letter from occupier of 55 Blenheim terrace, London, dated 31 March 2016
218. Letter from occupier of 11 Ravensbourne Park, London, dated 31 March 2016
219. Letter from occupier of 25-27 Courtfield Road, London, dated 31 March 2016
220. Letter from occupier of 32 Lonsdale Square, London, dated 31 March 2016
221. Letter from occupier of 32 Lonsdale Square, London, dated 25 January 2016
222. Letter from occupier of 11 Gilbert Sheldon House, Edgware Road, dated 7 February 2016
223. Letter from occupier of Flat B, 128 Sutherland Avenue, dated 29 January 2016

224. Letter from occupier of 63 St Marys Mansions, St Marys terrace, dated 18 January 2016
225. Letter from occupier of 2 Lanark Mews, London, dated 31 March 2016
226. Letter from occupier of 16 Hamilton Close, London, dated 31 March 2016
227. Letter from occupier of 14 Jameson Street, London, dated 31 March 2016
228. Letter from occupier of Flat 2, 13 Westbourne Gardens, dated 22 January 2016
229. Letter from occupier of 21 Bristol Gardens, London, dated 23 January 2016
230. Letter from occupier of Fulham Society, 1 R0saville Road, dated 24 January 2016
231. Letter from occupier of Flat B, 5 Grand Union Close, dated 26 January 2016
232. Letter from occupier of 15 Clive Court, 75 Maida Vale, dated 27 January 2016
233. Letter from occupier of Flat 49 St Marys Mansions, London, dated 14 January 2016
234. Letter from occupier of 160-162 Sutherland Avenue, Maida Vale, dated 22 February 2016
235. Letter from occupier of 53c Randolph Avenue, London, dated 31 January 2016
236. Letter from occupier of 43E Warwick Avenue, Little Venice, dated 1 February 2016
237. Letter from occupier of 34 Tadema House, Penfold Street, London, dated 20 March 2016
238. Letter from occupier of 63 St Marys Mansions, St Marys Terrace, dated 26 March 2016
239. Letter from occupier of Glen Eden, St Boswells, dated 27 March 2016
240. Letter from occupier of 46 Warrington Crescent, London, dated 4 February 2016
241. Letter from occupier of 42C Mount Pleasant Road, London, dated 29 March 2016
242. Letter dated 25 January 2016
243. Letter dated 25 January 2016
244. Letter from occupier of 41 Blomfield Road, London, dated 3 February 2016
245. Letter from occupier of 68H, Randolph Avenue, dated 4 February 2016
246. Letter from occupier of Hall Tower flat 37, Hall PLace, dated 9 February 2016
247. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 17 January 2016
248. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 23 March 2016
249. Letter from occupier of 2D Park Place Villas, London, dated 14 January 2016
250. Letter from occupier of Top Floor, 135 Sutherland Avenue, dated 25 January 2016
251. Letter from occupier of 53 Ferndale Road, London, dated 18 February 2016
252. Letter from occupier of 16 Park Place Villas, London, dated 15 January 2016
253. Letter from occupier of Flat 10, 329 Harrow Road, dated 27 January 2016
254. Letter from occupier of Flat 4/A, Alexandra House, dated 23 January 2016
255. Letter from occupier of 19 Lonsdale Square, London, dated 26 March 2016
256. Letter from occupier of Factory Lane, Croydon, dated 1 February 2016
257. Letter from occupier of 10 Lupus Street, Flat 3, dated 1 February 2016
258. Letter from occupier of 114 Beaufort Street, London, dated 26 March 2016
259. Letter from occupier of 12A Hollycroft Avenue, London, dated 26 March 2016
260. Letter from occupier of 21 Borough Road, Isleworth, dated 31 March 2016
261. Letter from occupier of 36 D Edbrooke Road, London, dated 31 March 2016
262. Letter from occupier of 51 St Stephens Gardens, London, dated 31 March 2016
263. Letter from occupier of 35H Randolph Crescent, London, dated 2 February 2016
264. Letter from occupier of 2 Cray House, 47 Penfold St, dated 12 March 2016
265. Letter from occupier of Old Police House, Hyde Park, dated 25 January 2016
266. Letter from occupier of 65 Braithwaite Tower, Hall Place, dated 11 March 2016
267. Letter from occupier of 65 Braithwaite Tower, Hall Place, dated 25 January 2016
268. Letter from occupier of 21 St Marys Mansions, St Marys Terrace, dated 31 March 2016

269. Letter from occupier of 21 St Marys Mansions, St Marys Terrace, dated 3 February 2016
270. Letter from occupier of 54 Hall tower, Hal place, dated 3 February 2016
271. Letter from occupier of 99 Frampton Street, London, dated 25 January 2016
272. Letter from occupier of 7 Thornbury, Prince of Wales close, dated 6 February 2016
273. Letter from occupier of 23 Alexandra Court, London, dated 31 January 2016
274. Letter from occupier of 17 Randolph Road, London, dated 1 February 2016
275. Letter from occupier of 62 Braithwaite Tower, London, dated 23 March 2016
276. Letter from occupier of 2c Park Place Villas, London, dated 12 February 2016
277. Letter from occupier of Albion Street, London, dated 24 March 2016
278. Letter from occupier of Basement Flat, 12 Mildmay Grove South, dated 25 March 2016
279. Letter from occupier of 32 Brathwaite Tower, Hall Place, dated 13 February 2016
280. Letter from occupier of 32 Braithwaite Tower, Hall Place, dated 13 February 2016
281. Letter from occupier of 123 Oliphant street, London, dated 26 March 2016
282. Letter from occupier of 31 Kildare Terrace, London, dated 27 March 2016
283. Letter from occupier of 10 Tarleton Gardens, London, dated 27 March 2016
284. Letter from occupier of Basement Flat, 49A Chepstow Road, dated 26 January 2016
285. Letter from occupier of Garden Flat, 11 Warwick Avenue, dated 27 January 2016
286. Letter from occupier of 87 Priory Grove, Stockwell, dated 31 March 2016
287. Letter from occupier of 21-24 Millbank Tower, London, dated 31 March 2016
288. Letter from occupier of Millbank Tower, 21-24 Millbank, dated 31 March 2016
289. Letter from occupier of 19a Warrington, Crescent, dated 25 January 2016
290. Letter from occupier of 15 Spring Street, London, dated 25 January 2016
291. Letter from occupier of 41 Lanark Road, London, dated 26 January 2016
292. Letter from occupier of 42, Warrington Crescent, dated 29 January 2016
293. Letter from occupier of 185 Sutherland Avenue, Flat 2, dated 30 January 2016
294. Letter from occupier of 82D Warwick Ave, London, dated 3 February 2016
295. Letter from occupier of 7 Hall Tower, Hall Place, dated 3 February 2016
296. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 17 January 2016
297. Letter from occupier of 7 Thornbury, Prince of Wales close, dated 6 February 2016
298. Letter from occupier of 17 Hatton Street, London, dated 9 February 2016
299. Letter from occupier of 40 Formosa St, Garden Flat, dated 10 February 2016
300. Letter from occupier of 1 Park Place Villas, Little Venice, dated 29 March 2016
301. Letter from occupier of 51 Honley Road, Catford, dated 29 March 2016
302. Letter from occupier of 11, Lanark Rd, dated 22 January 2016
303. Letter from occupier of Flat 37 Hall Tower, Hall Place, dated 10 February 2016
304. Letter from occupier of Flat 37 Hall Tower, Hall Place, dated 9 February 2016
305. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 23 March 2016
306. Letter from occupier of 62 Braithwaite Tower, Hall Place, dated 17 January 2016
307. Letter from occupier of 30 Highbury Place, London, dated 29 March 2016
308. Letter from occupier of Flat A, 8 Howley Place, dated 16 February 2016
309. Letter from occupier of Flat A, 8 Howley Place, dated 12 February 2016
310. Letter from occupier of 23 Bristol Gardens, London, dated 26 March 2016
311. Letter from occupier of 12A Newcourt street, London, dated 18 February 2016
312. Letter from occupier of 1 Crestfield Street, London, dated 27 March 2016
313. Letter from occupier of 1 Kingsgate Pace, London, dated 23 January 2016
314. Letter from occupier of 55 Warrington Crescent, London, dated 25 January 2016
315. Letter from occupier of Flat 14 Gilbert Sheldon House, Edgware Road, dated 22

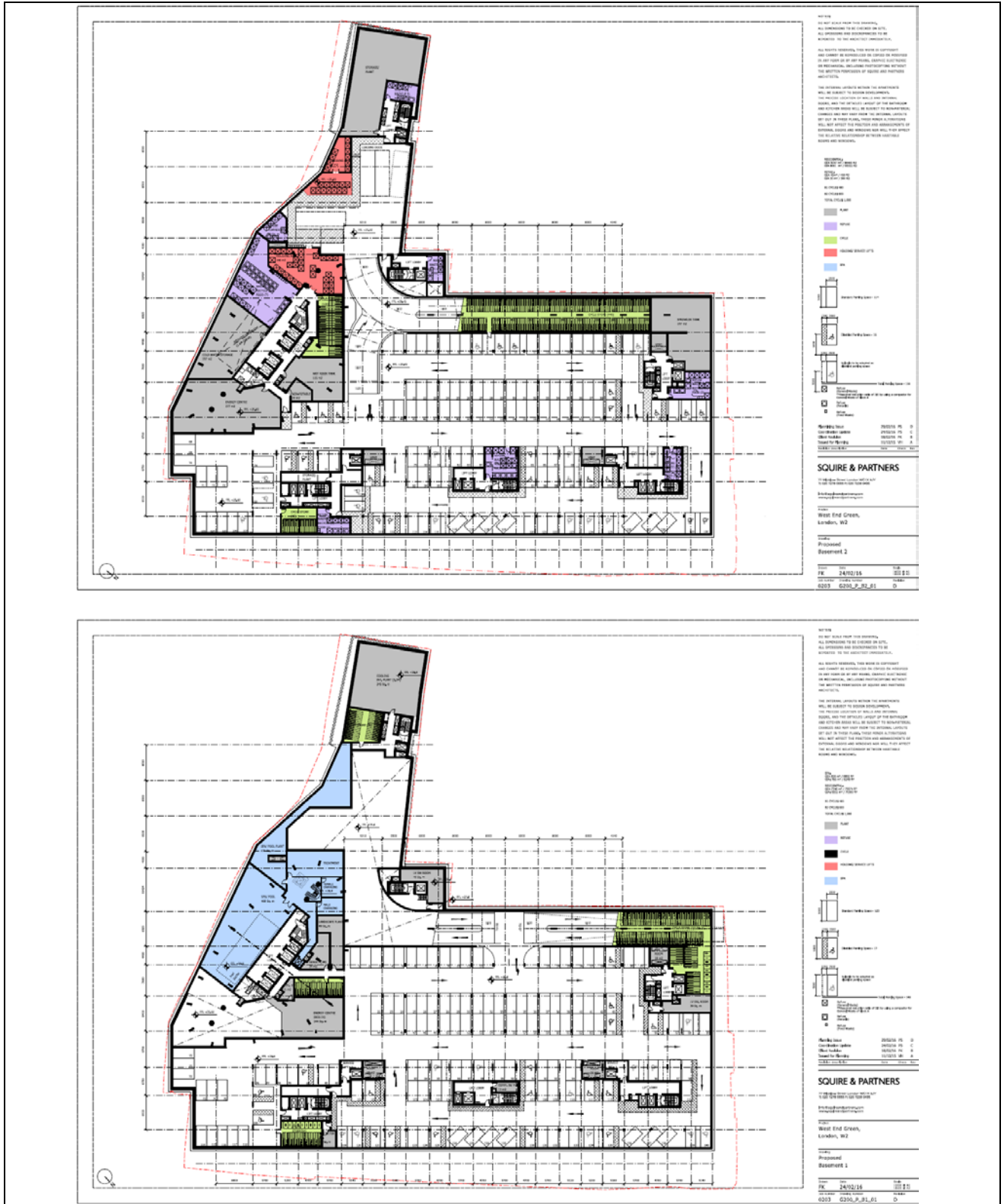
## February 2016

- 316. Letter from occupier of Garden Flat, 29a Castellain Road, dated 27 January 2016
- 317. Letter from occupier of 15 the Old Aeroworks, 17 Hatton street, dated 29 January 2016
- 318. Letter from occupier of 110 Drury Lane, London, dated 31 March 2016
- 319. Letter from occupier of 35H Randolph Crescent, London, dated 2 February 2016
- 320. Letter from occupier of 35H Randolph Crescent, London, dated 2 February 2016
- 321. Letter from occupier of Flat 1,60 Warwick Av, dated 4 February 2016
- 322. Letter from occupier of 76 Braithwaite Tower, Hall Place, dated 5 February 2016
- 323. Letter from occupier of 65 Hall tower, London, dated 5 February 2016
- 324. Letter from occupier of 14 Jameson St, London, dated 31 March 2016
- 325. Letter from occupier of 29 tufton street, London, dated 19 January 2016
- 326. Letter from occupier of Basement Flat, 37J Randolph Crescent, London, dated 25 January 2016
- 327. Letter from occupier of 91 Castellain Mansions, Castellan Rd, dated 19 March 2016
- 328. Letter from occupier of 25B Warwick Avenue, London, dated 2 February 2016
- 329. Letter from occupier of 23 Bristol Gardens, London , dated 2 February 2016
- 330. Letter from occupier of 60 Winchester House, London, dated 31 March 2016
- 331. Letter from occupier of Flat 8 Lavington, Greville Place, dated 28 March 2016
- 332. Letter from occupier of 51 BLOMFIELD ROAD, LONDON, dated 20 January 2016
- 333. Letter from occupier of Flat D, 1 Edbrooke Road, dated 22 January 2016
- 334. Letter from occupier of 9 The Old Aeroworks, 17 Hatton Street, dated 27 January 2016
- 335. Letter from occupier of Carolina, London, dated 31 March 2016
- 336. Letter from occupier of 34 Estelle Road, London, dated 31 March 2016
- 337. Letter from occupier of 98 Westbourne Terrace, London, dated 31 March 2016

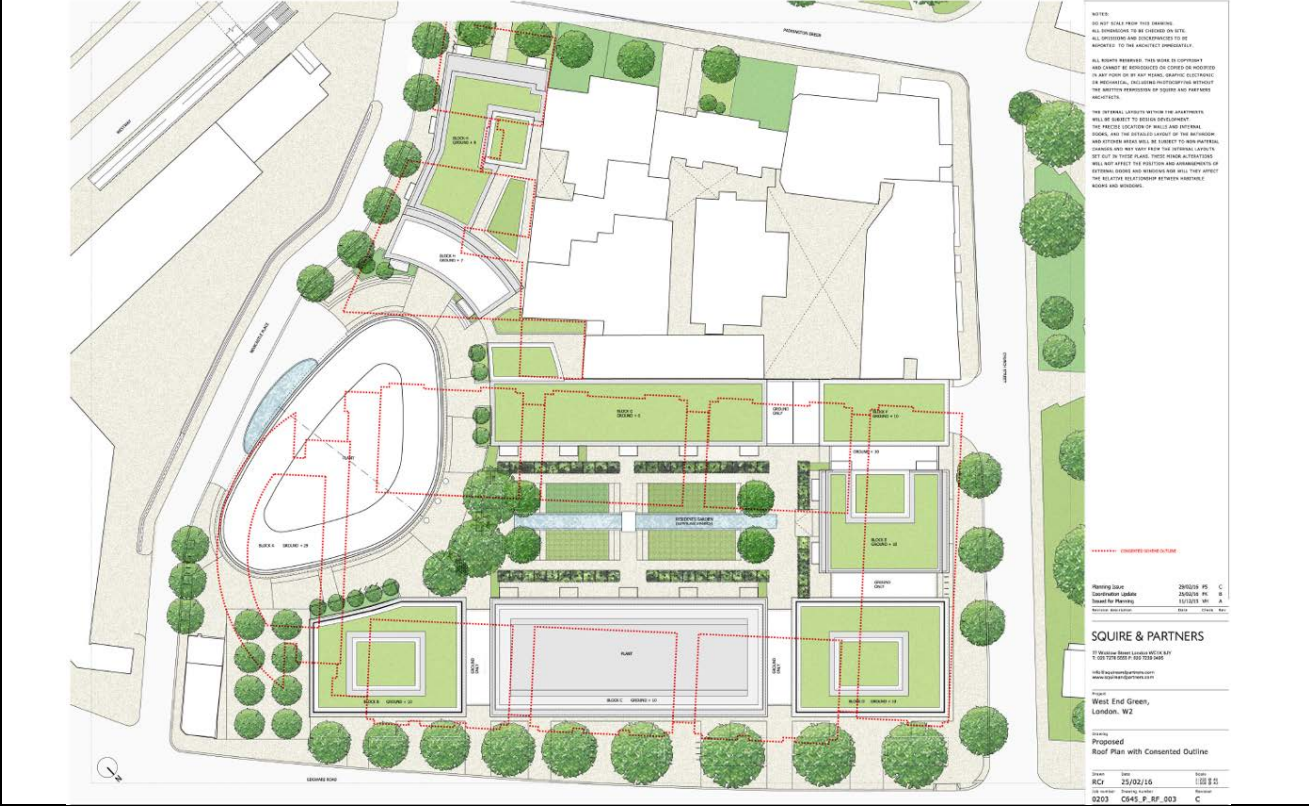
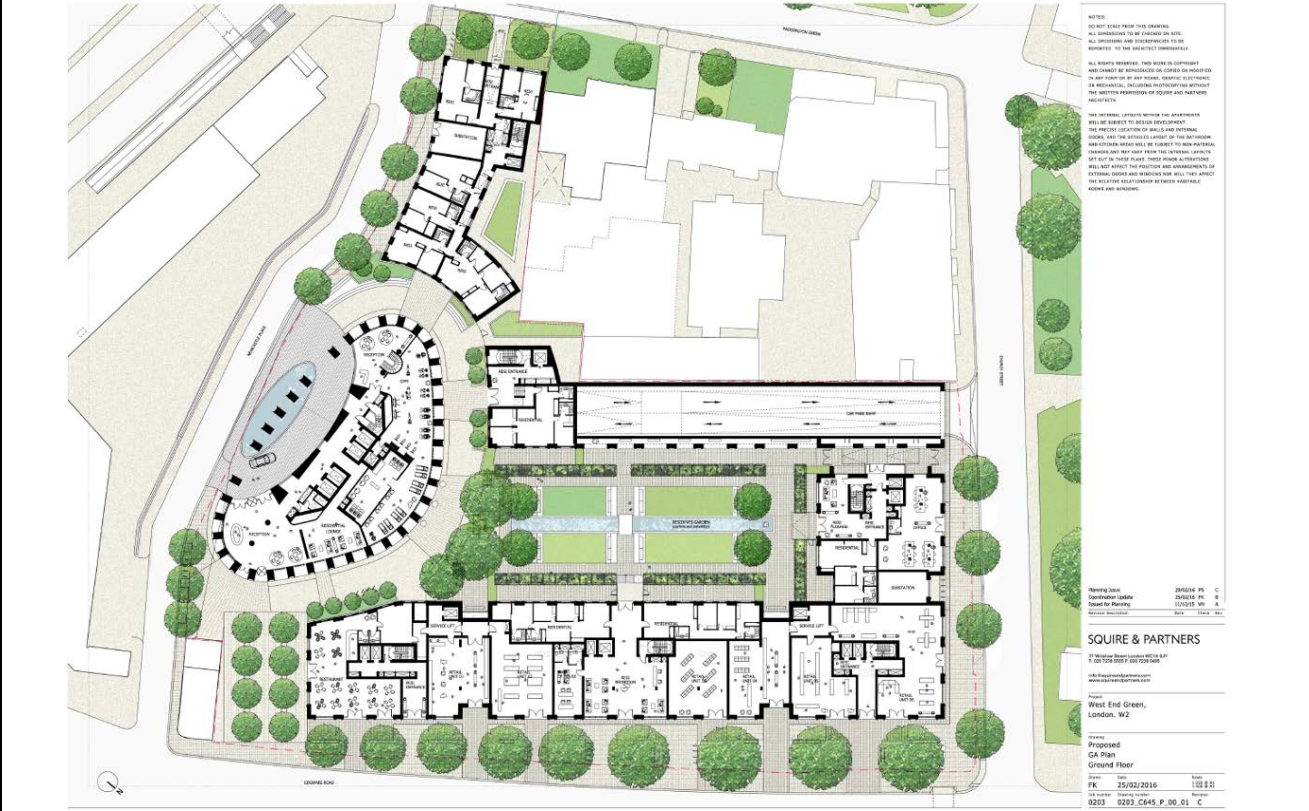
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)

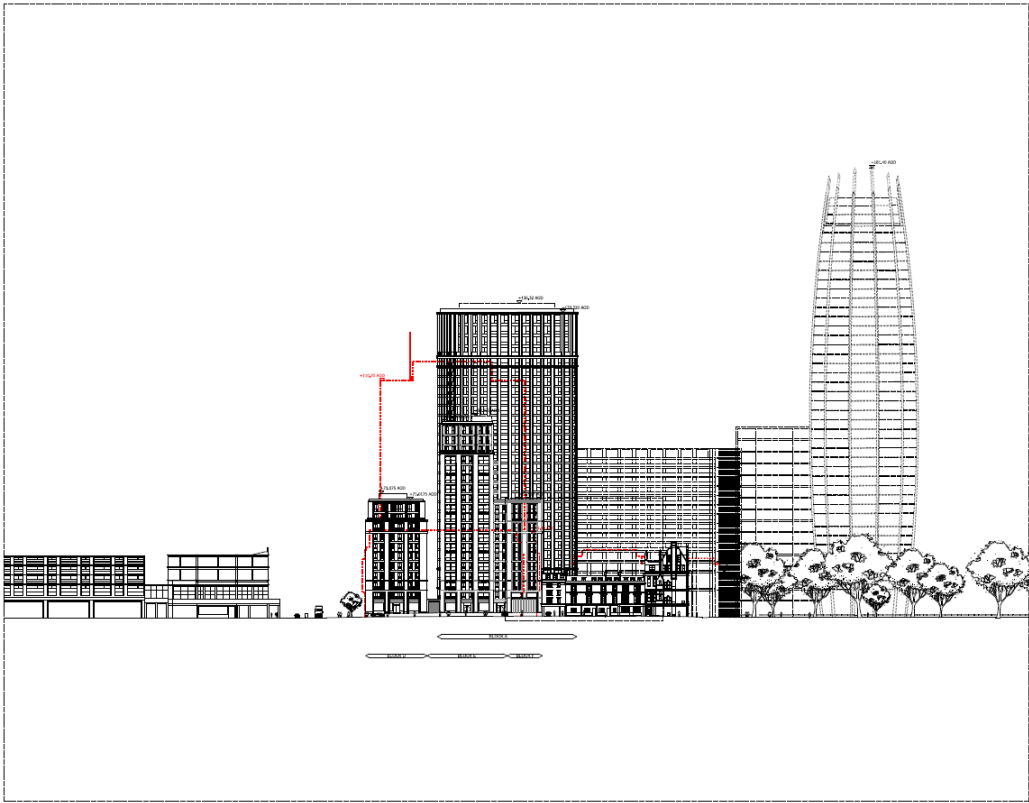
# 11 KEY DRAWINGS











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--- CONSENTED SCHEME LEVEL

North Arrow

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Project: West End Green, London, W2

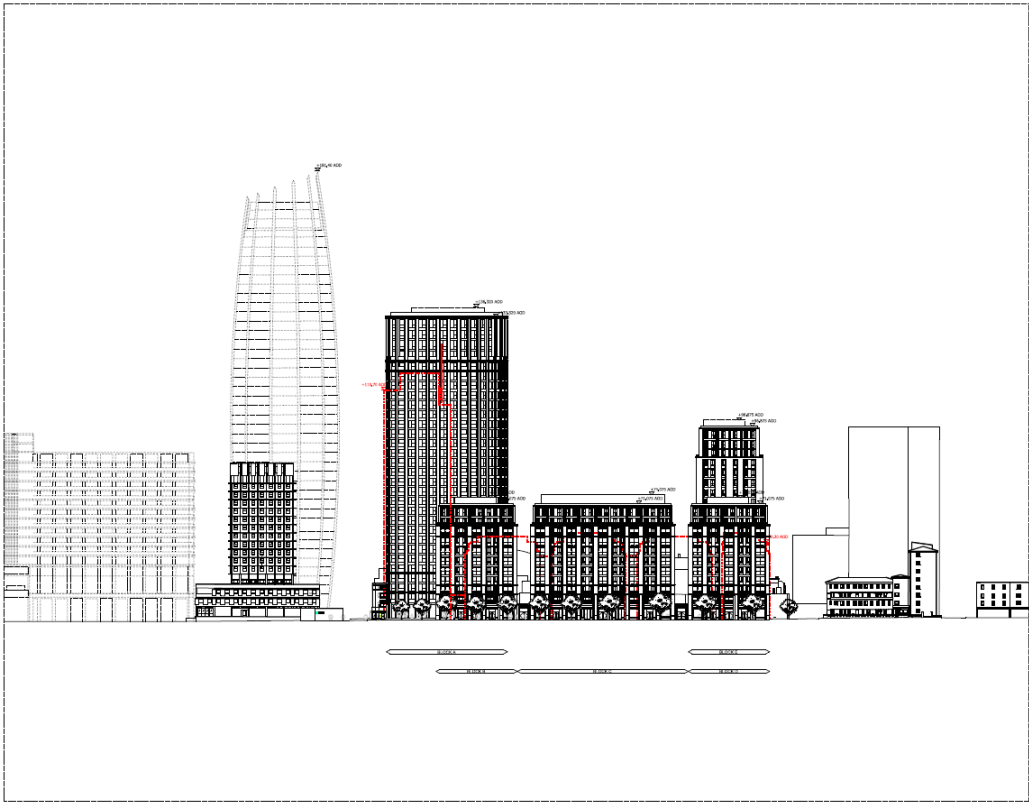
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--- CONSENTED SCHEME LEVEL

North Arrow

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Project: West End Green, London, W2

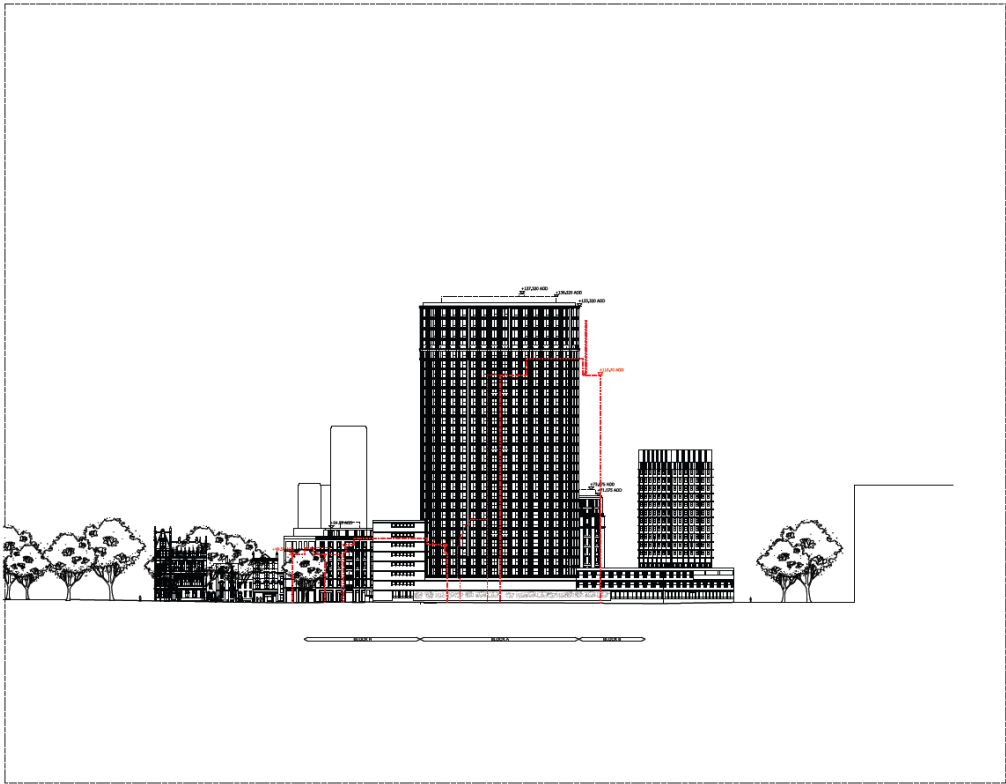
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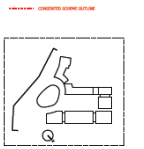
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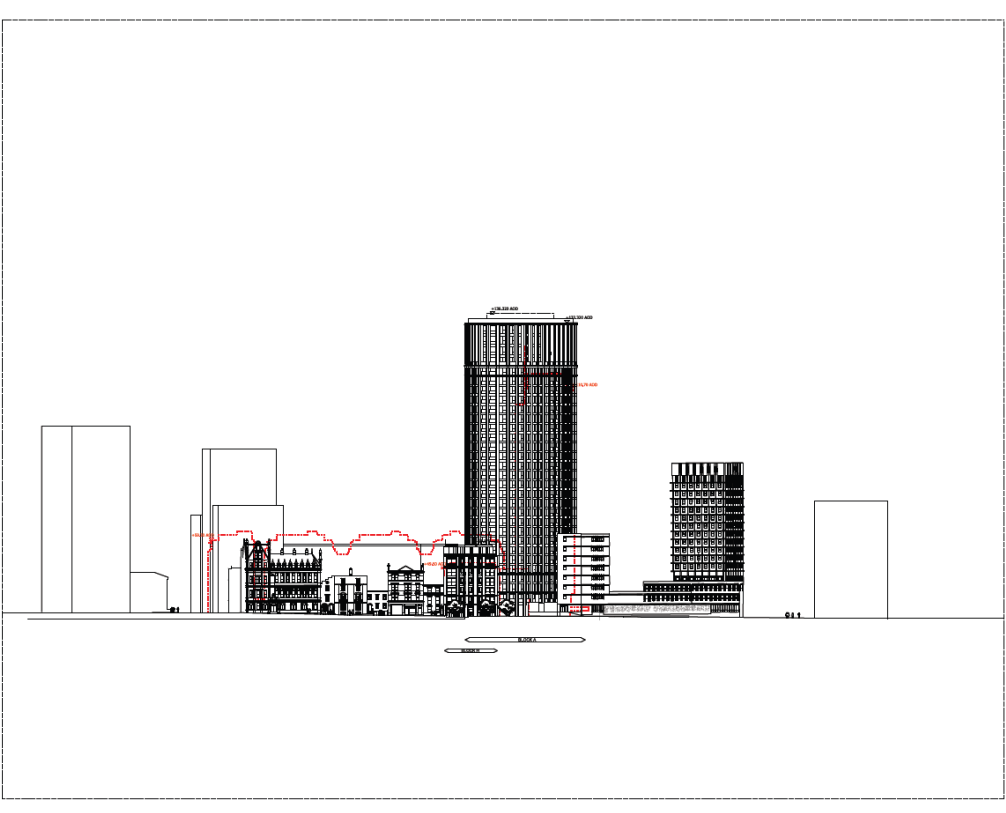
**SQUIRE & PARTNERS**  
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info@squireandpartners.com  
www.squireandpartners.com

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London, W2

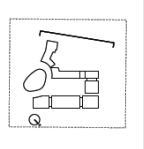
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Checked: JTB

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Revision: CB45\_E\_S\_002  
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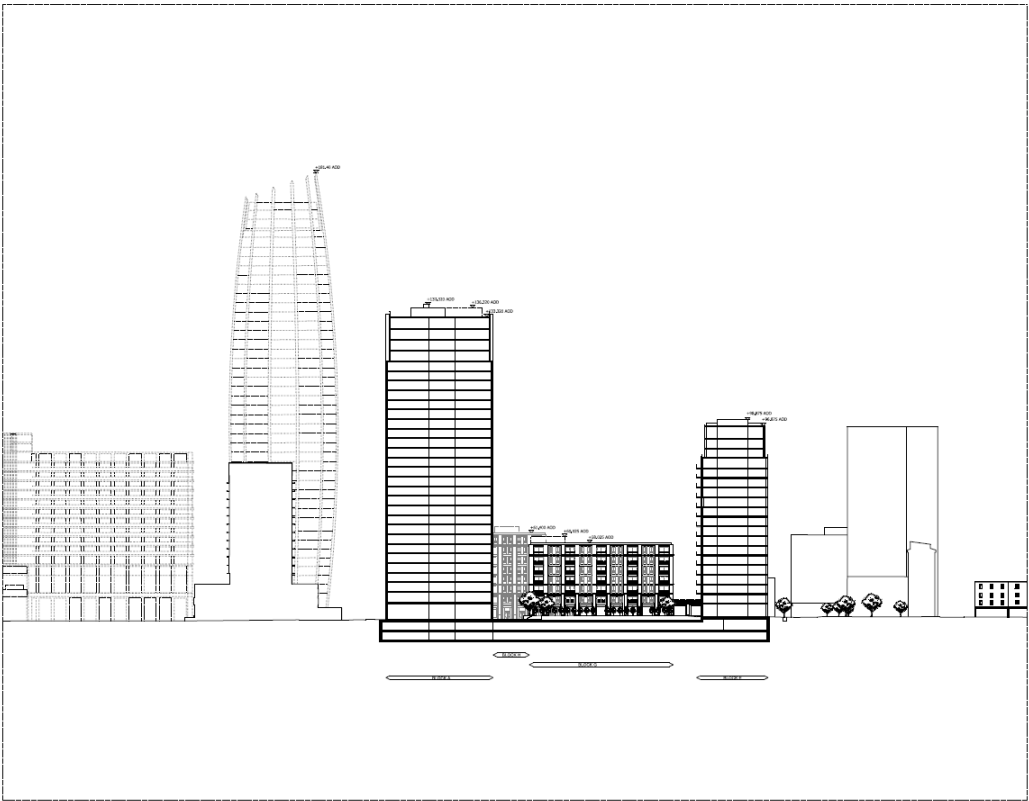
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www.squireandpartners.com

Project:  
West End Green,  
London, W2

Drawing:  
West Elevation  
Proposed with Consented Scheme

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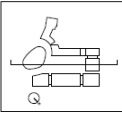
Job Number: 0000  
Drawing Title: 0000  
Revision: CB45\_E\_W\_002  
B



**NOTES**  
DO NOT SCALE FROM THIS DRAWING.  
ALL DIMENSIONS TO BE CHECKED ON SITE.  
ALL DIMENSIONS AND DIMENSIONS TO BE  
ADHERED TO THE ARCHITECT'S INTENTIONS.

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THE SEVERAL LAYOUTS WITHIN THE ARRANGEMENTS  
WILL BE SUBJECT TO DESIGN DEVELOPMENT. THE  
FINAL POSITION OF WALLS AND BEARING  
DOORS AND THE DETAILED LAYOUT OF THE INTERIOR  
AND EXTERIOR AREAS WILL BE SUBJECT TO CONTRACTUAL  
CONTRACTS AND MAY VARY FROM THE DETAIL LAYOUTS  
SET OUT IN THESE PLANS. THESE PLANS, CONTRACTS  
WILL NOT AFFECT THE POSITION AND ARRANGEMENTS OF  
EXISTING, ADJACENT AND SURROUNDING AREAS AND WILL NOT AFFECT  
THE RELATIVE RELATIONSHIP BETWEEN ADJACENT  
ROADS AND BUILDINGS.



Scale: 1:500  
Date: 22/02/2016  
Author: [Name]  
Checked: [Name]

**SQUIRE & PARTNERS**  
11 Old Square, London WC1A 1DF  
Tel: 020 7463 2000  
www.squire-partners.com

Project:  
West End Green,  
London, W2

Section:  
Section BB  
Proposed

Date: 22/02/2016  
Scale: 1:500  
Author: [Name]  
Checked: [Name]  
0203\_Co45\_S\_BB\_001 8



Proposed Massing





Proposed Perspective. From Edgware Road towards Marble Arch.



Proposed. From the Westway towards Regent's Park.





Proposed Perspective. Ground Floor Activity.



Proposed Presentation. Paddington Green.

Item No.
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<b>1</b>
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**DRAFT DECISION LETTER**

**Address:** Development Site at 285-329 Edgware Road, London, W2 1DH,

**Proposal:** Redevelopment to provide buildings of between ground + 6 and ground + 29 storeys including commercial space (Class A1, A3 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).

**Plan Nos:** Drawing numbers 0203\_JA12\_P\_00\_100 Rev B, 0203\_C645\_E\_N\_H\_001 Rev C, 0203\_C645\_P\_D\_T3\_001 Rev D, 0203\_C645\_P\_00\_100 Rev B, 0203\_C645\_E\_E\_H\_001 Rev B, 0203\_C645\_P\_D\_T4\_001 Rev C, 0203\_JA12\_P\_00\_001 Rev B, 0203\_C645\_E\_S\_H\_001 Rev C, 0203\_C645\_P\_D\_T5\_001 Rev D, 0203\_JA12\_P\_00\_002 Rev B, 0203\_C645\_E\_W\_H\_001 Rev B, 0203\_C645\_P\_E-F\_00\_001 Rev B, 0203\_JA12\_P\_00\_003 Rev B, 0203\_C645\_E\_NW\_H\_001 Rev B, 0203\_C645\_P\_E-F\_T1\_001 Rev C, 0203\_JA12\_P\_00\_004 Rev B, 0203\_C645\_P\_D\_TY\_T\_001 Rev B, 0203\_C645\_P\_E-F\_T2\_001 Rev C, 0203\_JA12\_E\_N\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_002 Rev B, 0203\_C645\_P\_E-F\_T3\_001 Rev C, 0203\_JA12\_E\_E\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_003 Rev C, 0203\_C645\_P\_E-F\_T4\_001 Rev C, 0203\_JA12\_E\_S\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_004 Rev B, 0203\_C645\_P\_E-F\_T5\_001 Rev C, 0203\_JA12\_E\_W\_001 Rev B, 0203\_C645\_P\_D\_TY\_T\_005 Rev B, 0203\_C645\_P\_E-F\_T6\_001 Rev C, 0203\_C645\_P\_D\_TY\_T\_006 Rev B, 0203\_C645\_P\_E-F\_T7\_001 Rev D, 0203\_C645\_P\_RF\_100 Rev C, 0203\_C645\_P\_D\_TY\_T\_007 Rev B, 0203\_C645\_P\_E-F\_T8\_001 Rev D, 0203\_C645\_P\_B1\_001 Rev D, 0203\_C645\_P\_D\_TY\_T\_008 Rev B, 0203\_C645\_P\_E-F\_T9\_001 Rev A, 0203\_C645\_P\_B2\_001 Rev D, 0203\_C645\_P\_00\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_001 Rev B, 0203\_C645\_P\_G\_00\_001 Rev A, 0203\_C645\_P\_TY\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_002 Rev B, 0203\_C645\_P\_G\_T1\_001 Rev A, 0203\_C645\_P\_RF\_001 Rev C, 0203\_C645\_P\_D\_TY\_M\_003 Rev B, 0203\_C645\_P\_G\_T2\_001 Rev A, 0203\_C645\_P\_RF\_003 Rev C, 0203\_C645\_P\_D\_TY\_M\_004 Rev B, 0203\_C645\_P\_H\_00\_001 Rev B, 0203\_C645\_E\_N\_001 Rev B, 0203\_C645\_P\_D\_TY\_M\_005 Rev B, 0203\_C645\_P\_H\_T1\_001 Rev C, 0203\_C645\_E\_N\_002 Rev B, 0203\_C645\_P\_D\_TY\_M\_006 Rev B, 0203\_C645\_P\_H\_T2\_001 Rev B, 0203\_C645\_E\_E\_001 Rev B, 0203\_C645\_P\_D\_TY\_M\_007 Rev B, 0203\_C645\_P\_H\_T3\_001 Rev C, 0203\_C645\_E\_E\_002 Rev B, 0203\_C645\_P\_A\_00\_001 Rev C, 0203\_C645\_P\_H\_T4\_001 Rev C, 0203\_C645\_E\_S\_001 Rev C, 0203\_C645\_P\_A\_T0\_001 Rev C, 0203\_C645\_E\_S\_002 Rev B, 0203\_C645\_P\_A\_T1\_001 Rev C, 0203\_C645\_P\_AP\_W\_001 Rev B, 0203\_C645\_E\_W\_001 Rev B, 0203\_C645\_P\_A\_T3\_001 Rev C, 0203\_C645\_P\_AP\_W\_002 Rev A, 0203\_C645\_E\_W\_002 Rev B, 0203\_C645\_P\_A\_T2\_001 Rev C, 0203\_C645\_P\_AP\_W\_003 Rev A, 0203\_C645\_S\_AA\_001 Rev B, 0203\_C645\_P\_A\_T4\_001 Rev C, 0203\_C645\_P\_AP\_W\_004 Rev A, 0203\_C645\_S\_BB\_001 Rev B, 0203\_C645\_P\_AP\_W\_005 Rev A, 0203\_C645\_S\_CC\_001 Rev B,

0203\_C645\_P\_A\_PH1\_001 Rev D, 0203\_C645\_P\_AP\_W\_006 Rev B, 0203\_C645\_S\_DD\_001 Rev B, 0203\_C645\_P\_A\_PH2\_001 Rev D, 0203\_C645\_P\_AP\_W\_007 Rev B, 0203\_C645\_P\_A\_PH3\_001 Rev D, 0203\_C645\_E\_S\_A\_001 Rev C, 0203\_C645\_P\_AP\_W\_008 Rev B, 0203\_C645\_E\_E\_B\_001 Rev B, 0203\_C645\_P\_B\_00\_001 Rev B, 0203\_C645\_E\_S\_B\_001 Rev B, 0203\_C645\_P\_B\_T1\_001 Rev D, 0203\_C645\_P\_AL\_01 Rev B, 0203\_C645\_E\_W\_B\_001 Rev B, 0203\_C645\_P\_B\_T2\_001 Rev D, 0203\_C645\_P\_AL\_02 Rev B, 0203\_C645\_E\_S/N\_B/C/D\_001 Rev B, 0203\_C645\_P\_B\_T3\_001 Rev D, 0203\_C645\_P\_AL\_03 Rev B, 0203\_C645\_P\_B\_T4\_001 Rev D, 0203\_C645\_P\_AL\_04 Rev B, 0203\_C645\_E\_E\_C\_001 Rev B, 0203\_C645\_P\_B\_T5\_001 Rev D, 0203\_C645\_P\_AL\_05 Rev B, 0203\_C645\_E\_W\_C\_001 Rev B, 0203\_C645\_P\_B\_T6\_001 Rev A, 0203\_C645\_P\_AL\_06 Rev B, 0203\_C645\_E\_N\_D\_001 Rev B, 0203\_C645\_P\_B\_T7\_001 Rev A, 0203\_C645\_E\_AL\_001 Rev B, 0203\_C645\_E\_E\_D\_001 Rev B, 0203\_C645\_P\_C\_00\_001 Rev B, 0203\_C645\_P\_00\_003 Rev C, 0203\_C645\_E\_W\_D\_001 Rev B, 0203\_C645\_P\_C\_T1\_001 Rev B, 0203\_C645\_P\_00\_004 Rev C, 0203\_C645\_E\_N\_EF\_001 Rev B, 0203\_C645\_P\_C\_T2\_001 Rev B, 0203\_C645\_P\_RF\_002 Rev B, 0203\_C645\_E\_E\_EF\_001 Rev B, 0203\_C645\_P\_C\_T3\_001 Rev B, 0203\_C645\_E\_S\_EF\_001 Rev B, 0203\_C645\_P\_C\_T4\_001 Rev B, 0203\_C645\_E\_W\_EF\_001 Rev B, 0203\_C645\_P\_C\_T5\_001 Rev C, 0203\_C645\_E\_N\_G\_001 Rev B, 0203\_C645\_P\_D\_00\_001 Rev B, 0203\_C645\_E\_E\_G\_001 Rev B, 0203\_C645\_P\_D\_T1\_001 Rev D, 0203\_C645\_E\_S\_G\_001 Rev B, 0203\_C645\_P\_D\_T2\_001 Rev D, 0203\_C645\_E\_W\_G\_001 Rev C; Environment Statement Volumes 1, 2 and 4B by Ramboll Environ (February 2016); Environment Statement Volume 3 (Planning Application Addendum) by Ramboll Environ (March 2016); Environment Statement Volume 3 (Planning Application Further Addendum) by Ramboll Environ (24 March 2016); Design and Access Statement by Squire and Partners (Rev B - February 2016); Amended Transport Assessment by Vectos (February 2016); Planning Statement by Turley (December 2015).

**Case Officer:** Nathan Barrett

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

**Recommended Condition(s) and Reason(s):**

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

**Reason:**

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.

- 2 You must carry out any building work which 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.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

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

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
  - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;

- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- The 'bronze feature rainscreen panel'
- The 'bronze coloured PPC Ventilation Grill'

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 Notwithstanding the 'brick façade panel' system referred to on the drawings, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme.

A revised form of external brick construction which incorporates brick facing as a continuous facing material without jointing between panels and avoids the use of brick panels or brick slips or

other similar cladding systems at the following locations:

- To ground, first, second and third floor levels of Block A;
- To ground to eight floor levels on Block B, C and D;
- To ground to fifteenth floor levels on Block E;
- To ground to tenth floor levels on Block F;
- To ground to sixth floor levels on Block G; and
- To the sheer elevations from ground to seventh floor levels on Block H.

You must not start work on these parts of the development until we have approved detailed drawings which show the revised construction and also show the location(s)/arrangements for movement joints in the brickwork, and a sample panel of the revised construction which also shows the colour, texture, face bond and pointing proposed. You must then carry out the work according to the approved sample and form of construction shown.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 Subject to condition 8, you must apply to us for approval of a sample of the 'brick façade panel system' which shows two separate panels (or sections thereof) including the joint detailing/gap proposed between the panels, and elevation drawings showing where the junctions between panels will be located with reference to other elevational features. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this sample and elevation drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 You must not paint any elements of the outside walls of the building 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 11 You must apply to us for approval of detailed drawings and manufacturers specifications, including details of colour and finish, of the building maintenance unit proposed to main roof level of Block A, including drawings showing the unit in its fully retracted/parked position. You must not

start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings / manufacturers specifications.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 12 The Building Maintenance Unit to main roof level of Block A shall be retained in its retracted/parked position within the plant enclosure (to the size and details submitted and approved in relation to condition 11) when not 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must apply to us for approval of detailed plan/section/elevation drawings/manufacturers specifications (as appropriate) of the following parts of the development:
- (A) External doors and windows (including reveal depth and detail);
  - (B) Balcony details, including external reveals inside balcony areas, balustrades and method of drainage;
  - (C) Shopfronts, including indicative locations for display of all external signage;
  - (D) Fixed canopies to ground floor (including underside of canopy);
  - (E) Fencing/railings to the southern end of the central garden square;
  - (F) Gates to vehicular entrances;
  - (G) Roof top plant and plant enclosures;
  - (H) Elevation of the Church Street facing sub-station façade;
  - (I) Typical bay elevations showing structural and cladding joints;
  - (J) Details of ventilation and other services termination at façade or roof;
  - (K) Details of any centralised satellite dish and TV system(s) to serve the development;

- (L) Details of 'fins' to south side of the tower and their relationship with the water feature to ground floor level; and  
(M) External integral lighting to buildings.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

- 16 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- Green roofs.

You must not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 17 You must apply to us for approval of a roof plan showing the location of the plant room to the roof of Block E. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this drawing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 18 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 20 You must put up any plant screens for the plant and machinery shown to main roof level of each of the buildings on the approved drawings, and to the details approved under the conditions of this permission, before you use that machinery. You must then retain and maintain it in the form shown for as long as the machinery remains 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 S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 21 No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

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

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of

Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 22 Customers shall not be permitted within the A1 and A3 premises before 0700 or after 2300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 23 For the A3 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 S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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

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

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

Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

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

Reason:

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

- 25 No tables and chairs shall be placed outside the ground floor retail and restaurant units unless separate permission has been given by the City Council as local planning authority.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. The landscaping strategy shall include measures to mitigate window turbulence from the faces of the buildings hereby approved. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 27 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. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 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 by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a



point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

Reason:

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

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

Reason:

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

- 32 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 28 and 29 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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

Reason:

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

- 34 The design of the separating walls should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFM<sub>ax</sub> in the octave bands of 63 Hz & 125 Hz.

Reason:

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

- 35 The spa and gym facilities within Block A and the basement levels shall only be used in an

ancillary capacity to the residential uses.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007.

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

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 37 Before occupation of the residential units, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of: , (a) Targets and actions set out in the Travel Plan to reduce car journeys to the site;, (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Travel Plan are not being met over a period of 5 years from the date the buildings are occupied., , At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

To safeguard the living conditions of the occupiers of the residential units as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted January 2007.

- 38 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the A3 unit from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the A3 unit until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the A3 unit is in use. (C05JB)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 39 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council, in consultation with

Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

- the location of 54 Electric Vehicle Charging Points within the basement parking level.

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

Reason:

To encourage sustainable transport, in accordance with policy 6.13 of The London Plan (FALP - March 2015).

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

Reason:

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (FALP - March 2015).

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

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

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 46 You must apply to us for approval of measures (such as, but not limited to, CCTV and card access) to provide secure cycle parking within the basement levels. You must not use this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation.

Reason:

To ensure that the cycle parking spaces are secure, as set out in policy 6.9 of The London Plan (FALP - March 2015).

- 47 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 other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 48 The retail (A1) units hereby approved shall only accommodate uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). You must not use it for any other purpose, including any change of use permitted by The Town and Country Planning

(Use (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

To ensure that the retail use secured and its associated benefit to the CAZ frontage and the streetscene are retained as set out in SS 4 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

- 49 Before the development hereby approved is 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 office and retail units have been constructed to meet BREEAM 2014 'Very Good'. You must then ensure that this standard is maintained thereafter.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 51 You must apply to us for approval of details of children's playspace / equipment to be provided as part of the development. You must not start work on this part of the development until we have approved what you send us. You must then carry out the development in accordance with the details we approve.

Reason:

To ensure that the development provides play and information recreation space for children in accordance with Policy SOC6 in the Unitary Development Plan we adopted in January 2007 and Policy 3.6 in the London Plan (with Further Amendments) published March 2015.

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

Reason:

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

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

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

**Informative(s):**

- 1 In regard to the CLP, TfL wishes to ensure that construction vehicles are fitted with cycle specific safety equipment, including side-bars, blind spot mirrors and detection equipment to reduce the risk of collisions on the capital's roads. TfL requests that these requirements be secured in the s106 agreement. TfL would also encourage more effective steps to discourage the use of on-site parking provision, and greater incentives towards the use of sustainable travel by construction workers, than that suggested within the draft CMP.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.  
  
A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [www.riskmanagement@thameswater.co.uk](mailto:www.riskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 3 The details required under condition 11 shall show the building maintenance unit as invisible from view from any street level location when in its retracted/parked position.
- 4 With regards to condition 13 and with reference to roof level maintenance, you are strongly advised to propose a fall-arrest system or other form of low profile installations allowing for fall protection avoiding any large fixed projecting structures or upstands to main roof level on all the buildings.
- 5 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have



made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP  
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

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

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

It is now possible for local authorities to prosecute any of the relevant parties with respect to

non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

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

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

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

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

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

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

- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 11 Our Environmental Health officers advise that, although it is not possible to be certain from your submitted plans, the scheme may not provide sufficient natural light into and a reasonable view

from the main habitable rooms. You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view. The dwelling may therefore be considered for action under the Housing Act 2004 by our Residential Environmental Health team. In those circumstances, that team would have the power to require works to improve natural light and the view to the affected rooms (which may require planning permission) or alternatively, where this is not practicable, to prohibit the use of those rooms. For further advice, please contact:

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

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

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

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

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

Phone: 020 7641 3153

- 14 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures

installed are in operation. E.g. windows kept closed.

- 15 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 16 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 17 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. (I54AA)
- 18 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.  
  
If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 19 You are encouraged to work toward achieving Secure By Design Accreditation for this development and the inclusion of blast protection measures and protection from Vehicle Borne Improvised Explosive Device (VBIED).
- 20 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.

**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 21 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 126 affordable units on-site comprising 49 intermediate units and 77 social rented units. The affordable units to be provided at the affordability levels set out in the Head of Affordable and Private Sector Housing memorandum dated 14 March 2016;
  - (b) Provision of a financial contribution of £631,000 (index linked) toward the provision of school places directed related to the occupancy of this development;
  - (c) Provision of a financial contribution of £850,000 (index linked) toward provision of social and community facilities;
  - (d) Provision of a financial contribution of £100,000 (index linked) toward improvements to Paddington Green;
  - (e) Provision of a financial contribution of £13,630 (index linked) toward open space provision/enhancement in the vicinity;
  - (f) Provision of a financial contribution of £18,000 (index linked) toward bus stop improvements around the application site;
  - (g) Provision of a financial contribution of £200,000 (index linked) towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
  - (h) Payment of the cost of highway works associated with the development on Newcastle Place, Paddington Green and Church Street and Edgware Road;
  - (i) Provision of a financial contribution of £200,000 (index linked) toward possible road widening to be undertaken by TFL on Edgware Road;
  - (j) Provision of lifetime car club membership (25 years) for each residential unit in the development;
  - (k) Provision of on-site parking on an unallocated basis (i.e. not sold or let with a particular flat);
  - (l) Compliance with the Council's Code of Construction Practice and a contribution of £20,000 per annum during the period of construction towards the Environmental Inspectorate and Environmental Sciences to allow for monitoring during construction;
  - (m) Provision of a financial contribution of £1,100,000 (index linked) toward public art associated with the development site and its maintenance;
  - (n) Developer undertaking to use best endeavours to negotiate a connection and supply agreement with the Church Street District Heating Scheme (CSDHS). In the event that the, CSDHS does not go ahead, installation of CHP plant on-site;
  - (o) Offering local employment opportunities during construction; and
  - (p) Payment of cost of monitoring the agreement (£15,000).

Item No.
<b>1</b>

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