

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	1A Sheldon Square, London, W2 6NA,		
<b>Proposal</b>	Demolition of existing management office building and lift building, and erection of a new building comprising basement, three lower levels (canal level -1, amphitheatre level -2 and railway level -3), ground and 19 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including conference facilities/ meeting rooms/ private dining/ bars/ restaurants including publicly accessible restaurant/ bar at Level 19 (Class C1), flexible hotel/ retail (Class C1/ A1) at part ground level, flexible hotel/ retail/ restaurant/ bar use (Class C1/ A1/ A3/ A4) at part - 1, and part - 2 level, and hotel (Class C1) at part -2 level as well as Level 17 roof terrace, replacement lift, plant, cycle parking, landscaping and other associated works.		
<b>Agent</b>	Mr Graham Timms		
<b>On behalf of</b>	British Land		
<b>Registered Number</b>	17/05609/FULL	<b>Date amended/ completed</b>	7 July 2017
<b>Date Application Received</b>	23 June 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	None		

## 1. RECOMMENDATION

1. Subject to referral to the Mayor of London, resolve to grant conditional permission, subject to the completion of a S106 Legal Agreement to secure the following planning obligations:

- a) Employment and training strategy for the construction phase and the operational phase of the development;
- b) Crossrail payment of £809,735 (index linked);
- c) Costs of all highway works surrounding the site required for the development to occur;
- d) A contribution of £4,445 (index linked) towards the upgrade of wayfinding signage at an in the vicinity of the site;
- e) A contribution of £12,000 (index linked) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
- f) Provision, monitoring and review of a travel plan;
- g) The provision of public access to the 19<sup>th</sup> floor of the building;

h) Costs of monitoring the S106 agreement.

2. If the legal agreement has not been completed by 5 December 2017 then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not:
- b) The Director of Planning shall consider whether permission should be refused on the grounds that 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 currently comprises the Paddington Central Estate Management Office and three storey high service yard beneath with associated parking spaces. The site also includes a portion of a private road (Sheldon Square) that lies adjacent to the Management Office and which forms a junction with Bishop's Bridge Road to the east. The Management Office is a two storey, glass fronted building with a pitched roof, facing onto the private road.

The site is bound to the east by Bishop's Bridge Road, to the south by railway lines to the west and north by development associated with the Paddington Central development. The wider area around the site primarily comprises a mix of commercial and office uses with two residential buildings located to the north and north east of the site (7-11 and 21-27 Sheldon Square).

There are no listed buildings within the application site and is outside of a conservation area and the Central Activities Zone (CAZ), but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

The proposed development includes the following elements:

- The demolition of the existing Management Office together with much of the below ground structure; and significant modification and/or replacement of the access road, 'knuckle building' and associated landscaping;
- The construction of a new hotel building offering a range of between 185-200 bedrooms, comprising Levels -03 (Railway level), -02 (Amphitheatre level), -01 (Canal level), 00 (ground level/ Bishops Bridge Road level), then upper 19 storeys, with a storey of plant at the top. The overall height of the new building will be 112.55m A.O.D., which would mean that it rises approximately 82.45m above canal towpath level.
- Flexible/alternative uses are proposed at ground and basement levels, namely hotel/ retail/ restaurant and bar.

Considerable objection has been raised, particularly from occupiers within the two adjacent residential buildings on the grounds of design and loss of amenity to both the flats and public open space. The Sheldon Square Residents Association have also had objection submitted on their behalf including an independent analysis of the daylight and sunlight report submitted with the application. These objections are summarised in section 5 of this report.

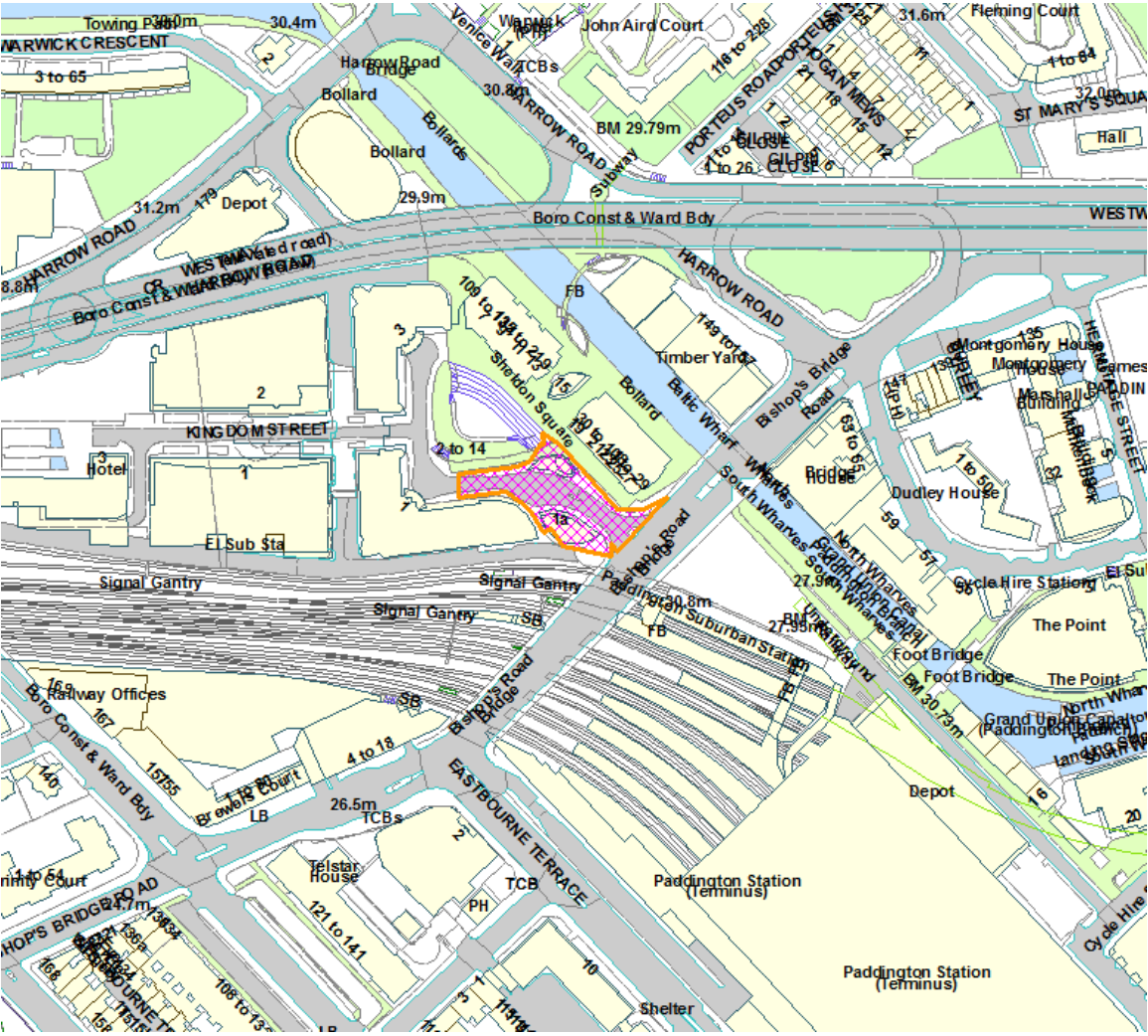
The Greater London Authority (GLA) support the proposals in strategic terms, but raise a number of concerns in relation to transport (in consultation with TfL) and sustainability terms.

The key issues in the case are:

- The acceptability of the proposed tower in design and townscape terms, particularly in relation to its height and detailed design;
- The impact on the amenity of neighbouring residents;
- The acceptability of the proposals in land use terms;
- The highways implications of the scheme.

On balance, it is considered that the proposals are acceptable and in accordance with policies in Westminster City Plan (City Plan) and the Unitary Development Plan (UDP) and therefore the application is recommended for approval subject to conditions as set out on the draft decision letter and a S106 legal agreement to secure a number of benefits. If Committee agree to grant conditional permission, this application will need to be referred back to the Mayor of London for his concurrence that permission may be granted in accordance with the Committee's resolution.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from  
Bishops Bridge  
Road

(management  
office highlighted  
on the left and  
'knuckle building'  
on right)



View from within  
Paddington  
Central

View from flat within Sheldon Square towards the management office





View of Paddington Central campus from above, with site outlined in foreground (image from design and access statement)

## 5. CONSULTATIONS

### WARD COUNCILLORS:

Any response to be reported verbally.

### GREATER LONDON AUTHORITY (GLA):

Do not consider the proposals to comply with the London Plan, but could be considered acceptable subject to revisions. Comments as follows:

- No objection to new hotel use in this location.
- No objection in design or amenity terms.
- Further information and clarifications in relation to sustainability/energy required.
- Provision of a dedicated coach and taxi rank closer to the site should be investigated.
- See TfL section below in relation to Transport issues.

### TRANSPORT FOR LONDON (TfL):

Initial comments to application (dated 19 July 2017):

- Details in relation to trip generation mode should be revised;
- Concerns in relation to the impact of a pit lane on Bishops Bridge Road during construction and its impact on traffic and bus services. An alternative solution is requested;
- Request for the blue badge parking spaces for staff and guests be provided;
- 18 additional long stay and 40 short stay cycle parking spaces are proposed. This provision is welcomed however details of how these would be accessed is requested;
- Alternative options to accommodate 4 coach bays are requested;
- Further investigation in relation to coach and taxi lay-by;
- Request for funding (£220K) to be secured to provide a new cycle docking station as local stations are among the most used in London;
- Request for £12k for bus stop upgrade;
- Request for £4,445 is secured towards legible London signage;
- Note London Undergrounds request for further details in relation to adjacent tunnels;
- Suggest that the Travel Plan is amended to include policy context, mode share targets. Final version should be secured by legal agreement;
- Provision of loading bays within the existing service yard is welcomed;
- Delivery booking system should be used to undertake deliveries outside of peak hours;
- Construction details provided are welcomed, with final details to be secured by condition;

Comments to additional information (dated 22 September 2017):

- Unlikely that development will have a significant impact on public transport capacity.
- Concerns in relation cycle figures being low and car and coach figures being high, therefore request more recent and relevant survey data.
- Development likely to impact on demand on two closest docking stations, which are already in London's top 5% used.
- Request for £220k towards providing new docking station.
- Willing to provide usage figures in relation to docking stations.
- Willing to accept non London compliant scheme in relation to coach parking, but request a no group booking condition and consideration for a minimum of 2 coach parking spaces within reasonable proximity to the site.
- In accordance with the Mayor's Taxi Action Plan a designated rank is identified. The rank should be within site of the main entrance/exit to hotel for the sole use by taxis.
- If coaches are to be restricted by condition (to no coaches), then a lay-by/ pick-up and drop off management plan is requested.



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- Travel Plan to be secured by S106.

Comments to additional information (dated 10 October 2017)

- Cycle hire docking station data provided.
- Cycle parking meets London Plan requirements and is intended for staff not guests, who are more likely to use a docking station or their own bike.
- Accept that there would be no coach parking at hotel, however as applicant is not willing to condition no group booking / coach free agreement, suitable arrangements for coaches should be provided. This should be secured by condition.
- Reiterates requirement for a 2 bay taxi rank is required.

Any further comments will be reported verbally.

**LONDON UNDERGROUND LIMITED:**

Response updated on 22 September. No objection subject to conditions to ensure that the development will not have a negative impact on London Underground structures at each stage of development.

**FRIENDS OF HYDE PARK & KENSINGTON GARDENS:**

Any response to be reported verbally.

**PADDINGTON BID:**

Any response to be reported verbally.

**LONDON FIRE SERVICES:**

Any response to be reported verbally.

**LONDON FIRE AND CIVIL DEFENCE AUTHORITY:**

Any response to be reported verbally.

**CANAL & RIVER TRUST:**

Further overshadowing of the Grand Union Canal, which is not noted in the applicant's Daylight and Sunlight Report. This should be mitigated by introducing nearby habitat enhancements.

**THE INLAND WATERWAYS ASSOCIATION:**

Any response to be reported verbally.

**HISTORIC ENGLAND:**

Application should be determined in accordance with national and local policy guidance.

**HISTORIC ENGLAND (ARCHAEOLOGY):**

No objection subject to condition for the submission of a written scheme of investigation submitted prior to commencement of works in the form of Geotechnical Monitoring and a Watching Brief.

**LONDON HISTORIC PARKS AND GARDENS:**

No response to date.

**THAMES WATER UTILITIES LTD:**

No objection subject to conditions and informatives in relation to sewage and water supply.

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**CROSSAIL:**

Request for more time to respond. Any response to be reported verbally.

**NETWORK RAIL:**

No objection however comment that the site is in close proximity to the main line and further discussion should be had with Network Rail's Maintenance Protection Co-Ordinator. Applicant will need to enter into a Basic Asset Protection Agreement prior to works taking place. Comments are given for the safe operation of the railway and adjacent land namely in relation to: fencing; drainage; safety; demolition; access to railway; site layout; piling; excavation/earthworks (in consultation with the local council); signalling; environmental issues; landscaping; plant/scaffolding/cranes; lighting and safety barrier.

**THE ROYAL PARKS:**

Objection on the grounds of excessive height of the new building and its impact on views from many Inner Parks, namely Kensington Gardens, Hyde Park, The Regent's Park and Primrose Hill. 75m AOD is total height considered possible at this site. Note that an objection was also raised to the proposed building at 31 London Street.

**PADDINGTON RESIDENTS ACTIVE CONCERN ON TRANSPORT (PRACT)**

Any response to be reported verbally.

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:**

Support proposals as they will generate employment and increase footfall. Height of building is acceptable. Officers should satisfy themselves that level of light injury on adjacent buildings is consistent with other recent approvals in the area. Proposed top floors bar/restaurant is welcomed and should be detailed in the S106. Request for neighbours views to be taken into consideration.

**HYDE PARK ESTATE ASSOCIATION:**

No objection, the building will add new facilities for both residents and workers. Impressed by design thinking behind internal and external spaces.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:**

Raise an objection and comment on the following grounds:

- No objection to hotel use (subject to impacts on amenity and transport).
- Objection on grounds of loss of light. Careful consideration of daylight and sunlight required. Suggest reduction in height of building.
- No comment in relation to views, notes the assumption that other buildings which have consent will be built.
- Request for condition to limit late night noise and disturbance.
- Request for condition for monitoring of drop-off/pick-up area.
- Note and support the requirements of LUL and Crossrail to safeguard structures.
- Request for condition regarding continued access for maintenance to underside of Bishops Bridge Road.

**DESIGNING OUT CRIME OFFICER:**

No objection.

**CLEANSING MANAGER:**

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Request for a revised plan to show the waste storage location including for cooking oil and cardboard bailer.

GO GREEN PROGRAMME OFFICER:  
Any response to be reported verbally.

ARBORICULTURAL OFFICER:  
Comments in relation to landscaping and green roofs provided. Further information is required, however this can largely be secured by condition.

BUILDING CONTROL:  
No adverse comments.

HIGHWAYS PLANNING MANAGER:  
Raise no objection in relation to servicing, coaches, car parking, travel plan or construction impacts. Concerns raised in relation to lack of details in relation to capacity and the resultant impact on the highway network particularly when large events end. Other issues such as cycle parking and alterations to the ramp and vehicle barrier can be secured by condition.

ENVIRONMENTAL HEALTH:  
No objection subject to conditions in relation to contaminated land, noise from plant, construction and entertainment uses.

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

No. Consulted: 1575  
Total No. of replies: 100  
No. of objections: 98  
No. in support: 2

Objections raise some or all of the following points:

##### Amenity:

- Loss of light and overshadowing to both residential flats and public realm within Paddington Central, contrary to BRE guidelines and Council Policy;
- Inaccurate uses of rooms within the applicant's daylight/sunlight report, with main habitable rooms affected;
- Unclear calculations and inaccurate assessment within the daylight/sunlight report therefore insufficient information;
- Incorrect interpretation/ use of the BRE guidelines;
- Loss of privacy due to overlooking;
- Noise disturbance from increased activity and late night activity from hotel and entertainment uses;
- Loss of light to garden/central shared space, which will make the space less usable by residents and office staff;
- Dudley House is a poor example for comparison in relation to how a building would perform for daylight in an urban environment.

##### Design:

- The proposed tower is out of character with the scale of the area;

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- Proposals will have a negative impact on the character and appearance of the adjacent Bayswater Conservation Area;
- Proposal does not accord with Paddington Central masterplan;
- Tower will have a negative impact on adjacent heritage assets.

Other:

- Reduced property price;
- Loss of outlook;
- Loss of landscaping and public realm.

The Sheldon Square Residents Association have had representations submitted on their behalf from 'eca, architecture and planning' and 'Ansley Horne, rights of light and party wall consultants'. In addition to the comments outlined above, they raise comment in relation the way the daylight and sunlight data can be manipulated, its interpretation and to the justification of the proposals in relation to the BRE guidance.

2 Letters of Support who welcome the proposals and any resultant benefits to the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is within the Paddington Central campus on the north side of Bishops Bridge Road. The existing building on the site is the Management Office which is a small structure on the south side of Sheldon Square at its junction with Bishop's Bridge Road. The existing building is unlisted and not regarded as a heritage asset, the site lies outside a conservation area and the Central Activities Zone (CAZ) but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area (POA).

The Paddington Central campus is an area of modern redevelopment, which occupies the site of the former Great Western Railway Goods Depot. The campus is surrounded by substantial elements of transport infrastructure: with the railway lines into and out of Paddington Station on its south side; the Paddington Branch of the Grand Junction Canal on its east side; the elevated A40 (Westway) to the north; and Westbourne Bridge on the west.

Paddington Central is a predominantly commercial estate comprising offices and a hotel, with a retail presence at street level. The exceptions to this are 7-11 and 21-27 Sheldon Square at the eastern end of the campus and adjacent to the canal, which are two residential blocks again with retail activity at ground level. All of the buildings on the site are no more than twenty years old and their design and layout derived from a masterplan devised in the late 1990s and an outline planning permission granted in 2000. The campus has been built out in phases with the buildings surrounding Sheldon Square forming the first phase; and then the buildings along Kingdom Street (2, 3 & 4 Kingdom Street and Novotel) following as a second phase. The site at the western end of Kingdom Street, which would be where no.5 Kingdom Street would stand, has yet to be built. In terms of building height, the buildings which have been built are of a broadly consistent height, in the order of 42-45m above the height of the canal towpath. The architecture of the first phase

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includes relatively plain and unrelieved floor to ceiling high-iron glazing for the office blocks; while the residential blocks also feature large areas of glazing, albeit a greater degree of relief and refinement is provided by stone cladding, recessed balconies and set-backs to the higher levels. Overall this first phase has a somewhat monotone and sombre appearance, largely caused by the architecture and choice of materials. The second phase of buildings, along Kingdom Street, has introduced buildings of greater architectural interest and quality.

In terms of designated heritage assets there are a large number of listed buildings and conservation areas which are located in the surrounding area. These include the Bayswater Conservation Area, whose boundary is on the south side of Bishop's Bridge Road and which extends for some distance to the south; the Maida Vale Conservation Area and the Paddington Green Conservation Area bound the north side of the A40 (Westway) and extend northwards. Conservation areas at a slightly greater distance away include the Hallfield Estate Conservation Area, the Queensway Conservation Area and the Westbourne Conservation Area, which lie to the south-west and west of the application site; and further to the south lies the Royal Parks Conservation Area which includes both Hyde Park and Kensington Gardens. In terms of listed buildings, the grade I Paddington Station lies just to the south of the site, with parts of MacMillan House only about 100m to the south. The grade II\* former British Rail Maintenance Depot Blocks lie to the north on the north side of the Westway. Within the conservation areas there are also a large number of listed buildings, for the most these are grade II listed and in the case of Bayswater, Maida Vale and Westbourne are predominantly nineteenth century residential buildings (either terraces or villas).

## **6.2 Recent Relevant History**

Outline planning permission was granted on 23rd May 2000 (Ref 97/06935/OUT) for:

*'Redevelopment to provide a mix of uses; namely offices, 210 residential units, local shopping and studio/ light industrial units in buildings between 7 and 13 storeys in height. Creation of new access off Bishops Bridge Road and new egress ramp, provision of basement car parking and ancillary office accommodation. New footpaths and pedestrian links including a new footbridge across the canal'*

Subsequent to this permission there have been numerous applications for reserved matters and variations to this original permission, however the most relevant was granted 28 September 2000 (00/04383/RESMAT) which included details of the management offices for:

*Approval of details of layout, siting, design, access, parking and landscaping Phase 1 buildings pursuant to condition A1 (a), (b), (c), condition J.1 and J.2 (canal footbridge) and condition M (disabled access) of outline permission.*

## **7. THE PROPOSAL**

Planning permission is sought for the erection of a new building in place of the existing management offices at Paddington Central. The building is to comprise of 20 floors above ground floor level (where Bishops Bridge Road is ground floor level) and 3 levels below ground floor levels. The main use of the building is to be a hotel, with ancillary facilities such as bar/restaurant and conference facilities towards the top of the tower and alternative flexible uses at ground and lower levels. The flexible uses include hotel (C1), retail (A1), restaurant/cafe (A3), drinking

establishment (A4). During the course of the application the applicant has altered the proposed uses at lower level, removing the previously proposed D1 and D2 uses. The intention is that 185 hotel bedrooms will be available between level 2 and 15 with the potential for an additional 15 rooms at levels 16-18.

The new works also include re-landscaping the whole of the existing vehicular entrance area to Paddington Central from Bishops Bridge Road, including the removal of the existing glazed 'knuckle building' which provides lift access between the main pedestrian levels and basement levels. A new lift is proposed in a revised location between the canal and Bishops Bridge Road levels and a new entrance proposed to the existing lift, which provides disabled access down to the lower levels. These lifts are to be secured by condition, to be provided prior to occupation.

Table 1: Land use figures (GIA sqm)

Use	Existing	Proposed
Office (Class B1)	581	0
Hotel (Class C1)	0	13,485
Level 00 Flexible hotel (C1) Retail (A1)		35
Levels -01 & -02 Flexible hotel (C1), retail (A1), restaurant (A3) bar (A4)	0	726
Other (knuckle building)	246	430
<b>Total</b>	<b>827</b>	<b>14,676</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Policy S3 within the City Plan relates to the Paddington Opportunity Area, which this site is located within. It states that the 'provision of a range and mix of uses across the Opportunity Area including'...'other uses to support the economic and social regeneration of the area, including retail, social and community facilities, entertainment and arts/cultural uses. Where appropriate, other town centre uses should provide active frontages at ground floor level.'

Policy S12 of the City Plan states that development should contribute to increasing economic activity within the area, or provide local services or improving the quality and tenure mix of housing.

As the proposals will result in a range and mix of uses, the proposals are considered to be in accordance with these policies.

While the main use of the tower will be as a hotel, it is proposed for parts of the tower and the majority of the ground and lower levels to have a flexible/ alternative uses, namely Hotel (C1), retail (A1), restaurant (A3) and bar (A4). Due to the range of uses proposed the following sections of this report will assess the impact of each the proposed uses in turn as well as the loss of the existing offices.

#### 8.1.1 Loss of Management Suite B1 office use

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Policy S20 of the City Plan states that 'losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.' There are currently no adopted or saved policies which protect against a change of use from office to uses other than residential, the principle of the loss of B1 floorspace is therefore considered acceptable.

### **8.1.2 Hotel C1 Use:**

Policies TACE 2 (A) within the UDP and S23 within the City Plan relate to new hotels. The policies state that new hotels will be directed to Special Policy Areas, such as Paddington, to streets which do not have a predominantly residential character and where the hotels will have no adverse environmental and traffic effects and adequate on-site facilities incorporated for picking up and setting down of visitors, be that by coach or taxi.

While there are two residential blocks within close proximity to the site, the impact upon which in terms of light and enclosure is discussed within the amenity section of this report, it is not considered that the 'predominant' character of the area is residential, given the location of the site within the mixed, but mainly commercial, Paddington Central development. Likewise the impacts of the development in terms of coaches and parking are also discussed elsewhere within this report.

The principle of a hotel use is however generally supported by policies TACE 2 and S23, which specifically direct such developments to the Paddington Special Policy Area. Whilst there is an existing hotel (Novotel) within Paddington Central, there are no objections in land use terms to another hotel use at this end of the campus. Further to this the GLA have strongly supported the use in strategic terms

### **8.1.3 Retail A1 shop use**

#### **Land Use:**

Policy S21 of the City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

Policy SS10 of the UDP states that proposals for retail development outside District or Local centres will not be permitted if they would cause demonstrable harm to the vitality or viability of existing centres.

The nearest centres are the Praed Street District Centre and the Church Street / Edgware Road District Centres. There are also other shops and services located within the development itself, however these are generally located around the adjacent sunken amphitheatre and along the canal. These are mostly food and beverage providers, as well as a Sainsbury's supermarket.

Given the relatively closed nature of the Paddington Central development, the majority of users of any new shops are likely to come from within the development itself or from passers-by on the canal. Given this, it is considered that should a retail use occupy either part of or the whole proposed site, it would not result in demonstrable harm to the viability of adjacent District Centres.

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It is not considered that the use of the premises as a Class A1 Use would give rise to significant adverse impacts on the amenity of adjoining occupiers. The main impact of a large shop would be from servicing vehicles, should the unit be used as something such as a supermarket or a furniture shop. A condition is therefore recommended to ensure all servicing takes place below Kingdom Street level so that it does not cause any disturbance to adjacent residential and commercial occupiers.

#### **8.1.4 Ancillary Hotel (including restaurant/bar/conference at levels 16-19), Restaurants, Cafés and Drinking Establishments C1/A3/A4 uses**

##### **Land Use:**

The proposals have the potential to provide 726sqm of either C1/A3/A4 (or A1 see above) floorspace across the lower floors and 1674sqm of ancillary hotel accommodation on levels 16-18. Any new entertainment uses over 500m<sup>2</sup> must be assessed against Policy TACE 10 which states that such uses are only permissible in 'exceptional circumstances'. Policy S24 within Westminster's City Plan is also relevant and states that new large scale, late night entertainment uses of over 500m<sup>2</sup> will not generally be appropriate within Westminster. The UDP includes a schedule of what exceptional circumstances may constitute:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site;
- b) the retention of a use which has a long-standing association with the area, or makes a major contribution to its character or function;
- c) the retention of a valued Central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people;
- e) the provision of restaurants and cafés on the second floor and above in Oxford Street, Regent Street and Piccadilly;
- f) in the Paddington and the North West Westminster Special Policy Area, the achievement of regeneration benefits.

Part (f) is relevant given the location of the site within the Paddington Opportunity Area. The question is therefore do the proposals achieve 'regeneration benefits'? The proposals will provide a new hotel and entertainment facilities which can be accessed by the general public and will therefore provide some regeneration benefits over the existing office use.

It must be noted, however, that Policy TACE 10 was adopted prior to the publication of the National Planning Policy Framework (NPPF). Although the policy still holds weight as a saved policy, the NPPF has impacted on the assessment of larger entertainment uses because it is no longer sufficient for the City Council to argue that a use would not satisfy any of the policy criteria.

Permission was refused on 10 July 2012 for an extension to a new restaurant at 34 Grosvenor Square as it was contrary to Policies TACE 10 and the then draft Policy CS23 of the Core Strategy (now adopted policy S24 of the City Plan). The decision was appealed (Ref APP/A/12/2183693). The Inspector determined to grant permission as it was not considered that the proposed use would result in material harm to the living conditions of adjacent occupiers. He concluded that the absence of proven harm qualified as an exceptional circumstance.



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Such decisions are material considerations and the Council must therefore identify the specific harm that would be caused if it were to refuse an application and explain why it would be contrary to sustainable development objectives.

In economic terms the proposed use would result in the loss of B1 office floorspace but new jobs would be created to compensate this impact.

In environmental terms the new building has ventilation ducting to serve any restaurant use, venting at roof level (discussed below). Dedicated servicing and waste facilities are provided (discussed in Section 8.4) and there is no reason to presume that, with suitable management procedures in place, the new use would result in littering or pollution of the public realm.

It is accepted that there would be a degree of impact on the social realm. C1/ A3/ A4 uses are likely to result in some increased vehicle movements from deliveries and increased pedestrian movements in the evening, which contrasts with typical patterns of the existing office use. Unless the additional movements would result in 'significant adverse impacts on health and quality of life' as set out in paragraph 123 of the NPPF, it is not considered that the proposed uses would result in significant social harm that would be contrary to the overarching principle of the NPPF to promote sustainable development.

Given the location within the Paddington Opportunity Area and subject to conditions to help to protect the amenities of neighbouring residents, it is considered that an exception circumstance could be argued in this instance. Conditions are recommended for the submission of an Operational Management Plan, prior to commencement of development to implement a particular use in that part of the development, to show the size and layout of the proposed unit.

*19<sup>th</sup> Floor:*

In order to ensure that public access is maintained to the nineteenth floor of the building, a clause in the S106 is recommended. This will ensure that this public benefit is secured as part of the development. Details of this use will (such as layout and management), will be submitted as part of the Operational Management Plan, to ensure that the use is acceptable in both land use and amenity terms.

**Amenity:**

Policies S29 and S32 within the City Plan relate to residential amenity and noise and are therefore applicable. UDP Policy ENV 6 also relates to noise pollution and requires design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties. Policy ENV7 specifically relates to noise and vibration from mechanical plant, setting out noise standards for different parts of Westminster. In relation to the proposed entertainment uses, TACE 8, 9 and 10 are also applicable, within which paragraph 8.83 states that when assessing the potential adverse impacts of a proposal, matters to be taken into account will include the gross floorspace, capacity, type of use proposed, the opening hours, the provision of effective measures to prevent smells, noise and vibration disturbance, proximity to residential uses, the existing level of night time activity and the number of existing and proposed entertainment uses in the vicinity and their opening hours.

*External noise and general disturbance:*

The proposed uses are likely to result in increased noise from vehicles, staff, and general disturbance from visitors arriving and departing from the site throughout the day and into the evening.

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In order to mitigate against potential noise disturbance in relation to the proposed uses, an Operational Management Strategy has been submitted. This sets out how the restaurant/bar would operate including details of staff management, security and servicing. No details such as capacity or opening hours have been provided.

As the final operators or use of the development is currently unknown, a condition is recommended for the submission of a new Operational Management Plan with details of how the selected operator will manage each unit. This could be in the form of a separate restaurant operator, or in relation to an ancillary hotel function, so as a hotel bar or event space. The information contained within the plan will vary depending on the proposed use, however is likely to include details such as servicing, opening hours, capacity, staff and visitor management, security etc. It will also need to include details of how people who leave the site, particularly at closing time will be managed so that disturbance to adjacent residents is kept to a minimum. For instance it is noted within the Planning Statement that there is the potential for a late night exit point under Bishops Bridge Road, which could be used should people be leaving later in the evenings.

Visitors arriving at the site by foot would arrive to either the Bishops Bridge road or canal level entrances. Officers have raised concerns in relation to the large expanse of openable frontage at the canal level, which was originally going to be bi-fold doors, and its impact on the residential occupiers directly above. The flats at first and second floor levels do not have mechanical ventilation and are therefore reliant on openable windows to provide ventilation. While there is existing background noise, the frontage located below these windows is not currently active, so there is limited noise from commercial sources.

Following officers comments the applicant has suggested various levels of solidity and door options for this frontage. They have also offered that a condition could be imposed for any openable glazing to be fixed shut past a certain time (such as 9pm). Officers remain of the view that given the close proximity of residential occupiers that this frontage should be of fixed glazing (except for entrance doors) in order to limit the impact of the new use/s.

The proposed ground floor of the hotel is more solid, with fixed panes of glass with inset entrance doors. This frontage is further removed from the residential accommodation and is to provide an entrance to the hotel rather than an entertainment use and is therefore considered acceptable.

Given the proximity of the residential flats and to tie in with the permitted terminal opening hour of other adjacent commercial units, a condition is recommended to limit the opening hours (to anyone not staying overnight at the hotel) for any of the proposed A1/A3/A4/C1 uses to 11pm to protect residential amenity from patrons coming and going to the site.

*Vehicles:*

While there may be an increase in servicing vehicles associated with the proposed uses, this would be undertaken from the dedicated servicing areas which are accessed on the lower levels. In relation to taxis, while these can use Kingdom Street, it is not considered that these will give rise to a significant loss of amenity given the existing commercial nature of the development. A condition is recommended to ensure that servicing is not undertaken at Kingdom Street level as is undertaken from the dedicated servicing areas at sub-podium level to ensure it does not cause harm to the local environment.

*Cooking ventilation:*

The proposals include the provision of ventilation ducting which the application documents confirm terminate at roof level. As full details of the ventilation system have not been provided with the application, a condition is recommended for these details to be submitted prior to any primary cooking being undertaken on the site to ensure that ventilation is at roof level and there is no negative impact on the local environment.

## **8.2 Townscape and Design**

### **8.2.1 Legislation and Policy**

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and a detailed description has been provided within the applicant's Planning Statement, but it is considered worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance, which relate to design, townscape impacts and heritage protection:

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 Chapters 7 and 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets.

Policy S3 of our City Plan relates to the Paddington Opportunity Area and paragraph 3.14 of this policy states:

"Evidence indicates that there is very limited potential for the location of tall buildings within the Opportunity Area<sup>ii</sup>. The Opportunity Area has scope for the development of medium height large floorplate buildings in keeping with the larger buildings in the surrounding townscape. Permission has been granted for one significantly higher tall building of exceptional quality on Harrow Road between North Wharf Road and Harbet Road to act as a landmark for the Opportunity Area."

(ii – The High Building Study 2000)

The Reasoned Justification to the policy states:

"The redevelopment of sites in the Paddington Opportunity Area has established a general height and scale for new buildings reflecting that of the higher buildings in the surrounding area. The location identified for the tall building set out in the policy allows for the creation of a landmark building but without harm to the character of the surrounding townscape."

This policy also seeks to provide: a range of office floor space; other uses to support the economic and social regeneration of the area; public transport and interchange improvements; public realm improvements; and new public open space.

Policies S25, S26 and S28 of our City Plan are strategic policies which recognise the importance of Westminster's historic townscape and the need to conserve it, protecting strategic,

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metropolitan and local views and requiring exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of our 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.

DES 3 of the UDP relates to High Buildings and seeks to protect and enhance Westminster's townscape, historic character and skyline.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 7 of the UDP seeks to ensure the highest standards of design in all townscape details, including encouraging the provision of public artwork for suitable schemes of redevelopment.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings.

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.

Policy DES 12 of our UDP seeks to protect the integrity and appearance of Parks, Gardens and Squares. This includes protecting existing views out from parks.

Finally policy DES 15 seeks to protect Metropolitan and Local Views, and indicates that permission will not be granted for developments which would have an adverse impact upon important views of listed buildings, landmark buildings, important groups of buildings, monuments and statues, parks, squares and gardens, the Grand Union and Regent's Canal and the River Thames.

### **8.2.2 The Proposed Development**

The new development will provide a new hotel, with associated retail, restaurant, bar, conferencing and leisure uses. The proposed scheme will also include changes to the surrounding public realm. The main building will appear as a ground plus 20 upper storeys which is sited in approximately the position of the current Management Office, however, the lower levels of the new building (i.e. Levels -01, -02, -03 and B1) will exploit the under-used space beneath Bishop's Bridge Road and the entrance road into Sheldon Square to provide a larger hotel footprint at these lower levels. These lower level works will include replacing the retaining wall and entrance road between the Management Office and 21 Sheldon Square, as well as removing the structure referred to as the 'knuckle building', which is the lift access structure at the northern end of the retaining wall. In their place will be a new floor of hotel and restaurant/bar space. This new floor will be accessible from canal level and will replace the current retaining wall, with a new wall of glazed openings. Below this level at -02 (amphitheatre level) the retaining wall to the amphitheatre will be modified and its footprint moved further northward, with a new lift access

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point created. At this lower level and largely hidden from view the void beneath Bishop's Bridge will also be exploited, with new structure to provide ancillary hotel floorspace. The lowest levels of the development at Level -03 and B1 will be very much back-of-house spaces largely supporting servicing and plant functions.

The new building as it rises out of the ground will occupy a relatively small footprint between 1 Sheldon Square and the newly formed entrance road. The main ground floor level will be at the level of Bishop's Bridge Road and will form the main entry point into the hotel and will be expressed as a double-height area, with additional lobby/communal hotel space at first floor. Thus combined with the new canal level entrance, the new hotel will effectively have three levels of animated lobby space, which will be connected by a central circulation void.

Above these lobby areas the main body of the hotel rises with hotel rooms on floors 2-15, then floors 16-18 are proposed to have a more flexible hotel use and could be either conference, meeting rooms, private dining, hotel bar/restaurant, or they could be used for more hotel rooms. The 19th floor is proposed to be a bar/restaurant which would be open to the general public. Finally there would a storey of plant above this, which would effectively be level 20.

In terms of height and massing the new building would rise to a height of 112.55m A.O.D. or in other words would be 82.45m above the canal towpath and 78.3m above Bishop's Bridge Road. It will occupy a relatively small footprint at ground level, but this will reduce further as it rises with a series of set backs at levels 11, 14 and 17 which creates a tapering to the massing. These shoulders in addition to breaking down the massing also relate to height datums on adjacent buildings.

This tapering effect in the massing is also a strong component of the architecture, with a clear hierarchy expressed and lightening of the massing as the building rises. The base of the building is in the form of robust stone piers which form a 2 storey colonnade as visible from Bishop's Bridge Road and Sheldon Square. The main body of the building sits on this base and the facades are expressed as vertical piers with a regular rhythm and distribution of windows. The principal cladding material will be a glazed terracotta tile, intended to have variation to its finish through the hand-coloured glazing and in the form and size of the tiles. Further animation and visual interest to the facades is provided in the moulded terracotta spandrel panels, the castellated parapets to the various shoulders and by the gradual reduction in size of the piers as they rise, with a consequent increase in the size of windows. The effect of this is intended to reduce the massing and produce an elegant and well articulated building. At the various shoulders created it is intended that living roofs are provided at levels 11 and 14, while at level 17 an external amenity terrace, with views southwards would be provided. The piers extend to a castellated parapet which encloses the plant storey as well, thus providing a coherent termination to the building.

### **Impact of the Development on Townscape and Heritage Assets**

The proposed height and design of the new building will mean that it will be a significant intervention into the townscape, which will be appreciable both in the immediate vicinity and from further afield. In many cases it will be visible from within conservation areas and within the context of listed buildings. A 'Townscape and Visual Impact Assessment' has been undertaken as part of the application, which has considered the visual impact of the building from 53 views.

An important consideration is that the site lies within the Paddington Opportunity Area and in the immediate vicinity of other development sites, many of which have permission for relatively tall buildings and in some cases these approved buildings are currently under construction. These

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consented schemes are also included in the views assessment. The development schemes of particular relevance are:

- Over-Station Development above the Hammersmith and City Line on the south side of Bishop's Bridge Road, lies only 60m to the south-east of the application site and includes a building which rises 75.5m above the canal towpath. At present there is no indication that this scheme is to commence;
- 55-65 North Wharf Road is on the east side of the canal and lies approximately 100m to the east of the application site. The new office building on this site is currently under construction and when completed will rise to 71.13m above the canal towpath;
- Dudley House lies just to the east of 55-65 North Wharf Road (approximately 150m to east of application site) and is currently under construction. When complete the tower element of this development will be 61.5m above canal towpath level.

Slightly further away, but still within the Paddington Opportunity Area are:

- 1 Merchant Square (approximately 475m to east of application site), this is the 'one significantly higher tall building' that has been approved and is referred to in City Plan Policy S3. Construction has not commenced on this but the approved building rises to approximately 149.5m above the canal towpath level;
- 31 London Street, perhaps better known as the 'Paddington Cube' lies approximately 365m to the south east of the application site. Permission has been granted for a building which rises to 74.2m above street level (excluding feature pole). This decision is the subject of a Judicial Review.

Further still and lying outside the Paddington Opportunity Area is West End Green, which lies approximately 550m to the east of the application site and includes a tower element which is approximately 104m above street level. Work to implement this development has commenced.

Therefore in the context of the Paddington Opportunity Area and the consented schemes referred to above, the current proposal would complement a group of 'medium height' buildings. Indeed sitting close to the group of Dudley House, 55-65 North Wharf Road and the Over-Station Development site, it would form a cluster of buildings which would range in height between 61.5m and 82.5m above canal towpath. Considering this in the light of policy S3 it is considered that at 82.5m it sits amidst the medium height buildings, but is still significantly below the height of 1 Merchant Square, which if built, would remain the noticeably taller building within the Opportunity Area. Thus in terms of its height, the proposal is considered to accord with policy S3 of the City Plan.

Within the context of the Paddington Central campus, the proposed building would clearly represent a departure from the prevailing heights and have a singular character and appearance, both in terms of its height, but also its architecture. The consideration in this context is whether this difference has an adverse impact. The broadly consistent height of the existing campus does create uniformity to massing, but equally the large floor plate office buildings also create a very heavy, solid group, with minimal estate-wide articulation and interest. The introduction of a taller, but slender building of differing architecture and facing materials, would provide some articulation and visual stimulation to the wider estate, without harming the estate's coherence, or overwhelming the established layout and massing.

The application has also included an assessment of the impact on the microclimate caused by the new building considering its impacts on the public realm, and in regard to overshadowing and

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wind the proposal would maintain good levels of sunlight to the public realm, particularly the amphitheatre; and would not introduce any adverse wind conditions.

In terms of the wider townscape, the height of the proposed hotel will mean that it will be visible from a wide range of vantage points including from within nearby conservation areas and will be visible in the setting of a large number of listed buildings. In terms of Strategic Views the new building would be visible at the extreme right of the London Panorama from Primrose Hill (LVMF View 4A.2), well away from the focus of the view towards the Palace of Westminster and in summer time is obscured by trees. In winter it will not markedly change the skyline and does not have an adverse impact on this strategic view.

In terms of the impact upon the Royal Parks, an assessment has been made of views from within Hyde Park, Kensington Gardens and Regent's Park, which are all grade I parks on Historic England's Register of Parks and Gardens and are also conservation areas. The views assessed indicate that for the most part the development will not project above the tree-line or where it does it will not be to a greater extent than existing and consented buildings in the same view. Perhaps the most prominent view of the new building will be from the Serpentine Bridge (Views 4 and 4.1), where it will be visible within a gap in the trees. However, even in this view the building sits amidst the trees rather than above them and there are other existing buildings in the same view which have the same visual impact. The darker tone of the proposed cladding does also mitigate the visual impact, appearing more subdued, when compared with buildings with lighter-coloured cladding materials. Given this level of impact, it is difficult to understand the objection from The Royal Parks, who suggest that the excessive height would have a major impact on views from these parks and from Primrose Hill. These comments have not been substantiated with reference to the views assessment and as such the merits of their objection are not shared by officers. In conclusion the proposed new building is not considered to have an adverse impact upon the setting of the Royal Parks.

In addition to these conservation areas, views from within four other conservation areas have also been assessed, namely Fisherton Street Estate, Paddington Green, Bayswater and Maida Vale. Of these the impact from the Fisherton Street Estate Conservation Area and the Paddington Green Conservation Area (Views 7, 7.1, 8 and 8.1) is negligible. In the case of the impact on the Fisherton Street Estate Conservation Area, the new development would be over 800m away and does not introduce a discordant scale at this distance. With regard to the Paddington Green Conservation Area, the density of trees provides a considerable screen, but even in winter the townscape relationship between the conservation area and the Paddington Opportunity Area is already one where large scale buildings feature in the backdrop to the conservation area in views looking south and west and in this context the proposed new building would complement this townscape juxtaposition.

It is from viewpoints within the Bayswater Conservation Area and the Maida Vale Conservation Area where the new building will most prominently appear. Examples of this are Views 10, 11, 19, 19.1, 21, 21.1, 22.1, 23.1, 24, 24.1, 27 and 30, where the new building will appear as a taller element in the background of the lower-scale, predominantly nineteenth century residential townscape. For the most part, when considered alongside the consented schemes, the new building would have a comparable impact, appearing as one of a group of larger-scale buildings. Good examples of this scenario would be Views 10 (within the Bayswater Conservation Area) and 19.1 (within the Maida Vale Conservation Area), in both these examples because of the grid layout of the streets, the new development will be axially aligned and appear as a prominent building terminating these views, however, when the consented schemes are also taken into

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account, the new building would not appear out of place with the consented arrangement and as such it is considered that the setting of these conservation areas would be preserved.

Because the Maida Vale and Bayswater Conservation Areas are laid out in grid patterns and sweeping crescents, there are many situations where despite reasonable proximity to the application site, the street alignment means that the development does not impact upon the townscape from street level views. Examples of this would be Views 13 (Bayswater Conservation Area and 340m from the application site) and 20.1 (Maida Vale Conservation Area and 670m from application site) where in both cases because the new development is not axially aligned with the street pattern, it is obscured by the foreground buildings.

Other conservation areas, at a further distance from the site, namely the Hallfield Estate Conservation Area, the Westbourne Conservation Area and the Queensway Conservation Area have also been considered within the applicant's Townscape and Visual Impact Assessment. Because of their distance from the site and the orientation of the street patterns, it is considered that there would be negligible impact on the setting of these more distant conservation areas.

Within both the Maida Vale and the Bayswater Conservation Areas there are also a large number of listed buildings. The majority of these will be residential buildings of nineteenth century date, either in the form of terraces or villas. There are other listed buildings of a non-residential character and notable amongst these, in terms of proximity to the application site, are the grade I listed Paddington Station; the grade II\* listed former British Rail Maintenance Depot Blocks at 179 Harrow Road and St Mary's Church; the grade II listed Hilton London Paddington (formerly the Great Western Hotel), the Mint Wing and Clarence Wing of St Mary's Hospital.

With respect to the listed terraces and villas, the impact of the new development is much the same as that to the setting of the Maida Vale and Bayswater Conservation Areas. Where the alignment of streets or proximity of buildings allows a view of the proposed new building in the backdrop of these listed buildings such as in Views 22.1 or View 30, it will be seen amongst the other consented taller buildings within the Opportunity Area. In such circumstances the impact is not considered to be harmful. Furthermore at their closest the listed terraces and villas lie in excess of 200m from the application site and thus the juxtaposition of height is not a sharp contrast and any impact is softened and mitigated by the distance.

The new building will impact upon the setting of Paddington Station and the Mint Wing as demonstrated in Views 10 and 11. In terms of the grade I listed station the new building would appear in views from the south and would rise behind the train shed roof of Span 4. The roof profile and external appearance of this part of the station is not considered to be one which is sensitive to change and indeed it is considered that the station is a somewhat introspective building and much of its significance derives from its internal engineering and architecture. Also the new building would be seen alongside the Over-Station Development (if built), which in these views would have a comparable impact. The Mint Wing building already sits amidst a range of buildings of varying age, architecture and height and in this context the proposed building would not result in an adverse impact to its setting.

Finally, in terms of the grade II\* buildings referred to, the impact of the new building would have a negligible impact upon their setting due to the screening effect of other buildings and trees.

Another heritage receptor of note is the canal network including Little Venice and the Paddington Basin arm of the Grand Junction Canal and the new development will be seen in canalside



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vantage points such as Views 23, 23.1, 24, 24.1, 25, 25.1, 26, 26.1 and 27. The impact of the proposal on the canal is not considered to be harmful given the prevailing townscape character of the canalside at this point, namely an area of recent regeneration in the form of Paddington Basin and Paddington Central, where a number of large scale modern buildings have been built, or for which permission has been granted.

Thus the overall impact of the proposed new building on the wider townscape and upon the setting of heritage assets (including designated heritage assets) is for the most part considered to be a neutral one. Where the building can be seen as a prominently taller building in the backdrop to lower scale nineteenth century townscape, this does replicate similar impacts caused by other consented taller buildings within the Opportunity Area. Nevertheless, the simple change in scale, where a consistency of scale is a characteristic of a conservation area, or a listed terrace, could be considered as having some degree of harm on this character and this is a point made by many of the objections to the scheme, however, under the terms of the NPPF, this harm is considered to be in the category of less than substantial, and to be of a very slight harm in any spectrum of this category.

### **8.2.3 Design Conclusions**

The proposed development is considered to be acceptable in design terms and to broadly accord with the design policies referred to above. The proposed new building will be a prominent introduction into the townscape, but its height and slender form would complement its immediate context (the Paddington Opportunity Area) and would on the whole have a neutral impact on the wider historic townscape.

The materials, modelling and relief of the design will introduce a crafted and visually stimulating new building of high quality. The design will also utilise large areas of currently underused space beneath the current Management Office, thus offering the potential to further animate the public realm and contribute to a thriving mixed-use sustainable neighbourhood and destination, as envisaged by City Plan policy S3. These benefits combined with opportunities to support the local economy, including employment opportunities are considered to acceptably outweigh any harm caused to designated heritage assets. They are also benefits identified by some of the consultation responses, notably the Greater London Authority, the Paddington Waterways and Maida Vale Society and the Hyde Park Estate Association.

### **8.3 Amenity**

Considerable objection has been received from residents within the two adjacent residential blocks 7-11 and 21-27 Sheldon Square on the grounds of loss of light, and loss of privacy due to overlooking. 21-27 Sheldon Square is in close proximity to the new tower and is therefore the most affected, however the impact on both buildings is discussed here. The Sheldon Square Residents Association has also commissioned their own independent review of the applicants daylight, sunlight and overshadowing reports (see background papers), which raises objection and questions some of the methodology used, the interpretation of the BRE, the negative impact on the adjacent residents, the lack of daylight distribution contours (subsequently provided), overshadowing and that they consider the use of Dudley House (a recent permission granted) as a poor example for comparison in relation to how a building should perform for daylighting in an urban environment.

#### **8.3.1 Daylight**

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 normally resist developments which 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.

The applicant has submitted a Daylight and Sunlight Report by Gordon Ingram Associates (GIA) which tests the following adjacent buildings:

- 7-11 Sheldon Square (residential element)
- 21-27 Sheldon square (residential element)
- 1 Sheldon Square (commercial)

Table 1: The residential windows which have been tested and the results. The number of windows which have failed the test are shown in brackets.

Site	VSC	VSC no balconies	NSL of failed VSC rooms	NSL no balconies	ADF	ADF no balconies
7-11 Sheldon Square	66/90 (24) 73.3% pass	83/90 (7) 92% pass	19/24 (5) 79.2% pass	7/7 (0) 100% pass	0/5 (5) 0% pass	0/5 (5) 0% pass
21-27 Sheldon Square	120/286 (166) 42% pass	120/286 (166) 42% pass	50/132 (82) 38% pass	55/132 (77) 42% pass	22/82 (60) 27% pass	38/77 (39) 49% pass

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss, and the above sites are considered to be the worst affected. Results have been provided both solely in relation to this development and also in relation to the cumulative effect, should the consented 'Triangle' development be implemented, located on the other side of Bishops Bridge Road.

### Vertical Sky Component (VSC)

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values.

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 this case, the most affected rooms are single aspect living kitchens (noted as kitchens in the tables below) and bedrooms.

7-11 Sheldon Square:

This building comprises commercial on the ground floor with the upper first to twelfth storeys in residential use. The building is located to the north of the development site adjacent to the amphitheatre. Windows facing in a south eastern direction on the first to eight floor levels will experience actual VSC reductions of more than 20%. All of the windows which fail have existing low levels of light (largely below 10%), which is likely to be due to the windows being set back behind existing overhanging balconies. While these windows will see large losses, given the existing low levels of light, these figures are skewed. Table 1 indicates that should the testing point be moved to remove the balconies, a larger proportion of the windows pass (92%). It is also worth noting that these flats are dual aspect with windows facing both south east and south west.

Table 2: Shows the rooms at first floor level with W4 showing the greatest loss as a result of the development (with balconies) (see background papers for window map)

Room	Existing VSC	Proposed VSC	% loss
Bedroom W4	6.6	2.7	<b>59.1</b>
Kitchen W5	7.6	4.4	42.1
Kitchen W6	8.4	6.3	25

21-27 Sheldon Square:

This building is also in use as commercial on the ground floor with the upper first to twelfth storeys in residential use. The building is in much closer proximity to the development site, located to the north east. There are windows on each of the residential floors facing in a south western direction (onto the development site), which fail the test. Unlike 7-11, the majority of these windows currently experience very good levels of light of in excess of 27%, with many windows with levels of up to 39%. As noted above, windows of in excess of 27% are considered to provide good levels of daylight by the BRE guide. This existing high levels of daylighting is as a result of the open nature of the outlook from this elevation, both over the existing low level management suite and over Bishops Bridge Road and railway beyond. There are however some windows which have existing low levels of light, which is likely to be due to their location set back and under existing balconies.

Due to this existing open aspect, VSC losses are very high with losses ranging from 0-80% of their current levels. While a number of bedrooms will have low levels of light, all of the living kitchens, will retain levels of light in excess of 13%.

Table 3: Shows the rooms at second floor level with W11 showing the greatest loss as a result of the development (with balconies) (see background papers for window map)

Room	Existing VSC	Proposed VSC	% loss
Kitchen W1	27	18.3	32.2
Bedroom W2	27.3	17.7	35.2
Kitchen W3	27.7	16.9	39
Bedroom W4	10.7	3.6	66.4
Bedroom W5	10	4.4	56

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Bedroom W6	28.8	15.2	47.2
Unknown W7	29.1	14.7	49.5
Kitchen W8	29.6	14.3	51.7
Kitchen W9	30.2	14.2	53
Bedroom W10	30.9	14.3	53.7
Bedroom W11	13	2.5	<b>80.8</b>
Kitchen W12	32.2	15.3	52.5
Kitchen W13	32.8	16.3	50.3
Kitchen W14	33.9	18.3	46
Kitchen W15	35.5	22.4	36.9
Kitchen W16	36.9	27.3	26

The kitchen with the lowest VSC as a result of the development is located at first floor level, which has an existing VSC of 28.9, which will be reduced to a figure of 13.7 as a result of the development (52.6% loss).

In the GIA results, if with no balconies, all but 7 of the windows will retain a VSC of in excess of 15%. The remaining 7 windows (1 bedroom and 6 living/kitchens) will have retained VSC's of between 13.7% and 14.9%.

1 Sheldon Square:

This property is located directly to the west of the development site set over ground and nine upper levels, currently in use as offices. Due to its proximity, it will also see significant losses of light up to 94% of their former values.

These offices have a generous open plan layout, with floor to ceiling glazing. While some windows facing the development site will see considerable losses in terms of light, given the open plan nature of the floorplans, with views north over Paddington Central and south over the railway will remain clear. Given this, and as offices are afforded less protection than residential dwellings, the development is considered acceptable in relation 1 Sheldon Square.

**No Sky Line (NSL)**

The NSL method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. BRE guidance states that if the no-sky line is reduced by 20% this will be noticeable to its occupants. Accurate assessment of the NSL method is dependent upon knowing the actual room layouts or a reasonable understanding of the likely layouts. The applicants daylight assessment has had regard to the layouts of the building, having access to the likely layouts of the flats from records of the floor layouts of the buildings.

7-11 Sheldon Square:

Of the 24 windows which failed the VSC test, 79.2% pass the NSL tests. This is further improved to 100% of the windows passing if the testing point is moved to remove the balconies.

The worst affected room is a kitchen located at first floor level which currently has a daylight distribution of 210.46sqft which will be reduced to 138.56sqft as a result of the development, which equates to a loss of 71.89sqft (33% loss).

21-27 Sheldon Square:

The 166 windows which failed the VSC test serve 132 rooms, of which 38% pass against this methodology, with a further 4% passing without the balconies.

Table 4: Shows the rooms at second floor level with R9 showing the greatest loss as a result of the development (with balconies) (see background papers for window map)

Room	Room size sqft	Previous sqft	Proposed sqft	Loss sqft	% loss
Kitchen R3	268.63	154.06	108.43	45.63	30
Bedroom R4	119.05	105.46	49.16	56.29	53
Bedroom R5	119.86	84.18	50.29	33.88	40
Bedroom R6	254.34	146.36	70.24	76.12	52
Unknown R7	184.47	165.93	76.5	89.43	54
Kitchen R8	405.66	357.12	105.96	251.16	70
Kitchen R9	409.09	328.98	87.52	241.45	<b>73</b>
Bedroom R10	133.04	126.11	42.88	83.23	66
Bedroom R11	198.79	198.36	66.8	131.56	66

1 Sheldon Square:

Of the windows tested, all show compliance with this method.

**Average Daylight Factor (ADF)**

The ADF is a measure of the adequacy of diffuse daylight within a room, and accounts for factors such as the size of a window in relation to the size of the room; the reflectance of the walls; and, the nature of the glazing and number of windows. Clearly a small room with a large window will be better illuminated by daylight than a large room with a small window, and the ADF measure accounts for this.

BRE guidelines confirm that the acceptable minimum ADF target value depends on the room use. That is 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. Notwithstanding this, the independent daylight and sunlight review states that, in practice, the principal use of rooms designed as a 'living room/kitchen/dining room' is as a living room. Accordingly, it would be reasonable to apply a target of 1.5% to such rooms.

The applicant has undertaken this third test for the development given the losses for the first two test (VSC and NSL). As pointed out by the objectors daylight and sunlight specialist, this method is generally used within new developments to test the amount of light to new rooms, however, as noted by the applicant, as the use of the rooms within the affected buildings is generally known, this test is also useful.

7-11 Sheldon Square:

All five of the windows tested have an existing low ADF. The worst affected room is a bedroom located at third floor level (W4 on the window map) which has an existing ADF of 0.6, which reduces to 0.3 as a result of the development (50% loss). Five kitchens at first to sixth floor levels (W5 on the window map) will see a reduced ADF from 0.4 to 0.3 (25% loss).

21-27 Sheldon Square:

When all three methods are taken into account 60 rooms still fall short of the BRE guidance (or 39 if balconies are removed).

The worst affected room is a bedroom at second floor level (W11 on the window map) which has an existing ADF of 1.5 which reduces to 0.5 as a result of the development (66.7% loss). The

worst affected kitchen/living room is located at third floor level (W8 on the window map) which will see a reduced ADF from 1.9 to 1.1 (42.1% loss).

### 8.3.2 Sunlight

The applicant has provided a sunlight assessment, which measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. 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.

Table 5: Sunlight measured in Annual Probable Sunlight Hours (APSH). The number of windows which fail is shown in brackets.

Site	balconies	No balconies
7-11 Sheldon Square	66/75 (9) 88% pass	75/75 (0) 100% pass
21-27 Sheldon Square	155/190 (35) 82.1% pass	180/190 (10) 94.7% pass

The results show that the majority of the windows pass the APSH test, particularly with the balconies removed.

#### 7-11 Sheldon Square:

9 of the 75 windows fail this test, with all windows passing when balconies are removed.

#### 21-27 Sheldon Square:

The most affected windows are located within 21-27 Sheldon Square, with some windows which will experience a total loss of winter sunlight. When the calculation points are moved to remove the balconies, the 10 rooms which fail would have annual APSH ranging between 22 to 24 (against a target of 25), and a winter APSH of 9 (against a target of 5).

The worst affected bedrooms are located at first, third and fourth floor levels which see annual APSH reduced by 33-34 hours from an APSH of 56-58 to 23-24 (W10 on the window map) or a 59% loss. The worst affected kitchens are located at seventh and ninth floor levels which see annual APSH reduced by 34-35 hours from an APSH of 63-65 to 29-30 (W9 on the window map) or a 54% loss.

### 8.3.3 Cumulative impact with 'Triangle' development

The applicant has also undertaken studies to assess the cumulative impact should the development on the other side of Bishops Bridge Road, known as the Triangle site be built. This development is located to the east of the application site and 21-27 Sheldon Square, and therefore the most affected windows are those located in the end south east facing elevation, which face onto Bishops Bridge Road. The submitted daylight and sunlight report confirms that a further 20 rooms would be affected (when tested against the three methodologies above), which are all located in this end elevation. Due to its location, the triangle development will have little impact on the most affected windows facing the application site.

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Given that it is unknown if this development will be built out, and as these windows would already be affected should it be built, it is not considered that the additional impact would warrant refusal alone.

#### **8.3.4 Daylight & Sunlight Conclusions**

Overall, it is clear that there are a significant number of windows which would be noticeably and negatively affected in terms of loss of both daylight and sunlight, which would normally fail to accord with Policy S28 in the City Plan and ENV 13 within the UDP. These losses must then be considered in relation to the particular nature of this site and the merits of the proposed development.

The applicant has undertaken three methodologies in relation to daylight and one method in relation to sunlight. It is clear that the most affected property is 21-27 Sheldon Square due to its proximity. In relation to daylight, the results show that even when all three methods are taken into account 60 windows will still fail. Using the main VSC method 166 of the 286 windows fail. In relation to sunlight, while there are transgressions from the BRE guidelines, the majority of the windows pass.

Strong objection has been received from both adjacent residents and the Residents Association for the adjacent residential blocks at 7-11 and 21-27 Sheldon Square. They do not agree with the conclusions of the submitted daylight and sunlight report or the methodologies used.

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. Many sites throughout central London have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. In this instance, VSC levels to kitchen/livings spaces are all at or above 13.7% with the development in place. While it is noted that some bedrooms will have a VSC of less than this, they have existing low levels of light, due to the design of the building with recesses/ overhanging balconies. This is demonstrated by the applicant as all of the windows would have a VSC of 13.7% or more, should the recesses/balconies be removed.

GIA have noted another development in the vicinity (Dudley House) within their report and its daylight results. The objector does not consider this to be a good reference in relation to what should be considered acceptable. It is agreed that there are differences in relation to the sites, and each application should be assessed on its merits. However, it is accepted that a VSC of around 15% in an urban context is not uncommon and is considered to provide an acceptable level of light.

The development is located within the Paddington Opportunity Area. While it is noted that the site was not originally earmarked as a location for a tall building in the original masterplan for Paddington Central, this should not preclude against the development of the site. Any future building in this location, such as one which matches the existing scale of Paddington Central, will result in significant losses of light to the adjacent occupiers, due to their existing high levels of light (except where located in a recess) and open outlook.

The scheme will provide economic benefits in the form of employment and will also help to provide an additional function to this part of Paddington, with the additional uses at ground floor

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level as well as the hotel and new bar at the top of the tower, which are also to be open to the general public. The site is also located within the Paddington Opportunity Area, which is an area of Westminster which aims to promote economic growth. In this context, the level of daylight and sunlight losses, while significant, are not considered to outweigh the economic and employment benefits of the development, particularly given the location of the site within the Paddington Opportunity Area, where a denser form of development is envisaged and the proposals are considered to be acceptable in accordance with policies ENV13 of the UDP and S29 of the UDP.

### **8.3.5 Overshadowing of public open space (amphitheatre)**

The applicant has submitted an assessment of the existing and proposed overshadowing of the existing amphitheatre located to the north of the application site. The assessment notes *'that the amenity space is already overshadowed by the existing surrounding buildings. It is key to note that with the proposed scheme in place, the only additional change in sunlight is between the hours of 10am and 11am in winter (Dec-Feb), 10am-12pm in spring (Mar-May), 10am-12pm (June- Aug) in summer and 10am-12pm in autumn (Sep-Nov). The shadow path of the Gateway building has completely passed the amenity space after approximately 12:30 in every month of the year.'*

Objectors consider the loss of light to the public outdoor space is an unacceptable loss of public amenity as a result of overshadowing particularly when assessed at the Spring Equinox on the 21<sup>st</sup> March. On this date the amphitheatre does currently enjoy sunlight in the morning. Due to the location of the new building, the majority of the amphitheatre will be in the shade, however after 11am the existing buildings shade the amphitheatre. As the summer progresses the impact of the building lessens as the shadow shortens.

While it is noted that the proposed development will cause overshadowing of the open space in the mornings particularly in the winter months, as there is very limited or no impact past noon, with only a limited impact in the summer months when the space is most likely to be in regular use, the impact on the amenity of this space is considered acceptable.

Concern has also been raised by the Canal and Rivers Trust in relation to overshadowing of the canal. The overshadowing report indicates that due to existing buildings, the impact on the canal will be minimal, and is therefore considered acceptable.

### **8.3.6 Sense of Enclosure**

The proposals will have a significant impact in terms of sense of enclosure, given the height of the new tower and its distance away from adjacent windows. Alike with daylight and sunlight, 21-27 Sheldon Square will be most affected, which has both single aspect bedroom and living room/kitchens which face directly towards the application site (facing south west). The main facades of the tower and the residential block are approximately 18.1m apart. While residents within No. 7-11 will also experience an increased sense of enclosure, namely to the windows which look south over towards Bishops Bridge Road, it is not so severe as those within 21-27 and therefore the impact on these more affected windows is discussed here.

The windows at first and second floor level currently experience some enclosure from the existing trees opposite, particularly in the summer when they are in leaf and to an extent from the existing management suite building behind. Given that the proposals are for the removal of these trees,



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these floors may well experience some increased sense of space with views over the Bishops Bridge Road level towards the new hotel behind. It is understood that there was opposition to a recent request for these trees being removed as they provide shading to these flats, which can suffer from overheating in hot weather, particularly as the affordable accommodation at first and second floor levels do not benefit from mechanical ventilation. The flats on the upper levels currently have an exceptionally open aspect over the development site and beyond, with no other tall buildings in close proximity (with exception to the other buildings within the Paddington Central development).

The living room / kitchen areas have internal winter gardens, which separates the main living spaces from the external elevation. These winter gardens result in partial encapsulation of views, due to the views upwards being restricted by the floorplate of the winter garden above. Further up the building the flats have unimpeded views both over the application site, and also further to the south and east, over Bishops Bridge Road and Paddington Station.

The proposed building is approximately twice as tall as the other existing buildings around Paddington Central which are all a unified height of 10 stories (from Bishops Bridge Road level). The site is located at the end of the Paddington Central development, which by nature is enclosed, with a central atrium surrounded by buildings. While the proposed building is taller than the others in the development, this enclosed nature will be continued out to the Bishops Bridge boundary. The flats at the southern end of the building will maintain a relatively open aspect to the south over Bishops Bridge Road and the flats at the northern end of the building will retain their view over the amphitheatre / external space within Paddington Central.

Even if the oversailing development above the Hammersmith and City Line (which is of a comparable height to the building proposed) is built out, it is not considered that the cumulative impact would be so severe given the location of this site on the other side of Bishops Bridge Road, which has more of an impact on the windows which do not face this development site (ie those facing south west).

In summary, it is accepted that residents will experience a considerable increase in sense of enclosure, however given the location of the site within the Paddington Opportunity Area, where a denser form of development is anticipated and in light of the economic benefits of the development, the proposals are considered on balance to be acceptable in these terms.

### **8.3.7 Privacy, overlooking and light spill**

The south west facing residents within 21-27 Sheldon Square are currently only overlooked from occupiers of the commercial buildings on the other side of Paddington Central, with the nearest being located at 1 Sheldon Square.

The development has been designed so that the window profiles are smaller on the lower levels and then open out as you reach the top of the building. This will help to reduce overlooking from the lower levels. While it is accepted that there will be additional overlooking from occupiers of the rooms, and some light spill from windows, particularly in the evening, this is not considered to be so severe as to warrant a reason for refusal. This is due to the separation of the buildings (approximately 18.1m), and the existing mutual overlooking from the commercial occupiers.

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The new building includes 'shelves' at levels 11 and 14. In order to ensure that these are not used as terraces for the hotel a condition is recommended to ensure that they are used for maintenance / emergencies only and not used for sitting out.

### **8.3.8 Plant equipment**

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

## **8.4 Transportation/Parking**

### **8.4.1 Servicing**

S42 and TRANS20 require off-street servicing. The proposal alter the layout of the existing servicing bay, accessed from the lower levels of the site, which are considered acceptable. A condition is recommended to ensure all servicing occurs from within the development and not from the highway.

Waste storage is also provided for and collected from within the development site. The Cleansing Manager has requested a condition for revised plans to be submitted with additional details of waste storage for the uses and for details of a cardboard bailer and waste cooking oil storage, which is considered reasonable and secured as part of the Operational Management Plan.

### **8.4.2 Car Parking**

No car parking is required to be provided for the proposed use within the development site. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposed development on parking levels will be minimal and consistent with policies TRANS21 and TRANS22.

### **8.4.3 Cycle Parking**

The London Plan Policy 6.9 requires 1 space per 20 hotel bedrooms, 1 space per 175m<sup>2</sup> for A class type uses and 1 space per 8 staff for D class type uses. All uses have a minimum of 2 spaces required. Long term cycle parking for staff use will encourage sustainable transport. Cycle parking must be secure, weather proof, accessible and within the development site.

A maximum of 200 hotel rooms would generate a need for 10 cycle parking spaces. The ancillary hotel spaces would generate a need for 8 cycle parking spaces.

There is an existing 35 cycle parking spaces for the existing development within the wider estate. The application has indicated these will be re-provided. The applicant has indicated that an additional 18 cycle parking spaces will be provided within the basement service yard for the proposed use.

The Highways Planning Manager has raised concern that while the cycle parking is welcomed and consistent with London Plan policy, there are discrepancies with the floorspace figures,

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therefore concern is raised that the proposed long term cycle parking (for staff use) is not sufficient for the proposed development, despite this a condition has been recommended to secure the cycle parking provided. TfL have not raised objection, but query how the cycle stands will be accessed. The stands are accessible using the existing service roads at basement level. It is assumed that the floorspace discrepancies are as a result of the alternative uses proposed and therefore there is no fixed floorspace figure for each use, nevertheless as the requirements of the London Plan have been met, with no objection on these grounds from TfL, the proposed level of parking is considered acceptable and secured by condition.

#### **Cycle Hire Docking Station**

At the point of drafting the report, the applicant has not offered to provide funding for a docking station as requested by TfL. Any further comments will be presented to members at Planning Committee.

#### **8.4.4 Taxis and Coaches**

TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. Coach parties could either be associated with the hotel accommodation or more likely for events within the ancillary facilities.

During the course of the application Transport for London has raised concerns in relation to the lack of coach parking, stating that two bays would be required. The applicant considers this to be excessive as the proposed hotel operator would not encourage coaches, and in the unlikely event that one is needed to be accommodated, the Transport Assessment submitted with the applicant indicated a process for managing this. They note that the Novatel at the other end of the site already successfully deals with coaches at the other end of this privately managed estate. TfL wishes to ensure that coaches do not stop in bus stops or in other unsuitable places, but have accepted that this could be addressed through the use of a suitable condition.

TfL also considered that a designated taxi-rank is required for a minimum of 2 taxis.

The Westminster Highways Planning Manager has not raised objection and considers that the applicant has demonstrated that both coaches and taxis associated with the proposed hotel and ancillary uses can be adequately managed and accommodated within the wider estate, which is considered to be consistent with TRANS6 and TRANS22 of the UDP. The applicant has however accepted a condition for details to be submitted and agreed in consultation with TfL.

#### **8.4.5 Changes to Ramp, Vehicle Barrier Wall and Access Road**

The proposal involves realigning the main vehicle and pedestrian ramp into the site as well as alterations to the existing vehicle barrier on the edge of the site. The vehicle barrier wall alterations are broadly acceptable in principle but detail design will be required to ensure the wall can be constructed to the minimum level for it to act as a safety barrier, as it does now. This is to ensure highway users, people within the site and the environs are all adequately protected in the event of an accident or collision. A condition is therefore recommended for further details to be submitted for approval.

The proposed revised ramp indicated is of a suitable gradient and includes appropriate transition zones and is considered acceptable.

#### **8.4.6 Trip Generation**

The applicant indicates that the hotel and ancillary hotel facilities will generate an increase in trip generation associated with the development. The applicant highlights that the site has a good level of public transport accessibility. Following a request from TfL additional detail has been provided in relation to the data used and resultant outcomes. No further comments have been provided from TfL following receipt of this additional information.

The Highways Planning Manager notes that given the location of the site, proposed access locations, road network and proposed uses, it is broadly accepted that the trip generation from the site will not have a significantly detrimental impact on the highway or transport networks. However as capacity details for the ancillary uses and their use by non-guests have not been provided there are concerns in both the assessment of the proposals submitted by the applicant and potential impact on the immediate highway network, particularly in instances such as when a large events end. This may result in localised congestion on the highway network, pedestrian routes in the area and at local transport hubs.

The applicant has applied for dual/alternative uses of the lower areas, and therefore final capacity figures are not known. While the concerns of the Highways Planning Manager are noted, it is considered that the issues such as capacity and the management of people entering and leaving the site can be secured by the submission of an Operational Management Plan condition, which can be applied for once the use, layout and capacities have been set. This can then be considered as part of a formal application to discharge the condition.

#### **8.4.7 Travel Plan**

TfL has requested that a Travel Plan be submitted and secured by a S106 agreement, to follow TfL guidelines. The applicant has accepted this.

#### **8.4.8 Tables and Chairs on the Highway**

A condition is proposed to restrict the future placing of tables and chairs on the forecourt of the canal level unit given the proximity of the residential flats above. Any future proposals to place furniture in this location would therefore be subject to a formal planning application and consultation.

### **8.5 Economic Considerations**

The application is supported by a socio-economic impact assessment. While a small amount of office floorspace will be lost, the proposed development will provide a number of benefits, namely attracting people to the area and employment opportunities. It is estimated within the Employment and training strategy that 320 fulltime construction jobs will be generated and 500 (330 full time) jobs in operation. Such economic benefits are welcomed and is in accordance with the aims of the Paddington Special Policy Area. In order to ensure that these benefits aid locals, the S106 will include an employment and training benefits clause. The GLA has also supported the proposals and the resultant economic benefits.

### **8.6 Access**

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The site has access points from Bishops Bridge Road level (namely to the hotel), canal level (namely for the mixed use area), and below street levels (namely to the amphitheatre level and back of house / service areas). The development will be serviced from the existing dedicated service roads at basement level.

In relation to inclusive design, 10% of the hotel bedrooms will be wheelchair accessible or easily adaptable in compliance with the London Plan.

The proposals include a new lift within the public realm between the Bishops Bridge Road Level and the canal level, which is to be publically accessible 24-hours a day, which is welcomed and will also be secured by condition.

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

### **8.7.1 Biodiversity**

The proposals include alterations to the hard and soft landscaping at Bishops Bridge Road (Level 00), removal of the majority of the green wall at canal level (-01) and the provision of living/green roofs at 11, 14 and main roof levels. At level 00 it is proposed to remove 5 lime trees, which currently run between 21-27 Sheldon Square and adjacent to the amphitheatre. Objections have been received on the grounds of loss of greening and open space.

The Arboricultural Officer has commented that the loss of the Lime trees is regrettable, however if the proposal was to provide significantly improved tree planting and soft landscaping then their loss could be justified. Additional information and detail has subsequently been provided including confirmation that the proposals will result in an additional 23sqm of soft landscaping above existing.

While concerns are still raised in relation to some of the proposed species (particularly multi-stem trees), tree protection and soil depth, the arboricultural officer has recommended conditions and informatives should permission be granted, which are considered acceptable.

It should also be noted that British Land have recently completed an extensive landscaping scheme along Kingdom Street. This has provided a much welcome improvement to the public realm within Paddington Central in biodiversity terms.

While the loss of the lime trees is regrettable, given that these are to be replaced with a 'green balustrade' which effectively provides a line of planting along this boundary, and subject to conditions to ensure that suitable landscaping and green roofs are provided the proposals are considered acceptable in these terms.

### **8.7.2 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.

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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.

The applicants have submitted an energy assessment as part of the application documents. This confirms an on-site reduction of 326 tonnes of CO<sub>2</sub> per year, compared to a 2013 Building Regulations compliant development, which is equivalent to an overall saving of 36%. This exceeds the London Plan requirement. However, the GLA have requested further details in relation to TER, BRUKL worksheets and CHP modelling, and for the provision of a communal heat network.

The applicant has provided the GLA with the TER and BRUKL worksheets. Any response on this matter will be provided verbally.

In relation to the request for the provision of a communal heat network in the form of a single energy centre, it is not considered that such a provision could be justified against this single development proposal. The applicant has confirmed that the development will include connectors so that it can easily connect to a district heating network should one be implemented in the vicinity, which is to be secured by condition. A condition is also recommended to ensure that the Combined Heat and Power system is provided.

The GLA has also queried if photovoltaic panels can be provided on the roof. The applicant has stated that the roof areas are small and would therefore provide little benefit. They would also result in the loss of green roof and resultant biodiversity.

### **8.7.3 Air Quality**

An air quality assessment has been submitted with the application, which concludes that the construction and operational effects of the development are 'not significant'. While raising no objection on these grounds, the GLA has requested conditions to ensure compliance with the Sustainable Design and Construction (relating to CHP and boilers) and the Control of Dust and Emissions during Construction and Demolition SPG's (in relation to improving air quality London Plan policy 7.14 B), which is considered acceptable.

## **8.8 London Plan**

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

- Further information and or clarifications relating to TER and BRUKL worksheets and CHP modelling, and the provision of a communal heat network are required
- The provision of coach parking that is located close to the development. A taxi rank should also be investigated.
- A S106 contribution of £220,000 should be secured towards providing a new or extended docking station nearby.

Any formal views of the Mayor on the additional information provided which seeks to address the above issues will be reported verbally to Committee. If Committee resolve to grant permission for the redevelopment, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

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

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development;
- (c) Fairly and reasonably related in scale and kind to the development.

If members are minded to grant permission, a S106 will be required to secure the following:

- a. Employment and training strategy for the construction phase and the operational phase of the development;
- b. Crossrail payment of £809,735 (index linked);
- c. Costs of all highway works surrounding the site required for the development to occur;
- d. A contribution of £4,445 (index linked) towards the upgrade of wayfinding signage at an in the vicinity of the site;
- e. A contribution of £12,000 (index linked) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
- f. Provision, monitoring and review of a travel plan;
- g. The provision of public access to the 19th floor of the building;
- h. Costs of monitoring the S106 agreement.

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

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Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations 2010 (as amended).

The estimated CIL payment (as calculated by the applicant) is £2,059,001 for Westminster and £692,450 for the London Mayor.

## **8.11 Environmental Impact Assessment**

The City Council issued a screening opinion on 07 April 2017 where it was considered that the proposed development was not of a type listed within the descriptions contained in Schedule 1 and does not constitute a Schedule 2 development in that the site does not exceed 1 ha of urban development which is not dwelling house development, the development does not include more than 150 dwellings or exceed 5 ha overall. Furthermore, in accordance with the Schedule 3 selection criteria, the proposed development was not considered to have significant environmental effects. Accordingly it therefore falls outside the EIA Regulations and is not 'EIA development' and the submission of an Environmental Statement under the Regulations was not required.

Nevertheless, the proposal does include the construction of a tall building and therefore the environmental impacts need to be considered. The applicant has submitted a wind assessment, which states that the relative slenderness of the tower minimising the impact at ground floor level and has a relatively small impact besides a small increase in windiness at the base of the tower on Bishops Bridge Road. It notes that windiness is increased in the cumulative scenario (including other approved developments), particularly near the Triangle site on the other side of Bishops Bridge Road, but this is more as a result of the Triangle building rather than the proposed building on this site. The proposals are therefore considered to be acceptable in these terms.

In this case the key environmental issues are the impact on the amenities of the adjacent residential flats which is discussed elsewhere within this report.

## **8.12 Other Issues**

### **8.12.1 Basement**

No additional basement levels are proposed as part of the development, however the existing basement is to be extended laterally to provide plant rooms, sprinkler attenuation and enlarged attenuation tanks. There will also be structural works given the size of the development, as such Historic England Archaeology have been consulted, who have requested a condition for an archaeological watching brief to be submitted, which is considered acceptable.

### **8.12.2 Construction impact**

Network Rail, TfL and the GLA have raised concerns in relation to the construction impact of the development. The applicant has provided details of construction with the application. These have been reviewed by Westminster Building Control Department and are considered acceptable. Despite this, a condition for the submission of construction to include details of excavation/earthworks and a construction logistics plan (CLP) are recommended to be secured by condition. Network Rail has also requested that the applicant contact them in relation to the works to ensure that the adjacent railway is sufficiently protected, an informative is recommended to advise the applicant of this



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The applicant has also accepted to comply with the Council Code of Construction Practice, which is also to be secured by condition.

### **8.12.3 Crime and security**

A condition is recommended in relation to the submission of an Operational Management Plan for each of the proposed uses, once the final layout and details have been decided. This will include details of how they will be managed, capacity and opening hours. No objection has been raised in relation to the development from the Metropolitan Police. Subject to the aforementioned condition, the proposals are considered acceptable.

### **8.12.4 Flood Risk**

The GLA have confirmed that the site is within Flood Zone 1, with a low probability of flooding. A drainage strategy has been provided which indicates the use of an existing attenuation tank, rainwater harvesting and a green roof. Subject to a condition to secure these mitigation measures, no objection is raised.

### **8.12.5 Emergency Exit from Hammersmith and City Line**

The proposals include alterations to the emergency exit from the Hammersmith and City Line Platform, which runs to the south of the site below Bishops Bridge Road. In order to ensure that the development does not result in the loss of this functionality, a condition is recommended for the submission of a timing/phasing plan to show how this exit will be maintained during construction and following completion.

### **8.12.6 Other**

Objection on the grounds of loss of reduced house prices have been submitted. The impact of the development on house prices is not a valid consideration in the determination of planning applications.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Greater London Authority, dated 11 September 2017
3. Responses from Transport For London, 19 July, 22 September and 10 October 2017
4. Responses from London Underground, dated 13 July and 22 September 2017
5. Response from Canal & River Trust, dated 13 July 2017
6. Response from Historic England (Listed Builds/Con Areas), dated 13 July 2017
7. Response from Historic England (Archaeology), dated 17 July 2017
8. Response from Thames Water Utilities Ltd, dated 26 July 2017
9. Response from Cross London Rail Links, dated 18 July 2017
10. Response from Network Rail, dated 20 July 2017
11. Response from Royal Parks, dated 28 July 2017
12. Response from Paddington Waterways & Maida Vale Society, dated 1 August 2017

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13. Response from Hyde Park Estate Association, dated 14 July 2017
14. Response from South East Bayswater Residents Association, dated 29 August 2017
15. Response from Designing Out Crime, dated 13 July 2017
16. Response from Cleansing Manager, dated 14 July 2017
17. Response from Environmental Health, dated 28 July 2017
18. Response from Arboricultural Officer, dated 4 October 2017
19. Response from Highways Planning, dated 6 October 2017
20. Response from Building Control, dated 11 October 2017
21. Letters on behalf of the Sheldon Square Residents Association from eca architecture and planning dated 9 August 2017 and Anstey Horne dated 25 August 2017.
22. Letter from occupier of Flat 7, 105 Westbourne Terrace, dated 2 July 2017
23. Letter from occupier of Flat 70 St Mary's Mansions, London, dated 4 July 2017
24. Letter from occupier of 27 Sheldon Square, London, dated 4 July 2017
25. Letter from occupier of Apartment 29, 27 Sheldon Square, Paddington, dated 5 July 2017
26. Letter from occupier of 21 Sheldon Square, Apartment 65, dated 7 July 2017
27. Letter from occupier of Apartment 78, 11 Sheldon Square, dated 11 July 2017
28. Letter from occupier of Flat 55, 11 Sheldon Square, dated 11 July 2017
29. Letter from occupier of 33, 21 Sheldon Square, dated 11 July 2017
30. Letter from occupier of 21 Sheldon square Apartment 40, London, dated 11 July 2017
31. Letter from occupier of 36 flat, 11 Sheldon Square, dated 11 July 2017
32. Letter from occupier of Grange View, Broomfield Avenue, dated 11 July 2017
33. Letter from occupier of 11 Sheldon square, flat 26, dated 11 July 2017
34. Letter from occupier of Apartment 10, 27 Sheldon Square, dated 11 July 2017
35. Letter from occupier of 12, 21 Sheldon Square, dated 11 July 2017
36. Letter from occupier of Apartment 6, 27 Sheldon square, dated 11 July 2017
37. Letters from occupier of Apartment 73, 11 Sheldon Square, dated 11 July and 10 August 2017
38. Letter from occupier of 27 Sheldon Square, London, dated 11 July 2017
39. Letter from occupier of Apt 62, 21 Sheldon Square, dated 11 July 2017
40. Letter from occupier of APARTMENT 76, 11 Sheldon Square, dated 12 July 2017
41. Letter from occupier of Apartment 12, 11 Sheldon Square, dated 12 July 2017
42. Letter from occupier of Emaar Square Bldg. 2, Downtown, dated 12 July 2017
43. Letters from occupier of 2b Grove Lane, Kingston, dated 12 July 2017
44. Letter from occupier of Cranham Lodge, Buckholt Road, dated 13 July 2017
45. Letter from occupier of apt 68, 21 Sheldon Square, Paddington, dated 13 July 2017
46. Letter from occupier of Apt. 74, 21 Sheldon Square, Paddington, dated 13 July 2017
47. Letter from occupier of 11 Sheldon Square, dated 13 July 2017
48. Letter from occupier of 27 Sheldon Square, dated 13 July 2017
49. Letter from occupier of Flat 17, 11 Sheldon Square, Paddington, dated 14 July 2017
50. Letter from occupier of 'Resident, London', dated 14 July 2017
51. Letter from occupier of Medlar House, Manor Road, dated 15 July 2017
52. Letter from occupier of 27 Sheldon Square, London, dated 15 July 2017
53. Letter from occupier of Grange View, Broomfield Avenue, dated 16 July 2017
54. Two letters from occupier of Apartment 44, 11 Sheldon Square, dated 14&16 July 2017
55. Letter from occupier of Apt 58 Sheldon Square, Paddington, dated 16 July 2017
56. Letter from occupier of Flat 3, 70 Goldhurst Terrace, LONDON, dated 16 July 2017
57. Letter from occupier of 5, Southern Way, dated 16 July 2017
58. Letter from occupier of Apartment 62, 21 Sheldon Square, dated 16 July 2017
59. Letter from occupier of Elouera, 22 Rawson Ave, dated 16 July 2017
60. Letter from occupier of Elouera, Halifax, dated 16 July 2017
61. Letter from occupier of Flat 47, 11 Sheldon Square, dated 16 July 2017

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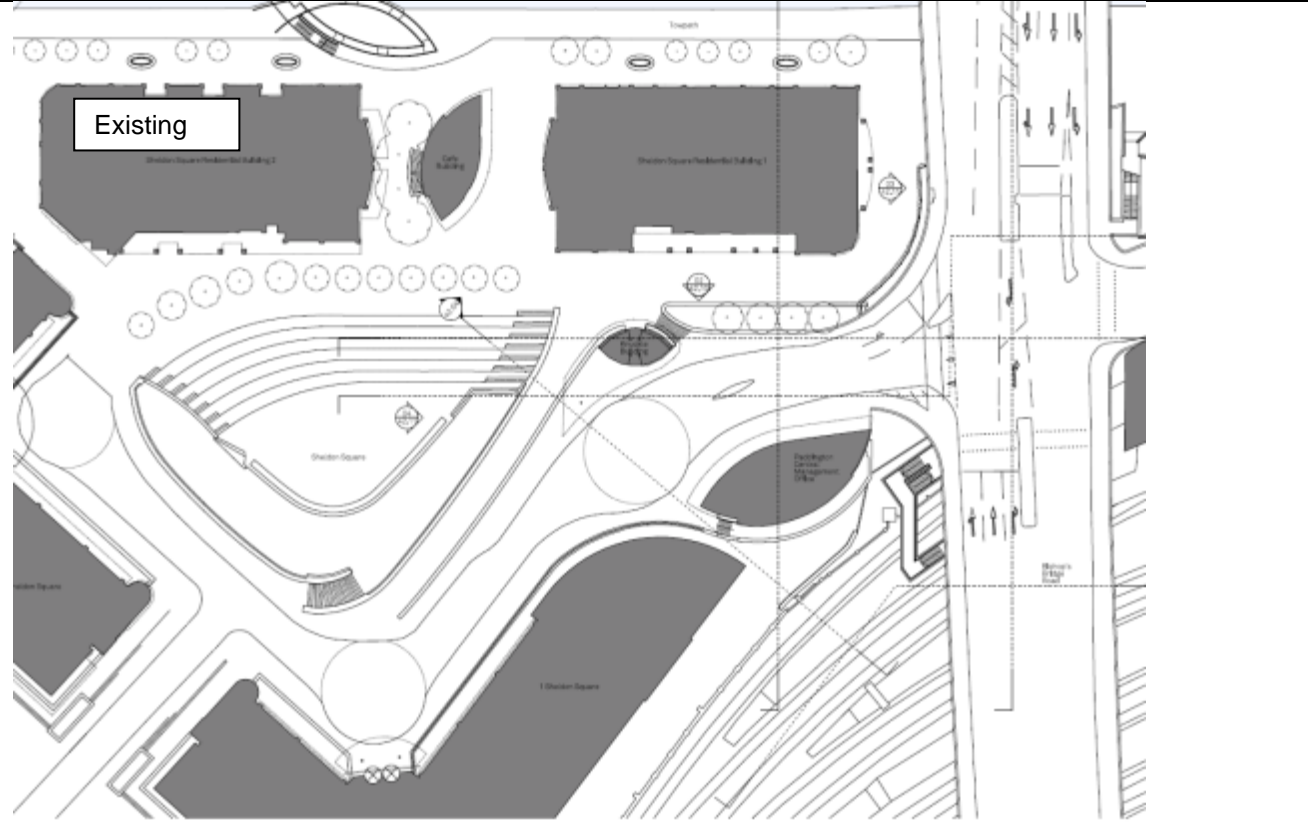
62. Letter from occupier of Wilson Barca LLP Solicitors, 18 Carlisle Street, dated 17 July 2017
63. Letter from occupier of Flat 10, 11 Sheldon Square, London, dated 17 July 2017
64. Letter from occupier of flat 4, 21 Sheldon Square, London, dated 17 July 2017
65. Letter from occupier of Flat 26, 27 Sheldon Square, dated 17 July 2017
66. Letter from occupier of 37, 11 Sheldon Square, dated 17 July 2017
67. Letter from occupier of Flat 53, 21 Sheldon Square, dated 18 July 2017
68. Letter from occupier of 31 maitland house, Pimlico, dated 18 July 2017
69. Letter from occupier of 32 Melville court, Goldhawk Rd, dated 18 July 2017
70. Letter from occupier of 19 Canons Close, Radlett, dated 19 July 2017
71. Letter from occupier of c/o 217 Upper Bukit Timah Road, Woh Hup Building, dated 18 July 2017
72. Letter from occupier of 19 Parkstone Road, Singapore, dated 18 July 2017
73. Three Letters from occupier of 45, Dene Road, dated 18 July 2017
74. Letter from occupier of Apt. 51 21 Sheldon Square, London, dated 18 July 2017
75. Letter from occupier of 2 Hathaway Close, Stanmore, dated 18 July 2017
76. Letter from occupier of Flat 79, 21 Sheldon Square, London, dated 18 July 2017
77. Letter from occupier of 62 Culverdon Road, London, dated 18 July 2017
78. Two Letters from occupier of Apartment 7, 7 Sheldon Square, dated 18 July and 10 August 2017
79. Letter from occupier of Flat F, Hightrees House, Nightingale Lane, dated 18 July 2017
80. Letter from occupier of Flat 52, 11 Sheldon Square, dated 18 July 2017
81. Letter from occupier of 66 Mayfield Close, hillingdon, dated 18 July 2017
82. Letter from occupier of Apartment 78, 21 Sheldon Square, dated 19 July 2017
83. Letter from occupier of Apartment 78, 21 Sheldon Square, dated 19 July 2017
84. Letter from occupier of 11 Sheldon Square Flat 29, dated 19 July 2017
85. Letter from occupier of Apt 66, 11 Sheldon Square, dated 19 July 2017
86. Letter from occupier of Flat 12, 21 Sheldon Square, dated 19 July 2017
87. Letter from occupier of Apartment 7, 27 Sheldon square, dated 19 July 2017
88. Letter from occupier of 11 Daltrey Court, Gunnersbury lane, dated 19 July 2017
89. Letter from occupier of 23, Oakridge Ave, dated 19 July 2017
90. Letter from occupier of 19 Canons Close, Radlett, dated 19 July 2017
91. Letter from occupier of Flat 57, 11 Sheldon Square, dated 19 July 2017
92. Letter from occupier of 169a Lexden Road, Colchester, dated 19 July 2017
93. Letter from occupier of 84, 11 Sheldon Square, dated 19 July 2017
94. Letter from occupier of Apartment 6, 27 Sheldon square, dated 19 July 2017
95. Letter from occupier of 68, 11 Sheldon square, London, dated 19 July 2017
96. Letter from occupier of 27 Sheldon Square, London, dated 19 July 2017
97. Letter from occupier of 35 Peterborough Road, Parsons Green, dated 19 July 2017
98. Letter from occupier of Apartment 52, 21 Sheldon Square, dated 19 July 2017
99. Letter from occupier of 14 Lynette Avenue, London, dated 21 July 2017
100. Letter from occupier of 16 Provost Road, London, dated 21 July 2017
101. Letter from occupier of 25 Nutford Place, London, dated 21 July 2017
102. Two Letters from occupier of Apartment 56, 21 Sheldon Square, dated 23 July 2017
103. Letter from occupier of Flat 16, 21 Sheldon Square, dated 6 August 2017
104. Letter from occupier of Flat 7, 105 Westbourne Terrace, London, dated 8 August 2017
105. Two Letters from occupier of Flat 32, 11, Sheldon Square, dated 10 August 2017
106. Letter from occupier of 3rd Floor, Capital House, 25 Chapel Street, dated 17 August 2017
107. Letter from occupier of Flat 49, 21 Sheldon Square, London, dated 11 August 2017
108. Letter from occupier of Flat 22, 21 Sheldon Square, dated 19 August 2017
109. Letter from occupier of Flat 40, 11 Sheldon Square, dated 13 September 2017

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

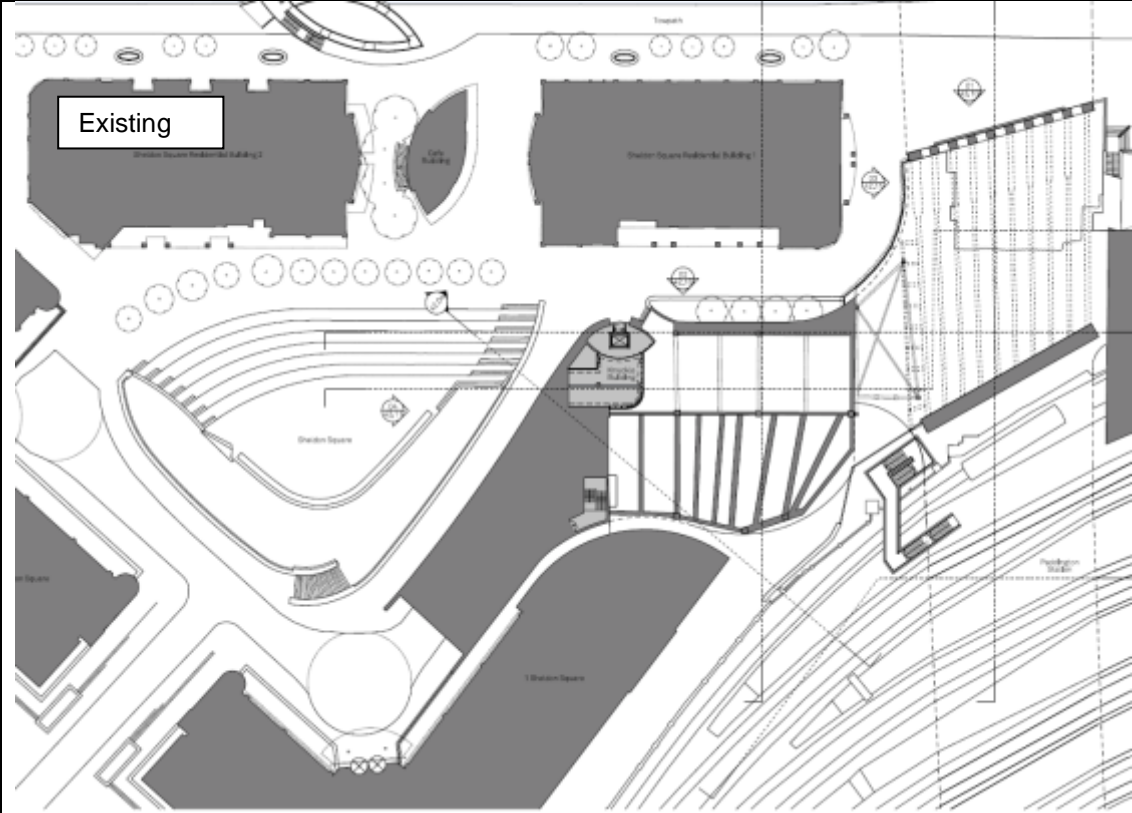
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk)

**10. KEY DRAWINGS**

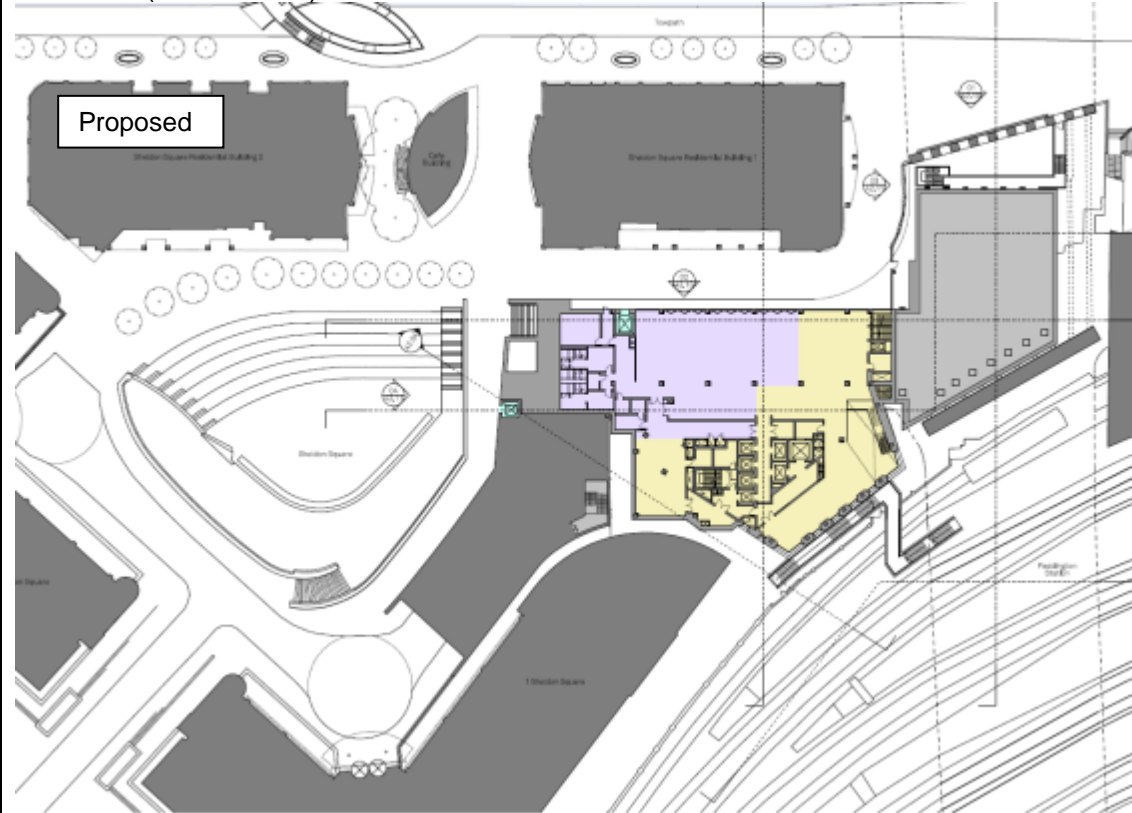


Level 00 (Bishops Bridge Road)





Level -01 (Canal Level)



Hotel level 02



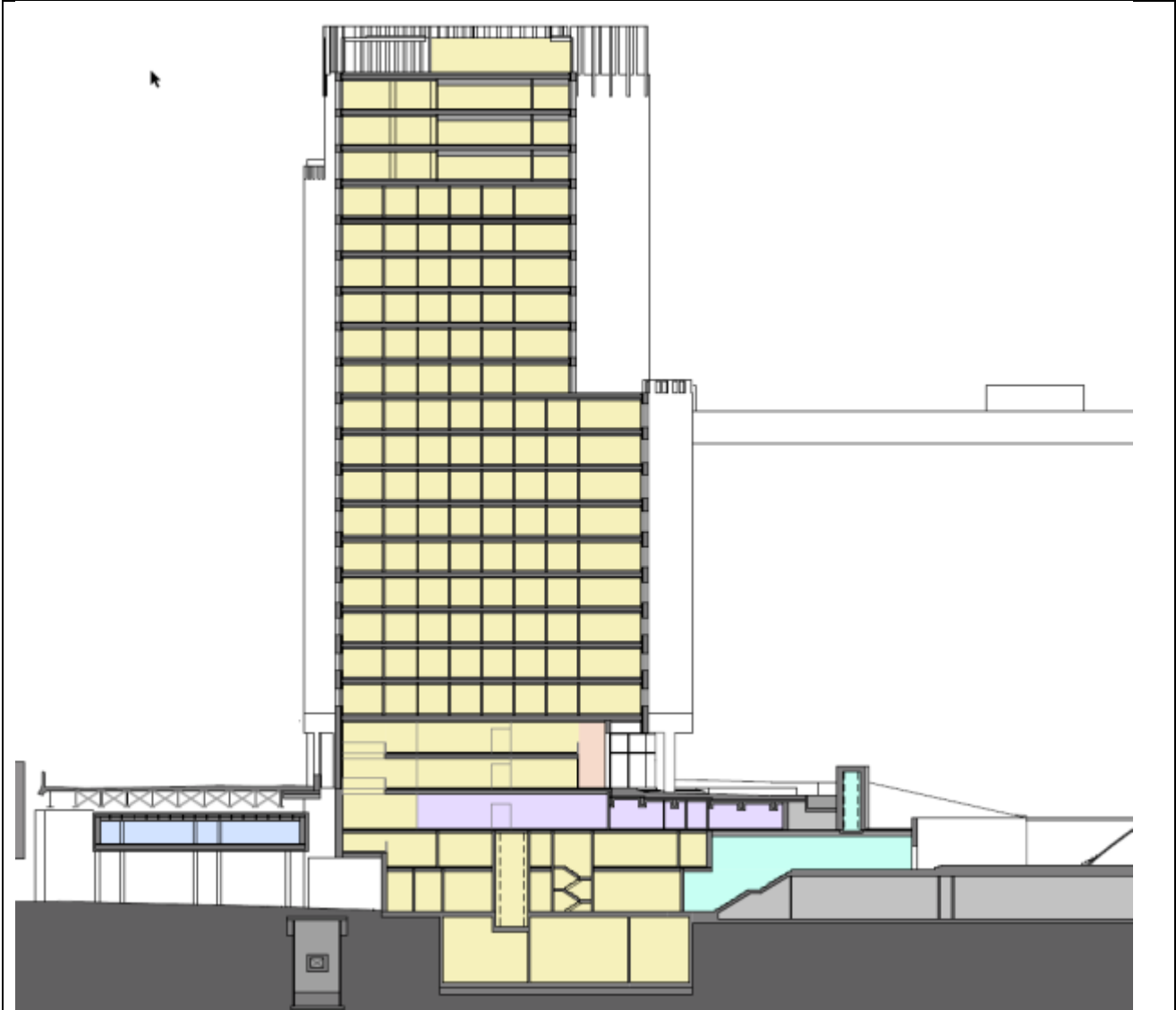
Hotel Level 14



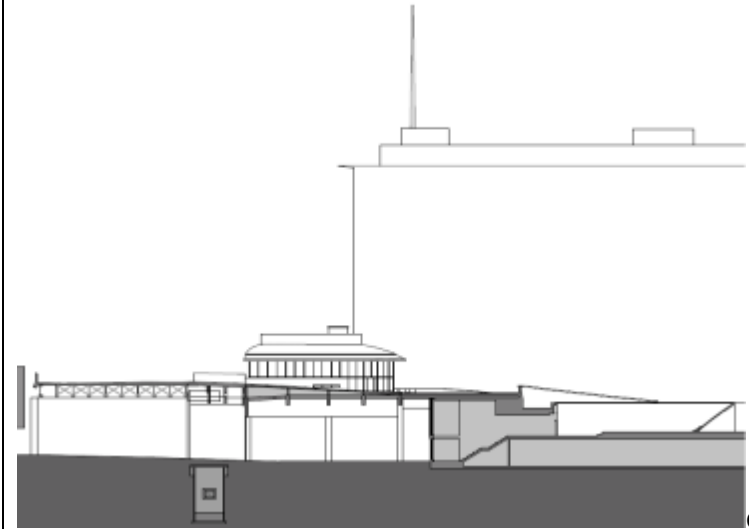
Hotel Level 17 (showing terrace hatched bottom right)



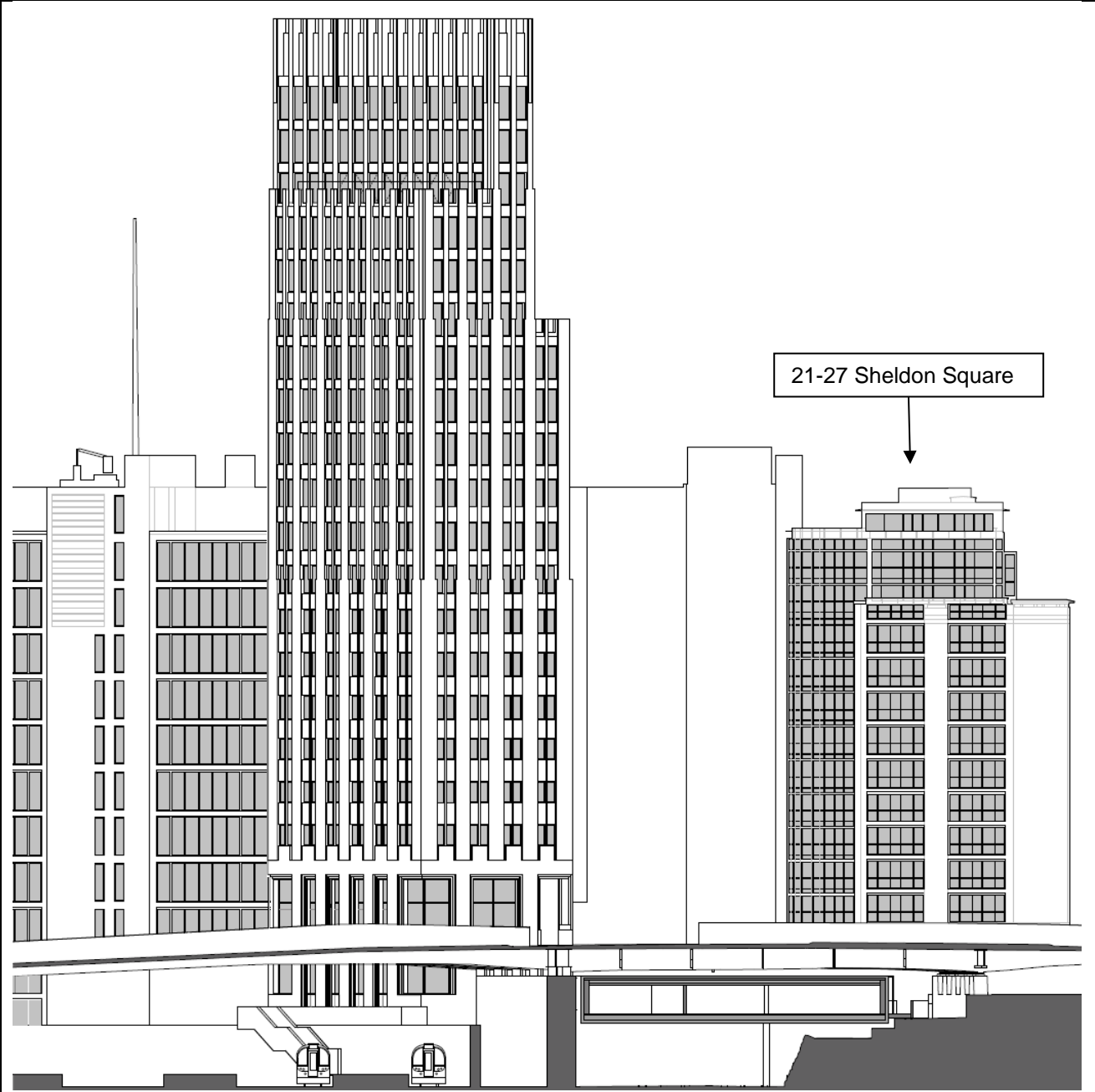




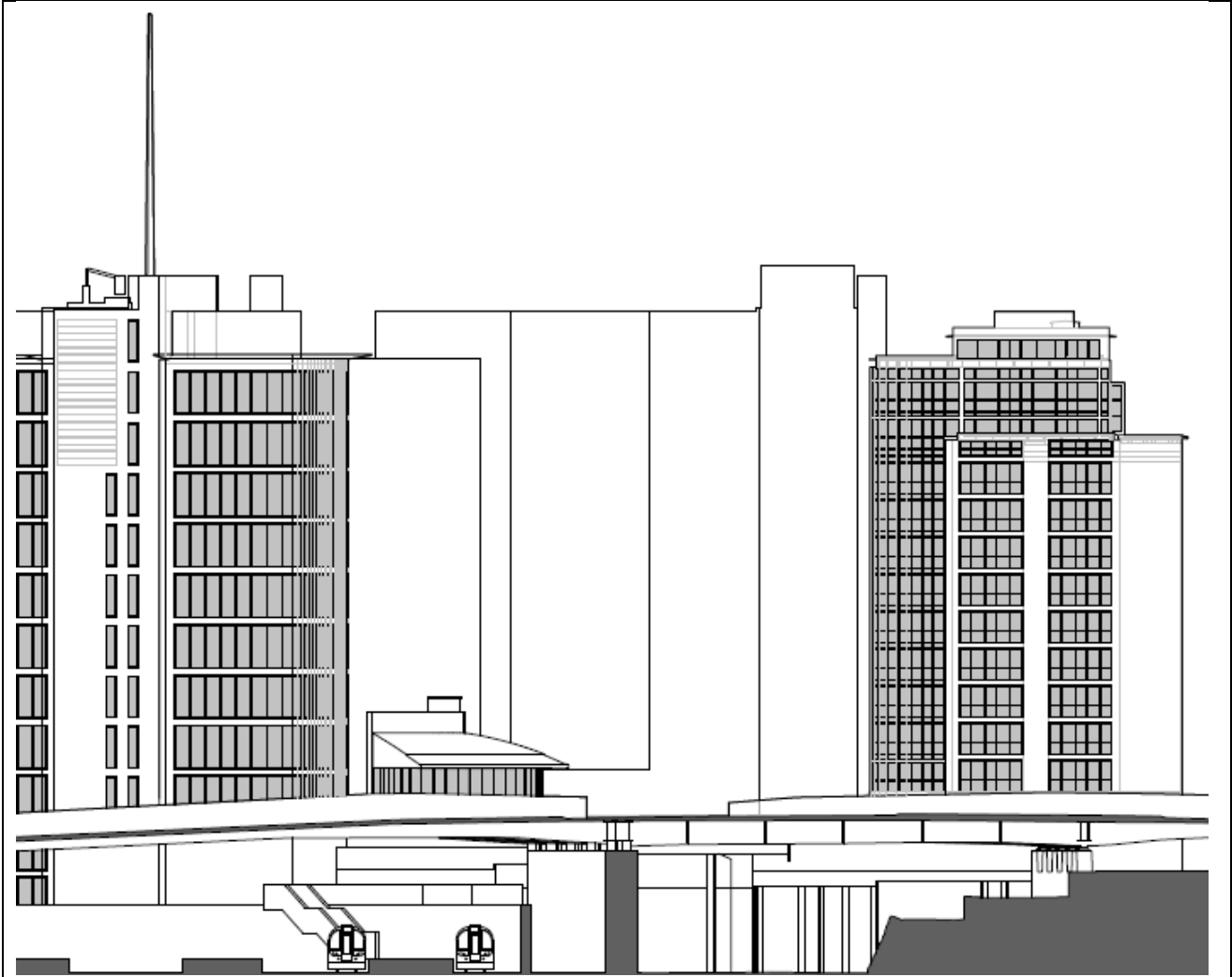
Section looking south with Bishops Bridge Road on left and amphitheatre on right



comparative existing



Elevation looking west with 21-27 Sheldon Square (residential block) on right



comparative existing



Artists Impression from Bishops Bridge Road



View from within Paddington Central East

## DRAFT DECISION LETTER

**Address:** 1A Sheldon Square, London, W2 6NA,

**Proposal:** Demolition of existing management office building and lift building, and erection of a new building comprising basement, three lower levels (canal level -1, amphitheatre level -2 and railway level -3), ground and 19 upper levels plus rooftop plant to provide a hotel with up to 200 bedrooms/suites and associated ancillary facilities including conference facilities/ meeting rooms/ private dining/ bars/ restaurants including publicly accessible restaurant/ bar at Level 19 (Class C1), flexible hotel/ retail (Class C1/ A1) at part ground level, flexible hotel/ retail/ restaurant/ bar use (Class C1/ A1/ A3/ A4) at part - 1, and part - 2 level, and hotel (Class C1) at part -2 level as well as Level 17 roof terrace, replacement lift, plant, cycle parking, landscaping and other associated works.

**Plan Nos:** X\_11\_00 P1; X\_21\_B1 P1; X\_21\_-03 P1; X\_21\_-02 P1; X\_21\_-01 P1; X\_21\_00 P1; X\_31\_01 P1; X\_31\_02 P1; X\_42\_01 P1; X\_42\_02 P1; X\_42\_03 P1; X\_42\_04 P1; X\_42\_10 P1; X\_42\_11 P1; P\_12\_-03 P1; P\_12\_-02 P1; P\_12\_-01 P1; P\_12\_00 P1; P\_21\_B1 P1; P\_21\_-03 P1; P\_21\_-02 P1; P\_21\_-01 P1; P\_21\_00 P1; P\_21\_01 P1; P\_21\_02 P1; P\_21\_03 P1; P\_21\_04 P1; P\_21\_04 P1; P\_21\_05 P1; P\_21\_06 P1; P\_21\_07 P1; P\_21\_08 P1; P\_21\_09 P1; P\_21\_10 P1; P\_21\_11 P1; P\_21\_12 P1; P\_21\_13 P1; P\_21\_14 P1; P\_21\_15 P1; P\_21\_16 P1; P\_21\_17 P1; P\_21\_18 P1; P\_21\_19 P1; P\_21\_20 P1; P\_21\_21 P1; P\_31\_01 P1; P\_31\_02 P1; P\_42\_01 P1; P\_42\_02 P1; P\_42\_03 P1; P\_42\_04 P1; P\_42\_10 P1; P\_42\_11 P1; P\_50\_01 P1; P\_50\_02 P1; P\_50\_03 P1; SK170608\_01; Design, Access and Landscape Statement (including Sustainable Urban Drainage Assessment) by Carmody Grooke dated June 2017.

For information only:

Arboricultural Assessment & Method Statement by barrel tree consultancy dated 23 June 2017; TOWN595.04(08)3001; TOWN595.04(08)SK290917; SK170927 P1; Planning Statement by CBRE dated June 2017; Noise and Vibration Impact Assessment by Scotch Partners dated June 2017; Ventilation Statement by Caldwell dated 20 June 2017; Transport Assessment rev 3 by Sweco dated June 2017; Travel plan revision 3 by Sweco dated June 2017; Daylight and Sunlight Report by gia dated 22 June 2017; Overshadowing Assessment by gia dated 13 June 2017; Daylight, Sunlight and overshadowing by gia dated 15 August 2017; Townscape and Visual Impact Assessment by millerhare dated June 2017; 3001\_0614 version 170830; 3001\_0624 version 170830; Wind Assessment by Arup dated 23 June 2017; Historic Environment Assessment by MOLA dated June 2017; Basement Impact Assessment by Davies Maguire dated June 2017; Flood Risk Assessment by UNDA dated June 2017; Energy Statement V2 by Caldwell bpp dated June 2017; Framework Site Environmental Management Plan red D by M3 Consulting dated June 2017; Preliminary Geo-Environmental Risk Assessment by LMB Geosolutions Ltd dated June 2017; Operational Management Framework by British Land dated June 2017; Outline Employment and Training Strategy by British Land dated June 2017; Socio Economic Impact Report by Quod planning dated June 2017; Statement of Community Involvement by Four Communications dated June 2017; Sustainability Statement by TFT dated 22 June 2017; Air Quality Assessment by Air Quality consultants dated June 2017.

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**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 Other than patrons staying overnight at the hotel (Class C1), customers shall not be permitted within the development before 07:00 or after 23:00 hours daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8/9/10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 Before any C1, A1, A3 or A4 use is commenced at levels 19 and -01 to -03, you must provide an Operational Management Plan for the relevant proposed use to us for our written approval. The plan must include the following:

- a) A floorplan to show the location and layout of the use;
- b) Customer opening hours (no greater than those stated in condition 3);
- c) Capacity;

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- d) How the use will be serviced;
- e) How the use will be operated;
- f) Visitor management, such as: queuing, crowd control etc.;
- g) Security arrangements;
- h) Access and egress arrangements;
- i) Waste Storage and recyclable storage including cooling oil where appropriate.

The use must then operate in accordance with the approved management plan. Thereafter, any subsequent material change of use (to any other use hereby approved) will require the submission of a revised operational management plan prior to the new use commencing. The use must then operate in accordance with the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S24, S29, S32, S44, S42 of Westminster's City Plan (November 2016) and TACE8/9/10, ENV 6, ENV12, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not play live or recorded music that can be heard outside of the site.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE 8/9/10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 You must not use the flat roofs at Levels 11, 14 and main roof level as a terrace or for any other purpose. You can however use these roofs for maintenance or to escape in an emergency. The terrace at Level 17 shall not be used outside of the following hours 07:00 and 23:00.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Except for any entrance/exit doors, the glazing at Level -01 facing onto 21-27 Sheldon Square to be fixed shut. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 All servicing shall take place from sub-podium level (below Kingdom Street).



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Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of detailed drawings of the Bishops Bridge Road parapet design. You must not start work until we have approved what you have sent us. You must then carry out the work according to these details. (C26CB)

Reason:

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

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: An unimpeded permanent access/clearance in the vicinity of the Bishops Bridge Road structure and supporting tower, with a minimum horizontal clearance of 1.4m wide and a minimum vertical clearance of 0.75m from all bridge and supporting structures. You must not start 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. (C26UB)

Reason:

To allow for inspection and/ or structural repairs and/ or long term maintenance of the bridge structure. In the interests of public safety as set out in S29 of Westminster's City Plan (November 2016) and TRANS 2 and S2 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 11 All vehicles must enter and exit the site in a forward gear.

Reason:

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

- 12 You must provide a minimum of 53 cycle parking spaces (35 replacement and 18 new cycle spaces) prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

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Reason:

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

- 14 You must not put the tables and chairs (or any other associated furniture) on the highway.

Reason:

To avoid blocking the highway and to protect the environment of people in neighbouring properties as set out in S24, S29, S32, S41 of Westminster's City Plan (November 2016) and TACE8/9/10, ENV 6, ENV13 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 15 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction method statement, for the proposed development has been submitted to and approved in writing by the City Council as local planning authority in consultation with Thames Water and Network Rail. The plan shall include details of excavation/earthworks and the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. 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 (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

- o provide details on all structures
- o provide details on the use of tall plant/scaffolding
- o accommodate the location of the existing London Underground structures
- o there should be no opening windows or balconies facing the LU elevation
- o demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
- o demonstrate that there will at no time be any potential security risk to our railway, property or structures
- o accommodate ground movement arising from the construction thereof
- o mitigate the effects of noise and vibration arising from the adjoining operations within the structures

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

**17 Pre Commencement Condition.**

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

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

- 18** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

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- 19 **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 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records in accordance with Land Contamination Assessment dated 8 June 2017 from LMB Geo-solutions.

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

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

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

Reason:

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

- 20 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 commence works to build out the sub-structure of the relevant parts of the development until we have approved these details. You must then carry out the works in accordance with these details and maintain them thereafter.

Reason:

To protect the environment of people in neighbouring properties as set out in S31 of Westminster's City Plan adopted November 2016 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 21 (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

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

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

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

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

Reason:

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

- 22 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

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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.

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

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

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

Reason:

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

24 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 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

25 The design and structure of the development shall be of such a standard that it will protect occupiers within it from ground borne noise from nearby train lines so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

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

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

Reason:

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

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

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 28 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 1 planting season 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 1 seasons of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 29 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 roof

You must not remove any of these features. (C43FA)

Reason:

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To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 30 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 31 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated June 2017 before you occupy the building. (C20AB)

Reason:

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

- 32 You must apply to us for approval of samples of the facing materials (for new building and landscaping) 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.

Reason:

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

- 33 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development: Typical facade bays. The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the external cladding of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason:



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

34 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) windows and blind windows;
- ii) external doors;
- iii) retail frontages/hotel entrances;
- iv) location and size of movement joints;
- v) glass balustrades to terraces;
- vi) interfaces with windows;
- vii) any ventilation and other services terminations at façade and roof;
- viii) CCTV cameras - showing details of cameras and precise location;
- ix) external lighting - including details of extent, type, colour and location;
- x) signage strategy - showing extent and intended location.

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

Reason:

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

35 You must not paint or apply vinyl films or obscure the window glass to the public realm-facing facades of Levels -02, -01 or 00 of the hotel reception and retail areas or block the glazing in any other way. The windows must be clear glazed and maintained as such.

Reason:

To maintain active frontages and enhance the character and appearance of this part of the City. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007.

36 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public 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. (R37AB)

37 You must not paint any outside walls of the building without our permission. This is despite the

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fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 38 The building maintenance unit(s) shall be positioned in the parked and hidden position at all times 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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 39 You must apply to us for approval of details of the following parts of the development - a phasing plan to show how you will retain the emergency exit from the Hammersmith and City Line platform. You must not start any work on these parts of the development until we have approved what you have sent us in consultation with London Underground.

You must then carry out the work according to these details. (C26DB)

Reason:

In the interests of public safety as set out in S29 of Westminster's City Plan (November 2016) and TRANS 5 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 41 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- a) Combined Heat and Power Unit;
- b) A connection point to any future district heating undertaking;
- c) Attenuation water tank;
- d) Rainwater harvesting.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S30, S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 42 **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

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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 (adopted November 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 43 The development hereby approved shall not be occupied until a Coach and Taxi Management Plan has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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.

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

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

Phone: 020 7641 2000

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

- 4 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 5 In relation to condition 9, you are advised that the parapets must have a containment value appropriate to the recommendations and standard in the Design Manual for Roads and Bridges (DMRB) and be agreed by the local Highway Authority.
- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

It is your responsibility under the law to provide good access to your buildings. An appropriate and

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complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 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)
- 8 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 9 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 10 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)
- 11 You will need technical approval for the works to the highway (supporting structure and parapets) prior to commencement of development, including TA1 approvals. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway. Without the technical approval, including sufficient clearances from the existing bridge and supporting structures, elements of the proposed development will not be able to be constructed.
- 12 In relation to condition 15, the Construction Logistics Plan (CLP) should follow new TfL best practice guidance also available from <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/guidance-by-transport-type/freight>  
Data must be supplied on land use, floorspace and construction programme to help TfL assess the impact of construction vehicles on the strategic transport network. The new guidance also contains measures which can be used to reduce the negative impact of construction on London and Londoners.

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- 13 You are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; tall plant: scaffolding.
- 14 The written scheme of investigation required by condition 17 will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning(Development Management Procedure) (England) Order 2015.
- 15 You are advised to contact Network Rail's Maintenance Protection Co-ordinator Harriet Sergent email Harriet.Sergent@networkrail.co.uk to arrange a meeting to discuss this proposal.

Network Rail also require 24/7 access to carry out inspections and maintenance during and after the works. Any ground works such as piling will require monitoring of the nearby bridge to ensure no damage is caused. Therefore, the applicant will need to enter into a Basic Asset Protection Agreement (BAPA) prior to any works taking place, the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

- 16 **Waste Comments**  
Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

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#### Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 17 You are advised that four trees in G1 and one tree from G2 adjacent the amphitheatre are allowed to be removed in order to implement the development
  
- 18 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the -01 and -02 and floor levels can change between the A1/ A3/ A4/ C1 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
  
- 19 You are advised that any indicative signage locations should be confined to the ground floor fascia zone (Levels 00 and -01). Any high-level signage is unlikely to be considered acceptable. Proposals for signage may be subject to advertisement consent.
  
- 20 Condition 19 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

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

Phone: 020 7641 3153  
(I73AB)

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

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*www.westminster.gov.uk/cil*

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

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

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

Forms can be submitted to CIL@Westminster.gov.uk

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

- 22 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) Employment and training strategy for the construction phase and the operational phase of the development;
  - b) Crossrail payment of £809,735 (index linked);
  - c) Costs of all highway works surrounding the site required for the development to occur;
  - d) A contribution of £4,445 (index linked) towards the upgrade of wayfinding signage at an in the vicinity of the site;
  - e) A contribution of £12,000 (index linked) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
  - f) Provision, monitoring and review of a travel plan;
  - g) The provision of public access to the 19th floor of the building;
  - h) Costs of monitoring the S106 agreement.