

25 February 2016

Dudley House, North Wharf Road, Paddington

in the City of Westminster

planning application no. 15/11458/COFUL

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings at 139 -147 Harrow Road and Dudley House, and redevelopment with buildings ranging in height from 7 to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access.

The applicant

The applicant is **Westminster City Council**, the architect is **Child Graddon Lewis**, and the agent is **Wyg**.

Strategic issues

The proposed residential and school development is supported in strategic planning terms; however issues with respect to **education, affordable housing, housing, urban design and tall buildings, inclusive design, air quality, transport and climate change** should be addressed before the application is referred back to the Mayor at his decision making stage. London Plan policies on **social infrastructure** and **historic environment** are also relevant to the application.

Recommendation

That Westminster City Council be advised that the application does not yet comply with the London Plan, for the reasons set out in paragraph 87 of this report; but that the possible remedies set out in that paragraph could address these deficiencies.

Context

1 On 22 January 2016, the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor has until 3 March 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category of the Schedule to the Order 2008:

3 Once Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is bounded to the south and west by North Wharf Road, to the north by Dudley Street and Harrow Road, and to the east by the Paddington Walk development. Dudley House, a 1930s-built five storey housing development, currently occupies the larger southern parcel of the site, including a small landscaped area, toddlers play area and off street surface car parking to the rear. The northern parcel is occupied by The Dudley Arms public house and a three-storey nineteenth century terrace of four houses occupied by the Assembly of God church and three commercial/retail units. Much of the surrounding development is large in scale and has been completed since 2000, including Paddington Walk/Montgomery House (up to fourteen residential storeys), which abuts the site to the east, and The Point (ten office storeys) across North Wharf Road to the south of the site. The three-four storey Brunel House is to the west, between the Paddington branch of the Grand Union Canal and North Wharf Road, with Paddington Station beyond. Development work on this site is expected to commence on this site in 2016 for a mixed use development including a 15-storey office tower and 12-storey residential tower. The elevated A40 Westway is approximately 20 metres to the north of the site, shielded to a certain degree by a green open space with trees on the opposite side of Harrow Road. The site is within the Central Activity Zone and the Paddington Opportunity Area. The Edgware Road Housing Zone lies to the north beyond the Westway.

6 The site is located on the Strategic Road Network (SRN), the A404 Harrow Road, and the nearest section of the Transport for London Road Network (TLRN) is A40 Westway 1km east. Three bus routes (18, 46 and 332) stop on Harrow Road and Paddington Green, 300m from the site, and further bus routes stop on Bishops Bridge Road, within a short walk. The entrance to Paddington Station is approximately 200m from the site, providing access to Circle, Hammersmith and City, and Bakerloo lines of the London Underground, as well as mainline rail services. Accordingly the site records the highest possible public transport accessibility level (PTAL) of 6b (on a scale of 1a to 6b).

Details of the proposal

7 The proposal includes demolition of existing buildings at 139 -147 Harrow Road and Dudley House, and redevelopment with buildings ranging in height from 7 to 22 storeys, comprising between 187 and 197 residential units (Class C3); a new secondary school (Class D1); a replacement church (Class D1); a retail unit (flexible Class A1/A2/A3 use); basement car parking; cycle and motorcycle parking; provision of shared amenity space, landscaping; and amended vehicular and pedestrian access.

Case history

8 On 26 July 2011, the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance for this site, for the “demolition of Dudley House and 139-147 Harrow Road, and replacement with a fourteen-storey tower and six-storey building fronting North Wharf Road, and a five-storey building fronting Harrow Road, incorporating 88 dwellings, community use, retail/commercial uses, and a new public house.” On 20 December 2011, the Mayor considered the application and subsequently advised that “having now considered a report on this case I am content to allow Westminster City Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal or to take over the application for my own determination”.

9 Two informal meetings were held with GLA officers in 2015 to discuss the proposals; however no formal pre-application advice has been sought.

Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

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|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Social Infrastructure | <i>London Plan; Social Infrastructure SPG</i> |
| • Education | <i>London Plan; Social Infrastructure SPG</i> |
| • Housing | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG</i> |
| • Affordable housing | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Strategy</i> |
| • Density | <i>London Plan; Housing SPG; draft interim Housing SPG</i> |
| • Historic Environment | <i>London Plan</i> |
| • Urban design | <i>London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; draft interim Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG</i> |
| • Tall buildings | <i>London Plan</i> |
| • Inclusive design | <i>London Plan; Accessible London: achieving an inclusive environment SPG</i> |
| • Air quality | <i>London Plan; the Mayor’s Air Quality Strategy; Control of dust and emissions during construction and demolition SPG</i> |
| • Transport | <i>London Plan; the Mayor’s Transport Strategy</i> |
| • Parking | <i>London Plan; the Mayor’s Transport Strategy</i> |
| • Crossrail | <i>London Plan; Mayoral Community Infrastructure Levy; Use of planning obligations in the funding of Crossrail and the Mayoral Community infrastructure levy SPG</i> |
| • Climate change | <i>London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy</i> |

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Westminster City Plan: Strategic Policies (2013); the saved policies in the Westminster Unitary Development Plan (2007, saved 2010); and the 2015 London Plan (Consolidated with Alterations since 2011).

12 The following are also relevant material considerations:

- The National Planning Policy Framework and accompanying Planning Practice Guidance.

- The 2015 draft Minor Alterations to the London Plan.
- Westminster Council's Dudley House & 139-147 Harrow Road Planning Brief (2009).

Principle of development

13 The site is within the Central Activities Zone (CAZ), and the Paddington Opportunity Area, for which London Plan policies promote mixed-use development that contributes to physical, social and economic regeneration. The site is also subject to a Planning Brief, adopted as a supplementary planning document in 2009, which identifies the site primarily for residential uses, with replacement church space.

Residential development

14 London Plan Policy 3.3 'Increasing Housing Supply' recognises the pressing need for new homes in London and Table 3.1 gives an annual monitoring target of 1,068 new homes per year in Westminster between 2015 and 2025. The site is also located in the Paddington Opportunity Area, which has a minimum target of 1,000 new homes between 2015 and 2025.

15 The proposal for up to 197 residential units on this site would be consistent with London Plan policies and is supported.

Education

16 The NPPF gives the highest level of national policy support for school provision. London Plan Policy 3.18 'Education Facilities' supports enhanced new build provision, in particular to address the current and projected shortage of primary school places. Community use of facilities is also encouraged. London Plan Policy 3.16 'Protection and Enhancement of Social Infrastructure' supports the provision of high quality social infrastructure based on local and strategic needs assessments.

17 The proposal will provide a new permanent home for Marylebone Boys' School, a Free School that opened in 2014 in temporary premises in Kilburn. A number of other sites for the school were considered prior to selecting this site, which is considered to be the most appropriate. The proposal will help to meet a need identified in the Council's School Organisation and Investment Strategy 2015 (SOIS), which acknowledges the contribution of free schools to the provision of school places, where they are appropriately located. The SOIS includes details of GLA projections for the change in population in the 11 – 15 year-old age group, with the principal areas of growth in Hyde Park, Little Venice and Regent's Park areas, in close proximity to the site.

18 The proposed 7,220 sq.m. (GIA) secondary school will comprise a 7-storey building occupying the southern part of the site, conjoined to the main residential component. The 840 place school will include an indoor sports hall at basement level, a gym at first floor level and an external play area at roof level. The applicant should clarify the facilities and arrangements for community use. A total of 90 staff would be employed. Marylebone Boys' School have been involved in the design of the building.

19 The proposal for a new school on this site, with facilities for use by the wider community, would be consistent with London Plan policies and is supported.

Church

20 London Plan Policy 3.16 also supports the provision of places of worship according to need. The Central Pentecostal Church is currently located on three floors totalling 158 sq.m. (GIA) at 141 Harrow Road and the proposal includes new ground floor church space of 200 sq.m. (GIA). This includes flexible space that can be used by various local community groups.

21 The proposal to re-provide a church on this site, with facilities available for use by the wider community, would be consistent with London Plan policies and is supported.

Loss of public house

22 The proposal involves the loss of the Dudley Arms public house, of 570 sq.m. (GIA). This may be considered as social infrastructure, the loss of which is resisted by Policy 3.16. However, the application identifies a large number of public houses within a 5-10 minute walk of the site, and considering the provision of extensive social infrastructure on the site in the form of the school and the church, and the re-provision of an element of commercial space in the form of a 130 sq.m. flexible retail unit at the north end of the site, the loss of this land use is considered acceptable.

Housing

23 Policy 3.14 'Existing Housing' states that the *"loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace"*. Paragraph 3.82 of the London Plan states that estate renewal should take into account regeneration benefits to the local community, the proportion of affordable housing in the surrounding area and the amount of affordable housing to be provided elsewhere in the Borough. More detailed guidance is set out in the Housing SPG, which clarifies that there should be no net loss of affordable housing.

24 This scheme proposes redevelopment of the site, for which planning permission has previously been granted for 88 units. The applicant has now reviewed the proposals with a view to incorporating the school and increasing unit numbers. The comparison of the schemes and existing situation is as follows:

	Existing (vacant)	Previous permission (46% market, 54% affordable)	Proposed (100% Intermediate rent)	Proposed Floorspace
Micro	0	0	10 (5%)	34-36 sq.m.
Studio	0	0	36 (18%)	38-48 sq.m.
One bed	9 (18%)	36 (41%)	72 (37%)	50-59 sq.m.
Two bed	27 (54%)	23 (26%)	79 (40%)	69-87 sq.m.
Three bed	14 (28%)	26 (30%)	0	
Four bed	0	3 (3%)	0	
Total	50	88	197	

25 Residents of the existing units have already been rehoused and all of the units are now empty.

Affordable housing

26 London Plan Policy 3.9 'Mixed and Balanced Communities' seeks to promote mixed and balanced communities by tenure and household income. Policy 3.12 'Negotiating Affordable Housing' seeks to secure the maximum reasonable amount of affordable housing.

27 The current proposal is for all of the units to be intermediate rental tenure, with restricted rents and available to people on the Westminster City Council intermediate housing rental register. The introduction of a significant number of affordable housing units to the area is welcomed, in line with Policy 3.9. Since all of the units are affordable, the proposals meet the requirements of Policy 3.12, securing the maximum amount of affordable housing.

28 London Plan Policy 3.11 'Affordable Housing Targets' requires that 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. In this case, all of the units are of intermediate tenure. It is recognised that the intermediate units will meet an identified need, and the provision of a school on the site is also recognised; however the applicant is requested to provide further explanation in response to Policy 3.11, including details of assumed rents (other than the stated £150 per week for the micro units).

Housing choice

29 London Plan Policy 3.8 'Housing Choice' encourages a choice of housing based on local needs, while affordable family housing is stated as a strategic priority. Policy 3.11 also states that priority should be accorded to the provision of affordable family housing.

30 Saved Policy H5 of the Westminster Unitary Development Plan states that the Council will normally require 33% of housing units to be family-sized and will require 5% of these units to have five or more habitable rooms.

31 Of the 197 units proposed, 60% are one-bed or smaller, with the remainder two-bed. It is noted that the majority of the 'studios' (one-bed, one-person units) have separate bedrooms. The applicant states that the focus on two-bed units and smaller is informed by the high proportion of single adult households and private rented accommodation, citing Westminster City Council published information (February 2014), which identifies that 38% of households in Westminster are one-person households, and 43% of households are privately renting. This need is recognised, and it is also acknowledged that intermediate housing products tend to operate most successfully with smaller unit sizes due to affordability considerations. In this respect, the applicant states that the inclusion of ten micro units will provide a particularly affordable product for single person households, with assumed rents of £150 per week. It is also recognised that smaller units are particularly suitable to this highly accessible central location.

32 In this context, the proposed mix may be acceptable; however as discussed under 'urban design' below, the quality of some of the units raises concerns. The applicant will need to address these concerns, which may require the inclusion of larger units.

Density

33 London Plan Policy 3.4 'Optimising Housing Potential' states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. The site is within a central location where the density matrix sets a guideline of 650-1,100 habitable rooms or 140-405 units per hectare for a PTAL of 4-6.

The applicant calculates that the density of the proposal is 488 units per hectare. However, accounting for the mixed use nature of the proposals, this is likely to underestimate the impact of the development in terms of scale and massing, activity, and the demand for services (as discussed in paragraphs 1.3.62-1.3.63 of the draft interim Housing SPG). Consequently, GLA officers calculate the density to be approximately 658 units per hectare. Although above the density range, the London Plan notes that these ranges should not be applied mechanistically and local factors should be taken into account. This density may be appropriate in this highly accessible location; however in order for such a density to be acceptable, the application needs to be exemplary in all other respects and provide a high quality living environment for occupiers, including adequate provision of amenity and play space, an appropriate level of affordable housing, an appropriate mix of unit sizes, high quality design, and resolution of all transport and climate change issues. As detailed elsewhere in this report, further work is required in some of these areas.

Children's play space

34 London Plan Policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' seeks to ensure that development proposals provide access to inclusive, accessible and safe spaces, offering high-quality play and informal recreation opportunities. Further detail is provided in the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10 sq.m. of useable child play space to be provided per child, with under-five play space provided on-site as a minimum.

35 GLA officers calculate the child yield to be nine, with six under-fives, requiring a minimum of 60 sq.m. of playspace on-site. The application proposes play space on the 625 sq.m. first floor terrace, which is considered acceptable considering the very low child yield.

Historic environment

36 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The proposal will have an impact on designated heritage assets, primarily in the form of the Paddington Green Conservation Area, which lies to the north and is largely screened from the site by the elevated section of the Westway, mature trees of Paddington Green, and Paddington Walk/Montgomery House. The Bayswater Conservation Area to the south, including the Grade I listed Paddington Station, is shielded by existing large scale development to the south, to be further shielded by the consented Brunel House development. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions and in relation to conservation areas, special attention must be paid to "*the desirability of preserving or enhancing the character or appearance of that area*".

37 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Recent judgements have provided detailed consideration of the duty imposed on local planning authorities. The Court of Appeal in *Barnwell Manor* held that a

finding of harm to a listed building or its setting is a consideration to which the decision-maker must give considerable weight, and that there should be a strong presumption against granting permission that would harm the character or appearance of a conservation area.

38 The applicant has provided an analysis of 19 views around the site, as identified in the Planning Brief for the site. The impact on designated heritage assets and their settings will arise primarily from the 22 storey residential tower; however GLA officers consider this to be largely neutral, with no harm identified. In coming to this conclusion, GLA officers have had special regard to the desirability of preserving listed buildings and their settings, and paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

39 London Plan Policy 7.8 also applies to non-designated heritage assets. GLA officers consider the nineteenth century Dudley Arms public house and the adjacent three-storey nineteenth century terrace of houses to be non-designated heritage assets. These buildings will be demolished as part of the proposals. The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

40 GLA officers consider that the existing buildings are of some significance, particularly the public house, deriving from its architecture and cultural associations. The loss of these buildings is therefore regrettable; however the considerable public benefits arising from the scheme, including a new school and a significant amount of affordable housing are considered to outweigh the loss. It is also recognised that the demolition of these buildings has been accepted through the previous permission, which offered lesser public benefits.

41 The proposals are therefore considered acceptable in relation to Policy 7.8.

Urban design and tall buildings

42 The proposed development occupies almost the entire site at ground floor level, with new areas of public space provided at the entrances to the school and the church, which is welcomed. At the north end of the site, the church entrance, corner retail unit, and residential entrance will provide good levels of active frontage in these areas. However, the majority of the North Wharf Road frontage to the south of this is blank, formed by a substation, high level windows above planting to the basement sports hall and classrooms, storage and servicing. The inclusion of planting in this area does not mitigate these concerns, and raises additional concerns about maintenance. The applicant is advised to consider an alternative treatment for the sports hall that allows for more visual permeability and activity between the public realm and the hall, taking into account requirements for privacy and security. Alternatively, the layout could be revised in order to locate more active uses on the North Wharf Road frontage, with improved visual permeability.

43 The applicant should clarify the access arrangements to the second school entrance and cycle store from Dudley Street. This area should be secured with controlled access, in order to avoid anti-social behaviour and security concerns.

44 London Plan Policy 3.5 'Quality and Design of Housing Developments' promotes quality in new housing provision, with further guidance provided by the Housing SPG. The Mayor has published draft Minor Alterations to the London Plan, which have been prepared to bring the London Plan into line with new national housing standards and car parking policy. A draft interim Housing SPG has also been published reflecting these and other changes.

45 All residential units are accessed through a single entrance foyer from North Wharf Road and a single core. This results in up to fifteen units per core being accessed on the first to sixth floors, which is considerably in excess of the maximum eight units per core as identified in Standard 3.2.1 of the Mayor's Housing SPG, and is likely to result in negative impacts on the social dynamics of a building; maintenance and security arrangements; and the privacy, comfort and satisfaction of residents. It is recognised that the emphasis on small units contributes to the high number of units per core; however this is not an acceptable justification. The resulting corridors are long, with limited natural light and ventilation. In conjunction with the reconsideration of the ground floor layout suggested above, the applicant should introduce a further core serving the first to sixth floors, which would also provide additional ground floor active use through the provision of an additional entrance. This would also provide an opportunity to address the high proportion of single aspect units proposed.

46 The proposed studio units, 1-bed flats and 2-bed flats meet and in most cases exceed the London Plan minimum space standards. The ten 'micro' units proposed range in size from 34 – 36 sq.m., which is slightly below the minimum space standard of 37 sq.m. As discussed under 'housing choice' above, these units meet an identified need and may be acceptable; however concerns are raised about the quality of these units, which are deep, narrow, with a very limited frontage, and are on the first to sixth floors where light levels are reduced. Five of the units are also north facing, which is contrary to Standard 5.2.1 of the Mayor's Housing SPG. Furthermore, these five units are partially enclosed by the extruded frame of the building, and facing towards the Westway with noise and air quality impacts. For these micro units to be of acceptable quality, the layouts of all ten should be reconsidered.

47 The applicant's Daylight and Sunlight Assessment demonstrates that the recommended level of daylight is not achieved in 27% of dwellings. Some living spaces perform very badly, with bedrooms extending beyond the frontage of the living space and blocking light almost completely from kitchen areas. The layouts of these units should be reconsidered and the applicant should also confirm that floor to ceiling heights achieve at least 2.5m. Ceiling heights can positively impact on how spacious, light and ventilated a dwelling is and a higher ceiling height than that set out in nationally described standards is strongly encouraged in London, and particularly on this site, as a high density scheme surrounded by tall buildings.

48 London Plan Policy 7.7 'Location and Design of Tall and Large Buildings' sets out a range of criteria for tall buildings. Within the Central Activities Zone, in a highly accessible location, and in the context of larger scaled buildings, a building of 22 storeys is considered acceptable. The results from the applicant's Wind Comfort Study show that the average wind speeds will increase in the areas immediately adjacent to the building; however, speeds are still low enough so that wind comfort levels remain acceptable. Therefore, mitigation measures have not been advised, which is acceptable.

49 The massing of the building cuts away at upper levels allowing light and ventilation into the site, as well as the creation of communal residential terraces at first, seventh, and seventeenth floors, as well as a roof-top play space for the school.

50 The architectural response results in a simple and refined appearance, the success of which will be dependent on high quality brickwork. The proposed use of brick slips raises quality concerns and the applicant should consider full bricks, particularly at lower levels. The use of varying brick tones in the school and the residential elements will help to distinguish the uses and is supported; however lighter brick tones are suggested in this densely developed area in order to lighten the appearance of the building and maximise daylight levels reaching lower levels.

51 In view of the concerns raised above in respect to residential quality with this density, the applicant is strongly encouraged to amend the design proposals in discussion with GLA officers, before the application is referred back to the Mayor at Stage Two.

Inclusive design

52 The aim of London Plan Policy 7.2 'An Inclusive Environment' is to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum). Inclusive design principles, if embedded into the development and design process from the outset, help to ensure that all, including older people, disabled and Deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity.

53 Policy 3.8 'Housing Choice' requires all new housing to be built to 'Lifetime Homes' standards. In order to bring the London Plan into line with new national housing standards, the draft Minor Alterations to the London Plan (MALP) proposes to replace with "*ninety percent of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings'*". Policy 3.8 also requires 10% of units to be wheelchair accessible or easily adaptable, which the draft Minor Alterations to the London Plan proposes to replace this with "*ten per cent of new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users'*". The proposal includes only four wheelchair adaptable units, which equates to just over 2% of the residential units within the scheme and is less than the 10% policy requirement (19 units). The applicant should reconsider the residential layouts in order to improve this, and respond to Building Regulation Requirements stated above. Any departure from these requirements will require significant justification.

54 As discussed under 'transport' below, Blue Badge parking is insufficient and should be increased.

55 The design of the school indicates that there will be good access for disabled pupils, staff and visitors, as well as the wider community when using the school's facilities outside of school hours. As detailed design progresses, the applicant should consider Building Bulletin 102, which provides good practice advice on meeting the needs of disabled.

Air quality

56 London Plan Policy 7.14 'Improving Air Quality' states that development should minimise exposure to poor air quality and make provision to address local problems of air quality, particularly on sites such as this within an Air Quality Management Area and where the development will be occupied by vulnerable users such as children.

57 An Air Quality Assessment has been provided with the application. The maximum impact on NO₂ concentrations as a result of the development is predicted to be 0.01 µg m⁻³. This is surprising given that the annual average daily traffic (AADT) on all modelled roads increases by 114 vehicles. The impact on receptors R5, R6 and R7 is predicted to be less than 0.01 µg m⁻³, even though they are located close to major roads in the vicinity. The receptor experiencing maximum impact is R1, which is located close to the CHP/boiler flue location. This suggests that the stated impacts are for the CHP/boiler emissions only and the traffic impact has not been included. It would be reasonable to expect the impact of this change in traffic flow on the annual mean NO₂ concentration to be over 0.2 µg m⁻³, and in view of the high baseline concentrations, impacts would be at least moderate adverse. The applicant should reconsider and revise these calculations accordingly.

58 No assessment in relation to the air quality neutral policy has been carried out, as required by Policy 7.14. An air quality neutral assessment for building emissions and traffic emissions is required.

59 The Assessment predicts that residential properties will experience exceedances of the NO₂ annual mean air quality objectives (AQO) up to the eleventh floor, including the school, which is significant and mitigation is required to reduce exposure. As a result, the Assessment recommends that specialist NO₂ treatment filters are installed below the 12th floor to reduce internal NO₂ concentrations and mitigate exposure, which is supported.

60 The applicant should provide an air quality neutral assessment and reconsider the air quality impacts of the development before the application is referred back to the Mayor at Stage Two. Should the development not be air quality neutral, or if significant impacts are predicted, further mitigation may be required.

Transport

61 Of the bus routes serving the site, route 18 in particular is close to capacity in the morning peak, so any significant increase in demand would require additional capacity. The applicant should contact TfL to further assess the potential impact of the development on bus services and potential mitigation measures. It is not anticipated that the application scheme would have a significant impact upon rail based public transport.

62 Subject to the views of the Council as highway authority, the proposed access arrangements are acceptable and not anticipated to have strategic highway impacts.

63 A total of 32 car parking spaces are proposed for the residential element of the scheme, which equates to a ratio of 0.16 parking spaces per unit. Given that the site has excellent public transport accessibility, as demonstrated by the highest possible PTAL, a car free scheme is suggested, or at the least a reduction in car parking. Only six Blue Badge car parking spaces are proposed, compared to the 19 required by London Plan policy, and the provision should be increased accordingly. Furthermore, the applicant should clarify how provision will be made for staff and visitors to the development who are Blue Badge Holders, as no such spaces are identified and on-street parking may be affected by the proposed coach lay-by. Electric vehicle charging points (EVCP) should be provided in accordance with London Plan standards, requiring 20% of parking spaces (seven spaces) to be equipped with active EVCP, and a further 20% with passive provision. A car parking management plan should be secured to cover the different types of parking and access thereto. Residents should also be exempt from securing parking permits.

64 The proposed cycle parking for each element of the scheme is in accordance with London Plan standards, which is welcomed. Adequate space for adaptable cycles and mobility scooters should also be provided on site. Cycle parking for each element of the scheme and showers, lockers and changing areas for staff should be secured by condition.

65 The applicant proposes a lay-by for two coaches on North Wharf Road, since there is insufficient capacity to accommodate coach and mini-bus parking on the site. As North Wharf Road is an adopted highway, the lay-by cannot be dedicated to a single user and this issue should be further considered by the Council as highway authority and the applicant. Adequate provision is particularly important given the needs of the school.

66 A school travel plan has been submitted, which is welcomed. Any subsequent detailed travel plan(s) should be secured, funded and monitored through a section 106 agreement, with the indicated potential measures being developed into specific agreed outcomes. Travel plans for the residential and place of worship elements of the scheme have not been submitted; however these should also be prepared, secured, funded and monitored through a section 106 agreement. Coordination of the travel plans for the different elements of the scheme is recommended.

67 It is understood that a school management plan has been prepared and will be shared with the neighbouring landowners. This plan should be developed in discussion with TfL, including detail on where pupils will be travelling to access sports and other off-site facilities, how often, and by what mode. It is also suggested that the plan includes measures to reduce peak and school peak loadings on the local buses, for example breakfast and after school clubs and activities, and staggered start and finish times.

68 Four high demand cycle hire docking stations are within 250m of the site. The development of up to 197 residential units, together with a school and a place of worship, is not insubstantial, and a contribution of £189,000 for a new 27 docking point docking station is requested. TfL wish to work with the Council to identify a suitable location, or alternatively, consider whether expansion of one or more of the existing docking stations is possible. A final option would be to use the contribution to empty and fill the existing stations more frequently, to enable more intensive use.

69 An on-site central service yard is proposed. Servicing would be time restricted to avoid the start and end of the school day and minimise conflict with pupils and staff accessing the school, which is welcomed. The details should be secured in a delivery and servicing plan (DSP) by condition. A construction management plan (CMP) has been prepared, which should also be secured by condition. An on-street loading bay is proposed, rather than containing all activities on-site, which will need to be in agreed with the Council as highway authority.

Community infrastructure levy

70 The Mayor has introduced a London-wide community infrastructure levy (CIL) to help implement the London Plan, particularly Policies 6.5 and 8.3. The Mayoral CIL will be paid on commencement of most new development in Greater London granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

71 The Mayor has arranged boroughs into three charging bands. The rate for Westminster is £50 per square metre. The required CIL should be confirmed by the applicant and the Council once the components of the development have themselves been finalised.

Climate change

Energy

72 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting with automated controls and mechanical ventilation with heat recovery. The applicant is also proposing that all dwellings will be connected to a building management system, which is welcomed.

73 The demand for cooling will be minimised through solar control glazing, external shading through balconies and brise soleils, which have been specified following a solar irradiation study. The applicant has undertaken an overheating assessment using dynamic thermal modelling and CIBSE TM52 methodology. The assessment also uses the CIBSE TM49 weather files and a future 2050 climate scenario, which is welcomed. The results of the analysis show that all bedrooms and the majority of living room areas for the residential units, as well as the school, are expected to meet the CIBSE criteria. The applicant should investigate additional passive design measures to ensure that all spaces meet the CIBSE TM52 criteria with the TM49 weather files.

74 The development is estimated to achieve a reduction of 46 tonnes per annum (11%) in regulated CO₂ emissions from the first step of the energy hierarchy ('Be Lean'), compared to a 2013 Building Regulations compliant development.

75 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has also been in contact with developers of adjacent sites; however it states that no additional capacity is currently available. The applicant has provided meeting minutes from discussions with network operators, which suggests that a connection could be possible in the future and the applicant has provided a commitment to ensuring that the development is designed to allow future connection to the network should it become available. The applicant is therefore proposing a communal heat network with its own heating system. Given that there is a strong potential that a network will be available in the Paddington Basin area at completion of the scheme (or shortly afterwards), connection should be prioritised. The applicant should investigate an interim solution (i.e. gas boilers only), with installation of low carbon technology deferred to allow a reasonable amount of time to establish connection to a network within the Paddington Basin area (up to 5 years from completion).

76 The applicant is proposing to install a communal heat network, with all apartments and non-domestic building uses connected. A drawing showing the route of the network linking all buildings on the site should be provided. The network will be supplied from a single energy centre and a drawing showing the floor area and location of the energy centre should be provided.

77 As stated above, the applicant should prioritise connection to an external heat network. If connection is not possible, the applicant is proposing to install a 164 kWe gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO₂ emissions of 118 tonnes per annum (28%) will be achieved through this second part of the energy hierarchy ('Be Clean').

78 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 17.5 kWp photovoltaic (PV) array on the roof of the development. An indicative roof layout plan has been provided. A reduction in regulated CO₂ emissions of 7 tonnes per annum (2%) will be achieved through this third element of the energy hierarchy ('Be Green').

79 Based on the energy assessment, a reduction of 171 tonnes of CO₂ per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 40%. The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan; however, the comments above should be addressed before compliance with London Plan energy policy can be verified.

Climate change adaptation

80 A Flood Risk Assessment (FRA) has been undertaken, which confirms that the site is within Flood Zone 1 and is not at risk of significant surface water flooding. The proposed development is therefore acceptable in terms of London Plan policy 5.12 'Flood Risk Management'.

81 However, the Westminster Surface Water Modelling Study suggests that North Wharf Road may be a Critical Flood Location (>400mm in depth), with the south-western part of the site being a Critical Flood Location (>200mm in depth). The FRA and Drainage Strategy proposes to reduce the peak discharge to less than 50% of the existing situation, which would be achieved via 141 cubic metres of underground storage, with a potential gravity connection, depending on final levels. Consideration should be given to the guidance provided in Susdrain's factsheet on attenuation storage for redeveloped sites and method 2 (overflow into the drainage system for runoff in excess of the storage volume) should be utilised, to allow for longer retention for lower return period storms.

83 The Strategy also states that the proposed buildings' roofs will be used for amenity space, playgrounds, photovoltaics (PV) and other services, and so it is argued that there is no space to accommodate green roofs. However, green roofs and PV are complementary (green roofs help to improve the efficiency of panels by reducing their temperature) and examples can be found at: <http://livingroofs.org/pvs-and-green-roofs>. Furthermore, landscaped amenity areas could be designed to maximise their water attenuation (for example via dual-purpose planters, rainwater harvesting for irrigation, etc.). The applicant should confirm the sustainable drainage approach in response to London Plan Policy 'Sustainable Drainage' prior to the Stage Two referral to the Mayor.

Local planning authority's position

84 Westminster City Council's position is not yet known.

Legal considerations

85 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

86 There are no financial considerations at this stage.

Conclusion

87 London Plan policies on education, social infrastructure affordable housing, housing, historic environment, urban design and tall buildings, inclusive design, air quality, transport and climate change are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Education:** The proposal for a new school is supported; however the applicant should clarify the facilities and arrangements for community use.
- **Social infrastructure:** The proposal to re-provide a church on this site, with facilities for use by the wider community, is supported.
- **Affordable Housing:** The proposal for 100% affordable housing units in the form of intermediate tenure is supported; however the applicant should provide further explanation in response to Policy 3.11, including details of assumed rents.
- **Housing:** The proposal for units with two-beds or fewer may be acceptable; however there are significant concerns about the quality of some of these units, which require further consideration. Given the high density of the proposal, a high quality of residential accommodation would be expected. This is not currently being achieved and requires further work. The provision of children's play space is acceptable.
- **Historic environment:** No harm will be caused to designated heritage assets. The demolition of non-designated heritage assets is regrettable; however the considerable public benefits arising from the scheme, including a new school and a significant amount of affordable housing are considered to outweigh the loss.
- **Urban design and tall buildings:** The design of the residential accommodation requires amendment with the inclusion of an additional core; an increase in the number of dual aspect units; an increase the quality of the micro units; an improvement in the levels of light reaching living spaces; and confirmation of minimum floor to ceiling heights. Further consideration should also be given to the design of the access and security arrangements to the second school entrance, and the extent of blank frontage along North Wharf Road should be reduced.
- **Inclusive design:** The applicant should reconsider the residential layouts in order to increase the number of wheelchair adaptable units, and respond to Building Regulation Requirements.
- **Air quality:** The applicant should provide an air quality neutral assessment and reconsider the air quality impacts of the development before the application is referred back to the Mayor at Stage Two.
- **Transport:** The applicant should contact TfL to assess impacts on bus services and mitigation measures. Blue Badge parking and electric vehicle charging points should be provided in accordance with London Plan standards. Residents should be exempt from securing parking permits. Space for adaptable cycles and mobility scooters should be provided. Cycle parking should be secured by condition. The coach lay-by and on-street loading bay should be considered by the Council as highway authority. A contribution of £189,000 for a new 27 docking point docking station is requested. Detailed travel plans, car parking management plan, delivery and servicing plan, construction management plan, and school management plan should be secured appropriately.
- **Climate change:** The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan; however further information should be provided on an interim solution before connection to a district heating network in the Paddington Basin area; and drawings of the heat network and the energy centre should be provided.

88 On balance, the application does not yet comply with the London Plan for the reasons set out above; however the possible remedies set out could address these deficiencies.

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