

FIVE KINGDOM STREET

PLANNING STATEMENT

JULY 2020

5 KINGDOM STREET, PADDINGTON CENTRAL

British Land

Planning Statement

July 2020

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1.0 Executive Summary

COMPLETING THE MASTERPLAN AND EXTENDING THE REGENERATION IMPACT

- 1.1 5 Kingdom Street represents the final piece of the masterplan for Paddington Central. It is a unique opportunity to meaningfully transfer the benefits and opportunities of the Central Activities Zone (CAZ) through to the Harrow Road corridor and the rest of the North Westminster Economic Development Area (NWEDA). It seeks to be the catalyst to this regeneration physically, through a new connecting route and public garden, and economically, by linking Paddington to North Westminster; creating employment and training opportunities for local residents; and providing affordable workspace for start-up businesses.
- 1.2 British Land wish to add to the high-quality collection of office buildings within its Paddington Central campus and deliver a building of exemplary architectural design and quality to attract new businesses to Paddington but, importantly, to retain and grow successful existing ones that can no longer find the type of space they require within the borough, or within Central London.

SITE

- 1.3 The Site (described in detail in section 3) is a complex combination of above ground (Kingdom Street) and 'Box' spaces (a former Crossrail works site and compound below Kingdom Street) that covers over a hectare of land within the CAZ and the Paddington Opportunity Area (POA). It is one of the last remaining significant development plots within the POA.
- 1.4 Paddington Central is an office led mixed-use neighbourhood comprising large-scale buildings and extensive public realm. The Site is currently occupied by a 'meanwhile' use, a bar/restaurant known as Pergola, and terminates Kingdom Street at its western end.

TOWNSCAPE

- 1.5 As is typical of buildings in the POA, the Site and surroundings can be seen from surrounding Conservation Areas and appear in the backdrop of views from the Royal Parks. It is common for modern buildings in the POA to be seen prominently within the context of more domestic scaled 19th century terraces. From some viewpoints, the buildings within the POA punctuate and give legibility to the wider townscape. The proposals for 5 Kingdom Street will mark the new route through the Site connecting Paddington to the communities to the north.

IMPLEMENTED CONSENT

- 1.6 It is important to understand the influence that the implemented planning permission has had on the evolution of the proposals and design development. The current layout of the campus stems from the masterplan granted outline planning permission in 2000. A subsequent reserved matters permission was granted in 2010 for the construction of 4 and 5 Kingdom Street. This permission has been implemented and the 4 Kingdom Street part of the Site has been constructed and is fully let. Consequently, the approved 13 storey (plus plant) building at 5 Kingdom Street, that has yet to be constructed, remains extant and could be constructed without any further submissions or approvals.
- 1.7 The extant permission is a product of its time architecturally but also, more significantly, did not allow for a link between Kingdom Street and Harrow Road or for any development within the space in the Box which was, at the time, safeguarded for Crossrail. The proposed connection has been identified by Publica as a potential catalyst for the regeneration of the

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Harrow Road corridor and surrounding areas. The extant permission pre-dates the Community Infrastructure Levy (CIL) and consequently would deliver only £1.3 million in Section 106 contributions to Westminster. The proposed scheme delivers over £23m of Mayoral and Westminster CIL.

THE BOX AND PUBLIC ROUTE

- 1.8 'The Box', the new public garden and the route through the Site set this development apart from past POA developments. They will connect Paddington to its surrounding communities both physically and economically. Whilst the permeability that this link creates for pedestrians and cyclists is extremely beneficial, it is the regeneration potential of connecting the benefits and opportunities of the CAZ to the rest of NWEDA that has the greatest potential to benefit local people. In order to meaningfully secure the potential benefits of the Box, the uses within it have been informed by extensive community consultation. It is intended to be an inclusive place of a size that can serve a diverse range of interests and budgets.

BENEFITS OF OFFICE FLOOR SPACE IN PADDINGTON

- 1.9 The proposed office space is strategically important on a number of levels. It has the potential to create a business eco-system. The provision of affordable workspace supports local start-ups and emerging enterprises. As those companies grow, the development offers flexible space to move into, together with a network of larger businesses within the building and wider campus.
- 1.10 The employment space within the upper floors, whilst highly flexible in its layout, is more conventional but similarly central to the economic development aims of the POA. The evidence within the planning statement highlights how the high demand for, and limited supply of, office floor space within the Westminster CAZ has forced companies to relocate outside of the borough as they grow. Competing locations such as King's Cross, the City and the Southbank can now offer a credible alternative to the West End. The office floor space at 5 Kingdom Street is critical to supporting Paddington's emerging technology cluster and the associated employment opportunities for local people.

MIXED-USE POLICY

- 1.11 In the POA, Westminster's mixed-use policy is applied flexibly to deliver employment and economic development opportunities, as well as public infrastructure, such as the route through the site. The exceptional circumstances of this site are important to note. Not only is an extant planning permission for commercial development in place, the Site is located between the Westway and railway lines into Paddington Station, creating unacceptable environmental conditions for residential development. The noise, nitrogen dioxide and particulate levels experienced next to the Westway would preclude openable windows and could have significant health implications for residents, which would not apply in the same way for commercial occupiers.
- 1.12 In order to identify potential alternative residential sites within the POA for the provision of housing, as required by planning policy, we have undertaken an extensive site search. Unsurprisingly given the limited number of sites that remain available in the POA and the use and lease terms of recently developed sites, no suitable alternative site was found. In the circumstances, a payment to the Council's affordable housing fund is proposed in lieu of housing delivery.

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ARCHITECTURE AND DESIGN

- 1.13 The proposal is to deliver an architecturally accomplished and distinct building that has interest in terms of its form and materiality in longer views as well as sophistication and detail in closer ones. The height and massing of the building is typical of other recent developments within the POA as indeed is the relationship that it has with the surrounding townscape and long-distance views. It has landmark qualities that will be a positive part of the townscape, marking the new route through from Kingdom Street to Harrow Road.

WIDER SCHEME BENEFITS

- 1.14 Pre-application feedback from both Westminster and the GLA highlighted the need for a full townscape, heritage and visual impact assessment to be undertaken and this forms part of the planning application. Whilst the building is not considered to cause harm to any designated heritage assets, if it was considered to cause less than substantial harm then this harm would need to be weighed against the public benefits that the scheme delivers. The principal public benefits of the development are best summarised under the following themes:

- Supporting London’s economy and continued success as a world city;
- Supporting local employment, enterprise, skills and training;
- Connecting to the local community;
- Delivering sustainable and energy efficient design; and
- Delivering affordable housing.

Supporting London’s economy and continued success as a world city;

- 1.15 The provision of high-quality workspace is a key function of the CAZ and is critically important to London’s position as an economic centre of global significance.
- 1.16 The provision of 52,164 sqm (min.) of office space across the development will contribute significantly to the supply of high-quality, large floorplate space in the Central London office market, which is currently falling far short of demand. The scheme will deliver 1.5% of the quantum of office space identified in the draft London Plan as being required over the plan period and will therefore constitute a notable addition to Central London office supply, which is so important to London’s success as a world city.
- 1.17 The provision of 52,164 sqm of office space is even more important in the context of Westminster, which according to its latest AMR 2020 has observed a large decline in office floorspace since 2013 - a net loss of over 341,569 sqm has completed and a further loss of 433,900 is currently under construction. In order to address recent net losses and to meet the adopted Westminster City Plan target of 774,000 sqm net additional office space, significant new office development is required in the borough and 5 Kingdom Street will contribute positively towards achieving this. The scheme will represent 7% of the adopted City Plan office delivery target, which is needed to reverse the net loss of space experienced in recent years.

Supporting local employment, enterprise, skills and training

- 1.18 The development is expected to create 382 FTE jobs during construction and capacity for between 3,890–5,086 gross direct operational FTE jobs once the development is fully

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operational, making a significant contribution to the economic development and regeneration of the Paddington Opportunity Area, as well as employment targets set out in Westminster's City Plan and the London Plan (adopted and emerging).

- 1.19 British Land's long-term ownership and investment in Paddington Central provides an opportunity to connect local residents with employment and training opportunities during both the construction and operational phases of development. The proposals include the preparation of an Employment and Skills Plan and over £2 million funding to the Westminster Employment Service. These proposals will fund and deliver initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from the scheme.
- 1.20 Spaces where businesses will grow and thrive will be created. The development will deliver a range of high-quality workspaces, from affordable, to flexible co-working and SME space, to more conventional office floorplates suitable for larger employers. This ecosystem will help to attract and retain businesses of all sizes in Westminster, whilst supporting the emerging creative industries cluster in Paddington and encouraging innovation.
- 1.21 A minimum of 3,900 sqm of affordable workspace will be provided within the development, making it one of the largest, if not the largest, permanent affordable workspace facilities in London. This facility will be provided for the life of the building and will provide start-up businesses with affordable space which is provided at an average discount of 50% of typical rates in the area to support them to grow and thrive. The space will offer discounts up to 100% for businesses that provide social value, such as charities and social enterprises
- 1.22 The affordable workspace will be accompanied by a support fund that is instigated by British Land with a £50,000 investment and will be maintained by any rates surplus and other grant sources. The support fund will fund a range of services including the provision of advice and support for new businesses; running skills and training programmes for local people; and coordinating outreach projects, such as working with schools to provide work experience opportunities.
- 1.23 A minimum of 1,500 sqm of flexible office space for growing SMEs will be provided by British Land's flexible workspace brand, Storey. Storey provides space on flexible lease terms, at market rates, for 'scale-up' businesses, which need their own office accommodation, with built-in flexibility, up-front fit-out and shared facilities and services, such as meeting rooms.

Connecting to the local community

- 1.24 The proposals aim to encourage walking and cycling and connect Paddington Central to its neighbouring communities.
- 1.25 A new pedestrian and cycle route will connect Paddington to North Westminster (via 5 Kingdom Street) with a public garden, creating a destination which will be free to access for the public. This route will, for the first time, connect the western end of Paddington Central with Harrow Road, enabling a physical connection between the two and the extension of economic benefits from the CAZ to the Harrow Road corridor and the NWEDA beyond.
- 1.26 The connection will deliver an exemplary public realm and significantly increase the amount of green space both within and outside the building, softening the landscape, enhancing biodiversity and extending the existing public realm from Kingdom Street through the building and under the Westway. This approach will be complemented by a public art and lighting strategy, which seeks to encourage public access of these spaces.

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- 1.27 The plans include a 250-seat Auditorium within the Box, which will be used for cultural events, theatre, concerts and talks. The Auditorium will be available free of charge for community use and events for four sessions each month.
- 1.28 Subject to obtaining the necessary consents, British Land will fund the carrying out a study of the current physical condition of Westbourne Bridge and the ways in which it can be enhanced.

Delivering sustainable and energy efficient design

- 1.29 An ambitious sustainability brief for the development was set by the applicant, British Land, during the early stages of the scheme’s evolution, which have resulted in a highly sustainable development being designed. Sustainability principles have influenced all aspects of the proposals, but some notable elements of the scheme are summarised as follows:
 - Delivering a net zero carbon development
 - Achieving at least an ‘Excellent’ BREEAM rating
 - Selecting the proposed materials to reduce embodied carbon levels
 - Committing to monitoring the performance of the heat pump system post-construction
 - Inclusion of SUDS and other drainage solutions to mitigate against flood risk
 - Delivering urban greening on the building and public realm to meet UGF targets and biodiversity improvements
 - Applying the circular economy hierarchy to the design

Delivering affordable housing

- 1.30 The proposals include a £14.3 million contribution to Westminster’s Affordable Housing Fund. This is significant and represents nearly half (c.46%) of the average annual payments in lieu over the last 6 years¹.
- 1.31 Based on the current per unit sum for affordable homes in this part of the borough, the proposed contribution would support the delivery of 47 new affordable homes in the borough. This represents approximately 48% of average annual net completions in Westminster over the last 6 years.

ESTATE MANAGEMENT AND RESIDENTIAL AMENITY

- 1.32 The potential for the development to impact the amenity of residents has been very carefully considered. The experience of managing the current ‘meanwhile’ use on the Site has enabled British Land to develop effective management procedures to control the arrival and dispersal of people, including dedicated taxi pick-up and drop-off. The Box uses will be subject to individual Operational Management Plans, which will be prepared in close consultation with operators, local residents and Westminster City Council. The Operational Management Framework submitted with the planning application will form the basis of detailed Operational Management Plans.

¹ During 2013-2019, which is the period covered in Westminster’s latest Annual Monitoring Report, 2020.

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IN SUMMARY

- 1.33 Overall the proposals represent an exciting opportunity to complete the Paddington Central masterplan and deliver significant public benefits to the local community and Westminster. This will be achieved with a building that is architecturally distinguished; connects to the local community; supports local businesses – including start-ups; supports employment and training opportunities for local people; and contributes to creating sustainable places through good design, urban greening, implementing low/zero carbon technologies, thoughtful management and community engagement.

2.0 Introduction

- 2.1 This Planning Statement has been prepared by CBRE on behalf of the applicant, British Land, to accompany the submission of an application for full planning permission for the proposed development at 5 Kingdom Street, Paddington Central.
- 2.2 The description of development is as follows:
- “Erection of a mixed-use development comprising ground floor (at Kingdom Street level) plus 19 storeys to provide offices (B1a) and retail (A1/A3) plus plant and amenity areas at roof level. Three floors below Kingdom Street delivered in phases to provide an auditorium (Sui Generis), and a flexible mix of business (B1a), retail (A1/A3/Sui Generis), sport and leisure (D2) and exhibition/conference (D1/Sui Generis) uses within the former 'Crossrail box'. New outdoor terraces adjacent to railway at basement level; creation of a new pedestrian and cycle link between Harrow Road and Kingdom Street including internal and external garden and landscaping; and associated works”.*
- 2.3 This document sets out the characteristics of the Site and surrounding area; describes consultation with stakeholders; and assesses the proposals in terms of relevant planning policy as set out in the National Planning Policy Framework (NPPF) (2019) and the Development Plan which, in this instance, comprises the London Plan (2016), Westminster’s City Plan (2016) and the saved policies in the Westminster Unitary Development Plan (UDP) (2007). The planning policy assessment also assesses the proposal in the context of the policies of the Draft New London Plan, which is currently at an advanced stage.

SCOPE OF SUBMISSION

- 2.4 The following documents form part of or inform the planning application:
- Planning Application Form (including ownership certificates) (CBRE)
 - Community Infrastructure Levy (CIL) Additional Information Form (CBRE)
 - Site Location Plans (Allies and Morrison)
 - Existing (Demolition) and Proposed Plans/Elevations/Sections (Allies and Morrison)
 - Box Phasing Plans (Allies and Morrison)
 - Design and Access Statement (Allies and Morrison)
 - Energy Assessment (Ramboll)
 - Operational Management Framework (British Land)
 - Sustainability Statement (and Addendum) (TFT)
 - Office Market Assessment (CBRE)
 - Residential Site Search Assessment (CBRE)
 - Statement of Community Involvement (Kanda)
 - Financial Viability Assessment (and addendum) (DS2)
 - Television Interference Desk Based Report (Pager Power)
 - Fire Statement (The Fire Surgery)
 - Environmental Statement, including:
 - ES Vol I - Non-Technical Summary (and Addendum) (CBRE)
 - ES Vol II – ES Main Volume (and Addendum) (CBRE)

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- Introduction
- EIA Methodology
- Site Description & Development Proposals
- Alternatives & Design Evolution
- Construction Strategy
- Socio-economics
- Daylight / sunlight / overshadowing / solar glare
- Wind Microclimate
- Intra Development Cumulative Effects
- Summary of mitigation & residual effects
- ES Vol III – Townscape, Heritage & Visual Impact Assessment (and Addendum) (Miller Hare/ Tavernor Consultancy)
- ES Vol IV – ES Appendices
 - EIA Scoping Report, Scoping Opinion and Subsequent Correspondence (CBRE/ WCC)
 - Historic Environment (Archaeological) Assessment (MOLA)
 - Phase I Environmental Assessment - Ground Conditions and Contamination (CBRE)
 - Transport Assessment (and Addendum) (Sweco)
 - Framework Travel Plan (Sweco)
 - Delivery, Servicing and Waste Management Plan (and Addendum) (Sweco)
 - Flood Risk Assessment incorporating SUDS Assessment and Drainage Strategy (Ramboll)
 - Ecological Impact Assessment (Lloyd Bore)
 - Air Quality (and Addendum) (Ramboll)
 - Noise and Vibration Impact Assessment (and Addendum) (Scotch Partners)
 - Outline Construction Environmental Management Plan (and Addendum) (CBRE)
 - Socio-Economics - Significance Thresholds and Baseline Data (and Addendum) (CBRE)
 - Daylight, Sunlight, Overshadowing and Solar Glare Results and Detailed Technical Methodology (and Addendum) (GIA)

STRUCTURE OF PLANNING STATEMENT

- 2.5 The next section of this statement, Section 3, provides a description of the Site and surrounds, and a summary of the relevant planning history. Section 4 describes the proposals and Section 5 provides a summary of the pre-application consultation that has informed the development of the scheme. Section 6 provides the planning policy context; Section 7

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comprises an assessment of the proposals against relevant planning policies and other material considerations; Section 8 sets out anticipated Section 106 Heads of Terms and CIL Contributions and Section 9 sets out the conclusions.

3.0 Site Context and Planning History

THE SITE AND SURROUNDINGS

The Application Site

- 3.1 The application site at 5 Kingdom Street is bounded by Harrow Road (and the Westway above) to the north, Westbourne Bridge to the west, the railway lines linked to Paddington station to the south, and other plots within the Paddington Central campus to the east.
- 3.2 The application site spans three levels which collectively form ‘the Site’:
 - 1. Railway track level – this is the lowest level of the site which is served by the Paddington Central Campus service road. It covers an area of 1.26 ha and is identified on drawing no. 606_07_001.
 - 2. Harrow Road level – this level sits above the track level and below Kingdom Street and covers an area of 0.9 ha. At the west of the site this level is open and represents a vehicular link from Harrow Road to the campus service road (down) and Kingdom Street (up). Across the remainder of the site, this level is enclosed as it sits below Kingdom Street. For the other developments in the campus, this level predominantly accommodates back of house space and parking. The extent of the site at this level is identified on drawing no. 606_07_002.
 - 3. Kingdom Street level – this level represents the ground floor of the campus. Across the remainder of the campus, it is the level at which buildings are accessed by the public, and where pedestrian movement and public realm is focussed. The extent of the site at this level is identified on drawing no. 606_07_003 and covers an area of 0.43 ha. In effect the ‘red-line’ of the site is three dimensional covering the area at Kingdom Street level and the extent of the relevant space which lies beneath it.
- 3.3 The Site is the last remaining significant plot to be developed within the Paddington Central campus. The campus has been constructed in phases over the last twenty years.
- 3.4 The Site currently accommodates a ‘meanwhile’ use which began in 2017. It comprises a temporary food and beverage venue operated by Pergola, which is accessed via Kingdom Street and spans across Kingdom Street and Harrow Road levels. The temporary building provides 353 sq. m. (GIA) of floorspace and currently has planning permission to operate until 23 December 2021.
- 3.5 Below Pergola at track level is an area of covered hard standing which is open to the elements to the north and south. This space (which we refer to as ‘the Box’) has been temporarily used for the storage of materials in association with the Crossrail construction process. It was originally intended to accommodate railway sidings in association with Crossrail, however these plans have changed, and the Box will be available for alternative development/occupation once Crossrail has completed. The Box is circa 8m in height and accommodates a series of columns which support the Kingdom Street podium structure above. The Box extends beneath Pergola, 4 Kingdom Street, Hotel Novotel London Paddington (3 Kingdom Street) and 1 Kingdom Street.
- 3.6 A service road leading away from the Harrow Road roundabout runs along the northern boundary of the site. It splits into two within the Site boundary; one route remains at track level and winds around the west and southern edges of the Site, and the other ramps up to Kingdom Street. A portion of the pavement around the junction between Harrow Road and Westbourne Terrace Road also falls within the Site boundary. The Westway (A40) runs from

3.0 Site Context and Planning History

east to west along the site's northern boundary and comprises an elevated dual carriageway above the Harrow Road.

Surrounding Context

- 3.7 The Site forms the western-most plot of Paddington Central which is, for the most part, owned and managed by British Land as a modern, mixed use campus. The site of the campus was historically used as goods yard to serve the Great Western railway. This was constructed in the early 1900s and demolished in the late 1980s. Subsequently, a mixed-use masterplan for the Site was prepared, identifying the Site for a variety of commercial and residential uses. Further to this an outline planning permission, for the masterplan of the Paddington Central campus, was granted on 23 May 2000 (ref: 97/06935/OUT). Further details of that permission are included in the 'Planning History' section below. The campus masterplan has since been delivered in a number of phases over the course of the 2000s and 2010s to create the Paddington Central campus as it exists today, with the exception of the Site which remains undeveloped.
- 3.8 The western part of the campus is known as Kingdom Street, and the eastern part is known as Sheldon Square. Kingdom Street is commercial in character and accommodates three office buildings (1, 2 and 4 Kingdom Street), the Novotel Hotel (3 Kingdom Street) and the undeveloped plot at 5 Kingdom Street (the site). The existing modern, large scale buildings provide circa 10 storeys plus plant above Kingdom Street. In terms of materiality, the office buildings utilise glazing and grey coloured metal cladding, and the hotel building utilises copper based brass and gold shingles.
- 3.9 Sheldon Square is more mixed use in character and is set around the amphitheatre. This is an outdoor area that serves as an amenity space for local residents, employees and visitors. It is also used for a variety of events which are programmed and managed by British Land. A number of commercial units, which primarily provide convenience food and retail, are located around the base of the amphitheatre. Sheldon Square accommodates four large scale blocks. The two to the west of the Square are office buildings and the two to the east are residential buildings with ground floors and basements in commercial use. A marketing suite is located to the south-east of Sheldon Square, and in May 2018, planning permission was granted for a ground plus 19 storey hotel in its place.
- 3.10 Paddington Central is defined by different forms of infrastructure which surround the campus on all sides, including Paddington Station railway lines to the south; Westbourne Bridge to the west; Harrow Road/Westway to the north; and the canal/Bishop's Bridge Road to the east. Beyond the campus to the north of the Westway is Little Venice, which comprises predominantly low density residential areas. The area to the west of the Site and wider campus comprises largely railway infrastructure and associated land, it is currently open in character. To the south of the railway lines are the Bayswater area and Paddington Station environs. Bayswater is predominantly residential and accommodates a mix of scales and typologies. The Paddington Station area is predominantly commercial in character. It accommodates a mix of building scales, including some large-scale buildings along Eastbourne Terrace. To the east of Paddington Central is Paddington Basin, which has been a focus for new, large scale development in recent years, including tall buildings. Both housing and commercial uses have been delivered as part of the regeneration of the Basin, and more development is in the pipeline. This pipeline includes the Paddington Cube (commercial, 19 storeys), Paddington Triangle (commercial, 21 storeys), and 1, 2 and 6 Merchant Square (residential and commercial, 15-42 storeys).

3.0 Site Context and Planning History

Strategic Planning Context

- 3.11 The Site is located within the POA, as defined by both the London Plan and Westminster's City Plan. Given the amount of development that has already occurred in recent years, the POA is relatively 'mature' in its evolution. However, the continued investment in infrastructure in the area (most prominently the delivery of Crossrail) creates capacity for further development in Paddington, and a need for this location to accommodate a significant amount of London's/Westminster's growth. This is reflected in the London Plan's increased new job forecasts for Paddington, which were 5,000 in the adopted London Plan (2016) and have risen to 13,000 in the Draft London Plan (Intend to Publish version, 2019). The importance of the POA in delivering significant new development is also reflected in Westminster's City Plan (2016) which states that it is the Council's "most significant opportunity for large-scale regeneration".
- 3.12 The Site is also located within the CAZ which describes London's geographic, economic and administrative core. It represents the largest concentration of London's financial and globally-oriented business services and has historically experienced the highest rate of growth in the capital. In addition to its business function, the CAZ also characterised by its diplomatic, cultural, tourism and leisure/entertainment roles. The Site is located at the north-west boundary of the CAZ.
- 3.13 The Site is identified at the local level as forming part of the NWEDA which covers 4 of the 5 wards suffering the greatest deprivation within Westminster, and also the POA (which lies within the CAZ). The objective of the NWEDA is to ensure that regeneration delivers benefits to and is integrated with these deprived communities, including securing a range of economic and physical benefits. The Westminster City Plan states that Paddington plays an important part in linking the deprived areas to the CAZ, and as the Site is geographically at the boundary of the CAZ/Opportunity Area, it has a particularly important role in establishing this link.

Listed Buildings, Conservation Areas and Registered Parks

- 3.14 The application site does not contain any listed buildings, nor does any part of the Site fall within the boundary of a Conservation Area.
- 3.15 There are however a number of listed buildings in the vicinity of the site, and those within 500m of the Site are identified in the Townscape, Heritage and Visual Impact Assessment (THVIA) which forms Volume III of the Environmental Statement submitted as part of this application. The listed buildings located closest to the Site include:
- Westbourne Bridge – Grade II
 - 140 Westbourne Terrace – Grade II
 - Orsett House – Grade II
 - 1-6 Westbourne Terrace Road – Grade II
 - 7-12 Westbourne Terrace Road and The Bridge House – Grade II
 - 14-20 Westbourne Terrace Road – Grade II
 - 21-26 Westbourne Terrace Road – Grade II
 - British Waterway Board Canal Office – Grade II
 - Paddington British rail Maintenance Depot, West Block – Grade II*

3.0 Site Context and Planning History

- Paddington British rail Maintenance Depot, East Block – Grade II*
- 3.16 The Site lies in proximity to the Maida Vale Conservation Area (north) and the Bayswater Conservation Area (south). Also, within 1km of the Site are the Westbourne, Paddington Green, Hallfield Estate, Queensway and Pembridge Conservation Areas.
 - 3.17 Slightly further afield are Registered Parks, including Primrose Hill (Grade II), Regent’s Park (Grade I), Hyde Park (Grade I) and Kensington Gardens (Grade I).
 - 3.18 Further details of these heritage assets and their relative significance are included in the THVIA.

Public Transport Accessibility

- 3.19 The Site is highly accessible by public transport and has a Public Transport Accessibility Level (PTAL) rating of 6a, which represents an excellent level of accessibility. This will increase to 6b (which is the highest rating possible) in 2021 according to TfL’s forecasts.
- 3.20 Paddington Station is in close proximity to the Site. This serves a number of national rail routes to the west and south west of the UK. Paddington Underground Station is served by the Bakerloo, Circle, District and Hammersmith and City lines. In addition, there are a number of bus routes within walking distance of the site. The public transport accessibility of this site will be further enhanced by way of the opening of a new Crossrail (Elizabeth Line) station at Paddington in approximately summer 2021.
- 3.21 The Site is within walking distance of Warwick Avenue Underground Station (served by the Bakerloo Line) and Royal Oak Underground Station (served by the Hammersmith and City and Circle lines). Currently these stations are quite difficult to access from Kingdom Street.
- 3.22 There is a lack of pedestrian permeability to the areas beyond Kingdom Street caused by existing barriers to movement resulting from the level changes and the surrounding infrastructure network. These include railway lines, bridges and busy roads.

RELEVANT PLANNING HISTORY

Outline Planning Permission - 2000

- 3.23 As mentioned above, outline planning permission for redevelopment of the Paddington Central site was granted on 23 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 buildings in buildings between 7 and 13 storeys in height. Creation of new access of 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”.
- 3.24 That outline planning permission was the subject of a minor material amendment (under section 73) dated 18th May 2010 (Ref 09/08354/FULL) for the variation of Condition G.2 to permit an increase in the amount of ancillary office accommodation below the podium deck level (ground floor level) of the new buildings from the approved 10,704m² to 12,394m².
- 3.25 Within this approved masterplan, 5 Kingdom Street was identified as a ‘landmark’ building which would be the tallest on the campus and was very much intended to form the terminus of Kingdom Street, which itself would be a cul-de-sac. The extent and layout of the approved masterplan is set out below, the Site is located at Plot I.

3.0 Site Context and Planning History

Paddington Central Outline Planning Permission Masterplan



Siddell Gibson, 2000

Reserved Matters Approval - 2010

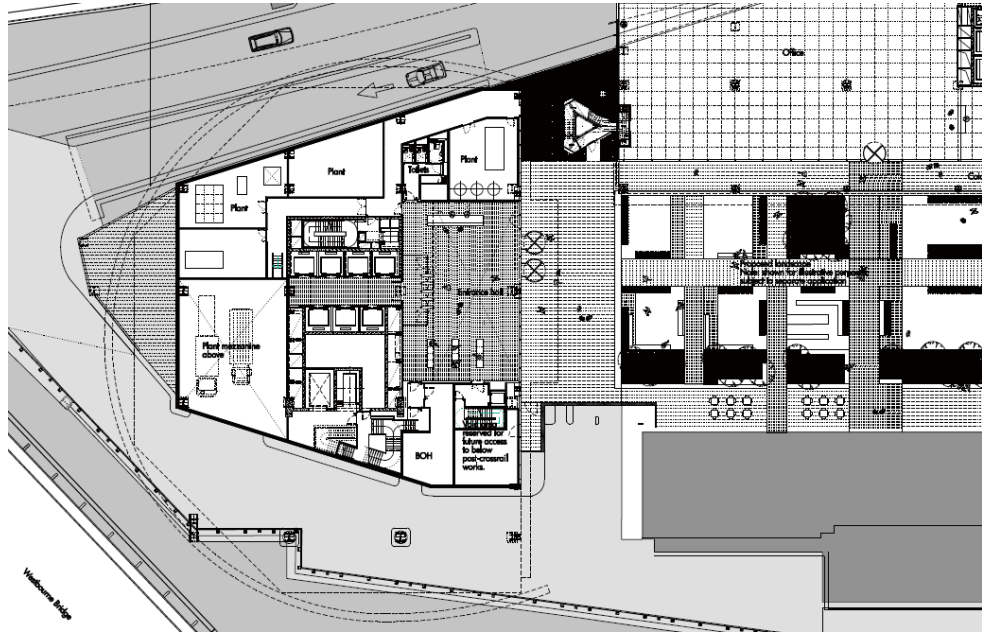
- 3.26 In 2009, the previous owner of the Paddington Central campus sought reserved matters approval for 4 and 5 Kingdom Street. At this point in time, 1 Kingdom Street, 3 Kingdom Street and the buildings around Sheldon Square had been completed, and 2 Kingdom Street was under construction.
- 3.27 The description of development of the reserved matters application (Ref. 09/08353/RESMAT) as approved by Westminster Council on 12th January 2010 is as follows:
- “Reserved matters approval in relation to the last two buildings at 4 and 5 Kingdom Street pursuant to Condition A.1(a),(b),(c) in part relating to the layout, siting means of vehicular and pedestrian access, parking, detailed design and external appearance and the surface treatment of any part of the site not covered by buildings or formally landscaped areas and Condition M.1 (disabled access) attached the outline planning permission dated 23 May 2000 (as amended by 09/08354/FULL), for one 13 storey office building plus plant room and one 10 storey office building plus plant room”.*
- 3.28 The design concept for the implemented scheme was described in the reserved matters Design and Access Statement (2009) as follows:
- “The proposal for Five Kingdom Street is consistent with the concept of a taller, ‘landmark building’ described in the consented masterplan. Its design celebrates its status as the gateway to the Paddington regeneration area and Westminster as a whole. The building will mark the culmination to Kingdom Street” (p31).*
- 3.29 A summary of the key feature of the implemented scheme is set out below:
- Use – office (B1a)
 - Amount – 26,192 sqm (GEA)
 - Height – 13 storey building, plus double height plant space

3.0 Site Context and Planning History

- Form – regular/flat frontage onto Kingdom Street, with a partial hexagonal form on all other sides which is wrapped by a curved external screen
 - Architecture – a ‘Kingdom Street-like’ glass and metal façade at the east elevation, and a continuous curved metallic brise-soleil along the north, west and south elevations
 - Access – via Kingdom Street only
- 3.30 A ground floor plan and CGI of the implemented scheme (Figures 1 and 2) are illustrated overleaf.
- 3.31 The approved development at 4-5 Kingdom Street has now lawfully commenced pursuant to the above referenced approvals. Westminster Council issued a Certificate of Lawful Use or Development to confirm this on 24th January 2012 (Ref 11/12117/CLEUD). The wording on the first schedule to this Certificate is as follows:
- “Confirmation that enabling and foundations works carried out on the site of 4 and 5 Kingdom Street are lawful as they are constitute material operations within the scope of the reserved matters approval and planning permissions for 4 and 5 Kingdom Street and that works took place before the expiry of the time limits imposed”.*
- 3.32 Since 2012, works to build out 4 Kingdom Street commenced, and the development completed in 2017. It was intended that the construction of 4 and 5 Kingdom Street would be phased, and that No. 4 would be constructed first. Beyond the enabling and foundations works mentioned above, no further works to construct the approved office building at 5 Kingdom Street have been undertaken.
- 3.33 The reserved matters approval for 5 Kingdom Street (hereafter referred to as the ‘Implemented Scheme’ at the site) included all details of the development, and so no further approval needs to be sought from Westminster City Council to allow development to go ahead. Furthermore, there are no outstanding planning obligations associated with the Implemented Scheme which would need to be satisfied prior to commencement of the development.
- 3.34 There is just one outstanding planning obligation which would need to be satisfied prior to the occupation of the implemented scheme. Part 6(c)(iv) of the Second Schedule of the Section 106 Agreement dated 23rd May 2000 requires a Social and Community Fund Account Contribution. Before 4 Kingdom Street was occupied, a (sixth) deed of variation to the S106 was completed in July 2017 to split the Contribution of £1,400,000 (index linked) between 4 Kingdom Street and the Implemented Scheme at the site. The deed confirmed that the contribution is £586,600 for 4 Kingdom Street (a total payment of £930,292 incorporation indexation was made to WCC in August 2017) and £813,400 for the Implemented Scheme (this payment incorporating indexation is currently running at this payment including indexation is currently running at c. £1.34m).

3.0 Site Context and Planning History

Figure 1: Ground Floor Plan of the Implemented Scheme



Allies and Morrison, 2009

Figure 2: CGI of the Implemented Scheme



Allies and Morrison, 2009

3.0 Site Context and Planning History

Temporary Planning Permission - 2017

- 3.35 In March 2017, consent was granted for:
- “Temporary use of cleared site at 5 Kingdom Street as restaurants (Class A3) and bar (Class A4) and erection of a temporary two storey building, with temporary access arrangements from Kingdom Street and Westbourne Bridge Road” (Ref 16/12331/FULL).*
- 3.36 The temporary development (operated by Pergola) has since been constructed and is in operation.
- 3.37 The planning permission was initially granted for a two-year period as controlled by conditions 12 and 15 of the permission. Planning Condition 15 was included to account for a review of the Operational Management Plan following the first year of trading and was discharged in March 2018 (REF: 18/00244/ADFULL).
- 3.38 A number of minor material amendments to the planning approval to extend the use of the Site have been made:
- An extension for one further year (until 23 December 2019) was approved on 25 October 2018 (18/07862/FULL).
 - A further extension for one year (until 23 December 2020) was approved on 12 September 2019 (19/07081/FULL); and
 - A further extension for one further year (until 23 December 2021) was approved on 15 April 2020 (20/02491/FULL).

4.0 The Proposals

VISION FOR PADDINGTON CENTRAL

- 4.1 The applicant, British Land, acquired Paddington Central in 2013, and has since invested significantly into the campus. Key investments have included improving the quality and experience of the public realm; building links with the community through local projects and volunteering, modifying campus buildings to improve their sustainability performance, and diversifying land uses at ground floor level to create vitality and vibrancy in the public realm.
- 4.2 These recent investments have been delivered in line with British Land's wider strategy to create 'Places People Prefer', as well as its vision for the campus, which can be summarised as follows:
- A vibrant, diversified and mixed-use campus in which to live, work and relax;
 - Somewhere that is seen by locals and visitors as an integrated piece of London's urban fabric;
 - An attractive location for global and local businesses of all types and sizes able to compete with London's best workspaces;
 - A place that is enlivened 7 days a week, capitalising on Paddington's improving transport connections and investment in Crossrail.
- 4.3 Whilst the implemented scheme for the Site would provide a significant quantum of high quality, large floorplate office space which meets modern business needs, British Land has identified an opportunity for this site to make a greater contribution to the local area, and to better reflect its vision for the campus. The most apparent opportunities comprise:
1. The ability of the Site to facilitate movement between Harrow Road (and NWEDA) and Kingdom Street (and the CAZ/POA); and
 2. The ability to connect into the Box and to make it a publicly accessible asset which provides leisure and cultural facilities for the wider community to use and enjoy.
- 4.4 The proposed development has been conceived with these opportunities in mind.

DESIGN BRIEF

- 4.5 The new proposals for the Site have been designed by award-winning architects Allies and Morrison and have evolved from a set of key design principles which collectively form a brief for the scheme. These principles are detailed in the Design and Access Statement submitted alongside this application and include:
- Landmark quality – the prominent location of the building, particularly from the Westway and the approach to Paddington Station by rail, but also from other long and short distant views, requires a memorable building. A building of landmark quality is also required to act as a distinctive marker of the new route through the building – see below.
 - Connectivity – the creation of a generous, high quality and activated route through the building to provide a safe, attractive and legible link – transforming Kingdom Street from a cul-de-sac to an important point in the sequence of movement connecting Paddington (and the CAZ beyond) and North Westminster.
 - Community – ensuring an inclusive environment that is and feels accessible to all. This includes specific 'Designing for Dementia' features, and the provision of facilities and spaces which respond to the desires and need of the community.

4.0 The Proposals

- Flexibility – designing uses and spaces for adaptability to suit the evolving demands of the community, and to respond to changing workspace requirements over time.
- Sustainability – incorporating best practice design, construction and operational management in terms of energy efficiency, waste and recycling, active transport and urban greening and biodiversity.
- Wellness – wherever practical we are seeking to apply the ‘WELL’ standard to spaces that support health and wellbeing, including promoting active movement and transport and access urban greening.
- Stewardship – ensuring a design that is durable, robust and adaptable, and which is supported by British Land’s extensive and established management strategy of active stewardship to ensure the Paddington Central maintains and enhances its reputation as a successful place for all.

DESIGN EVOLUTION

- 4.6 Whilst the extant permission remains a deliverable option for the site, British Land recognises, particularly with the ability to include the Box into the scheme, that there is an opportunity to create a development that is more appealing, both visually and in terms of the character, quality and use of the space it provides.
- 4.7 The application proposals have been the subject of ongoing pre-application discussions with Westminster Council, the Greater London Authority and other key stakeholders. The scheme has gone through several design iterations to positively respond to the pre-application feedback received. Further detail regarding this process is set out in Section 5 of this report, the Design Development section of the Design and Access Statement and the Statement of Community Involvement.

APPLICATION PROPOSALS

- 4.8 The application seeks full planning permission for:
- “Erection of a mixed-use development comprising ground floor (at Kingdom Street level) plus 19 storeys to provide offices (B1a) and retail (A1/A3) plus plant and amenity areas at roof level. Three floors below Kingdom Street delivered in phases to provide an auditorium (Sui Generis), and a flexible mix of business (B1a), retail (A1/A3/Sui Generis), sport and leisure (D2) and exhibition/conference (D1/Sui Generis) uses within the former ‘Crossrail box’. New outdoor terraces adjacent to railway at basement level; creation of a new pedestrian and cycle link between Harrow Road and Kingdom Street including internal and external garden and landscaping; and associated works”.*

Proposed Site Levels

- 4.9 The composition and arrangement of the proposed development is complex, owing to the changing levels across the site. Table 1 indicates the terminology used to describe the levels of the site.

4.0 The Proposals

Table 1 – Proposed Building Levels

LEVEL	TERMINOLOGY
Level 01-18	Level 01-18
Roof plant and terrace	Level 19
Mezzanine	Mezzanine
Kingdom Street	Ground Floor Level
Harrow Road	Lower Ground Floor Level
Current void space within the Box	Upper Box Level
Track level/existing Box surface	Lower Box Level

Land Use Mix and Quantum

4.10 Table 2 below summarises the general location and floorspace quantum of the land uses included in the proposed development.

Table 2 – Land Use Quantum and Distribution

USE	LOCATION	TOTAL FLOORSPACE (SQ.M. GIA)
Office use (B1(a)) (including internal ancillary space)	Ground Floor Level, Mezzanine & Level 1 – 19	48,264
Flexible retail uses (A1, A3)	Lower Ground Floor Level	265 Maximum floorspace per use: 100% of total floorspace
Flexible retail/office uses (A1, A3, B1(a))	Lower Ground Floor Level, Ground Floor Level & Mezzanine	723 Maximum floorspace per use: 100% of total floorspace
‘The Garden’ (internal space) inc. café/bar (sui generis)	Upper Box Level, Lower Ground Floor Level, Ground Floor Level	1,635
Flexible commercial/leisure/cultural uses: <ul style="list-style-type: none"> ▪ Restaurant (A3); ▪ Market hall (sui generis) ▪ Conference / exhibition space (D1/sui generis); ▪ Cinema (D2); and ▪ Gym / sports (D2). 	Lower Box and Upper Box Levels 3,490 The maximum proportion of the total floorspace that could be provided by each use is as follows: <ul style="list-style-type: none"> ▪ Restaurant (A3) / Market hall (sui generis): combined, will make up to a maximum of 100% of total area; ▪ Conference / exhibition space (D1/sui generis): will make up to a maximum of 100% of total area; ▪ Cinema (D2): will make up no more than 50% of total area; and ▪ Gym / sports (D2): will make up no more than 50% of total area. 	
Affordable Workspace (B1(a))	Lower Box and Upper Box Levels	3,900

4.0 The Proposals

USE	LOCATION	TOTAL FLOORSPACE (SQ.M. GIA)
Auditorium (sui generis):	Lower Box and Upper Box Levels	738
Mixed use ancillary	Lower Box, Upper Box Levels and Lower Ground Floor Level	6,913

Description of Key Features

4.11 The key features of the proposed development are described in detail in the Design and Access Statement and summarised below.

- Architecture:** the form and architecture of the proposed development has been informed by an analysis of the Site and surrounds, including an assessment of townscape views. The irregular and dynamic form of the building has been designed to be viewed in the round – i.e. it presents a principal façade to all perspectives. The design of the façade builds on the dynamism of the building’s form, primarily by 1) offsetting the façade module slightly at each level to create a ‘twisting’ appearance when the façade is viewed as a whole, and 2) increasing the solidity of the building moving from bottom to top, which is achieved by increasing the solidity of individual façade modules with each additional floor level.
- Approach from Kingdom Street:** the approach to the ground floor of the building from Kingdom Street will comprise a soft and hard landscaped space to be used primarily by pedestrians who are moving through the Site to continue their journey onto Harrow Road, or accessing the building to utilise its facilities, or perhaps a combination of both. A large staircase and public lifts are available at this level which lead users down to the route through the building or public facilities. Office floorspace (B1) can be accessed at this level to the north of the main staircase, and flexible commercial space (A1/A3/B1a) can be accessed to the south of the main staircase, within a two-storey podium structure which infills the space between the Novotel building and the core footprint of the proposed development.
- Approach from Harrow Road:** the approach to the lower ground floor of the building from Harrow Road will comprise a new area of soft and hard landscaping which is currently used as an egress point for campus service vehicles. The proposed exclusion of service vehicles creates an opportunity to significantly transform this space, which will be used by pedestrians and cyclists, (each with their own distinctive and signed routes) as a route into the building, and beyond to Paddington. Part of the landscaped area will be sheltered by a double height canopy which extents westwards from the core footprint of the building, and part of the space beneath the canopy will incorporate office floorspace (B1) or a retail (A1/A3) unit.
- Public pedestrian route through the building:** the level change between Kingdom Street (ground) and Harrow Road (lower ground) is currently complex and further reinforces existing movement barriers between the two spaces. The proposed route simplifies and deals with these transitions between multiple levels using a generous staircase and public lifts located at the Kingdom Street end of the building. The landscaping and public art which will be installed at both the east and west approaches will continue throughout the internal route to aid legibility through the building. The public garden (see below) and retail uses will activate the space to enhance and enliven the experience of moving between Kingdom Street and Harrow Road.

4.0 The Proposals

- **Public garden:** at the heart of the route is a public garden. This is a publicly accessible internal garden which includes a café/ bar, (sui generis), is proposed through the lower levels between Kingdom Street (Ground Floor Level) and Harrow Road (Lower Ground Floor Level), creating a public pedestrian route, sheltered from the elements. This will provide an internal equivalent of a public square or garden. It will be a green, relaxing space, providing visual amenity and a softer landscape to the surrounding infrastructure of the railway, Westbourne Bridge, Harrow Road and the Westway. It will complement and provide an internal alternative to the outdoor public space at Sheldon Square and will also be programmed to host events and activities for the community.
- **Cycle route through the building:** the cycle route links the existing estate road at the southern boundary of the Site to the newly landscaped space at Harrow Road, providing a safe and attractive route for cyclists to move between Paddington and Harrow Road.
- **Public art:** a series of public art installations will be provided both externally and internally along the public route to aid legibility and to provide an engaging and interesting experience for pedestrians.
- **The Box:** a significant opportunity exists to incorporate into the scheme the very large space which sits beneath Kingdom Street. This was originally constructed for the Crossrail project, which will soon be completed. The forgotten space is proposed to be split into two levels (described as the 'Upper Box' and 'Lower Box') and repurposed for a mix of leisure, commercial and cultural facilities, in line with the site's CAZ location and high levels of public transport accessibility. The space will include:
 - A multifunctional auditorium space (sui generis) with a capacity of 250 (seated). Daytime weekday use would generally be focused on the business community (within Paddington Central and beyond) as a venue for talks and conferences. It is anticipated that the space could be used for theatre, concert, community and other events in the evenings and at weekends. The auditorium will be available free of charge for community use and events four times a month.
 - 3,900 sqm of affordable workspace, as described in more detail below.
 - A flexible mix of additional uses, which might include a restaurants or food market hall (A3/sui generis), sport and leisure space (D2), cinema (D2), and space for exhibitions/conference events (D1/sui generis).

Such a range of amenities will enhance the attractiveness of Paddington as a place to live and/or work. The mix of uses proposed within the planning application will be flexible to enable the scheme to adapt to suit shifting consumer and community demands and remain relevant over time. The intention is that the uses within the Box will be as much a resource for local communities as they will for those who work in and visit Paddington.

The specific layout of the Box space and the arrangement of single and double height spaces within it will be dependent on the mix of uses that are eventually brought forward and is therefore reserved by planning condition.

The delivery of the Box will be phased into two distinct phases, with the easternmost section of the Box forming phase two. These phases could come forward concurrently.

- **Office spaces:** office space will be provided on the upper floors of the building and part of the ground floor. The upper floors will be accessed via a lobby at ground level which overlooks the public garden. The office floorplates are arranged around a core located towards the north of the building. The resulting layout will maximise natural light entering

4.0 The Proposals

the building from the south and will create a highly flexible space which can be open plan or can be sub-divided to create a number of smaller business units. The proposed office accommodation will incorporate affordable and flexible space – see below.

- **Affordable workspace:** 3,900 sqm of affordable workspace will be delivered in the Box and provided for the life of the building. Key features include;
 - The affordable rates will be provided on an all-inclusive bases, to keep costs down for the end users, and will be discounted by 50% on average across the whole space.
 - Securing a blended 50% discount means that the space can support a range of businesses at different stages of their evolution. Up to 100% discounts would be applied for the newest/most socially valuable businesses, and smaller discounts (not less than 10%) would be provided for the most established businesses who have grown up in the space and are nearly ready to enter the office market without support.
 - The space will be accessible in a variety of ways – co-working memberships will be available to those who do not require fixed workspace but who wish to benefit from occasional use of workstations, and more importantly from the business networking opportunities and the ‘community’ that will be created within the facility, through the running of business focused events, skills workshops etc. Fixed desks will be available for more established businesses, and small office spaces (potentially for 2-20 people) will be available for the most evolved small businesses.
 - To provide businesses with flexibility and low commitment, licenses as short as 1 month will be available, with longer terms available for any businesses who require slightly longer-term certainty.
 - The ‘community’ function will include the provision of collaborative spaces which can be used for network and other activities. Four free community-based (i.e. not customer orientated) events will also be programmed per year. A portion of the co-working space will be marketed to local residents for a minimum of two weeks through relevant local networks.
 - The operator will form links with local education institutions such as Westminster Academy, City of Westminster College and Marylebone Boys’ School to enable work placements and skills-based activities.
 - The space will be accompanied by a business support fund to help local start up and SME businesses thrive, and to support outreach projects with local schools and groups. This fund will be instigated by a £50,000 investment from British Land and is expected to be maintained by a combination of grant funding and through any excess rates generated if the average 50% rates discount is exceeded.
 - A detailed Affordable Workspace Strategy will be finalised when an operator is identified for the space. Any updates made beyond this point will require the approval of the council.
 - A detailed Affordable Workspace Support Fund Strategy will be secured prior to the first occupation of the affordable workspace. Any updates made beyond this point will require the approval of the council.

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- **Parking:** both short and long stay cycle parking will be provided in accordance with the standards set out in the draft London Plan. This will predominantly be located in the Box, with the exception of a proportion of the short stay cycles which will be accommodated externally on Kingdom Street and the West Link. Apart from blue badge holder car parking, which will be provided at lower ground floor level and accessed via the existing estate road arrangement, no private car parking is proposed by this development.
- **Taxis:** 3 dedicated taxi drop off/pick up bays are proposed along the southern service road, at Lower Box Level.
- **Servicing:** servicing will occur from a dedicated service bay at the western elevation of the building, located at Lower Box level. Service vehicles will access this space via the existing estate road at Lower Box level. This is a private road which will be connected to the public highway at Harrow Road.
- **Plant:** mechanical plant and services will be primarily located within the northern section of the Box, and at roof levels.

CHANGES TO THE USE CLASSES ORDER

- 4.12 In July 2020 the Government introduced regulations to reform and simplify the Use Classes Order which will create a new broad category of ‘commercial, business and service’ uses (Class E) that will include uses such as shops, restaurants, cafes, offices, workshops, gyms and commercial services. Bringing these uses together and allowing movement between them is intended to give businesses greater freedom to adapt to changing circumstances and respond more quickly to the needs of communities.
- 4.13 A new community and learning category (Class F.1) is also introduced which will include activities such as museums, public halls and exhibition halls. In addition, a number of uses, including cinemas and concert halls, will be identified as ‘sui generis’, meaning planning permission is required for any material change of use.
- 4.14 The regulations come into force on 1 September 2020, i.e. before this planning application will be determined. In anticipation of these changes taking effect, we have prepared a version of the land use schedule that shows how the use classes would be described from September:

Table 3: Land Use Quantum and Distribution (Before and After 01/09/2020)

USE (BEFORE 1/9/20)	USE (AFTER 1/9/20)	LOCATION	TOTAL FLOORSPACE (SQ.M. GIA)
Office use (B1(a)) (including internal ancillary space)	Office use (E) (including internal ancillary space)	Ground Floor Level, Mezzanine & Level 1 – 19	48,264
Flexible retail uses (A1, A3)	Flexible retail uses (E)	Lower Ground Floor Level	265 Maximum floorspace per use: 100% of total floorspace
Flexible retail/office uses (A1, A3, B1(a))	Flexible retail/office uses (E)	Lower Ground Floor Level, Ground Floor Level & Mezzanine	723 Maximum floorspace per use: 100% of total floorspace

4.0 The Proposals

'The Garden' (internal space) inc. café/bar (sui generis)	'The Garden' (internal space) inc. café/bar (sui generis)	Upper Box Level, Lower Ground Floor Level, Ground Floor Level	1,635
Flexible commercial/leisure/cultural uses: <ul style="list-style-type: none"> ▪ Restaurant (A3); ▪ Market hall (sui generis) ▪ Conference / exhibition space (D1/sui generis); ▪ Cinema (D2); and ▪ Gym / sports (D2). 	Flexible commercial/leisure/cultural uses: <ul style="list-style-type: none"> ▪ Restaurant (E); ▪ Market hall (E) ▪ Conference / exhibition space (F.1/sui generis); ▪ Cinema (sui generis); and ▪ Gym / sports (E). 	Lower Box and Upper Box Levels	3,490 The maximum proportion of the total floorspace that could be provided by each use is as follows: <ul style="list-style-type: none"> ▪ Restaurant / Market hall: combined, will make up to a maximum of 100% of total area; ▪ Conference / exhibition space: will make up to a maximum of 100% of total area; ▪ Cinema: will make up no more than 50% of total area; and ▪ Gym / sports: will make up no more than 50% of total area.
Affordable Workspace (B1(a))	Affordable Workspace (E)	Lower Box and Upper Box Levels	3,900
Auditorium (sui generis):	Auditorium (sui generis):	Lower Box and Upper Box Levels	738
Mixed use ancillary	Mixed use ancillary	Lower Box, Upper Box Levels and Lower Ground Floor Level	6,913

4.15 The planning policy assessment set out in Section 7 is based on the Use Class Order currently in operation.

5.0 Pre-submission Engagement

- 5.1 There has been extensive engagement with Westminster Council Planning officers and members over a number of years. Consultation has also been undertaken with officers at Historic England, Greater London Authority (GLA) and Transport for London (TfL). The applicant has actively sought the opinions of local stakeholders and the community through a programme of public exhibitions, events and online/social media platforms. The proposals have been fundamentally influenced by the engagement process that has taken place prior to the submission of the application, and consultation will continue to take place during the course of determination and beyond.
- 5.2 This section of the planning statement focuses on the interaction with officers at Westminster, Historic England, GLA and TfL. Engagement with the community, local stakeholders and other interests is set out in the Statement of Community Involvement prepared by Kanda which forms part of the planning application.

Pre-2018

- 5.3 Following the acquisition of Paddington Central by British Land in 2013, a series of draft proposals were presented to Westminster City Council's planning officers. These can be found in the Design Development section of the Design and Access Statement. The uncertainty in the property market caused in a significant part by Brexit concerns led British Land to place pre-application discussions on hold until 2018.

2018-2019

- 5.4 Since 2018, the applicant has undertaken a series of workshops with officers to help inform and explain the emerging proposals. These have principally focused upon land use, townscape and heritage and architectural design issues. Having reached an understanding on these key issues, a formal pre-application advice request was submitted in early 2018. The request concerned a development of identical massing to this planning application submission, however as the applicant was in the process of consulting with local stakeholders, the uses identified within the Box were indicative and unresolved.
- 5.5 The feedback from this meeting in terms of the principal planning issues can be summarised as follows:
- Office space is acceptable in principle.
 - The implemented reserved matters planning permission for this site (09/08353/RESMAT) is relevant to consideration of mixed-use policy for future proposals. That consented office floorspace is confirmed as being the fall-back position for the site.
 - Should residential uses not be provided on site, a payment in lieu of this may be appropriate, and the level of payment may be subject to financial viability assessment.
 - Any retail space should not harm other local shopping centres.
 - Community facilities should form part of the application.
 - The new pedestrian route is a very positive aspect of the scheme and makes a significant contribution to place shaping.
 - The potential uses with the Box potentially complements the amenity value of the site.
 - The proposals will need to be assessed in terms of their impact on local amenity.
 - The detailed architectural design of building is welcomed and there is no objection in principle to the architectural approach to the façade.

5.0 Pre-submission Engagement

- The scale of the building needs to be fully tested in the Townscape Heritage and Visual Impact Assessment. The degree of harm to the significance of designated heritage assets is likely to be in the category of ‘less than substantial’.
 - It will need to be demonstrated that the level of public benefits outweighs any harm caused by the building’s height and massing.
- 5.6 A meeting took place in 2019 with officers from Historic England, and the feedback received focussed on the impact of the proposed development on the setting of affected designated heritage assets. Historic England has advised that in its view, the impacts of the development on these heritage assets is less than substantial.
- 5.7 A pre-application meeting also took place with the GLA and TfL in 2019. These application proposals are referable to the Mayor of London in accordance with the criteria set out in the Mayor of London Order 2008. The advice received can be summarised as follows:
- The principle of an office led scheme is strongly supported.
 - An affordable housing contribution will be sought on an uplift in floorspace above the consented scheme subject to a financial viability assessment.
 - The principle of a multi-functional use for the Box is supported.
 - The principle of a tall building is supported, and the massing improves upon the extant scheme creating an elegantly proportioned tower.
 - Based on the visualisations presented to date, it should be possible to outweigh any potential harm arising through a sound public benefits package.
 - Further discussion on affordable business space is required.
- 5.8 The planning application submitted in May 2019 responded to this feedback.

2020

WCC Planning Committee

- 5.9 The planning application submitted in May 2019 was considered at WCC Planning Committee on 7 January 2020. The Committee resolved to refuse planning permission (in line with the planning case officer’s recommendation) on the following grounds:
- 5.10 *“Subject to referral to the Mayor of London, resolved to refuse permission on design, townscape and heritage grounds and that insufficient information has been submitted to demonstrate that the proposed building would not result in a cumulative material loss of light to the detriment of the amenities of the occupiers of the properties on Westbourne Terrace Road and Warwick Crescent.”*

Mayor of London Stage 2 Referral

- 5.11 In March 2020, Jules Pipe (Deputy Mayor for Planning, Regeneration and Skills) directed that the Mayor will act as the local planning authority for the purposes of determining the above planning application. His reasons stated in the Stage 2 letter to WCC are as follows:
- a. The development would have a significant impact on the implementation of the London Plan because of the potential for the scheme to contribute towards the aims of London Plan Policies 2.10, 2.11, 2.13 and 4.2, London’s economy and the implications for London’s continued success as a world city;

5.0 Pre-submission Engagement

- b. The development would have a significant effect on more than one London Borough because of a clear functional relationship with the wider CAZ and Paddington Opportunity Area. Furthermore, the site is located within an area of nationally significant economic activity which contributes towards the strategic employment function of London as a whole.
 - c. There are sound planning reasons for the Mayor's intervention, because failure to promote appropriate development on sites such as this could potentially impact upon the economic health of the Central Activities Zone, the Paddington Opportunity Area and London as a whole, as well as wider regeneration objectives for the Opportunity Area.
- 5.12 The letter also refers to recognition that the City of Westminster and the Westminster CAZ has experienced a net loss of B1 office floorspace in recent years and that new employment floorspace is required in order to meet the City Plan target of 58,000 new jobs (774,000sqm B1 office floorspace) between 2016/17 and 2036/37.

Amendments to the 2019 Proposals

- 5.13 Following consultations with the GLA, a number of amendments have been made to the original proposals submitted in May 2019.
- 5.14 These alterations seek to enhance the efficiency and public benefits of the proposed development without materially altering its environmental impacts. This has been achieved by making design changes at the top and base of the building to increase the quantum of net lettable office space it can accommodate. Increasing the net lettable area of the development has enabled a number of the public benefits it generates to be significantly enhanced, which principally includes an increased affordable housing payment in lieu; increased affordable workspace provision; and a commitment to achieve net zero carbon.
- 5.15 Detailed design discussions with GLA officers have taken place regarding the reconfiguration of the route through the building and the garden space. The revised design of the route has developed through these discussions to make it as intuitive, attractive to use and inclusive as possible.
- 5.16 Design discussions have also focussed on the form and colouring of the roof plant and core (which have increased in height as a result of the amendments). This has involved testing a range of roof profiles and shades of cladding to arrive at an appropriate design solution which is included in this submission.
- 5.17 Discussions with GLA officers have taken place regarding the enhanced public benefits, including the terms of the affordable workspace facility and how it will be delivered and operated.
- 5.18 A briefing with WCC officers was held, to set out the changes proposed to, and the benefits of, the amended scheme.
- 5.19 The project website has also been updated to reflect the changes made to the proposed development.

6.0 Planning Policy Context

- 6.1 This chapter sets out the relevant planning policy context against which the proposals for the Site will be assessed.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

STATUTORY DEVELOPMENT PLAN

- 6.3 The Development Plan for Westminster comprises:
 - The London Plan (as consolidated and amended March 2016);
 - Westminster City Plan (November 2016);
 - Saved policies from the Unitary Development Plan (UDP) (January 2007 as amended by Secretary of State Direction dated January 2010).

Development Plan Documents

The London Plan

- 6.4 The London Plan (as consolidated and amended March 2016), sets out the Mayor’s vision for London, integrating economic, environmental, transport and social policy, and the strategic priorities for sustainable development. The Plan covers the period to 2036 and identifies the following objectives:
 - A City that meets the challenges of the economic and population growth;
 - An international competitive and successful City;
 - A City of diverse, strong, secure and accessible neighbourhoods;
 - A City that delights the senses;
 - A City that becomes a world leader in improving the environment; and
 - A City where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities.

Westminster City Plan and Unitary Development Plan

- 6.5 Westminster’s City Plan was adopted in 2016 and forms the key policy document for determining planning applications in Westminster.
- 6.6 Westminster’s Unitary Development Plan (UDP) was approved by full council on 24 January 2007, and parts of it were ‘saved’ by the Secretary of State on the 24 January 2010. Some of these have also been replaced by Westminster’s City Plan, and the Council’s website advises that as the most local and up-to-date policies, the City Plan policies should be looked at first, and take priority over the saved UDP policies.

6.0 Planning Policy Context

MATERIAL CONSIDERATIONS

National Planning Policy Framework and Planning Practice Guidance

- 6.7 The National Planning Policy Framework (NPPF) was published and adopted on 19 February 2019, replacing the NPPF 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied; it is a material consideration in planning decisions.
- 6.8 At the heart of the NPPF is a presumption in favour of sustainable development. For plan-making, this means local planning authorities should positively seek opportunities to meet the development needs of their area, for decision-taking this means approving development proposals that accord with the development plan without delay. The NPPF encourages the re-use and redevelopment of previously developed land and the more efficient use of land.
- 6.9 This approach is reinforced by Policy S47 (Presumption in favour of development) of the Westminster City Plan, which states that when considering development proposals, WCC will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 6.10 For the purposes of decision-taking, the policies in the development should not be considered out-of-date simply because they were adopted before the publication of the NPPF. However, the policies in the NPPF are material considerations which the GLA should take into account. Due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.11 Also of relevance at the national level is the Government's Planning Practice Guidance (PPG) which also constitutes material consideration. The PPG consolidates previous national planning guidance (known as PPGs) and comprises an online resource which is regularly updated.

Westminster Supplementary Planning Guidance/Documents

- 6.12 WCC has also prepared a series of Supplementary Planning Guidance/Documents which are particularly relevant to this application including:
- Planning Obligations Section 106 SPG (2008)
 - Design Matters in Westminster (2001)
 - Inclusive Design and Access (2007)
 - Designing Out Crime in Westminster SPG (1997)
 - Recycling and Waste Storage Requirements (2019)
 - Draft Supplementary Planning Document – The Use of Planning Obligations and Other Planning Mechanisms (2015)

GLA Supplementary Planning Guidance/Documents

- 6.13 The GLA has also prepared a series of guidance documents which sits with the London Plan policy. The most relevant documents are outlined below:

6.0 Planning Policy Context

- London View Management Framework (March 2012)
- Central Activities Zone Supplementary Planning Guidance (2016)
- Sustainable Design and Construction Supplementary Planning Guidance (April 2014)
- Culture and Night-Time Economy (November 2017)
- Affordable Housing & Viability (August 2017)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Character and Context (June 2014)
- GLA Guidance on Preparing Energy Assessments (October 2018)

Emerging Development Plan Documents

The Draft London Plan

- 6.14 The Draft London Plan is at an advanced stage. In December 2019 the GLA published the Intend to Publish version of the London Plan, in response to the Inspectors' Report published on 8 October 2019.
- 6.15 On 13 March 2020, the Secretary of State wrote to the Mayor, setting out his consideration of the Mayor's Intend to Publish London Plan and an Annex with proposed amendments. The Mayor is considering the Secretary of State's response and will take the statutory steps to finalise the Plan. The Mayor published a response to the Secretary of State on 24 April 2020, asking to engage and finalise the modifications to the Plan – this stage is ongoing. Significant weight is attached to the Draft London Plan policies which are not subject to the Secretary of State's directions.
- 6.16 The Draft London Plan, the Draft London Plan sets out the Mayor's vision for London as:
- A 24-hour city;
 - A city for all Londoners, where no one is left behind;
 - A city with 'Good Growth', that reduces inequalities and makes the city a better place to live, work and visit;
 - A city with integration across policy areas to achieve sustainable growth;
 - A city with a thriving economy, for all Londoners;
 - A zero-carbon city by 2050.

The Draft Westminster City Plan 2019-2040

- 6.17 The council submitted the draft City Plan 2019-2040 to the Secretary of State for examination on 19 November 2019.
- 6.18 Examination hearings are due to take place in September-October 2020. Recent decision making by WCC indicates that the policies of the draft City Plan are being given limited weight until the Inspector's report is published. These draft policies do not form the part of CBRE's planning policy assessment in the next section.

6.0 Planning Policy Context

DEVELOPMENT PLAN SITE-SPECIFIC DESIGNATIONS

- 6.19 The London Plan Key Diagram (and the Draft London Plan Key Diagram) set out the following designations:
- CAZ
 - Opportunity Area
- 6.20 The following designations are applicable to the Site in the Westminster City Plan:
- CAZ
 - POA
 - NWEDA
 - Area of Wildlife Deficiency
 - Area of Play Space Deficiency

7.0 Planning Policy Assessment

INTRODUCTION

- 7.1 This chapter of the Planning Statement provides a description and assessment of each relevant element of the application proposals including justification in terms of relevant planning policies, as set out below.
- Land use
 - Office Use
 - Economic Regeneration
 - Mixed-Use Policy
 - Retail Use
 - Entertainment Use
 - Conference and Events Use
 - Auditorium/ Exhibition Space/ Cinema/ Gym Use
 - Design, Heritage, Townscape and Visual Impact
 - Design
 - Density
 - Height
 - Townscape, Heritage and Views
 - Environment and Sustainability
 - Minimising Carbon Dioxide Emissions
 - Sustainable Design and Construction (including BREEAM)
 - Biodiversity, Ecology and Urban Greening
 - Drainage and Flood Risk
 - Amenity
 - Daylight/Sunlight, Overshadowing and Solar Glare
 - Noise
 - Air Quality
 - Wind
 - Transport and Servicing
 - Servicing
 - Waste Management
 - Cycle Parking
 - Car Parking

7.0 Planning Policy Assessment

LAND USE

- 7.2 The proposed mix of uses for this scheme (which include a number of 'flexible' uses within the Box and at lower ground, ground and mezzanine levels), has been developed with a view to achieving British Land's long-term vision and strategy for Paddington Central as set out in Section 4. Part of that strategy is to deliver benefits to Westminster and the local community around Paddington.
- 7.3 The proposed building will deliver high quality office floorspace to meet demand within the POA. The new commercial, community, leisure and/or cultural uses provided on the lower levels will provide a positive amenity for the local community and add vibrancy to the area.

Office Use

Policy Context

Westminster

- 7.4 Policy S20 (Offices and Other B1 Floorspace) of the City Plan directs new office floorspace to defined locations within Westminster, including the POA. It also states that the council will work to exceed the target of additional B1 Office floorspace capacity for at least 58,000 new jobs (774,000sqm B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum.
- 7.5 Policy S3 (Paddington Opportunity Area) states that the POA has development capacity for at least 5,000 new jobs between 2011 and 2031 by provision of a range and mix of uses across the Opportunity Area including a range of offices, flexible workspaces and light industrial units including large floorplate office stock and affordable business floorspace suitable for small business and Creative Industries.

London Plan

- 7.6 Policy 2.10 (Central Activities Zone - Strategic Priorities) of the adopted London Plan seeks to support the role of the CAZ as one of the world's most attractive and competitive business locations by, amongst other things, ensuring that office development is not strategically constrained.
- 7.7 Further to this, London Plan Policy 4.2 (Offices) promotes office redevelopment to improve London's competitiveness and to meet the distinct needs of the central London office market. The supporting text to this policy notes that London might need between 4.6-5.2 million sq.m. (gross) office floorspace by 2031, with c. 3 million sq.m. of that needed in the CAZ and north of the Isle of Dogs.
- 7.8 Draft London Plan Policy E1 (Offices) promotes an increase in current office stock in the CAZ, which it indicates should accommodate 3.5 million square feet of new office space between 2016 and 2041.
- 7.9 Draft London Plan Policy SD4 (The Central Activities Zone) sets out a number of strategic objectives for the CAZ. Of particular relevance to these proposals is part B of this policy which states *'the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values'*.
- 7.10 The Draft London Plan sets new development targets for the POA, comprising 1,000 new homes and 13,000 new jobs for the period until 2041. The housing target is the same as that

7.0 Planning Policy Assessment

set out in the adopted London Plan, but the new jobs target represents an increase of 8,000 jobs (160% increase) against the adopted target.

Assessment

Planning Policy Targets

- 7.11 The application proposals include the provision of at least 48,264sqm GIA of office space in the main building. A further 3,900sqm GIA of affordable office floorspace is proposed within the Box and 723sqm GIA of office floorspace could also potentially be accommodated at the base of the building within spaces identified for flexible office, retail (A1) or restaurant (A3) space. The total extent of office accommodation proposed may therefore vary between 52,164sqm GIA and 52,887sqm GIA.
- 7.12 The provision of up to 52,887sqm of office space across the development will contribute significantly to the supply of high-quality, large floorplate space in the Central London office market, which is currently falling far short of demand. The scheme will deliver 1.5% of the quantum of office space identified in the draft London Plan as being required over the plan period and will therefore constitute a notable addition to Central London office supply, which is so important to London's success as a world city.
- 7.13 The provision of 52,887 sqm of office space is even more important in the context of Westminster, which according to its latest AMR 2020 has observed a large decline in office floorspace since 2013 - a net loss of over 341,569 sqm has completed and a further loss of 433,900 is currently under construction. In order to address recent net losses and to meet the adopted Westminster City Plan target of 774,000 sqm net additional office space, significant new office development is required in the borough and 5 Kingdom Street will contribute positively towards achieving this. The scheme will represent 7% of the adopted City Plan office delivery target, which is required to reverse the net loss of space experienced in recent years.
- 7.14 The Office Market Assessment by CBRE's Research team that accompanies this planning application sets out a detailed analysis of trends in the West End and Central London office markets. The key trends identified include:
- **The requirements of occupiers looking for modern, large floorplate offices:** Businesses are progressively less driven by association with a specific address, and are increasingly influenced by other locational factors, including amenity offer, accessibility and total occupation costs. This has resulted in a trend of businesses migrating outside of Westminster to areas such as King's Cross, Midtown, the City of London, the South Bank and Docklands which have been able to offer modern, large floorplate office stock.
 - **The rise of flexible workspace:** Businesses are increasingly turning to flexible office spaces to satisfy space requirements as such spaces offer businesses the ability to expand and contract to accommodate their requirements. Flexible office arrangements are typically best accommodated in large floorplate office space which benefit from higher design efficiencies and can be more easily adapted to suit a broad range of space requirements.
 - **The imbalance of supply and demand for high quality office space in Central London:** Even if all the identified potential West End office pipeline was to compete before 2023 (which is extremely unlikely in the current climate), this would still fail to adequately satisfy occupier requirements. This has been accentuated by the recent trend towards office to residential conversion in Central London. Between 2014 and October 2018, a total of 2.9m sq ft (269,000sqm) of office space was lost to residential use and there is a further

7.0 Planning Policy Assessment

2m sq ft (186,000sqm) of office to residential conversion space under construction and due to complete before the end of 2021. Office to residential conversion has been particularly acute in Westminster, accounting for 69% of all space lost in Central London between 2014 and October 2018 (plus the space currently under construction).

- The growing demand for businesses wanting to locate in Paddington:** Paddington has emerged as a particularly important sub market of the West End for office-based employment over the past 20 years, underpinned by quick direct access to Heathrow Airport, the forthcoming opening of the Elizabeth Line (Crossrail) and the increasing range and quality of the local amenity offer. This can be evidenced by (amongst other examples) the 4 Kingdom Street office scheme immediately to the east of this site. This was 100% let within 12 months following completion in April 2017.
- 7.15 The proposed development has been formulated to respond to current trends in the Central London office market, which are reflected in the development plan policies summarised in the section above and also identified in the Office Market Assessment by CBRE.
- 7.16 The quantum of office space included in the proposed development has been optimised to contribute to meet the growth requirements of businesses in the context of a highly constrained Central London market. This new supply will provide business with the opportunity to stay within/relocate to the CAZ, and more specifically to Westminster which is particularly constrained in supply terms.
- 7.17 The design and nature of the office space proposed also responds to business requirements by providing:
- high quality, large, flexible floorplates which can be subdivided in a number of ways to respond to a wide range of business needs;
 - flexible workspace (at least 1,500 sqm) for British Land's flexible office platform 'Storey', extending its existing presence in 4 Kingdom Street. This space will respond to the increasing requirement for flexible space from SME's and corporates;
 - affordable workspace (3,900 sqm) will also be provided at an average discount of at least 50% as against open market rent in the local area, will also be provided alongside a business support fund to help local start up and SME businesses thrive;
 - a business ecosystem accommodating a wide range of businesses, from start-ups, to SMEs to large organisations;
 - a range of amenities in the lower levels of the building responds to current occupier trends which seek diverse local facilities and a healthy and accessible environment in order to retain and/or attract talent.
- 7.18 CBRE Research has confirmed that whilst 2020 take-up has been impacted by Covid-19, looking ahead there is still strong demand for high quality, large floorplate office space in the West End submarket.
- 7.19 Overall, the proposals respond positively to modern business needs and will contribute to the success of the CAZ as a global economic centre, and more broadly London as a world city.

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ECONOMIC REGENERATION

Policy Context

Westminster

- 7.20 Policy S3 (Paddington Opportunity Area) states that the POA has development capacity for at least 5,000 new jobs between 2011 and 2031 through provision of a mix of uses across the Opportunity Area including large floorplate offices, flexible workspaces, light industrial units and affordable business floorspace suitable for small business and Creative Industries.
- 7.21 Policy S3 add that other uses including retail, social and community facilities, entertainment and arts/cultural uses will support the economic and social regeneration of the area. It also promotes public realm works to improve legibility and connectivity for pedestrians within and to/from the area; enhanced integration between all modes of public transport; and improvements to the cycle network and facilities - including the provision of a north/south route to improve accessibility within and to/from the Opportunity Area.
- 7.22 City Plan Policy S12 (North Westminster Economic Development Area) states that development in this area should contribute to increasing economic activity, or providing local services, or improving the quality and tenure mix of housing. It sets out a number of priorities that development in NWEDA should contribute towards. Whilst a number of these are location specific, the following are of relevance to this application proposals for 5 Kingdom Street:
 - Improving physical connections within the Economic Development Area including POA and its shopping centres, and to the CAZ;
 - Addressing severance and in some cases the poor local environment resulting from the Westway (A40), Harrow Road (A404), rail network, and canal;
 - Improving the public realm and local environment, particularly within Shopping Centres and housing estates;
 - Providing training, skills and employment opportunities for local people.
 - WCC’s borough-wide employment targets are detailed in the ‘Office Use’ section above.

London Plan

- 7.23 The London Plan office employment targets are detailed in the ‘Office Use’ section above. For Paddington, the Draft London Plan sets new development targets for the POA, comprising 13,000 new jobs for the period until 2041, which represents an increase of 8,000 jobs (160% increase) against the adopted target of 5,000 jobs.
- 7.24 Draft Policy E2 (Providing suitable business space) requires development proposals for new B Use Class business floorspace greater than 2,500 sqm (gross external area) to consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises.
- 7.25 Draft Policy E3 (Affordable workspace) states that in defined circumstances – including where identified as needing affordable workspace in local plans – obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.

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Assessment

- 7.26 The proposals address the above policies and deliver economic regeneration in Paddington and NWEDA by 1) addressing issues of physical severance caused by the Westway and other barriers to movement; 2) delivering thousands of jobs, and supporting skills and training to help local people to access these jobs; and 3) providing affordable and flexible workspace to help start-ups and SMEs to evolve into established and successful businesses. Each of these elements of the proposals are explained further below.

Addressing physical barriers

- 7.27 The application proposals will bring into beneficial use a key strategic site at the western end of the POA, which represents a key 'gateway' from the west into the CAZ and the West End.
- 7.28 Apart from the operational / storage use of the 'Box' space in association with the construction of Crossrail and the temporary use of the cleared 5 Kingdom Street site by Pergola for restaurant (Use Class A3) and bar (Use Class A4) purposes, this site has remained vacant for over 20 years. It represents the last part of the wider Paddington Central campus, that was previously in use as a railway goods yard, which has still to be redeveloped further to the grant of outline planning permission back in 2000.
- 7.29 A key challenge in delivering major redevelopment at this site is overcoming the physical constraints of the surrounding infrastructure. These include the Westway to the north, the London Underground and National Rail lines into Paddington station to the south and Westbourne Bridge to the west. This serves to create a physical barrier between this part of the POA and CAZ and those residential communities that surround the site, including those which fall within Westminster's defined NWEDA.
- 7.30 Further to their acquisition of Paddington Central, British Land commissioned Publica to undertake a detailed survey of the public realm and its surroundings in 2013 and a public realm vision for Paddington Central in 2014. The public realm vision set out overarching principles for the entire estate and its integration with the wider Paddington area. That work was subsequently updated by Publica in 2016.
- 7.31 Publica's assessment set out a number of principles and recommendations with a view to the objective of better integrating Paddington Central with the wider area. Those which are of particular relevance to these application proposals are set out below:
- Opening up of new routes through the estate;
 - Consideration of wider destinations (e.g. Westbourne Green) and improvement of links westwards;
 - Increased diversity in uses (in particular a higher quality and more distinctive retail and leisure amenity);
 - Opening up of previously obstructed views towards the railway and Westway;
 - Improved public realm and public spaces;
 - Improved cycling facilities;
 - Creation of active frontages and public uses across multiple levels.
- 7.32 These application proposals will have a significant transformative effect in terms of the creation of a variety of new active uses at the lower levels of the proposed scheme (as detailed

7.0 Planning Policy Assessment

elsewhere in this report) and a permeable pedestrian and cycle route through the Site from Kingdom Street to Harrow Road.

- 7.33 The public garden creates an internal link, which will enable a new east-west route through the building. This will enhance connections between the POA/CAZ to the area in and around Harrow Road (and the rest of the NWEDA).
- 7.34 In addition, external public realm improvements are proposed both at Ground Floor Level (Kingdom Street) to the east of the building and at Lower Ground Floor Level (Harrow Road) to the west of the building.
- 7.35 These elements of the proposed scheme will play a significant role in improving the public realm and enhancing connectivity in accordance with established policy objectives for the POA as set out in City Plan policy S3.
- 7.36 As is acknowledged in pre-application feedback from WCC Planning officers, the creation of a route through the base of the building, transforms Paddington Central, changing Kingdom Street from being a cul-de-sac, terminating at 5 Kingdom Street, to instead being part of a street network which extends westward and significantly improves townscape permeability. The generous scale and quality of publicly accessible amenity space within the base of the building is also acknowledged by officers as a very positive aspect of the scheme that makes a significant contribution to place shaping.
- 7.37 It is important to note the wider benefits of this nature which would be realised through the implementation of this scheme would not be realised in the event the extant permission (as approved in 2010) was implemented. That scheme solely comprises office floorspace. It does not introduce active uses at lower levels or deliver the associated public realm and connectivity improvements in the vicinity which this proposed scheme will deliver.

Job creation, skills and training

- 7.38 In terms job creation, the Socio-Economic Assessment provided as part of this application identifies the predicted levels of job creation arising from the proposed development scheme, in terms of both the occupational capacity of the new building and creation of additional jobs by way of 'multiplier effects. This concludes, the proposed scheme would provide for 3,890–5,086 gross direct operational jobs (3,502 – 4,377 of which would be associated with the office space). When taking into account leakage, displacement and induced/ indirect jobs, this would be equivalent to 566 – 811 net additional operational jobs which would specifically benefit Westminster residents.
- 7.39 The number of total jobs responds positively to the POA targets – it represents 39% of the Draft London Plan jobs target and therefore makes a significant contribution to meeting the POA's strategic objectives.
- 7.40 In office employment terms specifically, the proposals represent up to 8% WCC's adopted target; up to 2.5% of the adopted London Plan target for the CAZ and Canary Wharf; and up to 1.2% of the Draft London Plan target for the CAZ and Canary Wharf.
- 7.41 The development proposals will also allow for a mix of employment opportunities at a range of skill levels and support wider regeneration initiatives in the POA and NWEDA. The local benefits of these opportunities will be maximised through British Land's existing and developing partnerships with local education and training providers, and the Employment and Skills Plan Strategy for the scheme which will be prepared in consultation with key stakeholders including Westminster's Economic Development team.

7.0 Planning Policy Assessment

- 7.42 The proposals also include over £2 million funding to the Westminster Employment Service which will fund initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from the scheme.

Affordable and flexible workspace

- 7.43 A minimum of 3,900 sqm of affordable workspace will be provided within the development, making it one of the largest, if not the largest, permanent affordable workspace facilities in London. This facility will be provided for the life of the building and will provide start-up businesses with affordable space which is provided at an average discount of 50% of typical rates in the area to support them to grow and thrive. The space will offer discounts as big as 100% for businesses that provide social value, such as charities and social enterprises.
- 7.44 The affordable workspace will be accompanied by a support fund that is instigated by British Land with a £50,000 investment and will be maintained by any rates surplus and other grant sources. It will fund a range of services including the provision of advice and support for new businesses; running skills and training programmes for local people; and coordinating outreach projects, such as working with schools to provide work experience opportunities.
- 7.45 A minimum of 1,500 sqm of flexible office space for growing SMEs will be provided by British Land’s flexible workspace brand, Storey. Storey provides space on flexible lease terms, at market rates, for ‘scale-up’ businesses, which need their own office accommodation, with built-in flexibility, up-front fit-out and shared facilities and services, such as meeting rooms.

MIXED-USE POLICY

Policy Context

Westminster

- 7.46 Policy S3 (Paddington Opportunity Area) states that the POA has development capacity for at least 1,000 new homes and 5,000 new jobs between 2011 and 2031 by provision of a range and mix of uses across the Opportunity Area including a range of offices, flexible workspaces and light industrial units including large floorplate office stock and affordable business floorspace suitable for small business and Creative Industries. Policy S3 also states that the requirement for residential floorspace as part of new commercial development (see Policy S1 below) may be applied more flexibly where the council considers this to be necessary in order to deliver substantial planned transport and/or public realm improvements which are of benefit to the local community.
- 7.47 Policy S1 (Mixed Use in the Central Activities Zone) of the City Plan requires development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace to provide residential floorspace or an equivalent payment in lieu equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace. The residential floorspace will be provided in accordance with the below cascade:
- i. The residential floorspace will be provided on-site or in the immediate vicinity of the site.

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- ii. The residential floorspace will be provided off-site, including by mixed use credits (Policy CM47.2), on a site in the vicinity of the development site, or in the case of Victoria and Paddington Opportunity Areas, within that Opportunity Area.
- iii. The residential floorspace will be provided off-site, including by mixed use credits (Policy CM47.2) elsewhere within the CAZ. This part of the cascade does not apply to Victoria and Paddington Opportunity Areas. The housing provided must be of a higher quality than would be possible under i. or ii. above.
- iv. Payment of an appropriate payment in lieu to the Affordable Housing Fund equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

London Plan

- 7.48 Policy 2.10 (Central Activities Zone - Strategic Priorities) of the adopted London Plan seeks to support the role of the CAZ as one of the world’s most attractive and competitive business locations by, amongst other things, ensuring that office development is not strategically constrained.
- 7.49 The approach to mixed use development in the adopted London Plan is set out in Policy 4.3 (Mixed Use Development and Offices). Part A of this policy states that ‘Within the Central Activities Zone and the north of the Isle of Dogs Opportunity Area..., increases in office floorspace, or those above a justified local threshold, should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan’.
- 7.50 The Mayor’s CAZ SPG was adopted in March 2016 and supports the adopted London Plan policies summarised above. The SPG acknowledges that the supply of sufficient office floorspace within the CAZ to meet growing demand is central to London’s economic success, and that a tightening of supply relative to demand in central London exacerbated by office to residential conversions, particularly in the West End. Table 1.1 of the CAZ SPG sets out guidance on balancing the priorities attached to housing relative to offices and other strategic functions in CAZ. This identifies that offices and other CAZ strategic functions should be given greater weight relative to new residential within Core commercial areas in the City of Westminster including Opportunity Areas.
- 7.51 Draft Policy SD5 (Offices, other strategic functions and residential development in the CAZ) states that new residential development should not compromise the strategic functions of the CAZ. Part C of this policy states that offices and other CAZ strategic functions are to be given greater weight relative to new residential development in other defined core commercial areas within the wider CAZ. These include the POA.
- 7.52 The Draft London Plan sets new development targets for the POA, comprising 1,000 new homes and 13,000 new jobs for the period until 2041. The housing target is the same as that set out in the adopted London Plan but the new jobs target represents an increase of 8,000 jobs (160% increase) against the adopted target.

Assessment

- 7.53 In the context of the penultimate paragraph of City Plan Policy S3, it is considered that the public realm and infrastructure improvements described in the ‘Economic Regeneration’ section above, and elsewhere in this Planning Statement, justify a more flexible approach to the imposition of mixed-use policy.

7.0 Planning Policy Assessment

- 7.54 It is also appropriate, having regard to relevant policy objectives as set out above, to take into consideration the very significant levels of employment that will be created through this scheme (including local employment and training opportunities in the locality), the imbalance of supply and demand for office accommodation in Westminster of the size and type proposed (which has been accentuated by a significant loss of office stock in recent years arising from residential conversions) as well as the other wider benefits this proposed scheme will deliver as summarised above and detailed elsewhere in this application submission.

Establishing the Residential Floorspace Requirement

- 7.55 As set out above, these application proposals entail the provision of between 52,164sqm and 52,887sqm GIA office (B1) floorspace. As has been established during the course of pre-application discussions with Westminster Council, for the purposes of assessing this application against mixed use policy, it is entirely appropriate to take into consideration the implemented 2010 planning permission for an office development on the Site of 5 Kingdom Street as described in Section 3.
- 7.56 The total floorspace of the Implemented Scheme at 5 Kingdom Street, is 25,224sqm GIA². This is all office floorspace. The current application proposals therefore entail the provision of an additional 26,940sqm – 27,663sqm GIA office floorspace above and beyond that approved under the Implemented Scheme.
- 7.57 As confirmed during pre-application discussions approved and in accordance with City Plan Policy S1 Part 3(C), the mixed-use policy is based on that net additional floorspace, less 30% of that total floorspace already approved (7,567sqm GIA). This quantum of residential floorspace that would be sought in the first instance, having regard to Policy S1, is therefore between 19,373sqm and 20,096sqm GIA.

On Site Residential - Assessment

- 7.58 There are significant constraints and difficulties associated with the provision of residential floorspace on the application site itself.
- 7.59 The application site is bounded by the Paddington main railway line to the south and the Westway to the north. The feasibility of achieving acceptable levels of amenity were residential development to be provided on site has been addressed in formulating these development proposals. The challenges associated with this are set out in further detail below.
- 7.60 In addition, the incorporation of residential floorspace on site would reduce the efficiency of the proposed scheme. This would significantly constrain the opportunity to deliver the type of large floorplate, flexible office space proposed; the exciting mix of new amenities; and the significant accessibility and public realm enhancements and numerous other scheme benefits as set out elsewhere in this report, and also summarised in Maximising the Positive Impacts of Development document by British Land.

Noise Implications

- 7.61 Scotch Partners, the acoustic consultants advising on this project, have assessed the noise implications in association with the provision of residential floorspace on site. Their assessment identified the following relevant policy and guidance, as set out below:

² incorporating two sets of non-material amendments to 4 and 5 Kingdom Street (Refs 14/0519/NMA and 14/11007/NMA)

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- **Westminster City Plan Policy S32 (Noise):** this states that ‘the council will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors from noise by... ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources...’.
- **Westminster Council standard planning condition C49AA:** this is ordinarily applied in connection with ensuring adherence to City Plan policy S32. This states the design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels in doors of more than 35 dB LAeq,16hours daytime and of more than 30 dB LAeq, 8hours in bedrooms at night.
- **National Planning Policy Framework (2019) Paragraph 180:** this states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the Site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- **Guidance from the World Health Organisation (WHO):** the Regional Office for Europe of the WHO published Environmental noise guidelines for the European Region in 2018, building upon their previous Night Noise Guidelines for Europe (2009). This document presents the results of extensive research into the effects of noise on humans, and provides the following advice relating to noise levels external to residential development:
 - For average noise exposure, road traffic noise above 53 dB Lden is associated with adverse health effects.
 - For night noise exposure, road traffic noise above 45 dB Lnight is associated with adverse effects on sleep
- **Professional Practice Guidance on Planning and Noise (ProPG) 2017:** this contains guidance on a recommended approach to the consideration and management of noise. This document details a methodology for an initial noise risk assessment, which will be followed here. The noise risk assessment rates from “negligible” to “high” risk of adverse effect, where increases in the measured external noise level correspond to an increasing risk of adverse effect.

7.62 External noise surveys have been completed at the Site and used to inform a CadnaA model, details of which are provided in the appendix of the Environmental Impact Assessment that accompanies this application. The following noise levels have been established from this exercise:

- Façades exposed to the Westway:
 - Daytime: 80 dB LAeq,16hour
 - Night-time: 78 dB LAeq,8hour
- Façades shielded to the Westway (but exposed to the railway and other surrounding roads):
 - Daytime: 67 dB LAeq,16hour
 - Night-time: 64 dB LAeq,8hour

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- 7.63 The survey results lead to the finding that this site is of high risk from a noise perspective according to the methodology within ProPG.
- 7.64 Scotch Partners' assessment concludes it is clear from the advice of the WHO and ProPG that a residential development on this site would require noise mitigation measures of extremely high performance to provide an acceptable noise climate for occupants. The proposed curtain walling for the submitted scheme represents the highest acoustic performance commercially available for façades of this type, and even this will not provide enough noise mitigation to ensure compliance with the above referenced standard WCC planning condition Ref C49AA.
- 7.65 Residential usage would require the façade design to change to incorporate large opaque elements and deep secondary glazing. Additionally, openable windows would not be a viable ventilation or overheating strategy, and so mechanical ventilation and cooling will likely be necessary to meet statutory requirements/industry guidance. This would add significant monetary and environmental cost and reduce the available floor area under the current building footprint.
- 7.66 The NPPF states that planning decisions should ensure that new development is appropriate for its location. Scotch Partners are of the opinion that the extraordinary levels of sound insulation performance that would be required of the façade is evidence that the Site of 5 Kingdom Street would not be appropriate for residential use.

Air Quality Implications

- 7.67 Ramboll, the air quality consultants advising on this project, have assessed the air quality implications in association with the provision of residential floorspace on site. Relevant policy and guidance are set out below:
- **Westminster City Plan policy S31 (Air Quality):** this states that developments that include uses that are more vulnerable to air pollution (Air Quality Sensitive Receptors) will minimise the impact of poor air quality on occupants through the design of the building and appropriate technology.
 - **The Air Quality (England) Regulations 2000 and the Air Quality (Amendment) (England) Regulations 2002:** These set out the National Air Quality Objectives (NAQOs) for the protection of human health and vegetation for 11 pollutants. The objectives for NO₂ and PM₁₀ which are relevant to this assessment are as follows:
 - For NO₂, the long-term objective is an annual mean concentration of 40 µg/m³ and the short-term objective is a one-hour mean concentration of 200 µg/m³ not to be exceeded more than 18 times per year.
 - For PM₁₀, the long-term objective is an annual mean concentration of 40 µg/m³ and the short-term objective is a 24-hour mean concentration of 50 µg/m³ not to be exceeded more than 35 times per year.
- 7.68 The objectives apply at locations where members of the public would be exposed over the relevant exposure period. These include the building façades of residential properties. The one hour mean objective would apply at any outdoor location where members of the public might reasonably be expected to spend an hour or longer, for example a garden or balcony.
- 7.69 Ramboll conclude that background nitrogen dioxide levels at the Site location (ground level) are likely to be exceeding the UK annual mean objective (which applies to building façades of residential properties and does not generally apply to façades of offices or other places of work). Residential use is not therefore considered to be a suitable use at this location at lower levels.

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Off Site Residential – Assessment

- 7.70 We have also assessed the opportunity to provide residential floorspace off site within the defined POA, in accordance with the objectives of part 3C(ii) of City Plan policy S1.
- 7.71 There are no opportunities to provide new residential floorspace elsewhere within the Paddington Central campus on sites that are under the freehold ownership of British Land. The estate is currently 99% occupied and the lease structures in place are such that the redevelopment/ change of use of existing space within the campus to provide residential accommodation is not feasible.
- 7.72 British Land is committed to implementing the 14th March 2018 planning permission (Ref 17/05609/FULL) to construct a hotel, with associated uses at lower levels, at the Paddington 'Gateway' site just off the Bishop's Bridge Road entrance to Paddington Central campus (where the marketing suite is currently located). British Land remains in discussions with a potential hotel operator.
- 7.73 British Land has commissioned a site search, which was undertaken by CBRE to identify potential opportunities for residential development in the vicinity of the site. The geographic scope of this search was the wider POA in accordance with City Plan policy S1 Part 3C(ii). This search was refined to sites accommodating 50,000 sq ft (4645sqm) and above, assuming an amalgamation of the theoretical residential requirement across one of more sites might be considered.
- 7.74 This site search is included as part of this application submission. This identified 18 sites within the POA that fell within the above referenced criteria. However, for a variety of reasons as set out in the site assessment, it is not practical to bring forward a residential donor site elsewhere in the POA in connection with this planning application for 5 Kingdom Street.
- 7.75 It is relevant to note the POA already comprises a wide mix of uses. There is a significant element of residential accommodation at Paddington Central and also at Paddington Basin.
- 7.76 The latest (March 2020) Authority Monitoring Report (AMR) published by Westminster Council, which covers the period 2013-2019, confirms this. The City Plan (policy S3) minimum figure for housing delivery in the POA of 1,000 new homes across the period 2011-2031 will be met well before this date. As identified in the AMR, around 700 dwellings were completed over the period from April 2011 to 2019 with a further 599 dwellings under construction. The AMR also confirms the City Plan target of providing over 5,000 new jobs in the POA is likely to be achieved before 2031.
- 7.77 As identified above, it is relevant to note that whilst the new housing target for the plan period of the new London Plan (up until 2041) is 1,000 dwellings, the same as the previous London Plan and WCC City Plan target which will soon be exceeded, the new employment target (13,000 jobs) for this plan period is significantly higher than before.

Proposed Payment in lieu of Residential Accommodation

- 7.78 For the reasons as set out above, it is not appropriate or practical to provide residential accommodation on site or off site in the vicinity of the proposed development site. It is therefore proposed to offer a payment in lieu of housing, with reference to the policy cascade set out in the City Plan Policy S1 Part 3(C)iv.
- 7.79 The maximum payment in lieu that can be offered has been the subject of a viability assessment by DS2, which accompanies this application.

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- 7.80 Whilst there is a viability deficit in land value terms, commercially the proposed scheme generates a level of return which is, in capital terms, greater than that generated by the extant planning permission for this site.
- 7.81 Furthermore, as a responsible long-term investor, British Land is uniquely placed to be able to consider the proposals on a long-term investment basis. Its development decisions take into account quality of income, wider campus placemaking benefits and its ability to positively contribute to the community and local area. British Land’s approach is supported by its track record in delivering high quality developments in Westminster, most recently at 4 Kingdom Street, as well as its past and continuing stewardship of the Regents Place and Broadgate neighbourhoods in Camden and the City which it has owned and managed for 36 and 24 years, respectively.
- 7.82 British Land has committed to making a £14.3m contribution towards the provision of Affordable Housing within the City of Westminster. In addition to this, the proposed scheme also generates over £23 million of Mayoral and Borough CIL payments plus other financial and non-financial benefits. These include the creation of a new route connecting Paddington and North Westminster, a new public garden, enhanced public realm, affordable workspace and SME space,, local employment, training and skills initiatives, a net zero carbon development and the delivery of a mix of uses in the Box which will be accessible to and benefit the wider community.

Retail (Class A1/ A3/ A4/ ‘Sui Generis’) Use

Policy Context

Westminster

- 7.83 The retail and entertainment use policies regarding land use are important considerations within this planning application. City Plan Policy S3 (Paddington Opportunity Area) sensibly identifies the need for uses including retail to support the economic and social regeneration of the area and states that *‘town centre uses should provide active frontages at ground floor level’*.
- 7.84 Furthermore, whilst Policy S21 (Retail) of the City Plan states that new retail floorspace will be directed to the designated shopping centres the supporting text notes that larger retail development may also be appropriate to the Opportunity Areas where they can be introduced sensitively.
- 7.85 It is also relevant to note that saved UDP Policy SS4 (New retail floorspace in the CAZ and the CAZ Frontages) requires developments within the CAZ to include an appropriate number of shop type premises at street level with the size and type of units to be appropriate to the character of the street.
- 7.86 UDP Policy SS11 (Superstores, Supermarkets and other major retail developments) states that *‘planning permission for major retail developments will be granted within: an established shopping area in the CAZ, a District Centre, a larger Local Centre, or in or adjoining main rail termini, if the proposal would not cause harm to the vitality and viability of shopping areas or centres in the catchment area of the development, and if:*
 1. *the proposal is of a size appropriate to the character and function of the shopping centre or area;*
 2. *the proposed site is highly accessible by public transport and for pedestrians, cyclists and the less mobile;*

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3. *the existing road network has sufficient capacity to take any additional servicing traffic generated by the proposal without causing adverse effects on the environment, traffic circulation, or air quality;*
4. *the proposal provides facilities such as cycle parking and public recycling facilities;*
5. *the proposal is well designed, relates well to the existing shop frontage, reflects the character of the local area, is landscaped where appropriate and is integrated with the surrounding uses'.*

7.87 The subtext to SS11 states that the policy applies to any major retail proposal including those that contain A2 or A3 uses. In the case of large A3 developments, policy TACE10 will take precedence (see the 'Entertainment Use' section below).

London Plan

7.88 The strategic approach for town centre uses is found in the London Plan Policy 4.8 (Supporting a Successful and Diverse Retail Sector and Related Services). The Mayor promotes a competitive and diverse retail sector. The Mayor's CAZ SPG reinforces the importance of retail to the success of the CAZ.

Assessment

- 7.89 The application proposals entail the potential provision of restaurant (A3) and market hall (sui generis) floorspace of up to 3,490 sqm within the Box. In addition, these proposals entail the potential provision of retail (A1) or restaurant (A3) floorspace at lower ground, ground and mezzanine levels. This will comprise a minimum of 265sqm (at lower ground level) and maximum of 723sqm flexible retail/office uses (across all those levels). Furthermore, a small café/bar (effectively a mixed A3/A4 use), that will form part of the public garden, is also included.
- 7.90 The intention is that these retail units and restaurants/bars would be occupied by innovative and high-quality retailers and restaurateurs. The mix of such uses would enhance, diversity and complement the offer currently found within Paddington Central and indeed the wider Paddington area to the benefit of existing residents, workers and the local community. Planning permission is sought for 'flexible' uses on the basis that incoming tenants are still to be identified. A degree of flexibility in the scope and configuration of uses as approved will help ensure the tenant mix is both vibrant and successful with a range of uses and price-points accessible to as wide a range of the local community as possible.
- 7.91 The Site is not located within a designated shopping centre but is suitable for the introduction of retail uses given its location within the CAZ and the POA. Westminster's policies acknowledge retail can be appropriate within the POA and UDP Policy SS4 also supports the provision of new shop-type premises within the CAZ (outside of shopping frontages).
- 7.92 The proposals only potentially provide between up to 988sqm of non-entertainment use retail floorspace, which does not constitute a 'major' retail development in the context of UDP Policy SS11, meaning that the detailed policy tests set out in SS11 are not applicable to the proposed development. Notwithstanding this, a Town Centre Impact Assessment (which can be found in the Appendix of this Planning Statement) has been prepared to demonstrate that the proposals will not cause harm to the vitality and viability of nearby shopping areas or centres. This assessment concludes that:
- The proposed development and the increase in employees in the area will generate an independent need for the proposed A3/ market hall floorspace;

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- There is no planned investment in the nearby centres that will be put at risk by the proposed development;
 - The centres in the surrounding area are in good health and are unlikely to be vulnerable to trade diversion; and
 - In any case, the level of trade diversion from these centres is likely to be negligible.
- 7.93 The assessment adds that the increase in workers and visitors in the area as a result of the proposed development may also benefit other nearby centres.
- 7.94 Overall, the quantum and type of retail uses proposed are in accordance with the policies of the development plan.

Entertainment Use (Class A3/A4/ 'Sui Generis' Market Hall)

Policy Context

Westminster

- 7.95 The proposed A3 and A4 uses as described in the previous section of the report fall within the definition of Entertainment Uses as set out in the Glossary to the WCC UDP and City Plan.
- 7.96 The City Plan Glossary states there are some uses (for example *sui generis* private premises that contain a mix of retail and entertainment) where the nature of the use and its impact on the local environment is such that these will also be considered under the entertainment policies. It is therefore considered the nature of the proposed 'sui generis' market hall and café/ bar uses are such that they fall within the definition of entertainment uses. The D2 uses that form part of the potential mix of uses as proposed however fall outside the City Plan definition of entertainment uses.
- 7.97 Any new entertainment uses over 500sqm must be assessed against Policy TACE10 which states that such uses are only permissible in 'exceptional circumstances'. The UDP (part f of the supporting text to this policy) notes that in the Paddington and the North West Westminster Special Policy Area, the achievement of regeneration benefits would be considered an acceptable exceptional circumstance.
- 7.98 Part C of policy TACE10 states that in such exceptional circumstances where the City Council decides to grant planning permission for a large entertainment use (or combination of uses), it will be necessary and appropriate to impose conditions to control:
- The number of customers who may be present on the premises;
 - Opening hours;
 - Arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance from the premises;
 - Servicing arrangements;
 - Arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter;
 - Positioning of tables and chairs in open areas within the curtilage of the premises;
 - Changes of use to other use and activities within the same Use Class;
 - Other relevant aspects of the use of the premises, in order to minimise adverse effects.

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- 7.99 Policy S24 within Westminster's City Plan is also relevant and states that new large scale, late night entertainment uses of over 500m² will not generally be appropriate within Westminster.

London Plan

- 7.100 Policy 4.6 of the adopted London Plan (Support for and enhancement of arts, culture, sport and entertainment) states the Mayor will and boroughs and other stakeholders should support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.
- 7.101 Draft London Plan policy HC6 (Supporting the Night Time Economy) states that in making planning decisions, boroughs should promote the night time economy where appropriate, particularly in the CAZ, strategic areas of night-time activity, town centres, and where public transport such as the Night Tube and Night Buses are available.
- 7.102 The Mayor's Culture & the Night-Time Economy Supplementary Planning Guidance (SPG) acknowledges the benefits of broadening the range of evening and night time activities and encourages uses which promote customer cross-over and create bridges between the day and night-time economy.

Assessment

- 7.103 The proposals have the potential to provide up to a maximum of 4,213sqm of either A3/A4/sui generis use within the box and at ground, lower ground and mezzanine levels. In addition, a small 'sui generis' café/ bar is proposed within the public garden space at Upper Box Level.
- 7.104 The supporting text to policy TACE10, at paragraph 8.95, sets out the exceptional circumstances that may be taken into account in applying this policy. Part (f) of this paragraph, which specifically identifies the achievement of regeneration benefits in the Paddington and North West Westminster Special Policy Areas (which were effectively the precursors of the POA and NWEDA, within which the application site is located), is particularly relevant.
- 7.105 The wider redevelopment proposals will generate a range of significant regeneration benefits as described elsewhere within this report.
- 7.106 It is relevant to note that Policy TACE10 was adopted prior to the publication of the NPPF (and the presumption in favour of sustainable development which it advocates), planning permission was refused on 10 July 2012 for an extension to a new restaurant at 34 Grosvenor Square as it was contrary to Policies TACE10 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) and 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. The inspector concluded that the absence of proven harm qualified as an exceptional circumstance. Westminster has since acknowledged in sub-committee reports the need to apply the tests of Policy TACE10 in a manner consistent with the NPPF's presumption in favour of sustainable development. We therefore consider that under this policy, the key test for new, large scale entertainment uses is whether the proposals would result in material harm to the living conditions of nearby residents.
- 7.107 The immediate vicinity of the application site is entirely commercial in character with office, retail and hotel uses to the south and to the east of 5 Kingdom Street. The application site is bounded by Harrow Road and the Westway immediately to the north whilst the wider Paddington Central site is bounded by Westbourne Bridge to the west and the main railway

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line into Paddington Railway Station to the south. Whilst there is residential (C3) accommodation within the two blocks that adjoin the Grand Union canal at the eastern end of Paddington Central, this is approximately 200m away from the application site.

- 7.108 The application is supported by a draft Operational Management Framework. This document sets out the overarching strategy for the operational management of the proposed entertainment uses to ensure they will not adversely affect residential amenity and local environmental quality.
- 7.109 The Draft Operational Management Framework will be supplemented with additional information and detail by British Land and the operator(s) at the appropriate point in time prior to occupation of these spaces as and when operators are known and will address in detail the requirements of UDP policy TACE10(C) as listed above. The detailed Operational Management Plans would build upon the principles set out in the draft Operational Management Framework that is submitted as part of this application and will ensure, amongst other matters, that a number of practical measures are put in place as follows:
- Paddington Central staff will be available to guide visitors to and from the Box, and to prevent anti-social behaviour.
 - No queueing or waiting will be permitted outside of the Box. Where space is required to manage guest arrival, this will be arranged inside the building.
 - Box operators will be required to coordinate event finishing times where feasible, to stagger guest departures.
 - The Box will employ an experienced security team.
 - Notices will be placed requesting that patrons leave quietly and staff will take active and courteous steps to ensure that guests exit the premises in an orderly and quiet manner.
 - A new taxi and private hire pick-up point will be created at service road level (railway track level) on the southern side of 5 Kingdom Street. This will allow visitors leaving the Box in the evenings to wait for their vehicle in a supervised space away from residents.
- 7.110 The terminal hour for the proposed entertainment uses (and any other publicly accessible uses within the site) will be 23:00 hours. This is consistent with the long-established terminal hour across the Paddington Central campus for such uses. The public routes may be kept open longer to allow pedestrians to exit through the site.
- 7.111 The Delivery, Servicing and Waste Management Plan by Sweco demonstrates how the proposed scheme of development will be serviced to ensure there is no adverse impacts on local amenity. The plan includes provision of a dedicated off-street service bay which is located at Lower Box Level.
- 7.112 The Noise and Vibration Impact Assessment by Scotch Partners that accompanies this application concludes noise sources associated with the development such as patron noise, noise from entertainment uses and noise from increased taxi frequency can be readily controlled and will not be out of character with the rest of the development.
- 7.113 The detailed ventilation and extraction arrangements will be finalised once the proposed mix and configuration of uses in the completed scheme are confirmed. These will be developed in accordance with WCC Environmental Health requirements at the detailed design stage.
- 7.114 Overall, with the support of detailed operational management plans, the proposals for new large-scale entertainment uses at the Site will not result in material harm to the amenity of

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nearby residents and will contribute to the vitality and vibrancy of Paddington, both during the day and in the evening.

Auditorium (sui generis use)/ Exhibition Space (D1 use)/Cinema (D2 use)/Gym (D2 use)

Policy Context

Westminster

- 7.115 City Plan Policy S22 (Tourism, Arts and Culture) states that new arts and cultural uses and tourist attractions will be acceptable within the Core CAZ, the North Westminster Economic Development Area and the Strategic Cultural Areas.

London Plan

- 7.116 London Plan Policy 4.6 (Support for and enhancement of arts, culture, sport and entertainment) sets out a similarly supportive strategic policy approach towards such uses. The intention of the policy is to support the continued success of London's diverse range of arts, cultural, professional, sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors. This should be done where the Site has an appropriate level of access to public transport, can be used by a wide range of people within communities and is seeking to address deficiencies in cultural infrastructure that might foster greater cohesion.
- 7.117 Draft London Plan Policy HC5 (Supporting London's culture and creative industries) supports the continued growth and evolution of London's diverse cultural facilities and creative industries. It adds that Opportunity Areas and large-scale mixed-use developments should include new cultural venues and/or facilities and spaces for outdoor cultural events. The Mayor's Culture & the Night-Time Economy SPG echoes this and promotes uses which encourage customer cross-over and create bridges between the day and night-time economy.

Assessment

- 7.118 An auditorium is proposed within the Box. It is located towards the north of the space and designed to hold up to 250 people. The auditorium is envisaged as a flexible space that can be used with raked seating accessed from the Upper Box level, or as a double height space accessed from the Lower Box level. This will enable the auditorium to be used for a range of different activities, and the space will be available for community, cultural and business events. British Land has committed to making the auditorium available free of charge to the community for four sessions a month. A 'session' is defined as a morning slot, afternoon slot or evening slot. The proposed auditorium would diversify the mix of uses the Paddington Central campus currently offers and will provide a valuable local resource for the community.
- 7.119 The proposals include the potential for an exhibition space which, in line with the above development plan policies, could be used for range of arts, cultural, professional and leisure events. Like the auditorium, such a use would diversify and enhance the mix of uses in Paddington and add vitality to the area.
- 7.120 The proposals also include potential gym/ sports use and/ or cinema use within the Box, up to a maximum of 3,490sqm.
- 7.121 There are no other cinemas in close proximity to this site other than the Everyman Maida Vale which is a small neighbourhood boutique offer. The feedback from the public consultation suggested that a larger cinema with a greater film and more accessible price range would

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be a welcome inclusion. The Odeon Cinema at Whiteleys, Queensway (to the west of the application site) closed in December 2018.

- 7.122 The nature of a gym/ sports facility that could be included is to be confirmed but it is anticipated this would serve both local residents and employees based in this area.
- 7.123 As described in the ‘entertainment uses’ section above, to ensure local amenity is safeguarded, detailed operational management plans for these uses will be discussed and agreed with local stakeholders before being submitted for approval by Westminster prior to occupation.

Social and Community Infrastructure

Policy Context

Westminster

- 7.124 Westminster City Plan Policy S34 (Social and Community Infrastructure) states that new social and community facilities will be encouraged throughout Westminster and will be provided on large scale development sites.

Assessment

- 7.125 The proposed development includes a range of facilities for the community, including:
 - The provision of an internal garden that will provide a sheltered amenity space for the community between 6am and midnight (Monday to Saturday) and between 7am and 11pm on Sundays. The space will be free to use and, like Sheldon Square, will be programmed with various community events and activities.
 - As described further above, the auditorium will be available for the community to use for free for four sessions per month.
 - The affordable workspace will include dedicated space for local people to use, and its events offer will include four community-based events per year, free of charge.
- 7.126 These proposals positively responds to above referenced WCC policy in relation to social and community facilities.

DESIGN, HERITAGE, TOWNSCAPE AND VISUAL IMPACT

Design

Policy Context

Westminster

- 7.127 At the local level, Policy S28 (Design) of the Westminster City Plan states that development must incorporate exemplary standards of sustainable and inclusive urban design and architecture. Modern architecture is encouraged provided that it respects Westminster’s heritage and local distinctiveness and enriches its world-class city environment. Extending the life-time of the building through excellence in design quality, high quality durable materials, efficient operation, and the provision of high quality floorspace that can adapt to changing circumstances over time will be supported.
- 7.128 Saved Policy DES1 of the UDP seeks to ensure the highest quality of design in new development to preserve or enhance the townscape in Westminster. This sets out the

7.0 Planning Policy Assessment

objectives that should be achieved when submitting a planning application relating to architectural quality, local distinctiveness and sustainability.

London Plan

- 7.129 Policy 7.4 of the London Plan (Local Character) requires new development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Further to this, Policy 7.6 (Architecture) states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape, and should incorporate the highest quality materials and design appropriate to its context.
- 7.130 Policy D1 of the Draft London Plan (London's Form and Characteristics) requires design to consider the form, layout, experience, quality and character of new development. In terms of form and layout, it requires new design to use land efficiently, facilitate active travel and manage impacts of servicing. Regarding experience, it encourages safe and inclusive environments which provide active frontages, generate liveliness and interest, and which provide attractive and inviting spaces that can be used for social interaction, play and relaxation. In terms of quality and character, Policy D1 requires high quality architecture which pays attention to detail, responds to local character and heritage, whilst also designing for safety, flexibility, sustainability and urban greening.
- 7.131 Further to this, Policy D3 (Inclusive design) requires new development to deliver an inclusive environment that meets the needs of all Londoners, and D7 (Public realm) reinforces the requirements of Policy D1 in terms of the quality, safety, inclusivity, activity of the public realm and its ability to promote active travel.

NPPF

- 7.132 The NPPF (paragraph 124) notes that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.

Assessment

- 7.133 Section 4 sets out the key design principles which have informed the evolution of the proposed development, which responds to the character of the Site and its surrounds. The changing local context, access to the Box and redesign of the building provides an opportunity to move on from the 2000 masterplan and the implemented scheme which presented a 'front' to Kingdom Street and a 'back' to the north, west and south. The proposed design considers the Site as multi-faceted. This different treatment of the Site is partly driven by the introduction of a route through the building which provides an entrance from both the east and west, but also by a desire to better address a wider range of views of the site, which is visible from all directions.
- 7.134 The architecture has been designed to respond to local character and context. Paddington Central is characterised by large scale, modern buildings which utilise 'cool' colour tones and materials, such as grey metals and blue/green glass. The proposed development draws on the scale and modern style of existing development at Paddington, however, unlike the implemented scheme, it has also been designed to respond to some of the identified features of the wider context. The proposed development will be visible from parks, tree lined streets and canal side locations where warm natural tones dominate the landscape as a result of the vegetation. In this context, the use of warm coloured terracotta in the façade will act as a

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point of difference to the materiality of Paddington Central, and will also address the warm natural tones experienced within the area beyond.

- 7.135 The architecture has also been designed to reflect a building of exceptional quality, and as required by the planning policies above, it pays attention to detail. The design of the façade creates a twisting or swirling appearance by offsetting the façade modules at each level and increasing the solidity and depth of the façade moving from bottom to top. These architectural tools create visual interest, reflect the dynamic position of the building between different pieces of transport infrastructure and also act to reduce the bulk and horizontality of the building. Allies and Morrison have considered the construction and appearance of the façade in great detail to maximise the design quality and positive impact it makes. The terracotta panels are proposed to be textured to disguise joins in the façade and to give it the appearance of one continuous unified face to the building.
- 7.136 To optimise the experience of the proposed development and to ensure that it frames and activates the public realm, as required by the above policies, the base of the building has been designed to be as transparent and open as possible so that the external spaces and public route are activated, safe and accessible for all. The integration of public spaces and retail uses along the route through the Site will provide vibrancy, natural surveillance and a feeling of safety and activity for users. The public garden also offers a place to relax and/or socialise, and its terraced design and the inclusion of a diverse range of planting encourages people to stop and stay.
- 7.137 Inclusive design has been a key consideration in developing these application proposals. David Bonnett Associates have been appointed as Access Consultants on this project and have prepared an Access Statement in support of this application (which is incorporated within the Design and Access Statement). This describes the access provisions using a journey around the proposed development. It considers the requirements of all users—visitors, staff and the wider community—including people with mobility, visual and cognitive impairments, deaf people, older people, and small children. It demonstrates how the proposed scheme will achieve this, referencing relevant policy, guidance and British Standards.
- 7.138 The layout of the proposed development also responds to design policy objectives which promote improved permeability and active travel opportunities. The introduction of a pedestrian and cycle route through the Site will transform Kingdom Street from a cul-de-sac to part of a broader sequence of streets and spaces which link Paddington to north Westminster. The separation of servicing activities which will take place at lower Box level from the pedestrian and cyclist routes and spaces at lower ground and ground floor levels will further enhance the quality of the environment for users and encourage more walking and cycling.
- 7.139 Finally, in terms of designing for adaptability and flexibility, as encouraged by policy, the design of the Box and the varied mix of uses proposed within this aims to allow the building to be sufficiently adaptable to suit the evolving demands of its occupiers and the community. The office floorplates have been designed to be flexible to be able to respond to changing workspace requirements and to a range of business sizes and space requirements.
- 7.140 The Design and Access Statement sets out further detail of the design of the proposed development and its evolution during the pre-application process.

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Density

Policy Context

London Plan

- 7.141 London Plan Policy 7.6 (Architecture) also requires new development to optimise the potential of sites, and the supporting text adds that this should be consistent with existing/planned infrastructure capacity.
- 7.142 Draft London Plan Policy D6 (Density) requires development to make the most efficient use of land and be designed at the optimum density, which will be influenced by:
- The site context, including surrounding built form, uses and character;
 - The site’s connectivity and accessibility by walking, cycling, and existing and planned public transport to jobs and services (including both PTAL and access to local services);
 - The capacity of surrounding infrastructure.
- 7.143 The supporting text to policy D6 adds that *‘for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most effective use of land. This will mean developing at densities above those of the surrounding area on most sites’.*

NPPF

- 7.144 Paragraph 122 states that planning decisions should support development that makes efficient use of land, taking into account:
- the identified need for development, and the availability of land suitable for accommodating it;
 - local market conditions and viability;
 - the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - the desirability of maintaining an area’s prevailing character and setting, or of promoting regeneration and change; and
 - the importance of securing well-designed, attractive and healthy places.

Assessment

- 7.145 The Site is located within the CAZ, the POA and the NWEDA – all of which are locations which have been identified within planning policy as focus areas for growth and/or regeneration.
- 7.146 In addition, the Site has an excellent (6a) PTAL rating currently, and this rating is forecast to increase to the highest level possible (6b) by 2021. This is a result of the existing transport accessibility provided by the numerous London Underground lines, national rail lines and Heathrow Express service which all run through Paddington station, as well as local bus and cycle routes. The planned opening of the Elizabeth Line (Crossrail) in the near future will significantly enhance the area’s public transport connectivity, and capacity. This increased capacity for growth is reflected in the London Plan’s job growth targets for the POA, which have increased from 5,000 in the adopted plan to 13,000 in the draft, which is being assessed through an Examination in Public.

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7.147 The proposed development has been formulated in this context, as required by planning policy. It has been designed to optimise the efficient use of the site, and therefore to optimise the public, economic and regeneration benefits (as set out elsewhere within this report) that the proposed development will deliver.

Height

Policy Context

Westminster

- 7.148 Saved Policy DES3 of the UDP relates to High Buildings, which are defined as those buildings being significantly higher than their surroundings. Part A of the Policy states that High Buildings will not be permitted where the development would intrude upon strategic views or the setting of the Palace of Westminster, where there is an adverse impact upon the character and appearance of designated conservation areas, listed buildings and their settings, or upon views from a variety of locations, or would be incongruous in with respect to the prevailing character of the area within which it would be located.
- 7.149 Part B of this policy sets out that if development is permitted to an exception to Part A, it should satisfy most of the following design criteria:
1. The quality of architectural design embodied in the proposal would visibly contribute to the character of London as a 'world class' city; and
 2. Enhance the long-distance skyline of Central London by their profile, aspect ratio and choice of facing and glazing materials; and
 3. The relevant employment opportunities and housing capacity created by the proposal shall be within the existing or planned future capacity of the public transport and highway networks; and
 4. The development shall provide a favourable mix of land use which would facilitate shorter journeys to work energy conservation and support other sustainability objectives.
- 7.150 Part C of the policy provides detailed siting and design criteria to be met by high buildings, which are similar in nature to the criteria in Draft London Plan Policy D8 (Tall Buildings) and London Plan Policy 7.7 (Location and design of tall and large buildings).
- 7.151 Policy S3 of the City Plan states that one site has been identified for a landmark building in the POA – it is identified on the map as the 1 Merchant Square site which has planning permission for a residential tower of 42 storeys. Policy S3 goes on to state that in other locations within the POA, the council considers that high buildings could not be accommodated without detriment to the surrounding townscape.
- 7.152 Whilst Westminster's draft City Plan currently carries limited weight in the determination of planning applications, it is clear that the Council wish to see Paddington developed in a manner that optimises the density that can be achieved.

London Plan

- 7.153 London Plan Policy 7.7 (Location and design of tall and large buildings) sets out criteria for the location of tall buildings. This states that tall and large buildings should:
- a. Generally be limited to sites in the CAZ, Opportunity Areas, areas of intensification or town centres that have good access to public transport;

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- b. Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
- c. Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm;
- d. Individually or as a group improve the legibility of an area, by emphasising a point of civic or visual influence where appropriate, and enhance the skyline and image of London;
- e. Incorporate the highest standards of architecture and materials, including sustainable design and construction practices;
- f. Have ground floor activities that provide a positive relationship to the surrounding streets;
- g. Contribute to the permeability of the Site and wider area, where possible;
- h. Incorporate publicly accessible areas on the upper floors, where appropriate;
- i. Make a significant contribution to local regeneration.

Tall buildings:

- j. Should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation navigation and telecommunications interference;
- k. Should not impact on local or strategic views adversely.

7.154 Draft London Plan Policy D8 (Tall buildings) requires that boroughs should develop local definitions for tall buildings and should identify appropriate locations for their delivery within local plans, taking account of the visual, functional, environmental and cumulative impacts of tall buildings, as well as the level of public transport accessibility – ensuring they are delivered in well-connected locations.

7.155 In assessing visual impacts in plan making and development proposals, Policy D8 states that tall buildings should address the following:

- a. the views of buildings from different distances: need to be considered, including:
 - i. long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views;
 - ii. mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality;
 - iii. immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the Site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.

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- b. whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding;
- c. architectural quality and materials should be of an exemplary standard to ensure the appearance and architectural integrity of the building is maintained through its lifespan;
- d. proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area;
- e. buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it;
- f. buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river;
- g. buildings should not cause adverse reflected glare.

7.156 Policy D8 states that when assessing functional impacts, tall buildings should address:

- a. the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants;
- b. buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to the surrounding public realm. Servicing, maintenance and building management arrangements should be considered at the start of the design process;
- c. entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas;
- d. it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building;
- e. infrastructure improvements required as a result of the development should be delivered and phased appropriately (see also Policy D6 Optimising density);
- f. jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area;
- g. buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings.

7.157 Policy D8 states that when assessing environment impacts, tall buildings should address:

- a. wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise

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comfort and the enjoyment of open spaces, including water spaces, around the building;

- b. air movement affected by the building(s) should support the effective dispersion of pollutants, but not adversely affect street-level conditions;
- c. noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building.

7.158 Policy D8 requires the above impacts to be considered cumulatively (i.e. by assessing proposed, consented and planned tall buildings). The policy also adds that public access areas should be incorporated into tall buildings, where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the building to afford wider views across London. The supporting text to Policy D8 notes that in areas of change, such as Opportunity Areas, the threshold for what constitutes a tall building should relate to the evolving context.

Assessment

7.159 In assessing the proposed development in the context of the above policies, it is first necessary to consider what might be defined as a 'tall building' in this context. The planning policies referenced above acknowledge a tall building as being substantially taller than its surroundings and causing a significant change to the skyline.

7.160 Buildings in the POA – both existing and planned – are higher than much of the built form in the areas that surround it. This is recognised in Policy S3 (Paddington Opportunity Area) of the City Plan which identifies only one location for a tall building – which has been permitted at 42 storeys – whilst sites which are under construction or are planned for buildings of circa 20 storeys are not explicitly identified as 'tall buildings' by the adopted planning policy.

7.161 Such high-density developments include the Paddington Triangle (21 storeys), 55-65 North Wharf Road (16 storeys), 3, 6 Merchant Square (14 to 21 storeys), North Wharf Gardens (20 storeys), Dudley House (22 storeys), Paddington Gateway (20 storeys) and the Paddington Cube (19 storeys).

7.162 On this basis, we do not consider that the proposed building – which comprises ground (Kingdom Street), mezzanine plus 18 storeys and plant space – meets the definition of tall buildings within the POA. It is considered these recent approvals provide a context whereby a building of the proposed scale should not be considered a tall building. A building of the scale proposed would be consistent with this context and still respect the principle of 1 Merchant Square remaining as the one significantly taller building within the POA. Notwithstanding this, the proposal is assessed against the relevant high and tall buildings policies of the Draft London Plan, the London Plan and the saved Westminster UDP.

7.163 These planning policies differ slightly in their detail and extent, but taken collectively can be considered to cover the following topics, each of which are addressed in turn below:

- location and capacity for growth;
- local character;
- strategic/ local views;
- heritage;
- wayfinding and legibility;

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- architectural quality;
- ground floor use,
- design and permeability;
- public access;
- local regeneration benefits;
- safety;
- microclimate;
- interference with aviation/telecommunications.

Location and capacity for growth

7.164 As described in the previous 'Density' section, the Site is located within the CAZ and the POA in close proximity to Paddington rail, tube and Elizabeth Line stations with excellent public transport accessibility. Therefore, from a development capacity perspective, it is an appropriate and sustainable location for taller buildings that will optimise the investment that has been made in creating transport capacity.

Local character

7.165 The buildings within Paddington Central and the significant pieces of transport infrastructure around the Site constitute its immediate context. The contemporary design of the proposed development and the use of robust materials which are able to withstand the environment it sits within respond to this immediate character. As explained in the 'Design' section above, the singular form of the proposed building and its dynamic façade has been designed to address the identified views within the wider context. This response to context is also reflected in the use of warm coloured terracotta in the façade, which will act as a point of difference to the materiality of Paddington Central, and will respond to the warm and natural tones experienced within the area beyond.

Strategic/local views

7.166 The Site is not located within a strategic viewing corridor of any of the London View Management Framework (LVMF) views. The proposed development will be visible in a number of distant and local views, as described within the Townscape, Heritage and Visual Impact Assessment (THVIA) by Tavernor Consultancy. In some cases, the magnitude of change is identified as being large/very large given the level of visibility of the proposed development. However, the urban character of the Paddington area and the large scale, modern development that exists there, together with the high-quality architecture of the new building and its role as a local marker mean that the significance of the assessed effects are either negligible, neutral and in some cases beneficial. More detail is provided in the 'Heritage, Townscape and Visual Impact' section below.

Heritage

7.167 The Site does not include any listed buildings and it is not located within a conservation area. The proposed development does affect the setting of a number of heritage assets, as explored within the THVIA. Whilst the proposals are visible in the setting of a number of heritage assets in the area, it is not however considered that the impacts cause harm given the high-quality design of the proposed development and the nature of the local context. More detail is provided in the Townscape, Heritage and Views section below.

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Wayfinding and legibility

- 7.168 A key principle of the design is the creation of a landmark building which signals the new entry point to Paddington from Harrow Road and north Westminster, or looking at it the other way, a new entry point to north Westminster from Paddington and the CAZ. Such a wayfinding and legibility aid is extremely important in this challenging urban context which is severed by the Westway, Harrow Road, railway lines and the level change created by the Paddington Central deck. The use and potential success of the route through the building (discussed further below) requires a landmark for users to orientate themselves and make fullest use of this new connection.

Architectural quality

- 7.169 The proposed development is of landmark quality as a result of its multi-faceted form, its innovative façade design and composition, the quality of its materials and the detail of the internal and external design finishes. The detailed architectural design is a response to the context and will be of the highest quality. More detail is provided in the above 'Design' section of this report.

Ground floor use, design and permeability

- 7.170 The new link through the building provides pedestrians and cyclists in the area with a highly attractive, inclusive, safe and vibrant means of navigating the challenging change of levels between Paddington Central and Harrow Road. It transforms Kingdom Street from a cul-de-sac to a genuine part of the street network, connecting the CAZ/Paddington to north Westminster. Work undertaken by Publica indicates that the increased permeability created through providing this new link will significantly expand the areas and communities that can access Paddington within a 5 to 10 minute walk. This is set out in further detail in the neighbourhood connectivity section of the Design and Access Statement.
- 7.171 The architectural treatment to the base of the building is glazed and open in nature and extends beyond the footprint of the upper floors to provide a human scale and to guide users into the space and through the route. The inclusion of the public garden, the public art and active uses including the entrance to the Box (which will include a range of publicly accessible uses including retail/ leisure/ cultural uses) all contribute to the feeling of the route as a public space. These public uses will also add to the attractiveness and vibrancy of the base of the building as a whole.

Public access

- 7.172 Given the tough nature of the local environment, with major highways to the north and railways to the south, the proposed development includes an internalised public garden. The garden is positioned to the south of the building benefitting from natural sunlight, which is significant in this location as a result of the openness to the south created by the railway lines. The garden measures 1,635 sqm in area, including a small café/bar space, and will be filled with carefully curated planting that responds to the climatic conditions of what will be a thriving public place. The garden is conceived as a series of habitable platforms and it is anticipated that the larger platforms could host small events, in a similar manner to Sheldon Square, which is seen as the outside equivalent to the garden in the proposed development.
- 7.173 British Land intend to deliver the approved 'Gateway' hotel building at 1A Sheldon Square, on the site of the existing marketing suite off Bishop's Bridge Road. This includes a publicly accessible rooftop bar/restaurant. At this stage, British Land does not consider that there is sufficient proven demand to deliver public facilities at the top of both buildings and feels the hotel provides a better location for a public rooftop facility given its location near to the station

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entrance as well as its obvious purpose as a place of public entertainment. There would also be significant technical and security challenges to introduce a publicly accessible roof terrace into a building of the nature that is proposed.

Local regeneration benefits

7.174 The proposed development will deliver a wide range of significant local regeneration benefits. In summary these include:

- **Permeability:** the proposed new route which will for the first time properly connect the western end of the Paddington Central site with Harrow Road. It will also, in association with British Land's proposed employment and training initiatives facilitate the extension of the economic benefits and opportunities associated with the CAZ to Harrow Road and the rest of the NWEDA, which covers some of the most deprived neighbourhoods in the borough.
- **Jobs:** the proposal will make a significant contribution to the regeneration of this part of Paddington, which is identified as having the potential to accommodate 13,000 new jobs over the Draft London Plan period. The proposed scheme will create significant new employment opportunities as identified elsewhere in this report.
- **A business eco-system:** a creative industries 'cluster' is developing in Paddington. These types of businesses typically seek the provision of high quality, flexible offices which are in short supply in Paddington, and the wider West End. They require workspaces that are suitable for a range of businesses both in type and size. The provision of such space in Paddington therefore helps to attract/retain these businesses in the local area and supports the continued development of a creative industries cluster.
- **SME workspace:** a minimum of 1,500 sqm of flexible workspace, meaning workspace which is available at a range of different sizes and on flexible lease terms, will be provided within the building. Such space is attractive to a range of business types but is particularly attractive to Small and Medium Enterprises (SMEs).
- **Affordable workspace:** 3,900 sq m to be provided within the development as affordable workspace provided at an average of 50% discount versus similar co-working spaces in the area.
- **Community infrastructure funding:** the development is estimated to generate a payment of over £23 million to the Community Infrastructure Levy (CIL) which will be used by the Westminster Council to fund local infrastructure improvements and by the GLA to deliver Crossrail.
- **Public uses in the Garden and Box:** the mix of uses to be delivered in the Garden and Box will provide a public amenity for local people to use, as well as a destination for the wider community. The exciting mix of uses will help to build on Paddington's developing reputation as a place where people want to live, work and visit.
- **Employment, Training and Skills:** British Land is committed to delivering an employment and training strategy which seeks to ensure that Westminster residents benefit from the development by developing work-related training and skills programmes, tackling barriers to employment, and providing young people with the experience and aspiration to access, secure and sustain jobs in a range of sectors. They do this already through their Bright Lights programme and will secure a number of initiatives through the Employment and Skills Plan. The proposals also include over £2m to be contributed to

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will support the Westminster Employment Service, which supports local employment and training initiatives.

- **Affordable housing contribution:** A contribution of £14.3 million towards the provision of Affordable Housing within the City of Westminster. This is significant and represents nearly half (c.46%) of the average annual payments in lieu over the last 6 years. Based on the current per unit sum for affordable homes in this part of the borough, the proposed contribution would support the delivery of 47 new affordable homes in the borough. This represents approximately 48% of average annual net completions in Westminster over the last 6 years.
- **Greening and landscaping:** The introduction of high quality soft and hard landscaping within and outside of the building, including beneath the Westway, will substantially improve the quality of the local environment. This will be further emphasised by a public art and lighting strategy which will extend from the Westway underside through to Kingdom Street.
- **Westbourne Bridges Study:** British Land is committed towards contributing to a study of the current physical condition of Westbourne Bridge, and a strategy for funding such works.

Safety

- 7.175 Full consideration has been given to servicing, maintenance and building management issues in relation to these emerging proposals. Sweco has prepared a Delivery, Servicing and Waste Management Plan, which is reviewed further in the 'Transport and Servicing' section of this report. Toren Consulting has advised on security risk mitigation measures that should be adopted within the development. These will be incorporated at the detailed design stage and are set out in the Design and Access Statement.

Microclimate

- 7.176 A technical assessment of the impact of the proposed development on local wind conditions and in terms of daylight/sunlight, overshadowing and solar glare has been undertaken and is included in the Environmental Statement (Volume I). The outcomes of these assessments, which are summarised in the 'Amenity' section of this Planning Policy Assessment, conclude that the proposed development would be appropriate in its context.

Interference with aviation/telecommunications

- 7.177 The proposed development is not at a height or location that would interfere with aviation navigation. A Television Interference Desk Based Report has been undertaken by Pager Power to assess any potential impact on TV signals. This recommends that any reported television interference should be investigated by means of a post-construction reception measurement. The results can then be compared alongside the initial modelling and baseline survey results (if completed) to determine whether the effect is attributable to the proposed development. If a significant impact is identified, mitigation can be implemented. The report identifies numerous potential mitigation methods.
- 7.178 In summary, the proposed building will be of exceptional quality and the above analysis demonstrates that a building of the scale and form as proposed satisfies the criteria within the London Plan (adopted and emerging) and Westminster City Council policies.

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Townscape, Heritage and Views

Policy Context

Westminster

- 7.179 Policy S25 (Heritage) of the City Plan seeks to conserve Westminster's extensive heritage assets and their settings including listed buildings, Conservation Areas, Royal Parks, squares, gardens and other open spaces.
- 7.180 Policy S26 (Views) states that strategic views will be protected from inappropriate development. Similarly, local views, including those of metropolitan significance, will be protected from intrusive or insensitive development.
- 7.181 Part F of Saved Policy DES 9 (Conservation Areas) relates to the setting of Conservation Areas. It states that development will not be permitted which, although not wholly or partly located within a designated conservation area, might nevertheless have a visibly adverse effect upon the special character and appearance, including intrusiveness with respect to any recognised and recorded local views.
- 7.182 Part D of Saved Policy DES 10 (Listed Buildings) relates to setting of listed buildings. This policy states permission will not be granted where it would affect (a) the immediate or wider setting of a listed building; or (b) recognised and recorded views of a listed building or groups of listed buildings; or (c) the spatial integrity or historic unity of a listed building
- 7.183 Saved Policies DES 14 (Strategic Views) seeks to protect and enhance strategic views of the Palace of Westminster and St Paul's Cathedral. Saved Policy DES 15 (Metropolitan and Local Views) states permission will not be granted for developments which would have an adverse effect upon important views of listed buildings, landmark buildings, parks, squares and gardens, canals, and the River Thames.

London Plan

- 7.184 Policy 7.7 (Location and design of tall and large buildings) of the London Plan states development should not adversely affect strategic or local views. Policy 7.8 (Heritage Assets and Archaeology) of the London Plan states development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 7.185 Policy HC1 (Heritage conservation and growth) of the Draft London Plan states development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 7.186 Policy HC3 (Strategic and Local Views) of the Draft London Plan sets out policy guidance for the management of such views.
- 7.187 In terms of supplementary documents, the GLA has prepared the London View Management Framework outlining key views across London.

NPPF

- 7.188 When determining applications, paragraph 192 of the NPPF requires Local Planning Authorities to account for:

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- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

7.189 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The NPPF confirms that significance can be harmed or lost through development within its setting.

Legislation

- 7.190 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker 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.
- 7.191 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also provides that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Assessment

- 7.192 This application is accompanied by a Townscape Heritage and Visual Impact Assessment (THVIA) by Tavernor Consultancy, based on visualisations prepared by Miller Hare. This assesses the impact of the development on the townscape and on the setting of surrounding heritage assets.
- 7.193 The form and architecture of the proposed development has been informed by an assessment of the baseline townscape and heritage conditions relevant to the site. The subsequent evolution of the design has been informed by iterative testing of key views and heritage settings. The purpose of undertaking this exercise during the design development stage was therefore to 'design out' any potentially harmful impacts of the proposed development early in the process. The design evolution of the proposed development is described within the Design and Access Statement.
- 7.194 The Site is not located within a conservation area and there are no listed buildings on the site. There are conservation areas and listed buildings in the vicinity of the site, which are identified in Section 3 of the THVIA. The Site is also not located within any protected vista identified in the London View Management Framework (LVMF) SPG.
- 7.195 The THVIA assesses the impacts of the proposed development on strategic and local views, townscape character and the setting of the surrounding heritage assets. The potential impacts are considered through the assessment of 33 views (including 2 night views), as well as unverified kinetic, modelled views from within Hyde Park, the locations of which have been agreed in consultation with Westminster City Council.
- 7.196 Regarding distant views, the THVIA concludes that there would be some, albeit limited, impact upon the distant views identified in the assessment, which includes views from Primrose Hill (Grade II Registered Park), Regents Park (Grade I Registered Park), Hyde Park (Grade I

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Registered Park) and Kensington Gardens (Grade I Registered Park). The significance of the effect of the proposed development would be negligible/neutral from these locations given its limited visibility from these view locations, the continued dominance of the foreground, and the existing urban character of the skyline.

- 7.197 The THVIA states that in some local views, the proposed development will be more visible, and in some instances – in Little Venice, near the Westway and railways, and at the north end of Westbourne Terrace – it would have a medium-very large impact on the townscape. Whilst the high level of impact in some locations is acknowledged, the significance of the effect is judged to be neutral or beneficial as the high visibility is experienced in the context of the urban centre at Paddington (and the transport infrastructure connected to it) and is balanced against the sophisticated design and the marker function of the building which clearly signals the vastly improved quality and permeability of pedestrian routes and spaces created by the proposed development.
- 7.198 In terms of townscape character, the THVIA concludes that the impact on and close to the Site would be substantial and positive due to the significant new public space and pedestrian route provided and the high design quality of the proposed development. The scale and character of the building would be in keeping with the existing large scale, urban character of the Paddington area which the Site is identified as being situated within. Beyond the Paddington character area, the effects of the proposed development on townscape character would be purely visual and only the upper parts of the proposed building would be seen from limited places within the wider townscape, creating a ‘negligible’ effect overall.
- 7.199 In terms of the seven conservation areas within the 1km study area that was assessed, the THVIA concludes there would be a ‘negligible’ or ‘small’ impact on six of these. A medium impact on the setting of the Maida Vale Conservation Area has been identified due to the visual prominence of the upper parts of the proposed building from Little Venice. The identified impacts on the setting of the conservation areas are judged not to affect the heritage significance of any conservation areas due to the existing context and design features set out above, as well as the positive design response of the warm and muted tonality of the proposed façades to specifically address the natural colours and dappled appearance of the waterways and street trees.
- 7.200 In terms of listed buildings, the THVIA considers there would be large and very large impacts on the settings of most listed buildings close to the application site, and medium impacts on the settings of heritage assets situated further away from the close context of the application site and from which parts of the proposed development would be clearly visible. It characterises these listed buildings in four broad categories within the non-technical summary (they are comprehensively assessed individually in the main assessment).
- The first is the listed railway bridges, whose historical interest would not be affected, and whose aesthetic value would be complemented by the lattice -like design of the façade which draws on the qualities of the bridges.
 - The second category is the listed 19th century stucco villas, whose group value, special interest and historic relationship with the canals/railways would be unaffected. The THVIA acknowledges that in places, there would be a very noticeable difference in scale and character between these villas and the proposed development, however this juxtaposition of townscape character areas is already established and the houses in the area around Little Venice have existed in close proximity to the urban centre and major transport hub at Paddington since they were first constructed.

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- The third category is the listed canal buildings in Little Venice. The THVIA concludes their special historic interest and relationship with the waterways and their immediate setting will be unaffected.
 - The final category is the Grade II* listed rail depot buildings, which were developed and exist in a highly urban environment, now characterised by the Westway, Harrow Road and Paddington Central buildings. The THVIA concludes the proposed development is not likely to affect their significance.
- 7.201 The THVIA also assesses the impact on the Grade I and Grade II Registered Parks, from which there would be limited views to the top of the proposed development. It concludes the proposed development would be one of a number of building tops visible on an existing urban skyline in views from these parks. Its particular design and materiality would relate positively to the trees with which it would be seen. The parkland and the different character of the different parts and views within it would remain the same, and key views of Kensington Palace (designated in the Kensington Gardens Management Plan) and the Palace of Westminster (designated in the LVMF SPG) would be wholly unaffected.
- 7.202 The proposed development would not have a harmful impact on local, distant or strategic views or on the setting of any heritage assets and therefore accords with Draft London Plan Policy HC1 and HC3, London Plan Policy 7.7, Policies S25 and S26 of the City Plan and Policies DES 1, DES 9, DES 10, DES 14 and DES 15 of the saved UDP.
- 7.203 In the context of the NPPF, the THVIA concludes that there would be no harm to the significance of any heritage assets as a result of changes to their settings. It notes that if 'less than substantial' harm was found, it would be fully outweighed by the substantial public benefits provided by the proposed development, which are described throughout this Planning Statement, including under the tall building assessment above.

ENVIRONMENT AND SUSTAINABILITY

- 7.204 In developing the proposals, British Land has sought to achieve the highest level of sustainable design standards, as far as design and conservation considerations will allow. This approach reflects national, London Plan and Westminster's policies which seek to mitigate and adapt to climate change. British Land also has its own 2020 sustainability strategy, built around four focus areas (Wellbeing, Community, Future Proofing and Skills and Opportunity).
- 7.205 The application is accompanied by an Environmental Statement, submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017). A request for a scoping opinion was submitted on 27 November 2018.
- 7.206 Under the EIA Regulations 2017, the proposed development is not Schedule 1 development, for which EIA would be mandatory. However, it is of a type listed within the descriptions of development contained within Schedule 2, falling under category 10(b) urban development projects (including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas). A development is considered to be Schedule 2 development if any part of it lies within a 'sensitive area' or if it meets or exceeds the relevant thresholds and criteria for that category of development. The thresholds and criteria for category 10(b) projects are 1 hectare (ha) for non-dwelling house development, development which includes more than 150 dwellings and where the total application site is greater than 5ha.

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- 7.207 The proposed development does not lie within a sensitive area, as defined in the EIA Regulations; however, on the basis that it exceeds the 1 ha site area threshold for non-dwelling house development, it is considered to be Schedule 2 development and would therefore fall within the scope of the EIA Regulations 2.7.
- 7.208 In the interests of undertaking a robust assessment of the likely environmental effects of the proposals, the Applicant has chosen to voluntarily submit an ES to accompany the full planning application. No request for a screening opinion was submitted to WCC.

Minimising Carbon Dioxide Emissions

Policy Context

Westminster

- 7.209 Policy S39 (Decentralised Energy Networks) requires major development to be designed to link to and extend existing heat and energy networks in the vicinity, except where the council considers that it is not practical or viable to do so.
- 7.210 Policy S40 (Renewables) states that all major development should achieve at least 20% reduction of carbon dioxide emissions through on-site renewable energy and, where feasible, towards zero carbon emissions, except where the council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

London Plan

- 7.211 Policy 5.2 of the London Plan outlines targets for improvements based on 2010 Building Regulations for carbon dioxide emissions. The Mayor’s April 2014 Sustainable Design and Construction SPD (specifically section 2.4.3) brings this up to date by benchmarking targets against 2013 Building Regulations. The expectation under London Plan policy and SPD as well as GLA Guidance on Preparing Energy Assessments (October 2018) and GLA Carbon Offset Funds Guidance (October 2019) is that new non-domestic developments achieve 35% improvement over Part L of the 2013 Building Regulations.
- 7.212 Policy 5.2 also requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy:
 - **Be lean:** use less energy;
 - **Be clean:** supply energy efficiently;
 - **Be green:** use renewable energy.
- 7.213 Policy SI2 (Minimising carbon dioxide emissions) of the Draft London Plan also contains the energy hierarchy and carbon dioxide emissions targets set out in Policy 5.2 as referenced above. It adds “be seen” to the energy hierarchy, which relates to monitoring energy performance during operation. Formal guidance on the “be seen” element of the hierarchy is awaited, and consultation on draft guidance is expected following the publication of the Draft London Plan. SI2 also states major development proposals should include a detailed energy statement to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

Assessment

- 7.214 This application is accompanied by an Energy Strategy by Ramboll, which demonstrates how the energy consumption and associated CO₂ emissions of the proposed development will be reduced. The objective is to provide an optimised solution to achieve compliance with the

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Building Regulations and national and regional policies, subject to plot-specific constraints and opportunities.

- 7.215 The Energy Strategy presents detailed calculations to estimate the carbon emissions for the scheme as per the GLA guidance on preparing Energy Assessments (October 2018). The future emission factors (SAP 10) have been used in the assessment.
- 7.216 A summary of the energy saving measures that have been incorporated for this proposed scheme as as part of the above referenced energy hierarchy is as follows:

Energy Reduction 'Be Lean'

- Highly efficient building fabric properties will be incorporated, with U-values and air permeability beyond the standards set out in Part L of the Building Regulations 2013.
- High-efficiency ventilation with heat recovery together with energy efficient light fittings, controls and metering to be incorporated in all parts of the proposed development.

Energy Efficiency 'Be Clean'

- The potential for connection to nearby existing low carbon heat distribution networks was investigated. Based on the information shown in the London Heat Map, there are no existing district heating (DH) schemes in close proximity to the site. The proposed development will be future-proofed to make allowance for a connection should a low-carbon district heat network become available in accordance with the requirements of City Plan policy S39.
- An on-site combined heat and power (CHP) option was investigated but discounted for this proposed scheme. CHP systems are not appropriate for this development for the following reasons:
 - They do not deliver the lowest carbon dioxide emissions, given electrical grid decarbonisation; and
 - They do not help to protect local air quality.

Renewable Energy 'Be Green'

- A hybrid energy design solution that will utilise heat pumps in combination hybrid air cooled chillers is proposed to provide heating, cooling and domestic hot water (DHW) for the proposed development.
 - The feasibility of a number of renewable energy sources has been investigated in formulating the application. This is also set out in further detail in the Energy Strategy.
- 7.217 A "be seen" assessment has not been undertaken in line with GLA guidance which confirms that this will not be required until the Draft London Plan is published. Notwithstanding, following recommendations from the GLA at Stage 2, a commitment to monitor the performance of the heat pump system post-construction to ensure it is achieving the expected performance approved during planning will be secured.
- 7.218 The overall development is anticipated to save 19% on CO₂ emissions over the baseline case through the introduction of 'Be Lean' energy saving measures. The proposed hybrid energy design solution will provide a 24% reduction over the 'Be Green' energy scenario, which exceeds the 20% reduction target set out in policy S40 of Westminster's City Plan. The introduction of the measures described will enable the above referenced policy target of a 35% improvement over Part L of the 2013 Building Regulations to be achieved.

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Consequently, the proposed development will achieve a 43% improvement on Part L and this exceeds the policy requirement by some significant margin. The design team hope to improve the energy efficiency of the development in the detailed design stages and will review the energy assessment modelling point upon completion of the development with a view to get as close to a zero carbon development as possible. Any shortfall below zero carbon will be offset by a payment towards the council's carbon offset fund, at a rate of £60/tonne.

Sustainable Design and Construction (including BREEAM)

Policy Context

Westminster

- 7.219 Policy S28 (Design) of the City Plan requires development to incorporate exemplary standards of sustainable and inclusive urban design and architecture. As part of this objective, the Council will seek to reduce energy use and emissions and ensure the reduction, reuse or recycling of resources and materials, including water, waste and aggregates.

London Plan

- 7.220 Policy 5.3 (Sustainable Design and Construction) of the London Plan states that Major development proposals should meet the minimum standards outlined in the Mayor's Supplementary Planning Guidance (SPG) on Sustainable Design and Construction (2014). The standards include measures to achieve other policies in this Plan and the following sustainable design principles:

- a) Minimising carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems)
- b) Avoiding internal overheating and contributing to the urban heat island effect
- c) Efficient use of natural resources (including water), including making the most of natural systems both within and around buildings
- d) Minimising pollution (including noise, air and urban runoff)
- e) Minimising the generation of waste and maximising reuse or recycling
- f) Avoiding impacts from natural hazards (including flooding)
- g) Ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions
- h) Securing sustainable procurement of materials, using local supplies where feasible, and
- i) Promoting and protecting biodiversity and green infrastructure.

- 7.221 Policy S17 (Circular Economy) of the Draft London Plan requires that referable applications should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted, to demonstrate:

1. how all materials arising from demolition and remediation works will be re-used and/or recycled;
2. how the proposal's design and construction will enable building materials, components and products to be disassembled and re-used at the end of their useful life;
3. opportunities for managing as much waste as possible on site;

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4. adequate and easily accessible storage space to support recycling and re-use;
5. how much waste the proposal is expected to generate, and how and where the waste will be handled.

Assessment

- 7.222 This application is supported by a Sustainability Statement by TFT which provides a detailed account of the relevant planning policies and guidance regarding sustainability, and a detailed assessment of how the proposed development responds to the policy framework. It also outlines the holistic approach the applicant and project team has taken to deliver a sustainable development. The proposed office element of the scheme will be assessed under the latest BREEAM methodology (New Construction 2018). It will be the first British Land office building to be assessed under this methodology. The scheme aspires to target at least an excellent rating. As is detailed in the Sustainability Statement, a BREEAM pre-assessment framework has been undertaken and the scheme is currently predicted to achieve a score of 75.70%, equivalent to BREEAM Excellent rating.
- 7.223 TFT has included a Circular Economy Statement and Materials Optimisation Report within their Sustainability Statement. This responds to Policies SI7 (Reducing Waste and Supporting the Circular Economy) and other relevant development plan policies and guidance.

Biodiversity, Ecology and Urban Greening

Policy Context

Westminster

- 7.224 City Plan Policy S38 (Biodiversity and Green Infrastructure) states that proposals within Areas of Wildlife Deficiency should include features to enhance biodiversity, particularly for priority species and habitat.

London Plan

- 7.225 Policies 5.10 (Urban Greening) and 5.11 (Green Roofs and Development Site Environs) of the London Plan as well as policies G1 (Green Infrastructure) and G5 (Urban Greening) of the Draft London Plan promote the inclusion of urban greening within new developments. Elements that can contribute to this include tree planting, green roofs and walls, and soft landscaping. Further to this policy 7.19 (Biodiversity and Access to Nature) of the London Plan encourages development proposals to make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 7.226 Draft London Plan Policy G5 (Urban greening) states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design. It adds that Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments, and in the interim, the Mayor recommends a target score of 0.3 for predominately commercial development.

Assessment

- 7.227 This application is accompanied by and Ecological Impact Assessment by Lloyd Bore. This concludes the application site of is of low ecological importance, no additional ecological surveys are required, and no ecological mitigation is required over and above the

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precautionary measures set out in the report. The report also makes recommendations regarding ecological enhancement measures.

- 7.228 The Landscaping and Urban Greening proposals for the Site are set out within the Landscaping Chapter of the Design and Access Statement, which has been prepared by Gillespies Landscape Architects, as well as the Sustainability Statement by TFT. The proposals will deliver new green infrastructure including:
- Biodiverse living roofs at roof level;
 - Planted roof terrace amenity spaces;
 - Planted yard spaces at the southern boundary of the Box, with areas of climber plants;
 - Publicly accessible hard and soft landscaped areas in Kingdom Square and at the entrance from Harrow Road; and
 - A publicly accessible garden within the building.
- 7.229 A key aim across the Site is to create a landscape with a series of closed loop systems - wildflowers attracting bees which pollinate flowers, nitrogen fixing species to add to soil nutrients, and a selection of habitat and food species for wildlife benefit. The proposed planting will prioritise native and wildlife friendly species. The planting palette will be highly diverse, and species are required that are best suited to the conditions of this demanding environment. At roof level, extensive, sedum and biodiverse green roofs have been provided with flowering plants to maximise sustainability benefits of these roof spaces.
- 7.230 The significant amount of urban greening provided within the development results in a UGF assessment score of 0.32 (0.29 excl. the winter garden).

Drainage and Flood Risk

Policy Context

Westminster

- 7.231 Policy S30 (Flood Risk) of the City Plan states that all development proposals should take flood risk into account and new development should reduce the risk of flooding.

London Plan

- 7.232 Policies 5.13 of the London Plan and SI13 of the Draft London Plan (Sustainable Drainage) requires development to utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so. Proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy. In addition to the above drainage requirements, Policies SI15 (Water Infrastructure) of the Draft London Plan encourages new development to incorporate processes for recycling on-site water and limiting water usage.

Assessment

- 7.233 This application is accompanied by a Flood Risk Assessment by Ramboll. The development is not in an area categorised as a high flood risk area (Flood Zone 3) on the Environment Agency's Flood Risk map. It is located within flood Zone 1. This represents land assessed as having a less than 1 in 1,000 (0.1%) probability of flooding from rivers or the sea.
- 7.234 The SUDS and Drainage Assessment by Ramboll provides a detailed feasibility review of Sustainable Urban Drainage Systems. Whilst the initial survey and calculations indicate that

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the policy can be complied with and run off rates met, this will be subject to further hydraulic modelling to identify the precise network capacity and surface water attenuation volumes.

AMENITY

Daylight/ Sunlight, Overshadowing and Solar Glare

Policy Context

Westminster

- 7.235 Policy ENV 13 (Protecting amenities, daylight, sunlight and environmental quality) of the UDP states that WCC will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.

London Plan

- 7.236 Policy 7.6 (Architecture) of the London Plan states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy and overshadowing. This is reinforced by Policy 7.7 (Location and design of tall and large buildings) which states that buildings should not adversely affect their surroundings in terms of overshadowing and other factors.
- 7.237 Policy D8 (Tall buildings) of the Draft London Plan states that the impact of buildings should be carefully considered in relation to environment, visuals and function and should not cause unacceptable harm.

Building Research Establishment (BRE) Guidelines

- 7.238 The BRE handbook acknowledges that for an urban context, its numerical guidelines should be interpreted flexibly since natural light is only one of many factors in site layout design and amenity provision. Its targets therefore should not be applied mechanically by LPAs in determining planning applications.

Assessment

- 7.239 Gordon Ingram Associates (GIA) has undertaken a Daylight, Sunlight, Overshadowing and Solar Glare Assessment in support of this application. This is contained within the Environmental Statement submitted in support of the application. The assessment analyses the impact of the development on neighbouring properties identified as being sensitive receptors. The assessment included within the report has been undertaken in accordance with BRE Guidelines.
- 7.240 GIA has also compared the daylight and sunlight impacts against the previous permitted scheme at the Site and when reviewing the results, there is very minimal change to the neighbouring properties between the two schemes. GIA are of the view that the proposed scheme does not create significant additional impacts to the neighbouring residential properties and that is particularly so when considering the urban nature of the Site and surroundings.
- 7.241 GIA's assessment considers the cumulative impacts of other large-scale developments in the area, including the proposed housing development at Blomfield Mews following WCC's request for this information to be provided. Additional impacts have been identified when this development is included in the cumulative assessment. GIA has advised that: in most cases

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additional losses of light identified are attributable to the additional massing at Blomfield Mews; that losses typically amount to around a 1%-3% in the VSC loss in absolute terms; and that for the most part, retained levels of VSC remain very good for a dense urban environment (mid-teens or above).

Noise

Policy Context

Westminster

- 7.242 UDP Policy ENV 7 (Controlling Noise from Plant, Machinery and Internal Activity) sets out specific noise levels which new plant and machinery will be expected to achieve.
- 7.243 Policy S32 (Noise) states that WCC will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors. This will be achieved by requiring development to minimise and contain noise and vibration and ensuring development provides an acceptable noise and vibration climate.

London Plan

- 7.244 Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment) states, amongst other objectives, that new development should avoid significant adverse noise impacts on health and quality of life;
- 7.245 Policy D14 (Noise) of the Draft London Plan states that to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by a number of measures including avoiding significant adverse noise impacts on health and quality of life; reflecting the Agent of Change principle; and mitigating and minimising the existing and potential adverse impacts of noise as a result of new development.

Assessment

- 7.246 Scotch Partners has prepared a Noise and Vibration Impact Assessment which accompanies this application. This has been informed by an external noise survey and vibration survey. The key findings of this assessment can be summarised as follows:
- Noise emission levels from the proposed externally located building services plant are predicted to be at least 10dB below the background sound level at the nearest residential neighbour. This accords with the objectives of UDP policy ENV7.
 - Noise emissions from other activities associated with the proposal (patron noise, noise from entertainment uses and noise from increased taxi frequency) have been considered. It is expected these sources can be readily controlled and will not be out of character with the rest of the development.
 - The effect of sound reflecting from the façade of the new building to neighbouring residences has been estimated and is believed to be negligible.
 - Tactile vibration has been assessed. The calculated impacts are well below the low end of the range for a 'low probability of adverse comment' according to the relevant British Standards.
 - Airborne noise intrusion has been assessed and it is considered that the internal noise levels will be appropriate for the land uses proposed, subject to detailed design.

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- Ground borne noise from railway activities has been assessed. Structural isolation is not considered necessary for the main structure, but the auditorium will be constructed using an isolated ‘box in box’ strategy to maximise attenuation of ground borne noise to this space.
 - The effect of the new structure on existing ground borne noise transmission has been briefly considered and is not expected to be significant
- 7.247 The conclusions in relation to the assessment of noise emissions from other activities associated with this proposal is also relevant for the purposes of considering these application proposals against UDP policy TACE10, which is referred to in more detail in the ‘Entertainment Use’ section of this report.

Air Quality

Policy Context

Westminster

- 7.248 Policy S31 (Air Quality) of the City Plan states that developments will minimise emissions of air pollution from both static and traffic-generated sources.

London Plan

- 7.249 Adopted Policy 7.14 (Improving air quality) requires new development to be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality, such as areas designated as Air Quality Management Areas (AQMAs).
- 7.250 Draft London Plan Policy S11 (Improving air quality) states that development proposals should not lead to further deterioration of existing poor air quality; create any new areas that exceed air quality limits; reduce air quality benefits that result from the Mayor’s or boroughs’ activities to improve air quality; or create unacceptable risk of high levels of exposure to poor air quality.

Assessment

- 7.251 These application proposals are accompanied by an Air Quality Assessment which has been prepared by Ramboll. This assesses air quality impacts during the construction phase and for the completed scheme.
- 7.252 This assessment concludes that the overall air quality effects of the development are not significant and that for both buildings and transport emissions the proposed development is air quality neutral. This is therefore compliant with Draft London Plan Policy S11 (Improving Air Quality), London Plan Policy 7.14 (improving air quality) and relevant Supplementary Planning Guidance.

Wind

Policy Context

- 7.253 Policies associated with managing wind conditions and microclimate are summarised in the ‘Height’ section of the Planning Policy Assessment.

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Assessment

- 7.254 A detailed wind assessment, including a wind tunnel test, has considered the potential effects of the proposed development on the wind microclimate. The results of this are set out in the Wind Assessment by Arup which forms part of the Environmental Statement (and Addendum). This also sets out potential wind mitigation measures further to this.
- 7.255 The studies undertaken demonstrate that it is practical to avoid significant wind impacts from the development with the proposed mitigation and design features as identified in this assessment.

TRANSPORT AND SERVICING

- 7.256 The Transport Assessment and the Delivery, Servicing and Waste Management Plan by Sweco, submitted in support of this application, set out further detail on proposed parking, servicing and waste management arrangements in connection with the proposed scheme. The key elements of this as well as relevant development plan policy are summarised below. Overall, the Transport Assessment concludes that no significant adverse transport effects are anticipated as a result of the development.
- 7.257 In addition, this application is accompanied by a Framework Travel Plan, prepared by Sweco. This accords with the objectives of Draft London Plan Policy T4 (Assessing and Mitigating Transport Impacts) and London Plan policy 6.3 (Assessing Effects of Development on Transport Capacity).

Servicing

Policy Context

Westminster

- 7.258 Policy S42 (Servicing and Deliveries) of the Westminster City Plan states that developments must demonstrate that the freight, servicing and deliveries required will be managed in such a way that minimises adverse impacts. This may include the provision of off-site consolidation centres, shared delivery arrangements, and/ or restrictions on the types of vehicles or timing of deliveries, especially where the quality of the public realm, local pollution and/ or function and reliability of the transport network would be otherwise compromised.

London Plan

- 7.259 Draft London Plan Policy T7 (Deliveries, servicing and construction) encourages development to facilitate sustainable freight deliveries and servicing, including through the provision of adequate space for servicing, storage and deliveries off-street. Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.

Assessment

- 7.260 Access for delivery and servicing vehicles will be provided via an internal service road accessed from the existing service road off the Harrow Road gyratory. A total of four loading bays are provided at the Lower Box Level (Track level), on the western side of the building. These have been designed to accommodate delivery vehicles up to a 12m rigid. Egress for these vehicles will be along the same route. Whilst the service ramp off the Harrow Road gyratory is currently one-way, a 'Section 278' agreement between Westminster and British

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Land was recently signed which agreed amendments to the highway allowing the service ramp to operate as two-way.

- 7.261 A Delivery, Servicing and Waste Management Plan has been prepared by Sweco in accordance with the above policies and guidance. This sets out how the development will be appropriately serviced.

Waste Management

Policy Context

Westminster

- 7.262 Policy S44 (Sustainable Waste) of the Westminster City Plan requires the minimisation of waste; the increase in the re-use, recycling and composting of waste; and the reduction in the amount of waste disposed at landfill in order to meet the waste reduction targets set out in the London Plan. This approach is also reflected in Policy ENV12 (Waste and Recycling Storage) of the UDP.
- 7.263 Detailed design guidance is provided in the Council's Recycling and Waste Storage Requirements guide (2019).

London Plan

- 7.264 Policy 5.17 (Waste capacity) of the adopted London Plan requires suitable waste and recycling storage facilities are required in all new developments.
- 7.265 Policy S17 (Circular Economy) of the Draft London Plan requires that referable applications should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted, to demonstrate adequate and easily accessible storage space to support recycling and re-use; how much waste the proposal is expected to generate; and how and where the waste will be handled.

Assessment

- 7.266 Dedicated space for the storage and sorting of waste (both recyclable and residual) is proposed as part of this scheme.
- 7.267 The capacity and design of the waste storage facilities at the proposed development have been prepared in accordance with WCC's above referenced Recycling and Waste Storage Requirements guide.
- 7.268 All waste from the office and commercial uses, including those within the Box will be stored ready for collection in a dedicated waste store at Lower Box level which is located adjacent to the servicing yard. Each tenant/operator will be required to segregate their waste at source and building management staff will then transport the waste down to the waste storage and collection area. All bins will be clearly labelled to ensure cross contamination of refuse and recycling is minimised, alongside the correct storage of any food waste products.
- 7.269 All commercial waste collection will be undertaken by a private contractor, with daily collection for each of the waste streams. The on-site management team will be responsible for ensuring that commercial waste collection is undertaken responsibly and safely.
- 7.270 Due to the flexible uses proposed as part of this development, worst case assumptions for each land use have been made, therefore providing a robust approach to the waste storage design.

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Cycle Parking

Policy Context

Westminster

7.271 Policy S41 (Pedestrian Movement and Sustainable Transport) of the Westminster City Plan identifies the provision of cycle facilities as a sustainable transport priority in Westminster.

London Plan

7.272 London Plan Policy 6.9 (Cycling) requires new development to provide secure, integrated, convenient and accessible cycle parking facilities and on-site changing facilities and showers.

7.273 Draft London Plan Policy T5 (Cycle Parking) states that appropriate levels of cycle parking that are fit for purpose and well-located should be secured, including larger and adapted cycles for disabled people, as well as on-site changing facilities and showers.

7.274 The Draft London Plan sets out cycle parking standards in Table 10.2. These have informed the proposed cycle parking provision in this scheme.

Assessment

7.275 As per the detailed calculations in the Transport Assessment by Sweco, these application proposals generate a requirement for up to 730 'long stay' cycle parking spaces and 226 'short stay spaces'. The application proposals incorporate cycle parking in accordance with these requirements.

7.276 The 'long stay' spaces will be provided in dedicated cycle stores. The majority of this is provided within the Lower Ground Floor Level, with some spaces provided at the Upper Box Level which are accessed via lift or cycle stairway. Access to the spaces on the Lower Ground Level would be available directly from the new link through the site.

7.277 The 'short stay' spaces will be provided within the public realm in the vicinity of the development. They will be located both at ground (podium) level on Kingdom Street and also at lower ground/Box levels off the new cycle route which is to be created as part of these development proposals.

7.278 As detailed in the Transport Assessment, whilst 'flexible use' for some elements of the scheme is sought, the cycle parking requirements have been calculated based on the potential uses that would require the most cycle parking when having regard to Draft London Plan policy. This ensures that the development could provide sufficient cycle parking in every potential development scenario.

Car Parking

Policy Context

London Plan

7.279 Policy T6 (Car Parking) of the draft London Plan requires car parking to be restricted in line with levels of existing and future public transport accessibility and connectivity. It also states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

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Assessment

- 7.280 The Site is located within the Core CAZ and has a public transport accessibility level (PTAL) rating of 6a. This indicates an 'excellent' level of public transport accessibility and is the second highest possible score.
- 7.281 Given the site's excellent accessibility, the proposed development will be 'car free', in accordance with Policy T6.2 of the draft New London Plan. However, two accessible parking bays will be provided to meet the needs of disabled persons, as set out in Policy T6.5 of the draft new London Plan.
- 7.282 Further, to provide safe space for picking up and dropping off, three bays are proposed along the southern service road for taxis to use for users of the building and the Box.

8.0 Section 106/Community Infrastructure Levy

Section 106

- 8.1 Section 106 of the Town and Country Planning Act 1990 (as amended) allows the entering into of an obligation, by agreement or otherwise, between the local planning authority and any person interested in the land for the purposes of:
 - (a) restricting the development or use of the land in any specified way;
 - (b) requiring specified operations or activities to be carried out in, on, under or over the land;
 - (c) requiring the land to be used in any specified way; or
 - (d) requiring a sum or sums to be paid to the local planning authority (or, in a case where section 2E of the 1990 Act applies, to the Greater London Authority) on a specified date or dates or periodically.
- 8.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) states that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 8.3 Paragraph 54 of the NPPF states that ‘*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*’. Paragraph 56 reinforces the requirement that planning obligations meet the tests set out in regulation 122 of the CIL Regulations.
- 8.4 It is envisaged that the following Heads of Terms will be required as part of the s106 agreement, each of which are considered to meet the terms in regulation 122 of the CIL regulations.
- 8.5 A number of obligations upon the applicant will be secured through the imposition of planning conditions. The following is not intended as being a comprehensive list of British Land’s commitments in connection with this proposed development but merely the ones that a legal agreement is applicable to:

Placemaking and Community

- A new pedestrian and cycle route connecting Paddington to North Westminster (via Kingdom Street) and the new public garden, which will be accessible to the public for recreational purposes free of charge between 6am and midnight daily (Monday to Saturday) and 7am to 11pm on Sundays.
- The provision and maintenance of public art to the value of £1 million.
- Contributing £20,000 for a study of the current physical condition of Westbourne Bridge and the ways in which it can be enhanced to be prepared.
- Free use of the auditorium for four sessions per month by local community groups. A session is defined as a morning, afternoon or evening.

Transport

- A contribution of £4,500 towards the provision/ upgrading of Legible London signage in the vicinity of the site.

8.0 Section 106/Community Infrastructure Levy

- Provision, monitoring and review of a travel plan.
- A contribution towards works in the public highway required to complete the West Link and improve crossing conditions where this meets Harrow Road.
- A contribution to enable provision of cycle hire docking station (24 docks) within the Paddington Central campus or locally within the public highway.

Affordable Workspace

- A minimum of 3,900sqm to be provided within the development as affordable workspace, with all-inclusive rates provided at an average discount of 50% when benchmarked against similar co-working spaces in the area. Details of the operation and management of the space to be set out in a Detailed Affordable Workspace Strategy.
- Business Support Fund, including initial investment of £50,000, to fund a range of services including the provision of advice and support for new businesses; running skills and training programmes for local people; and coordinating outreach projects. Details of the governance and spending priorities of the fund to be set out in a Detailed Affordable Workspace Support Fund Strategy.

SME Space

- A minimum of 1,500 sqm of flexible office space for growing SMEs to be provided by British Land's flexible workspace brand, Storey.

Employment, Training & Skills

- An Employment and Skills Plan which sets out training strategies focusing on work-related training and skills programmes, tackling barriers to employment, and providing young people with the experience and aspiration to access, secure and sustain jobs in a range of sectors.
- A contribution of over £2 million to the Westminster Employment Service to support and deliver initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from the scheme.

Zero Carbon

- Commitment to achieve net zero carbon, through a combination of on-site energy efficiency measures and an offset payment.

Affordable Housing Contribution

- The sum of £14.3 million to be applied by the council towards the provision of Affordable Housing within the City of Westminster.

Construction

- Construction management plan being secured, and associated monitoring (Code of Construction Practice).

Other

- Costs of monitoring the S106 agreement.

8.0 Section 106/Community Infrastructure Levy

Community Infrastructure Levy (CIL)

- 8.6 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London’s Community Infrastructure Levy (MCIL2) and Westminster Community Infrastructure Levy (WCIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor’s and Westminster’s adopted Community Infrastructure Levy Charging Schedules at the point of determination of the application.
- 8.7 The estimated WCC CIL and MCIL2 contributions (including indexation) associated with these application proposals, assuming are estimated to be up to £11,465,797 and £11,763,424 respectively (a total of £23,229,221) depending on the exact mix of uses that will be included in the box.

9.0 Conclusion

- 9.1 This Planning Statement has assessed the proposed development against the Development Plan and other relevant planning policy and guidance at national, regional and local policy level. The scheme provides a high quality and sustainable development that is in line with planning policies at national, regional and local levels.
- 9.2 The scheme entails the delivery of a new architecturally accomplished building, designed by Allies and Morrison, as well as public realm and landscaping improvements at the western end of British Land's Paddington Central campus, which falls within the wider POA. The scheme will provide a significant quantum of new office floorspace, which will contribute towards meeting employment targets in the POA and create substantial economic, employment and training benefits.
- 9.3 The imminent completion of works associated with Crossrail frees up the 'Box' space underneath Kingdom Street. This creates a significant opportunity to bring this space into active use and furthermore to properly integrate Paddington Central with its surroundings. A diverse mix of uses, which has been informed by engagement with local stakeholders is proposed for this space.
- 9.4 This proposed scheme delivers significant benefits above and beyond those which would be secured if the 2010 planning permission for a 13 storey office building was to be delivered. That planning permission has been implemented (as it also relates to the recently completed 4 Kingdom Street scheme).
- 9.5 These benefits are extensive and revolve around the below five key areas which create a lasting positive legacy for the local area:
 - Supporting London's economy and continued success as a world city;
 - Connecting to the local community;
 - Supporting local employment, enterprise, skills and training;
 - Delivering sustainable and energy efficient design; and
 - Delivering affordable housing.
- 9.6 The proposals as detailed both within this Planning Statement and accompanying submission documents follow extensive consultation with WCC and GLA officers, numerous local stakeholders, amenity groups and local residents/businesses as well as ward councillors. This has resulted in a development which complies with the Development Plan on a site which has been vacant for over 20 years, other than the recent temporary use.
- 9.7 At the heart of the NPPF is a presumption in favour of sustainable development, which means granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of development, or specific policies in the NPPF indicate otherwise.
- 9.8 This Planning Statement has assessed the development against the provisions of the NPPF and Development Plan. It is considered that the development accords with the Development Plan, representing sustainable development in accordance with the NPPF. Overall, the proposals represent a once in a generation opportunity to both deliver much needed employment space but to equally importantly take advantage of the opportunity to have a meaningful regeneration impact outside of the site.

APPENDICES

Appendix A - Town Centre Impact Assessment

RETAIL PROPOSALS OVERVIEW

- 1.1 As set out in Section 4 of the Planning Statement, the following town centre uses are proposed:
 - Flexible retail uses (A1/A3) – 265 sqm
 - Flexible retail/office uses (A1/A3/B1) – 723 sqm
 - Restaurant (A3)/market hall (sui generis) – up to 3,490 sqm
- 1.2 The above floorspace figures are maximums for each of the uses, and it is possible that not all of this retail floorspace will be delivered.

POLICY CONTEXT

- 1.3 Planning policies relating to new retail development in this location are summarised in Section 7 of the Planning Statement.
- 1.4 These policies, at both the regional and local level, support the provision of retail/ leisure and cultural uses in the CAZ and also in the POA. As such, the proposals are considered to be in accordance with an up-to-date plan, meaning that a sequential assessment (as per paragraph 86 of the NPPF, 2019) is not required.
- 1.5 Policy SS11 of the Westminster UDP requires an assessment of town centre impact where large scale retail uses are proposed. It also states however that those uses which fall within the ‘entertainment uses’ definition (which includes A3, A4 and certain sui generis uses) should not be assessed under Policy SS11 and should instead be assessed in the of the TAC10 policy tests.
- 1.6 The proposals only potentially provide between 265sqm-988sqm of non-entertainment use retail floorspace, which does not constitute a ‘major’ retail development in the context of UDP Policy SS11, meaning that the detailed policy tests set out in SS11 are not applicable to the proposed development. Notwithstanding this, we have considered the potential impact of the development on nearby town centres to demonstrate that the proposals will not cause harm to their vitality and viability.

RETAIL USE OBJECTIVES

- 1.7 The retail uses proposed are intended to create a high-quality mixed-use environment and a sense of place.
- 1.8 Providing retail uses as part of this development will help achieve this objective by introducing activity and footfall at the ground floor of the development. This is particularly important for this development as the retail uses will place a huge role in enlivening the route through the building and enhancing the experience of moving through it.

IMPACT ASSESSMENT

- 1.9 The retail uses proposed are anticipated to be occupied by food and beverage operators, and this forms the basis of this assessment.
- 1.10 We now consider the consequence of any trade diversion from the proposed A3/ market hall uses, in terms of the two key impacts identified in the NPPF:
 - Impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

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- Impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the applications is made (ten years for major schemes).

Investment

- 1.11 The only planned investment we are aware of in nearby town centres is the Council's priority to enhance Church Street/Edgware Road District Centre, including improved facilities to Church Street Market. The Council want to ensure that the centre continues to be an important hub for the local community, providing access to retail and community facilities, including a new health and wellbeing hub. The Council also want to improve the facilities for Church Street Market, including a new layout, higher quality public realm, parking and storage facilities. The Council are also planning to create a new cultural hub around the existing antiques market and adjacent Cockpit Theatre.
- 1.12 Given the nature of the proposed A3/market hall uses, we do not consider that they will impact on the Council's ability to deliver the planned enhancements to Church Street/Edgware Road District Centre.
- 1.13 There is no other planned investment in the nearby town centre that we are aware of. Therefore, there will be no impact from the proposed A3/ market hall uses within the development on planned investment in nearby town centres.

Impact on town centre vitality and viability

- 1.14 The assessment of impact on town centre vitality and viability is qualitative. This is because the new floorspace will serve the residents, workers and visitors of Paddington Central and the surrounds, so the trade diversion will be very widely dispersed. Even any local trade that occurs will be from several locations, thereby making it very difficult to estimate trade draws (much of which will be fine grained). The floorspace is also expected to be food and beverage uses (as opposed to shops) which do not lend themselves to a quantitative assessment.
- 1.15 As explained above, the town centre uses are proposed in order to provide services and facilities to meet the needs of the local community and to help create a sense of place and a high-quality environment.
- 1.16 It is recognised that there may be some trade diversion from existing centres, whereby residents or workers that live or work close to the new development may visit the new facilities instead of the local centres they currently visit.
- 1.17 The role of nearby town centres has therefore been examined, taking into account their role, and the extent to which a diversion of trade is likely. The health of each centre is also considered in order to make a judgment on the extent to which it might be vulnerable to trade diversion.
- 1.18 We have assessed centres within a 15-minute walking time from the Site which include:
- Queensway/Westbourne Grove – Major Town Centre
 - Praed Street – District Town Centre
 - Church Street/Edgware Road – District Town Centre
 - Craven Terrace – Local Centre
 - Leinster Terrace – Local Centre
 - Porchester Road – Local Centre

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- Clifton Road – Local Centre

Health and role of nearby centres

Queensway/Westbourne Grove

- 1.19 Queensway/Westbourne Grove is a major town centre located to the west of the Site which provides comparison and convenience shopping that attracts people from further afield than the local area, whilst also providing shops and facilities for local residents. As such it has a varied retail and leisure offer.
- 1.20 In terms of the A3 offer, the town centre has a strong A3 representation with a number of independent and national cafes and restaurant operators. According to GOAD surveys (2018), the centre has 74 A3 units, out of 339 units in total. National A3 operators in the centre include Nando's, Tinseltown, Costa, Pizza Hut, Starbucks, Bella Italia and GBK.
- 1.21 The majority of the A3 offer is fairly typical of a centre of this size, with typical chain restaurants found here as well as independent operators.
- 1.22 As such, the types of A3 uses proposed for the development will differ from these as they will provide a more bespoke offer in the form of a market hall and/ or restaurant mix and will not be in direct competition with these uses.
- 1.23 The centre also has a strong convenience and comparison retail offer and is not reliant on the A3 offer to generate footfall in the centre. Therefore, if any trade diversion from the centre to the development did occur, we do not consider that it would have any significant adverse impact on the centre due to the strength of its retail offer in general.

Praed Street

- 1.24 Praed Street is a district centre which is located approximately 10 minutes south of the site. It predominately serves local residents and workers, as well as tourist visitors who are travelling to and from Paddington Station.
- 1.25 In terms of its A3 offer, it has a good proportion of A3 units, with the GOAD survey (2018) showing 47 out of 209 units being in A3 use. This A3 offer is a mixture of cafes and restaurants which are mainly independent operators; however, there are some national operators present such as Caffè Nero, Costa, Garfunkels and Ask.
- 1.26 Again, this is a fairly typical A3 high street offer which doesn't offer much distinction from other centres and is a different type of A3 offer than that proposed as part of the development. As such there is unlikely to be much trade diversion to the proposed A3 uses from the A3 uses in Praed Street.
- 1.27 Furthermore, the health of the centre is good in general, with a good proportion of convenience and comparison retailers located here which generate footfall. The location of the centre next to Paddington station also means that the centre has a steady footfall from people travelling to and from the station.
- 1.28 The GOAD plan also shows that there is a low number of vacant units, with only 10 in total, which are mostly A1 units. As such we consider that the centre is not vulnerable to any small trade diversion that may occur from the centre to the proposed A3 uses.

Church Street/Edgware Road

- 1.29 Church Street/Edgware Road is a district centre which is located to the east of the Site and mainly provides comparison and convenience shopping and services for the local catchment.

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- 1.30 However, the centre has a strong comparison offer due to the number of high-class antique shops located in the centre, which attract visitors from a wider catchment.
- 1.31 In terms of the A3 offer, the GOAD survey (2018) shows that the centre has 22 A3 units out of a total of 216 units. The A3 offer is made up of a mix of independent cafes and restaurants. Whilst there are not very many national A3 operators located in the centre, which provides a point of differentiation between it and Praed Street and Westbourne Grove, the types of A3 operators located here are also different from the proposed A3 uses. As such, again we do not consider that the proposed A3 uses will be in direct competition with the A3 uses located in this centre.
- 1.32 The centre also has a diverse and busy market selling both convenience and comparison goods, which comprises an important component of the centres retail offer.
- 1.33 The centre has a lack of evening and night time economy but overall the town centre is in good health with a specialist offer provided by the antique shops. As such we do not consider that the centre is vulnerable to any trade diversion that may occur to the proposed A3 uses as the centre has greater footfall drivers than its A3 offer.

Local Centres

- 1.34 The four local centres in the surrounding area do not have a significant number of retail units located in them and their role is predominantly to serve a very local catchment area, providing convenience retail and services to local residents.
- 1.35 All four of the centres do have a small A3 offer which mainly consists of small independent cafes and restaurants. However, none of the centres serve as destinations for a diverse or distinctive A3 offer.
- 1.36 The types of restaurants and cafes located in the local centres also provide a different A3 offer than the proposed A3 uses which will provide a more bespoke A3 offer in the form of a market hall providing a range of different food and beverage operators. As such we do not consider that the proposed A3 uses will compete with the more traditional A3 offer found at these local centres.
- 1.37 All four of the centres also appear to be in good health with low levels of vacancies and as such are unlikely to be vulnerable to any slight trade diversion that may occur to the proposed A3 uses.

Summary of trade diversion

- 1.38 It is also acknowledged that some trade diversion from further afield is also possible, but will be very widely dispersed, for the reasons we explain below. The impact on any centres in the wider area will therefore be negligible.
- 1.39 The surrounding district and local centres serve their immediate local catchments with very few A3 facilities which attract people from further afield.
- 1.40 The majority of the A3 offer in these centres consists of independent operators, reflective of their local catchments.
- 1.41 The A3 offer proposed at the development will be very different to the traditional A3 offer found in the centres in the surrounding area and will provide a more bespoke A3 offer with a range of food and beverage operators operating from a market hall format. Therefore, this proposed A3 offer is unlikely to be competing with these local centres for trade and will create very little, if any, trade diversion from them.

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- 1.42 The centres in the surrounding area also appear to be healthy and functioning well in their roles; therefore, we do not consider that they will be vulnerable to any limited trade diversion that may occur. As such there will be no significant adverse impact on their vitality and viability.

Level of trade diversion from nearby centres

- 1.43 It is the growth in the number of employees in the area that will underpin to a large extent the requirement for the new retail floorspace on the site. However, the reconnection of Paddington Central to its local communities will also bring trade through the natural increase in footfall.
- 1.44 The proposed A3/market hall floorspace, will draw a significant element of its trade from occupiers at the development, who would otherwise use a range of locations to visit restaurant and cafes. Trade diversion would therefore be widely spread as new office occupiers relocate from a wide range of locations. In order that the retailers and restaurateurs are able to deliver a greater range of choice to surrounding communities, they need the security of trade from adjacent office occupiers.
- 1.45 A number of existing residents and workers in the area may divert to the new A3 uses, but as explained above we do not consider that this trade diversion will be so significant to affect the wellbeing of those existing centres such is their health.
- 1.46 At the same time, some of the workers of the proposed development may also use existing facilities in the nearby centres if they are visiting for other reasons, which will create additional footfall to these centres to their benefit. For instance, the opening of the route towards Little Venice is likely to be beneficial to those businesses on the canal such as The Waterway, The Summerhouse or The Warwick Castle. Equally, as Queensway Underground station will now be within 15 mins walk, there will be a benefit to businesses in this direction too.
- 1.47 Furthermore, the proposed A3/market hall uses will also attract visitors from further afield who would not otherwise visit the area for the A3 offer of the surrounding centres. This will benefit both the new development, and centres in the surrounding area which visitors may also choose to visit.

CONCLUSIONS ON IMPACT

- 1.48 In conclusion:
- The proposed office development and increase in workers in the area will generate a need for the proposed A3 floorspace
 - There is no planned investment in the nearby centres that will be put at risk by the proposed development
 - The centres in the surrounding area are in good health and are unlikely to be vulnerable to trade diversion from existing A3/café uses
 - In any case, the level of trade diversion from these centres is likely to be negligible.
- 1.49 The increase in workers in the area from the proposed development may also benefit nearby centres, as workers may visit the shops and services in these nearby centres.
- 1.50 The increase in visitors to the area may also benefit nearby centres, by drawing in people to the area who would not otherwise visit.

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- 1.51 Based on the above, we therefore conclude that no significant adverse impacts will arise from the proposed town centre uses, up to 10 years from when the application will be made. On the contrary, their overall impact will be positive, as they will provide services and facilities for the workers in the area, as well as attract people to the area from further afield, who otherwise would not visit the area.
- 1.52 The introduction of retail uses on the Site will complement and significantly enhance the retail and food and beverage offer within Paddington Central and build upon and improve the aspirations of the initial masterplan for the Site which was developed around twenty years ago to create a genuinely mixed-use neighbourhood.