

25 November 2025

Travis Perkins, Baltic Wharf

149 Harrow Road, London, W2 6NA

In the City of Westminster

Planning Application reference: 24/03600/FULL

Planning Application

Town & Country Planning Act 1990 (as amended); Planning (Listed Building and Conservation Areas) Act 1990; Greater London Authority Acts 1999 and 2007; Town and Country Planning (Mayor of London) Order 2008 and Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposal

Demolition of existing buildings and construction of a building between 4- 20 storeys comprising the reprovision of a builders' merchant, provision of purpose-built student accommodation (605 bedrooms) and community space with canal side path, canal mooring improvements and a new public walkway under Bishops Bridge Road bridge.

The applicant

The applicant is Unite Group Plc and Travis Perkins Plc. The architect is Make Architects.

Recommendation

The Deputy Mayor for Planning, Regeneration and the Fire Service, acting as Local Planning Authority for the purpose of determining this application;

1. grants conditional planning permission in respect of application 24/03600/FULL for the reasons set out in the approval section below, and subject to the prior completion of a section 106 legal agreement;
2. delegates authority to the Head of Development Management to issue the planning permission and attach, add, delete or vary, the final detailed wording of the conditions and informatives as required, with any material changes being referred back to the Deputy Mayor, and authority to negotiate, agree the final wording, sign and execute, and complete the section 106 legal agreement;
3. delegates authority to the Head of Development Management to agree any variations to the proposed heads of terms for the section 106 legal agreement;

4. delegates authority to the Head of Development Management to refer the application back to the Deputy Mayor if, by 25 February 2026, the section 106 legal agreement has not been completed;
5. notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by, Westminster City Council; and
6. notes that Westminster City Council will be responsible for the enforcement of the conditions attached to the permission.

Introduction

1. Having assumed authority to determine this planning application, this report sets out the matters that the Deputy Mayor for Planning, Regeneration and the Fire Service must consider in determining whether to grant or refuse planning permission and to guide his decision making at the upcoming representation hearing. This report includes a recommendation from Greater London Authority (GLA) officers, as set out below.

Officer recommendation - reasons for approval

2. The Deputy Mayor for Planning, Regeneration, and the Fire Service, acting as the local planning authority, has considered the particular circumstances of this application against national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to Westminster City Council's Planning Committee report and addendum reports dated 21 January 2025, the draft decision notice prepared by Westminster City Council setting out the reasons for refusal, and all consultation responses and representations made on the case both to Westminster City Council and the GLA. The below reasons set out why this application is considered to be acceptable in planning policy terms:
 - The proposal comprises the comprehensive redevelopment, intensification and optimisation of the site, to provide an industrial and student accommodation co-location scheme, with a canal side community use, within the Paddington Opportunity Area and Central Activities Zone (CAZ). The City Plan recognises that the site presents a significant opportunity for change and to deliver the priorities of the Paddington Opportunity Area.
 - The proposal includes a 605-bedroom Purpose Built Student Accommodation (PBSA) facility, which would contribute to student housing targets set out in the London Plan. The proposal equates to approximately 242 homes, also contributing to housing targets set out by Policy H1 of the London Plan and Policy 1 of the Westminster City Plan. 51% of the rooms, including all the affordable rooms, will be subject to a rent and nomination agreement.

- The proposal includes re-provided non-designated industrial floorspace, comprising a builders' merchant. The re-provided builders' merchant has been developed as part of a well-coordinated and collaborative design process, having regard to operator requirements. While there is a minor loss of industrial floorspace in the new development, the proposal is an enhancement of the existing facility and has been designed to meet the needs of the applicant/occupier, to optimise the site layout, to ensure the new facility is fit for purpose and continues to provide an industrial use which supports the strategic function of the CAZ.
- The proposal includes a new community facility at ground level, secured at a peppercorn rent. This addresses London Plan requirements to provide social infrastructure and community uses to address the needs of residents, visitors and workers living in the CAZ, as well as City Plan requirements to deliver on a range of priorities within the Paddington Opportunity Area, through enhanced community facilities for the residents of Paddington.
- The affordable accommodation that forms part of the proposal comprises 30% by habitable room, plus a payment in lieu (PIL) of £3,523,382. This is an increase from £3,060,445 (uplift of £462,937.00), which was agreed between the applicant and the Council. GLA Officers have reviewed the PIL and consider it is equivalent to the remaining 5% onsite affordable provision. An early-stage viability review mechanism has been secured, to incentivise early start on site.
- The height and massing of the proposed building responds to the existing Paddington Opportunity Area. The design is well considered, reflecting the existing townscape character whilst delivering a high-quality addition to the townscape. No harm would be caused to strategic views. The proposal is considered to accord with London Plan Policies D3, D4, D5, D8, D11, D12, and HC4 and Westminster City Plan Policies relating to good design, townscape and views.
- Enhancements are proposed to the public realm, including the provision of the new canal side path, and improvements to the Harrow Road/Bishops Bridge Road frontage, which will help to promote greening and link up the canal walkway. The proposal also includes the re-provision of, and access to, operational moorings on the canal. These elements of the proposal will enhance access to the Blue-Ribbon Network, aligning with London Plan Policy SI 6.
- The proposal will cause harm to neighbouring residential amenity through daylight impacts. There are also impacts through increased sense of enclosure, overlooking and privacy impacts. These impacts need to be considered within the planning balance. The BRE guidelines in relation to daylight are advisory, not mandatory, and should be applied flexibly, especially in dense urban areas like the CAZ and Paddington Opportunity Area. Supplementary assessments (e.g., mirrored massing, without balconies) provide context and support the acceptability of retained daylight/sunlight levels.

- The proposal would cause a very low level of less than substantial harm to designated heritage assets and is therefore in conflict with heritage policies set out by the London Plan and Westminster City Plan. Great weight has been attributed to this harm. However, the public benefits delivered by the proposal would clearly and convincingly outweigh the identified heritage harm, and the proposed development accords with paragraph 215 of the NPPF.
- The layout of the proposed development, including the provision of new canal side public realm, will allow permeability and connectivity for pedestrians and cyclists encouraging sustainable travel. The proposal would not result in any highway or pedestrian safety concerns, subject to conditions and Section 106 obligations recommended as part of the grant of planning permission. The transport impacts of the proposal are in accordance with strategic and local transport policies in the London Plan (Policies T1, T2, T4, T5, T6, T6.1, T7) and Westminster City Plan Policies (S3, 24, 25, 26, 27, and 29), subject to a suitable framework of controls and mitigation as identified below being secured through a Section 106 agreement and conditions.
- It is GLA officers' view that the proposal accords with the development plan, read as a whole. Applying section 38(6) of the 2004 Act, it is the view of GLA officers that material considerations do not justify a departure from the development plan, but further weigh in favour of granting planning permission for the proposal.

Section 106 legal agreement

3. The following heads of terms have been agreed as a basis for the planning obligations to be contained within the Section 106 legal agreement:

Affordable student accommodation and affordable housing Payment in Lieu

- Provision of on-site affordable student accommodation (30% - 182 bedrooms) – secured at equal to or below 55% of the maximum Government maintenance loan for living costs in accordance with the London Plan Annual Monitoring Report.
- Early-stage viability review mechanism.
- Payment in Lieu ('PIL') of £3,523,382 (equivalent of 5% onsite affordable student accommodation) towards the Council's affordable housing fund.

Student accommodation

- Student occupation restriction during term time to any student enrolled on full time educational courses, affiliated with King's College London or one or more other Higher Education Institution as Approved by the City Council;

- Nomination agreement – to be entered with one or more Higher Education Institutions which grants nomination rights to the Higher Education Institution. The nominations agreement covers the majority of accommodation (including all affordable) prior to occupation (309 bedrooms, equating to 51%).
- Submission and implementation of a Student Accommodation Management Plan which includes the details for the logistics and coordination of Students moving in and out of the Student Accommodation, the provision of 24/7 security, the management of noise, disturbance and anti-social behaviour, the prevention of Students bringing private vehicles to the Site and the provision of Student Support within the Student Accommodation
- Approval of a Summer Letting Policy

Energy

- £629,130 carbon offsetting payment;
- 'Be Seen' energy monitoring.

Transport

- £200,000 towards an additional cycle hire docking station or enlargement of an existing docking station within the vicinity of the site;
- Payment of the cost of highway works associated with the development;
- Restrictions to remove the right of occupiers to apply for a parking permit;
- Stopping up and dedication of the highway where necessary;
- Student Travel Plans;
- Management, maintenance and monitoring cycle parking/ free to hire bikes.
- £50,000 towards an Operational Transport Fund to be used to implement measures if monitoring indicates vehicle queuing continues on the public highway.

Public realm improvements;

- Resurfacing of the area of paving alongside the canal up to the entrance of the Porteus underpass and to the threshold of the underside of the bridge.
- Facade lighting to Bishops Bridge Road;
- Relocation of existing benches located opposite the Brunel Building, as identified in the Women's Safety audit report;
- Rembrandt Garden signage;

- £50,000 towards a Sustainable Transport Fund.

Highway (S278) works

- The Bus Shelter (Bus Stop S) upgrade to women's safety innovation standard;
- The Bus Shelter (Bus Stop S) to be relocated against the building line on Harrow Road to improve footway width;
- 'Legible London' totem and surrounding installation works;
- Installation of new signage at the junction of Harrow Road and Porteus underpass;
- Enhanced lighting by addition of reflective cladding and lighting to Porteus underpass;
- Improvement of the space under Bishops Bridge Road with artwork and paintings.

Community use

- Community room to be provided at peppercorn rent and fitted out to Category B prior to occupation of student accommodation;
- Preparation and submission of a community use management plan;
- The community use manager is to be the Paddington Partnership or such other body or group that may be approved by the City Council who will be responsible for managing the Community Space, facilitating the residents forum and that the interests of all population groups are properly taken into account in the planning and programming of Community Space events.

Moorings and walkways

- Provision of a Walkways Agreement in relation to the provision of, and maintenance of, the canal side walkway;
- Provision of the canal-side walkway, which is open and passable;
- Provision of operational moorings to the canal;
- Provision of on-going management and maintenance of the canal work.

Public art

- Provision of public art to the minimum value of £125,000.00, to be delivered by the owner/developer on the development site or within the vicinity the development;

Employment

- Submission of an Employment and Skills Plan;
- Contribution of £682,717.50 towards employment and worklessness programmes;

Trees and biodiversity

- Contribution of £100,000 towards tree planting;
- Provision and maintenance of landscaping to the triangle of land to the west of the site;
- Tree protection for retained trees adjacent to the site;

Other obligations

- Monitoring fee of £5,500.00.

Conditions to be secured

4. See Appendix 1 of this report.

Site description and surrounding area

5. The application site is 0.3 hectares in size and is located within the Paddington Opportunity Area ('OA') and the Central Activities Zone ('CAZ'). The site is bounded by the A40 Westway flyover to the north, Harrow Road to the east, Bishop's Bridge Road (A4206) to the southeast and the Paddington Canal, which forms the Paddington Arm of the Grand Union Canal.
6. There is currently a Travis Perkins builders' merchants on site, comprising double-height warehouses and covered canopies, a three-storey building comprising retail, trade and ancillary offices (Sui Generis use) totalling 2,526 sq.m. of floorspace, and associated yard space. The site is serviced from the yard, with all customer and delivery vehicles entering the yard from an entrance at the junction of Bishop's Bridge Road and Harrow Road.
7. The site is in an intensely developed area, which is dominated by the Westway and Harrow Road to the north, and by Bishops Road Bridge, Paddington Station, and the large-scale developments within the OA to the south and west. Parallel to

the application site, on the other side of the canal, there are two 12-storey residential developments (Sheldon Square and Dudley House).

8. The site does not contain any heritage assets, nor is it in a conservation area. The site is within the vicinity of the Bayswater, Paddington Green, and Maida Vale Conservation Areas, and is in proximity to several heritage assets, including, Paddington Station (Grade I), Paddington British Rail Maintenance Depot East Block (Grade II*), Mint Wing of St Mary's Hospital (Grade II), West Block (Grade II*), and all the heritage assets listed within Table 5 and 6 within the Heritage section of this report.
9. The site has a public transport accessibility level ('PTAL') of 6b on a scale of 0-6b where 6b is the highest. The site is approximately 800 metres from Paddington station (Elizabeth Line, Bakerloo, Hammersmith & City, Circle, and District Line underground services and TfL Rail, GWR, and Heathrow Express rail services) and 700 metres from Edgware Road station (Bakerloo Line). There are also bus stops immediately adjacent to the site on Harrow and Bishop's Bridge Roads.



Figure 1: The application site (Source: Design and Access Statement)

Details of the proposal

10. The proposal is for the demolition of existing Travis Perkins builders' merchant buildings, erection of a building (plus basement) between 4 and 20 storeys in height, comprising the reprovizion of Travis Perkins builders' merchant (Sui Generis use) at ground and mezzanine floor and the development of purpose-built student accommodation ('PBSA') (Sui Generis use) and community space (Sui Generis use), together with the creation of a canal-side path with

landscaping and a retained gable wall end, and other on-site public realm improvements. In addition, the proposal includes the provision of cycle parking and car parking for the Travis Perkins builders' merchant, as well as the installation of plant equipment and other associated works, including canal mooring improvements and a new public walkway under Bishops Bridge Road bridge.

11. The uses comprised in the proposal are set out in Table 1, below:

Table 1: Proposed uses and quantum

Use	Use class	Quantum / Floorspace (GIA)
Purpose-Built Student Accommodation ('PBSA')	Sui generis	605 bedrooms
Community	Sui generis	45.8 sq.m.
Builders merchant	Sui generis	2,561 sq.m.

12. Figure 2 below provides an illustration of the proposed land uses.

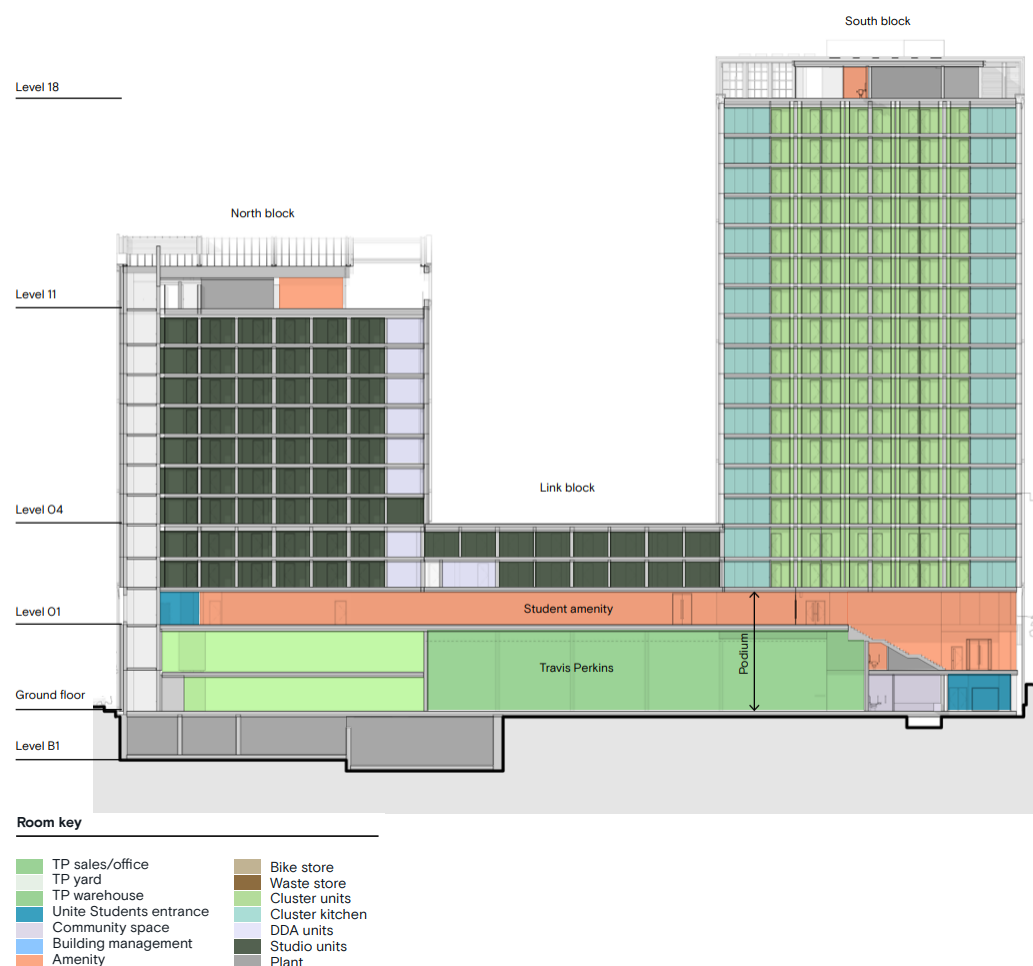


Figure 2: Proposed land uses

Stage 3

13. Following the Mayor's decision to call in the application, GLA officers have engaged with the applicant in a series of discussions in respect of the proposal.
14. The applicant has submitted additional documentation in support of the proposal, which includes the following:
 - A Transport Assessment Addendum (TAA) dated 28 October 2025, which demonstrates the revisions to the proposal in terms of highway layout, deliveries and servicing, and Healthy Streets (including Ending Violence against Women's and Girls).
 - Baltic Wharf Heritage Impact Assessment dated September 2025, which in summary, presents the heritage assessment of the May 2024 TBHVA without using EIA terminology, in clearer relation to the assessment process outlined in the GLA Planning Practice Note: Heritage Impact Assessments and the Setting of Heritage Assets (November 2023) and without the townscape and visual assessment.
15. Given the nature of the revised documentation and the fact the amendments to the proposals would not result in significant planning effects, re-consultation was not considered to be necessary.

Relevant planning history and current planning application

Relevant planning history

16. On 21 April 2022, Westminster City Council refused planning permission for an application (LPA ref: 21/04536/FULL) which sought approval for the demolition of existing buildings and erection of a building between 7 and 22 storeys in height (plus basement), comprising the re-provision of the Travis Perkins builders' merchant (Sui Generis use) at ground and mezzanine floor, and student accommodation above (843 student beds proposed at Stage 1, which was amended to 768 beds at Stage 2). The Council's reasons for refusal were associated with servicing and impacts to highways and the public realm; daylight impacts and sense of enclosure impacts to neighbouring properties resulting from the height and breadth of the proposals; and heritage impacts resulting from the height and massing of the proposal.,
17. Prior to the determination of the application by Westminster City Council, on 19 April 2022 the Deputy Mayor for Planning, Regeneration and Skills, Jules Pipe MBE, using planning powers delegated from the Mayor of London, advised the Council that he was content to allow the local planning authority to determine the case itself, subject to any action that the Secretary of State may take, and did not therefore wish to take over the application for my his own determination (GLA ref: 2021/0909).

The current application

18. The proposal that is the subject of the current application was subject to pre-application discussions with GLA officers as well as Westminster City Council officers.
19. Specifically, the proposal had been the subject of two pre-application meetings between the applicant, Westminster City Council and GLA Officers, which were held virtually on 7 February 2024 and 30 April 2024. The GLA meetings covered a wide range of strategic planning issues including land use principles, urban design, transport and energy. Two written notes were issued following the meetings (dated 5 March 2024 and 7 June 2024 see GLA Refs: 2024/0009/P2F, and 2024/0143/P2F). The advice note dated 7 June 2024 concluded that *“the principle of the comprehensive redevelopment and optimisation of the site to provide an industrial and student accommodation co-location scheme in an OA and CAZ location is supported in strategic planning terms. The revised scheme seeks to address the local reasons for refusal of the previous application (LPA ref. 21/04536/FULL) which is supported. Further strategic matters relating to heritage, transport, energy and environmental issues and sustainable development must also be addressed as part of any future application”*.
20. As also noted in the EIA section of this report, a ‘Request for a Scoping Opinion’ under Regulation 15(1) of the EIA Regulations was prepared by Waterman and submitted to Westminster City Council on behalf of the applicant on 19 February 2021. Following consultation with the relevant consultation bodies, the Council issued an EIA Scoping Opinion (WCC ref: 21/01052/EIASCO) on the 28 April 2021.

Stage 1

21. On 6 June 2024 the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance to develop the site for the uses set out above. This was referred to the Mayor under the following categories of the Schedule to the Town and Country Planning (Mayor of London) Order 2008 (‘2008 Order’):
- Category 1B(c): ‘Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings... outside Central London and with a total floorspace of more than 15,000 square metres’; and
 - Category 1C(c): ‘Development which comprises or includes the erection of a building... more than 30 metres high and is outside the City of London.’
22. On 18 July 2024 the Deputy Mayor for Planning, Regeneration and the Fire Service, acting under delegated authority, considered planning report GLA/2024/0318/S1/01 (link to report here) and subsequently advised Westminster City Council as follows:

- **Land use principles:** The principle of the comprehensive redevelopment, and intensification and optimisation of the site, to provide an industrial and student accommodation co-location scheme with a canal-side community use in the Paddington OA and CAZ location is supported in strategic planning terms.
- **Affordable student accommodation:** The scheme proposes 35% on-site affordable student accommodation. This must be secured through a Section 106 agreement, as should the rent levels and eligibility criteria. The obligation to enter into a nomination's agreement must be secured.
- **Urban design:** The site is located within the Paddington OA where tall buildings may be acceptable. While the proposed building is taller than anticipated by the Westminster City Plan, GLA Officers consider that taller buildings are justified in principle from an urban design perspective. Nevertheless, further consideration is required as to elements of the architecture and materiality, and the quality of the student accommodation, and further information is required in respect of external amenity, and wheelchair accessible provision.
- **Energy:** The energy statement does not yet comply with London Plan Policies SI2, SI3 and SI4. The energy strategy requires further refinement and further information is required to demonstrate compliance with the London Plan. Full details were provided to the Council and applicant in a technical memo, which explained that further information was required to meet Be Lean, Be Clean, Be Green, Be Seen policy requirements, as well as information on energy infrastructure and managing heat risk.
- **Circular economy:** An explanation should be provided as to consideration of retention schemes investigated to incorporate student accommodation into the development. Further detail should also be provided to demonstrate further consideration of specific actions to reuse or recycle existing building components and materials. Detailed comments were circulated to the applicant and the Local Planning Authority, which should be addressed prior to the Mayor's decision making stage. A condition should be secured requiring the applicant to submit a post-construction report.
- **Urban greening, biodiversity and trees:** The urban greening proposed should be reviewed, seeking to improve the quality or quantity, in order to increase the proposal's urban greening factor. An assessment of the potential impacts to the SINC should be provided prior to Stage 2, specifically construction impacts. The applicant should also consider enhancing the green buffer between the development and the SINC, as well as consider large-canopied trees to target urban heat island effects. An assessment of the value of the trees to be lost using the appropriate valuation system should be provided.
- **Air quality:** Further information is required in relation to air quality, to demonstrate compliance with Policy S1(B)(1)(c), Policy S1(B)(2)(b) and Policy S1(B)(2)(d) of the London Plan.

- **Transport:** Further information is required in relation to servicing and construction, and the trip generation assessment should be revised. A cycle hire contribution of £200,000 should be secured by a Section 106 obligation, and enhancements to the adjacent public realm should be secured, including access and maintenance arrangements. Infrastructure protection conditions are required to protect Westway and London Underground assets.

Following Stage 1

23. Following Stage 1, minor amendments were made to the proposal. As originally submitted, the proposal included 35% of the on-site student bedrooms as affordable, in accordance with Policy H15 of the London. During processing, the proposals have been amended so that 30% of the on-site bedrooms were proposed to be affordable student accommodation, with the remaining 5% being provided as a PIL towards off-site affordable housing within Westminster. A PIL of £3,060,445.00 was agreed between the applicant and Westminster City Council Officers.

Council resolution

24. On 21 January 2025, Westminster City Council Planning Applications Sub Committee resolved to refuse planning permission, against officer recommendation to grant, for the following reasons:

- The development would lead to a significant loss of daylight for the people living in 19-27 Sheldon Square and Dudley House. It would also make the people living in 19-27 Sheldon Square experience a significant increased sense of enclosure. This is because of its height and breadth. This would not meet Policies 7 and 38(C) of the City Plan 2019 - 2040 (April 2021).
- Because of its height and massing, the development would harm the setting of the grade II listed buildings at 2 Warwick Crescent, 33 & 34 Blomfield Road, 4-6, 7, 8-10, 9-11, 12-14, 13-15, 16, 17-19, 20-22, 21-25, 24-26, 27-29, 28-30, 31, 32-34, 38-36, 40-42 Warwick Avenue, Warwick Avenue Bridge, Junction House Regents Canal, 20 Hawley Place; and it would also fail to maintain or improve (preserve or enhance) the setting of the neighbouring Maida Vale and Paddington Green Conservation Areas. This would not meet policies 38, 39, 40, and 41 of the City Plan 2019 - 2040 (April 2021).

Stage 2

25. On 6 March 2025, Westminster City Council advised the Mayor of this decision, and on 14 March 2025 the Stage 2 referral was validated. On 24 March 2025, the Mayor considered the GLA Stage 2 report (Reference 2024/0389/S2) and advised Westminster City Council that he will act as the local planning authority for the purposes of determining the planning application.

26. The GLA Stage 2 report concluded that, having regard to the details of the application and other relevant matters, the development was of a nature or scale

that would have a significant impact on the implementation of the London Plan; that it would have significant effects which are likely to affect more than one London Borough; and it was therefore considered that there were sound planning reasons for the Mayor to issue a direction under Article 7 of the 2008 Order. The Mayor's Stage 2 decision letter provided as follows:

- The proposed development would be of a scale which would provide a significant contribution to the strategic student accommodation requirement identified in the London Plan and would support the London Plan's aim of delivering sufficient student accommodation to support the contribution of higher education providers to London's economy and labour market. In addition, the proposals would contribute towards the delivery of housing, making a positive contribution towards London housing targets. As such, the non-delivery of 605 student bed spaces is considered to impact upon the implementation of the London Plan.
- The support from a higher education provider with campuses in boroughs other than Westminster demonstrates the potential contribution of the proposed development to higher education providers across London.
- Having regard to the details of the proposal, the application forms an important site within the Paddington OA and CAZ, and re-provides industrial floorspace in a co-located development on a site that supports the strategic functions of the CAZ. The proposal would deliver a substantial amount of student bedrooms including on-site affordable student accommodation, which would contribute to the strategic PBSA targets within the London Plan.

27. The Stage 2 report outlined outstanding matters including the Section 106 agreement, the relevant PBSA clauses and the affordable accommodation provision, as well as consideration of tall buildings, quality of accommodation, inclusive access, Agent of Change, heritage, sustainable development, environmental issues and transport matters.

Stage 3 (call in)

28. The Deputy Mayor visited the site on 19 November 2025 with GLA and TfL officers, representatives of Westminster City Council, and the applicant team.

29. The Deputy Mayor's decision on this case, and the reasons for it, will be made available on the GLA's website www.london.gov.uk

Referral to the Secretary of State

30. The power of the Secretary of State to call-in an application also exists where the Mayor has called-in an application.

Relevant legislation, policies and guidance

31. The Deputy Mayor must determine the application for planning permission in accordance with the requirement of Section 70(2) of the Town and Country

Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Deputy Mayor is required to determine the application in accordance with the development plan unless material considerations indicate otherwise. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan consists of the Westminster City Plan (2021); Westminster City Plan – Policies Map (2021); and the London Plan 2021.

32. Paragraph 232 of the NPPF (December 2024) states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to them, according to their degree of consistency with the NPPF. All relevant policies in the adopted development plan are considered to be consistent with the NPPF.
33. The Deputy Mayor is also required to have regard, as material considerations, to national planning policy and guidance, as well as supplementary planning documents and, depending on their state of advancement, emerging elements of the development plan and other planning policies.
34. The relevant planning guidance, emerging policy and other material considerations, at the national, regional and local levels are noted in the following paragraphs, in addition to the NPPF and PPG.
 - DRAFT City Plan 2019-2040 (Partial Review Examination) - Main Modifications
 - Purpose Built Student Accommodation London Plan Guidance ('PBSA LPG') (2024)
 - Air Quality Positive LPG (2023)
 - Air Quality Neutral LPG (2023)
 - Characterisation and Growth Strategy LPG (2023)
 - Optimising Site Capacity: A Design-led Approach LPG (2023)
 - London View Management Framework Supplementary Planning Guidance ('SPG') (2012)
 - London's World Heritage Sites SPG (2012)
 - Urban Greening Factor LPG (2023)
 - Circular Economy Statements LPG (2022)
 - Sustainable Transport, Walking and Cycling LPG (2022)
 - Whole Life Carbon LPG (2022)
 - Be Seen Energy Monitoring LPG (2021)

- Public London Charter LPG (2021)
- Affordable Housing and Viability SPG (2017)
- Housing SPG (2016)
- Social Infrastructure SPG (2015)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- The Control of Dust Emissions during Construction and Demolition SPG (2014)
- All London Green Grid SPG (2012)
- Planning for Equality and Diversity in London SPG (2007)
- Good Growth by Design guidance: Safety in Public Space- Women, Girls and Gender Diverse People (2022).
- The Mayor's Violence Against Women and Girls Strategy (2021)
- The Mayor's Transport Strategy (2018)
- Westminster's City Council Environmental SPD (2022)
- Westminster City Council's Planning Obligations and Affordable Housing SPD (2024)
- Westminster's City Council Streets and Spaces Public Realm SPD (2025)
- Draft Fire Safety LPG
- Draft Affordable Housing LPG
- Draft Development Viability LPG
- Draft Industrial and Uses LPG
- Paddington Planning Brief 2004 – It is noted that the Westminster City Council Officers' January 2025 Committee Report states that that this document now has limited weight, given that most of the plots have been built out and it has been superseded by successive iterations of the Council's development plan. GLA Officers agree that this document holds limited weight.
- "A Written Ministerial Statement regarding a package of targeted and temporary emergency support measures to drive up housebuilding in London was issued on the 23 October 2025 by the Secretary of State for Housing, Communities and Local Government. This was accompanied by a

joint Policy Statement with the Mayor of London "Homes for London a package of support for Housebuilding in the Capital".

Response to consultation

Statutory consultee responses

35. **Environment Agency:** No comment, but provided machinery and water resources advice.
36. **Natural England:** No objection.
37. **Royal Borough of Kensington and Chelsea:** No objection raised. Informative in relation to construction works provided.
38. **Health and Safety Executive:** No objection. HSE have stated it is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. HSE has identified matters (including in relation to means of escape and further clarifications) that the applicant should try to address in advance of later regulatory stages.
39. **Historic England:** No comment. Defer to the Council's conservation specialists.
40. **Historic England Archaeology:** Recommended conditions in relation to archaeological investigations.
41. **Active Travel England:** No comments given involvement of TfL.
42. **Canal and Rivers Trust:** provided comments in relation to design and heritage, access and Security of canal operational moorings, biodiversity implications and structural considerations of the Grand Union Canal, and recommended relevant conditions and obligations.
43. **Metropolitan Police (Designing Out Crime Officer):** Following provision of security features, no objection to the principle of student accommodation. Concerns in relation to the canal-side walkway and likely anti-social behaviour. Particular concern in relation to the canal-side entrance and request that this is closed at night. Request secure by design condition.
44. **Paddington Business Improvement District:** Support the application, which has sought to address previous application issues. Note that bulk and massing addressed through design; the servicing issues have been resolved; and the community space will be wonderful addition to this part of Paddington. Welcome the canal-side path as important step-free access to the canalside. The retention of the gable wall has addressed some of the previous comments on celebrating the canal's industrial heritage.
45. **Thames Water:** No foul water objection. Request conditions in relation to surface water drainage, water network infrastructure, and water main location.

46. **Royal Parks:** No comments.
47. **Paddington Residents Active Concern on Transport and South East Bayswater Residents Association** raised the following comments:
- Query the capability of the adjacent gyratory to take additional demand from student cyclists and approved adjacent development such as logistics centre within Paddington central.
 - Query if it has been predicted how students will travel, either by bike or public transport.
 - Multiple student transport options using public transport in close proximity, which is satisfactory.
 - Recommend a contribution is made towards improving the adjacent pedestrian crossing to meet increased demand.
48. **Westbourne Forum:** Object on the following grounds:
- Non-compliance with OA policy: 605 flats for transient student community with only 35% affordable will not contribute to the short/long-term success of the area; need for affordable housing. Fails to provide high quality jobs or workspaces. Likely will have detrimental impact on local businesses.
 - Loss of daylight, view and sky, and increased sense of enclosure.
 - Lack of consideration for sustainability.
 - Lack of public realm, walking and cycling provision, and servicing and access arrangements.
 - Visual presence and its impacts (including to the conservation area to the north, surrounding lower rise residential properties as well as the listed British rail maintenance depot) and loss of historic canal-side legacy and local amenity.
49. **Marylebone Boys' School:** Support redevelopment proposals. Of particular interest is the potential for working with Unite Students. Opportunities to work with Unite to provide sixth formers with valuable work experience and regular workshops about the transition from school to university. Great possibility in the students who will live in the new development volunteering and mentoring at the school. Have had positive conversations with Unite Students about how this may work going forward and can see that it has the potential to offer value to pupils.
50. **Councillors Caplan and Dean (Little Venice):** Object on the following grounds:

- Height and bulk are excessive (at 20 storeys the building will be visible from significant portions of Little Venice, and the building will significantly block daylight to neighbouring properties).
- The Student Management Plan does not give sufficient assurance that anti-social incidents can be prevented.
- It has not been demonstrated that there is a need for student accommodation in Westminster.
- The servicing plan will cause tailback on Harrow Road.

51. **Councillors Southern and Dimoldenberg (Hyde Park) and Hassan (Little Venice):** Object on the following grounds:

- Gross overdevelopment of the site which is out of scale with the low-rise residential Little Venice section of the canal, and creates an overbearing 'Canyon' effect.
- The wrong use of the site and not an appropriate location for 605 students.

52. **Councillor Boothroyd (Westbourne):** Object on the following grounds:

- Failure to meet Policy 3 Paddington OA to deliver homes, workspace and job opportunities. While some employees would be needed for student halls, this falls short of the high quality jobs a Class E commercial workspace would provide.
- Inappropriate site for large student population, dwarfing small residential population in Paddington Basin. Fails Policy 10 as no nomination agreement.
- Poor quality design, with blocky appearance and blank walls.
- Harm to heritage assets. Retained façade to canal is poorly integrated.
- Harms local environment contrary to Policy 34 in terms of greening and carbon emissions.

Individual neighbourhood responses

53. As part of the public consultation process, Westminster City Council publicised the application by sending 2,407 notifications to local addresses, issuing site and press notices and consulting relevant statutory bodies.

54. Following the neighbourhood consultation process, Westminster City Council received a total of 112 responses (108 in objection and 4 in support). Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA, and are summarised below:

Neighbourhood objections

Land use:

- Additional students will overwhelm local services and the safe operation of local spaces.
- Student accommodation should not be allowed; it should be housing.
- Student housing being provided elsewhere in London and shouldn't be here.
- Overcrowding and loss of amenities such as shops and services.
- Being transient, students will have less community respect.

Amenity

- Little change to height compared to refused scheme.
- Loss of daylight and sunlight to adjacent occupiers.
- Statements within the applicant's daylight and sunlight report, where statistics are manipulated, and use of 'no-balcony' results is false.
- Significant proportion of windows will experience a significant loss of light which is unacceptable.
- Increased sense of enclosure and loss of outlook to adjacent occupiers.
- When considered with the effects of other approved developments result in an enclosed, overbearing environment.
- Noise and anti-social behaviour from roof terraces and due to increased student population.
- Disturbance, noise, dust, structural issues, from ongoing and proposed construction.
- Impact on mental health of residents during and following construction.

Design, townscape and heritage:

- Proposal is of a similar height to previous scheme and will result in overbearing development out of scale with this part of Paddington.
- Site not suitable for a tall building, and not identified as one within the Paddington OA.
- Other tall buildings should not be taken as precedence
- Negative impact on adjacent conservation areas and other heritage assets.

- Lack of design quality and lack of placemaking, with limited active frontage along the canal.
- Overdevelopment.
- Balconies should be provided over the canal to break up the frontage.
- A wider canal-side path is required to allow for leisure and relaxation, rather than just a through route.
- Lack of openable windows for ventilation.

Sustainability / environment:

- Lack of greening.
- Impact of construction on nature.
- How will existing buildings be reused.

Highways:

- Servicing requirements are inadequate and negative impact on highway from both the operation of the Travis Perkins and servicing/ operation of the student accommodation. Student accommodation will result in significant number of packages delivered per day.
- Development should be considered as a blank canvas. The existing issues of congestion caused by Travis Perkins should be addressed, not accepted.
- Negative impact of the construction of the development on highway.
- The gyratory will experience further traffic should the approved logistics and delivery hub below Kingdom Street be implemented.
- Increased pressure on public transport.
- Large groups of summer-term students would likely arrive by coach causing traffic issues and disturbance.
- Parking should be provided.

Other

- Example of other Travis Perkins and Unite scheme is not comparable, due to difference between the sites and operation.
- Loss of views.
- Impact on 'right to light act'.
- Devaluation of property prices.

- Wind tunnel effect from development.
- Businesses' over residents' concerns prioritised.
- Impact on mobile phone reception.
- No room for fire engines
- Concerns with uncertainty: proposals should be approved or refused as soon as possible.

Neighbourhood support

- Welcome affordable housing.
- Supportive of student uses and of redevelopment.
- Revised building is better than original and less intrusive than the huge Brunel building
- Existing flats currently get no sun therefore not clear on objections on these grounds.

Representations made to the Mayor of London prior to call in (Stage 3)

55. The Mayor received three written representations (from the applicant, and individually from Unite Students and Travis Perkins plc) on the application prior to the call in of the application. These representations requested that the application is called-in by the Mayor for reasons including the following: that the site is an important site within the Paddington OA; the development allows Travis Perkins to continue to serve and aid the construction sector in Westminster and the boroughs in west and central London both now and into the future; it supports the strategic function of the CAZ; increases on-site employment and training opportunities; delivers sufficient student accommodation to support the contribution of higher education providers to London's economy and labour market; and makes a contribution to London's wider housing targets. The representations also identified local and Westminster wide benefits including new canal-side path, new community space, CIL and section 106 contributions, including a £3 million PIL to Westminster's Affordable Housing Fund, and the retention of a historic gable wall of the last remaining working building on the canal.

Representations made to the Mayor of London

56. The Mayor took over the planning application for his own determination on 24 March 2025.

57. As outlined in this report, there were no significant amendments made to the application following the decision to call in the application. Therefore, further public consultation was not considered necessary.

58. At the time of writing, a total of 35 responses were received from through the GLA's PlanApps website and via email correspondence, raising concerns in line with those raised in representations submitted to Westminster City Council (highlighted above), including in relation to:

- Height, bulk and massing of the development, and overdevelopment of site, which is out of scale of it's surroundings
- Daylight and sunlight impacts, including the loss of natural light on residents, including those in Sheldon Square and Dudley house, and impact on quality of life.
- Increased sense of enclosure for residents, and overlooking.
- Heritage and townscape impacts resulting from the design of the proposal.
- Noise and pollution during construction.
- Concerns about anti-social behaviour (ASB) and noise levels resulting from proposed number of student residents, and management of a large number of students.
- No local need for student accommodation in this location, with no nearby university campuses.
- Servicing, highways and transport matters, including increased traffic, congestion and pressure on local roads and amenities.
- Procedural matters including in relation to local decision-making and community consensus.

59. A representation has been received from **Notting Hill Genesis**, who object to the proposals, and support Sheldon Square's residents by opposing the proposed plans. The objection is on the basis of a high degree of ASB in the area of which adding additional students would increase the ASB, the overwhelming and overdeveloped size of the proposal which will contribute to overcrowding and overpopulation of the area, the loss of light that residents will suffer due to the proposed building, and that the proposal does not benefit the current residents who reside in Sheldon Square.

60. All these responses have been made available to the Deputy Mayor and have been taken into account in this report.

Principal planning issues

61. Having regard to the site and the details of the proposal, relevant planning policy at the local, regional and national levels; and the consultation responses and representations received, the principal planning issues raised by the application that the Deputy Mayor must consider are:

- Land use principles;

- Purpose built Student Accommodation (PBSA)
- Affordable student accommodation and affordable housing;
- Urban design;
- Heritage;
- Environmental Impact Assessment;
- Amenity and living conditions;
- Sustainability, environment and climate change;
- Transport;
- Mitigating the impact of development through planning obligations;
- Legal considerations; and
- Planning balance.

62. These issues are considered in the following sections of this report.

Land use principles

Spatial designations: Central Activities Zone and Paddington Opportunity Area

63. Good Growth Objective 2 of the London Plan promotes the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

64. Spatially, the site lies within the Paddington OA, which is identified in the London Plan as having an indicative capacity to provide 1,000 new homes and 13,000 new jobs, in line with the aspirations of London Plan Policy SD1. Policy 3 of the Westminster City Plan similarly identifies these new homes, community facilities and additional jobs growth targets. Beyond homes targets and office land uses, paragraph 3.7 of the City Plan seeks to ensure development within the Paddington OA contributes to making an inclusive, sustainable neighbourhood, and to strengthening the area's offer as a destination, by supporting a mix of other commercial and community uses.

65. The Site is identified at paragraph 3.9 of the City Plan as an industrial development site which presents "significant opportunity for change to deliver the priorities of the area".

66. The site is also within the CAZ. Policies SD4 and SD5 of the London Plan support mixed-use development which will enhance and promote the unique international, national and London wide roles of the CAZ. Paragraph 2.4.4(e) of

the London Plan recognises that centres of excellence for higher and further education and research form a strategic function of the CAZ.

67. London Plan Policy SD4(M) seeks to ensure sufficient capacity for industry and logistics is identified and protected within the CAZ to support the needs of businesses and activities. The site is identified as accommodating an industrial use which supports the strategic functions of the CAZ.
68. The London Plan recognises at paragraph 2.4.6 that the CAZ contains housing, social infrastructure and community uses to address the needs of residents, visitors and workers. Whilst they are not strategic functions of the CAZ, these locally orientated uses play an important role in the character and function of the CAZ as a vibrant mixed-use area, ensuring activity and vitality at different times of the day and week. New residential development should be complementary and not compromise the strategic functions of the CAZ.

Purpose Built Student accommodation (PBSA)

69. The NPPF and the London Plan seek and encourage the delivery of all types of housing through optimising appropriate sites. The NPPF sets out the importance of providing for specific housing groups such as students. London Plan Policy H15 encourages Boroughs to ensure that local and strategic need for PBSA is addressed. The London Plan identifies at paragraph 4.15.21 an overall strategic requirement of 3,500 annually over the Plan period, and also acknowledges that PBSA contributes to meeting London's overall housing need and is not in addition to this need.
70. Policy 10 (Housing for Specific Groups) of the City Plan supports the provision of new, well-managed PBSA for students studying at higher education institutions.
71. London's higher education providers make a significant contribution to its economy and labour market. It is important that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation. Paragraph 4.15.1 of the London Plan sets out that the housing need of students in London, whether in PBSA or shared conventional housing, is an element of the overall housing need for London, and that new flats, houses or bedrooms in PBSA all contribute to meeting London's housing need. The completion of new PBSA therefore contributes to meeting London's overall housing need and is not in addition to this need. In addition, it is noted that the provision of high-density student accommodation can help to free up existing housing stock in the private rented sector, noting that London Plan Policy SD1 seeks housing choice for Londoners.
72. Policy H1 of the London Plan seeks to increase the supply of housing in the capital and sets a ten-year housing target for Westminster of 9,850 homes for the period 2019/2020 to 2028/2029. Policy 1 of the Westminster City Plan identifies a target of delivering at least 20,685 homes, of which at least 35% will be affordable.
73. Paragraph 4.1.9 of the London Plan sets out that "net non-self-contained accommodation for students should count towards meeting housing targets on

the basis of a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home". As such, the delivery of 605 student beds is equivalent to 242 new homes, which is reflective of the contribution of the student accommodation element of the scheme towards the achievement of housing targets.

74. To summarise, the proposed comprehensive redevelopment and intensification of the site, comprising 605 student bedrooms and the re-provision of the existing builders' merchant operation, would help to address strategic requirements for student accommodation and contribute towards meeting the minimum overall housing targets in the London Plan.
75. Detailed requirements for PBSA, and affordable student accommodation, as set out by Policy H15 of the London Plan, are discussed further in a following section of this report, including in relation to need for student accommodation.

Reprovision of industrial use

76. The Westminster City Plan (2021) describes the site as providing an industrial use which supports the strategic function of the CAZ. It is therefore considered to be a non-designated industrial area in accordance with Policy E4 of the London Plan, which sets out that London's land for industry, logistics and services falls into three categories: Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites. Policy E4 seeks to ensure that there is a sufficient supply of land and premises in different parts of London to meet current and future industrial and related functions, considering strategic and local employment land reviews and the potential for intensification and co-location. Policy E7 supports the intensification of industrial uses where appropriate and mixed-use development, where industrial, storage or distribution floorspace is provided as part of mixed-use intensification. Policies E4, E6 and E7 seek to manage industrial land and premises, and places a significant emphasis on the importance of retaining and increasing capacity to meet current and future demands for industrial and related functions.

77. The existing areas of the site are set out in Table 2, below:

Table 2: Existing site land use areas

Builders' merchant (Sui Generis)	Area GIA (sq.m)
Warehouse	1,043.7
Branch Area	1,482.9
Total	2,562.2

78. The proposed builders' merchant facility (excluding the public realm at Harrow Road) incorporates 2,561 sq.m of Sui Generis floorspace, comprising 1,774 sq.m. at ground level, 578 sq.m. as a mezzanine floor and 209 sq.m. of floorspace at basement level (containing plant equipment including pump rooms, wet riser tanks and sprinkler tanks to serve both the builders' merchant and PBSA).
79. While it is noted there is a loss of approximately 210.2 sq.m. in the proposed builders' merchant floorspace, the proposal is an enhancement of the existing facility and has been designed to meet the needs of the applicant/occupier, to

optimise the site layout, to ensure the new facility is fit for purpose and continues to provide an industrial use, which supports the strategic function of the CAZ in line with Policy E4. Furthermore, the revised scheme improves the access to the canal path and newly created public realm. This aligns with the Westminster City Plan (2021), which states that “the site presents a significant opportunity for change to deliver the priorities of the area. We will support proposals of high-quality design that can enhance the public realm and create permeability, including public access to the canal”. As such, while the reduction in industrial floorspace results in a minor non-compliance with Policies E4 and E7 of the London Plan, noting that the quantum of re-provided builders’ merchant floorspace has been developed as part of a well-coordinated and collaborative design process (having regard to operator requirements), the proposed re-provision of the builders’ merchant uses on site is acceptable.

Community use

80. A new community space (Sui Generis use) that is 45.8 sq.m. in size, is proposed to be located on the ground floor, at the southern end of the proposed development with access to the canal side walkway.
81. London Plan Policy S1 sets out that proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need, and supports service delivery strategies, should be supported. Furthermore, it provides that new facilities should be easily accessible by public transport, cycling and walking. While such uses are not strategic functions of the CAZ, the London Plan recognises that these locally orientated uses play an important role in the character and function of the CAZ as a vibrant mixed-use area, ensuring activity and vitality throughout the day and week.
82. Policy 3 and Policy 17(B) of the Westminster City Plan states that new facilities should be designed to accommodate a range of community uses wherever possible. Co-location of facilities and access for appropriate organisations and the local community will be encouraged.
83. The provision of a community use in this location will contribute to the vibrancy of the area, in line with London Plan Paragraph 2.4.6, and provides a community facility for residents of Paddington, in line with City Plan Policies 3 and 17(B).
84. The community floorspace is secured within the Section 106 agreement to be made available for appropriate cultural or community uses and charged at a peppercorn rent to the community for the lifetime of the proposal. The applicant has agreed a Memorandum of Understanding with the Paddington Partnership to advertise and manage the community space. This is secured as part of the Section 106 Agreement.

Canal moorings and canal infrastructure

85. London’s network of linked waterways, which includes canals, are recognised in the London Plan as the Blue Ribbon Network. London’s waterways are multifunctional assets and are of strategic importance for London. London Plan

Policy SI 6 states that development proposals adjacent to waterways should protect and enhance, where possible, existing moorings. The policy requires that existing access points to waterways and alongside waterways (including paths) should be protected and enhanced. Westminster City Policy 31 sets out that residential and commercial moorings and facilities for boaters on Westminster's canals will be encouraged in appropriate locations.

86. There are two existing operational moorings on the site, which are used by boats that maintain and clean the entire canal length beyond the Westminster boundary. However the existing access to the moorings is constrained. The proposal includes the provision of new operational moorings, the opening up the canal footway with provision of moorings down the stretch of the site, with improved railings for the protection for working boats.
87. The moorings are secured for operational boats through the Section 106 agreement. Management and maintenance of the moorings are also secured by the through planning obligations.
88. It is noted that the railings, proposed to be provided along the full stretch of the new canal walkway, were proposed by the applicant through consultation with the Canal and Rivers Trust ('CRT') and the mooring operators. A condition is recommended to ensure that this railing, along with the canal walkway, is provided and passable, prior to the occupation of the student accommodation.
89. The CRT has requested details of the railing along with mooring points, to ensure that they are suitably designed and located for operational purposes. CRT has also requested details of lighting, the structural integrity of the waterway wall, the warehouse gable end, surface water drainage, landscaping and waterborne freight during construction period. It is recommended that these are secured by condition.
90. There is an existing bubble machine which sits under Bishops Bridge Road, which aerates the canal and the proposal reprovides the bubble machine. A condition is recommended to secure this reprovision.

Employment

91. Policy 3 of the City Plan sets out that development in the Paddington OA will deliver the provision of enhanced job opportunities and community facilities for the residents of Paddington and the neighbouring areas of Church Street and the North West Economic Development Area (NWEDA)..
92. There are 24 existing employees working on site (23 full time and 1 part time) within the existing Travis Perkins builders' merchant.
93. The proposed builders' merchant facility requires an increase in staff, totalling 35 full time and 1 part time staff members.
94. The PBSA requires at least 10 dedicated staff members while in operation. These staff include:

- 3no. Student Experience Team Members – will operate from the reception desk during working hours and be on hand to support with all occupant and local resident enquiries.
- 3no. Student Safety Team Members– will be present 24/7. They will patrol the internal building and the surrounding external space. The emphasis of this role is security and safety of the occupants and liaison with the local residents out of working hours.
- 3no. Housekeepers will ensure the building is clean.
- 1no. Facilities Team Member will attend to all maintenance issues in the property.

95. It is noted that existing staff would be temporarily relocated to other Travis Perkins store locations during the construction phase, and following the completion of the proposal, staff would be given the option to relocate back to the new premises on the site.

96. The proposal therefore contributes to the employment targets set out in the London Plan, and the City Plan.

Land use conclusion

97. While the minor reduction in industrial floorspace results in a minor non-compliance with Policies E4 and E7 of the London Plan, the proposal, which addresses strategic requirements for student accommodation and contributes towards meeting the minimum overall housing targets in the London Plan, is in line with other relevant London Plan and City Plan land use policies, subject to appropriate conditions and obligations. The proposal is therefore acceptable in land use policy terms.

Purpose Built Student Accommodation (PBSA)

98. The proposal would deliver 605 new student bedrooms in a PBSA, co-located facility, provided across a range of room types, as shown in Table 3, below:

99. Table 3: Student accommodation (Source: Design and Access Statement)

Cluster room	Cluster accessible room	PBSA Room Types		Total
		Studio room	Studio accessible studio room	
432	16	142	15	605

100. London Plan Policy H15(A)(1) requires that at the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood. There are no other significant PBSA in close proximity of the site, and the proposal includes the provision of 30% on-site affordable student accommodation. In this regard, the proposal contributes to a mixed and inclusive neighbourhood. Furthermore,

the proposal includes a PIL towards the provision of affordable housing (C3 use) offsite within the borough of Westminster.

101. In line with Policy H15(A)(2) of the London Plan, an accommodation occupation restriction has been secured through a Section 106 agreement requiring the use of the accommodation to be secured for students. Specifically, the use of the accommodation is secured for students (and student support) on full time educational courses, affiliated with King's College London or any other Higher Education Institution (recognised by the Officer for Students) as approved by Westminster City Council. In line with paragraph 4.15.13 of the London Plan, the Section 106 has secured the flexibility for the temporary use of accommodation during time periods outside the academic year (comprising continuous period of no more than 14 weeks in any calendar year) for non-student short lets. This includes a summer lettings policy which enables, for example, the accommodation to be used by academic visitors and by conference and summer school delegates outside of the academic year. The Section 106 secures submission of details in relation to this arrangement (including number of students rooms that will be made available for booking, details of those who will qualify to book a room and the procedure for booking the room) for the approval of Westminster City Council.
102. London Plan Policy H15(A)(3) requires that the majority of the bedrooms, including all of the affordable student accommodation bedrooms, are secured through a nomination agreement for occupation by students of one or more higher education provider. In line with Policy H15 of the London Plan, the majority of the PBSA (51%, a total of 309 PBSA units), including all the affordable student accommodation, will be subject to a nominations agreement, demonstrating the need for student accommodation in line with paragraph 4.15.3 of the London Plan. Furthermore, in relation to need, it is noted that King's College London has written confirming their support for the proposal and how the proposed development fits with their accommodation strategy.
103. The requirement for the provision of on-site affordable student accommodation within a PBSA scheme, as set out in Policy H15(A)(4) of the London Plan, is discussed in the following section of this report. It is noted that the proposal incorporates a hybrid approach to the provision of affordable accommodation, through both on-site affordable student accommodation, as well as providing a PIL towards affordable housing within the borough. As set out below, while this is not strictly in accordance with Policy H15 of the London Plan, GLA Officers consider that on balance, this is acceptable.
104. Policy H15A(5) of the London Plan requires that the accommodation provides adequate functional living space and layout. As set out below in the urban design section of this report, the proposed PBSA provides a mix of studios and small clusters with well positioned shared kitchens and other communal amenity grouped across floors. The proposal provides adequate functional living space and layouts, compliant with Policy H15(A)(5).
105. In line with London Plan Policy H15(B), PBSA should be focused in locations that are well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes. The site has

good access to public transport links (with a PTAL of 6b) and is well connected to a number of university campuses located within City of Westminster, including University of Westminster, King's College, Imperial College London, and London School of Economics. The Westminster City Plan identifies at paragraph 10.18 that Westminster has 11 major universities and colleges, more than any other London Borough, and it is also home to many smaller colleges and professional education institutions. Furthermore, the City Plan sets out that a third of higher education students in London attend a Westminster-based institution, meaning that there is a high demand for PBSA.

106. In relation to need within Westminster, it is noted that the Westminster Housing Needs Analysis indicates that there is no overwhelming demand for accommodation for Westminster-based students to be housed in Westminster and there is no evidence to suggest that current levels of provision are affecting student numbers or profiles. Paragraph 10.19 of the City Plan goes on to set out that the development of PBSA for higher education institutions will continue to be supported, secured via nominations agreements, in order to balance the demand for student accommodation against the competing demands for other types of housing in the city.

107. In relation to need in this location, a "London Student Demand and Supply Report" has been provided with the planning application, which concludes that London is home to the largest full time student population in the UK with over 385,110 students and Westminster is the borough where the largest number of students attend to study (86,300) yet it has the smallest number of PBSA beds (4,565). While GLA Officers acknowledge the finding of the Westminster Housing Needs Analysis indicates that there is no overwhelming demand for accommodation for Westminster-based students to be housed in Westminster analysis, the London Plan identifies an overall strategic requirement for student accommodation across London (as above, London Plan paragraph 4.15.21 identifies an overall strategic requirement of 3,500 annually over the Plan period). Furthermore, the PBSA LPG sets out that areas likely to be suitable for PBSA include the CAZ and Inner London Opportunity Areas, and PTAL areas of 5 or 6 and Inner London PTAL 4. The application site aligns with this suitability as the location is adjacent to Paddington Train Station and has the highest PTAL of 6b. The application explains that the site is located so that "students can reach university campuses within 40 minutes on public transport for at least 170,000 full time students". As such, GLA Officers consider the location of the proposal as suitable for PBSA.

PBSA conclusion

108. Whilst not fully compliant with Policy H15 in relation to the hybrid approach to the provision of affordable accommodation (through 30% onsite plus 5% equivalent provided as a PIL towards conventional C3 affordable housing), it is acceptable to GLA Officers in this instance.

109. Notwithstanding the above, GLA Officers consider that the proposal complies with all other requirements of London Plan Policy H15 and City Plan policies in relation to PBSA, including in relation to securing of a nominations agreement,

demonstrating need for the development and suitability of PBSA in this location, and through the provision of adequate functional living space and layout. Relevant conditions and obligations are recommended to secure compliance. As such, the PBSA is considered, on balance, acceptable.

Affordable student accommodation and affordable housing

110. The NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
111. Policy H4.1 of the London Plan requires requiring major developments which trigger affordable housing requirements to provide affordable housing through the threshold approach. Policy H5 introduces the Threshold Approach to affordable housing delivery. It sets out the criteria under which schemes may follow the Fast Track Route, namely, where specific affordable housing benchmarks are met, or alternatively, the Viability Tested Route, where these benchmarks are not achieved. The policy is intended to streamline the planning process and support the delivery of affordable housing.
112. London Plan Policy H15 requires that the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance. To follow the Fast Track Route set out in London Plan Policies H4 and H5, at least 35% of the accommodation must be secured as affordable accommodation. In order for student accommodation to be considered affordable, it must be let at a rental cost at or below 55% of the maximum maintenance loan that a new, full-time student studying in London and living away from home could obtain. Policy 10(H) of the City Plan states that a proportion of the PBSA will be secured as affordable student accommodation in accordance with the London Plan.
113. Policy 10(H) and paragraph 10.20 of the City Plan, sets out that a proportion of the PBSA will be secured as affordable student accommodation as defined in the London Plan and associated guidance. Paragraph 10.20 further sets out that the threshold approach to viability will be used to assess the appropriate proportion of affordable student accommodation in accordance with the London Plan.
114. As originally submitted, the proposal included 35% of the onsite student bedrooms as affordable in accordance with Policy H15 of the London Plan. This provision included 320 affordable student bedrooms, which equated to 35% by bedroom, 38.2% by habitable room and 37.6% by floorspace.
115. As noted above, following Stage 1 and during processing of the application by Westminster City Council, prior to the call in of the application by the Mayor of London, the proposals were amended by the applicant so that 30% of the onsite bedspaces were proposed as on-site affordable student accommodation, with the remaining 5% being provided as a PIL towards the Council's affordable housing fund for the provision of offsite affordable housing within Westminster. A PIL of

£3,060,445.00 was agreed between the applicant and Westminster City Officers for the purpose of delivering conventional (C3 use) affordable housing off-site.

116. It is noted that in the assessment of the PIL, Westminster City Council Officers set out in the committee report that “Given that the initial application included 35% affordable student on site it has been demonstrated that the provision of a policy compliant level of affordable student accommodation on site is viable, the provision of a PIL payment is unusual. The applicant has set out that this is offered to meet concerns of residents and Councillors as the development does not provide any standard non-student housing, and is intended as a benefit to the council to help provide affordable housing elsewhere within the borough”. Policy H4 of the London Plan sets out that affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances (Policy H4B). As noted by Westminster City Council Officers, as it has been demonstrated that the full 35% affordable accommodation provision could be provided on site, the proposal for a PIL does not strictly comply with H4, as applicant has not demonstrated that on-site affordable accommodation delivery is not practical nor has the applicant demonstrated that off-site options have been explored but are not acceptable.
117. Notwithstanding this, GLA Officers agree with Westminster City Council Officers that a PIL can act as a benefit to the Council to help provide affordable housing elsewhere within the borough, provided that accepting a cash in lieu contribution will not be detrimental to the delivery of mixed and inclusive communities, in line with Paragraph 4.4.10 of the London Plan.
118. In relation to PIL, Policy H5 refers to the Mayor’s Affordable Housing and Viability SPG as the relevant framework for assessing viability, with Paragraph 2.60 to 2.63 of the SPG outlining the methodology for calculating in-lieu contributions. Supporting text at paragraph 4.4.13 of Policy H4 is clear that, in order to avoid incentivising off-site provision or PIL, any agreement for such contributions should not result in a financial advantage to the applicant relative to on-site delivery. These agreements should also incorporate review mechanisms consistent with the Viability Tested Route. Policy H5 further confirms that where a scheme does not meet the Fast Track Route requirements set out in Part C, it must be subject to viability testing.
119. Subsequent to the Mayor of London calling in the application, GLA Officers assessed the application PIL, and GLA Officers considered that a higher contribution was required in order to equate to the 5% off-site contribution. The applicant has subsequently agreed to a PIL of £3,523,382. This is an increase of £462,937.00. GLA Officers consider that this is the equivalent to the remaining 5% onsite affordable provision.
120. The London Plan, as set out in the supporting text of Policy H4, recognises that delivering more genuinely affordable housing is a key strategic issue for London, and that increasing the supply of affordable homes will require an increase in affordable housing contributions from all sources. All schemes are expected to maximise the delivery of affordable housing and make the most efficient use of available resources.

121. The paragraph 2.5.3 of the PBSA LPG recognises that the inclusion of conventional residential (C3 Use Class) affordable housing as part of larger PBSA developments may be desirable in as part of pursuing mixed and inclusive neighbourhoods. Whilst the proposed scheme does not provide any onsite conventional residential (C3 Use Class) affordable housing, the affordable housing PIL would ensure that the proposed scheme contributes to more diversified housing needs by making a contribution towards addressing affordable housing needs, as well as market and affordable student accommodation needs.
122. To ensure an applicant fully intends to build out the permission, on-site affordable housing and an early-stage review mechanism, has been secured in the Section 106 agreement.
123. In relation to the requirement for a Late-Stage Review ('LSR'), as set out in London Plan Policy H5(f), the applicant has taken the view that the PIL contribution is financially neutral and has therefore not included provision for an LSR. While this approach does not fully accord with Policy H5 of the London Plan, specifically paragraph 4.5.15, which requires schemes proposing off-site affordable housing or cash in lieu contributions to follow the Viability Tested Route, GLA officers have accepted the proposal's progression under the Fast Track Route, on the basis that the proposal includes 30% onsite affordable student accommodation together with the £3,523,382 affordable housing PIL, which is assessed to be the equivalent to 5% on-site affordable student accommodation.
124. GLA officers considers that, in this context, the absence of an LSR may be acceptable, having regard to the proposal's overall affordable housing contribution comprising 30% on site affordable accommodation, the inclusion a PIL, and the inclusion of an early-stage review. The proposed on-site affordable student accommodation, together with the PIL contribution, is considered to support a more diversified housing offer and is broadly consistent with Fast Track Route compliance. On balance, it is considered that the minor non-compliance with Policy H5 arising from the omission of an LSR does not result in planning harm, and that the benefits of a small PIL contribution in supporting traditional C3 affordable housing delivery may outweigh the policy conflict in this instance.
125. The proposed affordable provision satisfies the requirements of the NPPF and City Plan Policy 10. As set out above, there are minor non-compliances with Policies H15, H4 and H5 of the London Plan, and these policy non-compliances need to be considered as part of the planning balance.

Urban design

126. The NPPF states that good design is a key aspect of sustainable development and that in determining applications, significant weight should be given to development which reflects local design policies and government policy on design, taking account of local design guidance and supplementary planning documents such as design guides and codes. Significant weight should also be given to outstanding or innovative designs which promote high levels of

sustainability or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.

127. Chapter 3 of the London Plan sets out a series of policies about the places and spaces in which Londoners live, work and visit. London Plan Policy D4 sets the overarching design principles for development in London. Other relevant design policies in this chapter include specific design requirements relating to: optimising site capacity (Policy D3); inclusive design (Policy D5); public realm (Policy D8); tall buildings (Policy D9); designing out crime (Policy D11); and fire safety (Policies D5 and D12).

128. Westminster City Plan Policy 3 (Paddington Opportunity Area) generally promotes a positive consideration of further tall buildings of 2 to 3 times the prevailing context height of 6 storeys, suggesting an upper height limit of 18 storeys. In addition, design and heritage considerations are dealt with under policies 38 to 43 (Policy 38 – Design principles, Policy 39 – Westminster’s heritage, Policy 40 – Townscape and architecture, Policy 41 – Building height and Policy 43 – Public realm).

Design scrutiny

129. The proposal has been subject to appropriate design scrutiny in that the applicant engaged extensively with Westminster City Council Officers at pre-application stage on the design of the scheme, and participated in design workshops. The applicant also engaged with GLA and TfL Officers, and Designing Out Crime Officers during pre-application stage, and presented the scheme at a Design Review Panel. Overall, it is considered that the proposals has had appropriate design scrutiny and therefore satisfies the requirements of Policy D4(C-E).

Density and optimisation of the site

130. London Plan Policies D2 and D3 require the optimisation of site capacity through a design-led approach, whilst accounting for existing and proposed infrastructure. Paragraph 1.3 of the City Plan sets out that to deliver additional growth in the city, it will be necessary to intensify existing urbanised areas and the Plan encourages high quality, creative and contemporary design solutions to deliver additional growth. Paragraph 3.1 of the City Plan sets out that while a significant amount of growth has already happened in Paddington, the area remains one of the city’s most significant opportunities for large-scale regeneration, thanks to the presence of under-utilised brownfield sites and the expansion of the Paddington Station transport node with the arrival of the Elizabeth line.

131. Policy 8 of the City Plan also sets out, in relation to housing delivery, that the exceedance of the 20,685 new homes target will be achieved via a number of measures, including by optimising site densities and planning positively for tall buildings in certain locations.

132. The proposal comprises the comprehensive redevelopment, intensification and optimisation of the site, to provide an industrial and student accommodation co-location scheme. The proposed approach to the optimisation of the site includes consideration of site context, accessibility, urban design, impacts on neighbouring amenity, development layout, quality of accommodation, building efficiency and viability.
133. The proposal is an enhancement of the existing non-designated industrial facility and has been designed to meet the needs of the applicant/occupier, to optimise the site layout, to ensure the new facility is fit for purpose, while intensifying the site through the co-location with PBSA. GLA Officers are satisfied that the proposal therefore optimises the development on the site and the density of the development is proportionate to the site's connectivity and accessibility, and would therefore comply with London Plan Policies D2 and D3.

Height, scale and massing

134. Parts A and B of London Plan Policy D9 provides that boroughs should define what is considered a 'tall building' and identify suitable locations and appropriate tall building heights on maps. The policy sets out criteria for assessing tall buildings in Part C, including addressing visual, functional, environmental and cumulative impacts. Part D requires that appropriate public access is secured to tall buildings.
135. London Plan Policy HC3 and HC4 are also relevant as they seek to identify and protect local and strategic views.
136. In terms of the local development plan context, Policy 41 of the Westminster City Plan defines a 'tall building' as one that is twice the height of the prevailing context or higher, or one which would result in a significant change to the skyline. Part C of Policy 41 states that tall buildings may be acceptable within the Paddington OA subject to proposals adhering to a suite of design, functional and environmental requirements, which are set out in Part B and the supporting text of the Policy. The City Plan establishes that the prevailing height context in the Paddington area is 6-storeys (20 metres) with a varied context, and that buildings that are two to three times this height may be appropriate, provided that they complement and help to frame the setting of Paddington Basin, contribute to the quality and character of the existing cluster, and comply with a suite of general principles for tall buildings.
137. The proposed building, at its highest point, is 20 stories and approximately 90 metres in height. The proposal is therefore two stories and approximately 30 metres higher than that provided for by the City Plan. Isometric views of proposed development are included in Figure 3, below.

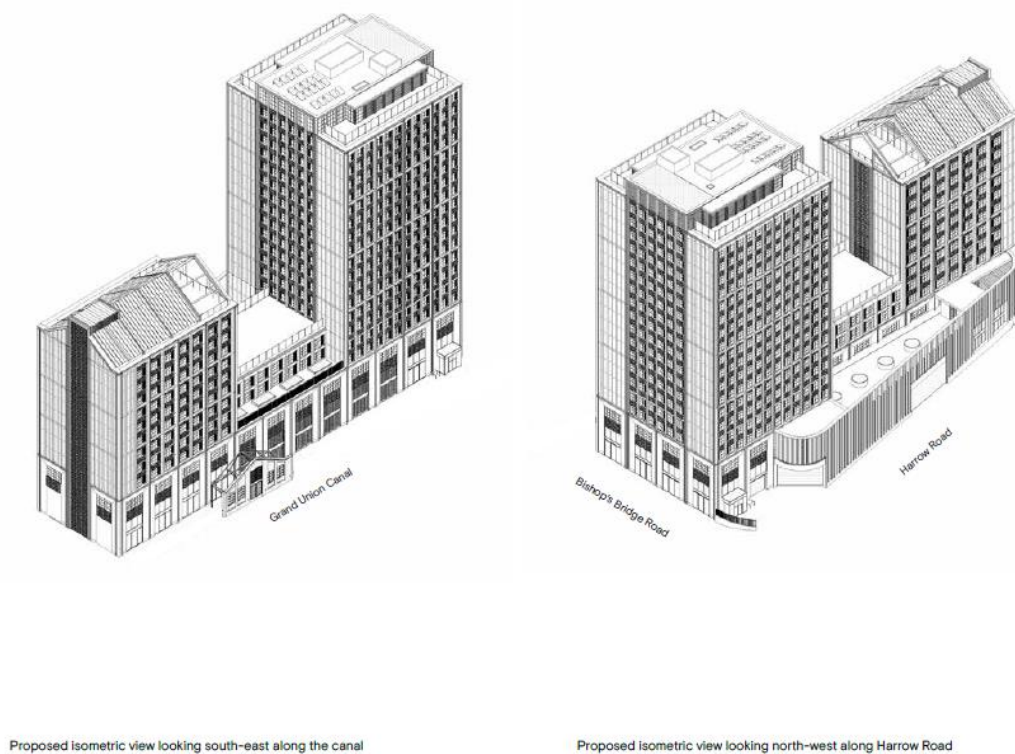


Figure 3: Isometric views of proposed development (Source: Design and Access Statement)

138. As such, while the provision of tall buildings within the site meets the locational requirements set out by Policy D9(B)(3) of the London Plan, which states that “tall buildings should only be developed in locations that are identified as suitable in Development Plans”, due to the proposal being taller than the heights provided for this location within the City Plan, the proposal overall does not fully comply with London Plan Policy D9(B). Notwithstanding this, as outlined above, the site is located within the Paddington OA where tall buildings may be acceptable, and Policy 41 of the City Plan does not expressly exclude building heights above the datum of above 18 stories or 60 metres in height, but rather sets out that proposed buildings may be appropriate provided they complement and help to frame the setting of Paddington Basin, contribute to the quality and character of the existing cluster, and comply with a suite of general principles for tall buildings. An assessment of the proposal against the qualitative criteria (in terms of visual, functional, environmental and cumulative impacts) set out in London Plan Policy D9(C) and by City Plan Policy 41 is required and is set out below.

Visual impact

139. In terms of visual impacts, the above-mentioned policies seek to ensure that the height of tall buildings are proportionate and reinforce the spatial hierarchy of an area. Tall buildings should make a positive contribution to surrounding character and townscape, within immediate, mid-range and long-range views. The City Plan includes the requirement for tall buildings to deliver exceptional

architectural quality and the London Plan requires architectural quality and materials to be of an exemplary standard.

140. The existing site is located in area of mixed townscape, mostly characterised by Regent's Canal, the A40 flyover and modern development surrounding the Paddington Basin. This canal side area of the Paddington Basin has been largely developed since 2000. The townscape of the Basin comprises a mix of substantial commercial and residential buildings of 8 to 20+storeys, as shown in Figure 4, below. This includes, for example, the Brunel Building immediately next to the site, which is 16 storeys, and Dudley House, which is 22 storeys.



Figure 4: Key tall buildings in the OA. The image shows the site in red, consented schemes in yellow, schemes on-site in blue and newly completed projects in dark grey. Table 4 below indicates the height of these buildings in metres (AOD) and storeys.

Table 4: Key tall buildings in the Paddington OA

	Building	Height (metres AOD)	Storeys
1	1 Merchant Square (residential)	181.10m	42 storeys
2	Paddington Gardens (residential)	126.70m	20 storeys
3	Paddington Square (office)	102.60m	17 storeys
4	Dudley House (residential)	101.80m	22 storeys
5	Brunel Building (office)	101.80m	16 storeys
6	Paddington Triangle (office)	101m	21 storeys
7	Paddington Central Gateway Building (hotel)	112.20m	20 storeys

8	5 Kingdom Street (office)	123.54m	19 storeys
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141. The applicant has submitted a Townscape, Built Heritage and Visual Assessment ('TBHVA') as part of the Environmental Statement. The Visual Impact Study which is based on 15 verified views. The views presented in the application are considered by GLA Officers to be adequate to assess the impact of the proposal. This report does not provide a detailed assessment of all 15 verified views, noting that the majority of visual impacts are not significant in nature.
142. The applicant has addressed visual impacts of long-range views, mid-range views and immediate views as required by Policy D9(C1A) of the London Plan.
143. GLA Officers consider that the proposal responds well to the requirements of Policy D9 (C1A) in terms of visual impact, particularly in immediate views. The base of the development is strongly expressed and links the two buildings well. In medium range views, the proposal would generally appear as a positive addition to the townscape within views. In long-range views, the proposal would appear consistent with existing tall buildings within the Paddington OA. As set out in a following section of this report, the proposal would not unacceptably intrude upon strategic views as defined by the London View Management Framework ('LVMF'). The proposal is located within the LVMF's London panorama incorporating protected vistas from the Summit of Primrose Hill but will not harm it.
144. In line with Policy D9 (C1B), the proposal would sit within an existing skyline of tall buildings within Paddington OA, with the massing stepping up towards the OA and away from the A40 Westway, existing residential development, and Paddington Green and Maida Vale Conservation Areas to the north-east and north-west of the site, respectively. The massing, as well as the design of the proposal, contributes to the spatial hierarchy of the local and wider context and aids legibility and wayfinding.
145. As required by Policy D9 (C1C), the architectural design of the proposal is of an exemplary standard. To ensure delivery of the high-quality design, the materiality of the proposal is recommended to be secured by condition.
146. In terms heritage impact, which is required to be considered by Policy D9 (C1D and C1E) of the London Plan, the proposal will result in less than substantial harm to the significance of heritage assets, as identified within the heritage section of this report below. The less than substantial harm is considered to be at a very low to low extent of harm. As detailed in this report, there are clear public benefits that will be delivered by the proposal that are considered to outweigh that harm. GLA Officers also consider that the buildings would positively contribute to the character of the area. As required by D9(C1E), the proposed development preserves, and does not harm, the Outstanding Universal Value of the World Heritage Site (Palace of Westminster and Westminster Abbey including St Margaret's Church) and the ability to appreciate it.

147. As discussed in subsequent sections of this report, GLA Officers consider that the proposal would not cause adverse reflected glare and consider that the proposal would not cause adverse light pollution.
148. In their assessment of the visual impacts of the proposal, Westminster City Council Officers set out that “the proposed height is of appropriate scale to the context of adjacent tall buildings and the massing has been effectively arranged with a three-storey base or podium, supporting two distinct towers, improving on the visual impact of the previous design, by creating a more interesting architectural composition”. GLA Officers agree with this assessment. As discussed in the heritage section of this report, there are heritage impacts resulting from the proposal, and as such, there are non-compliances with the specific elements of development plan tall building policies that relate to heritage, namely City Plan Policy 41(B4) and London Plan D9(C1D). It is considered that the proposal accords with all other visual impact criteria set out by tall building policies in London Plan Policies D9(C1) and City Plan Policy 41.

Functional impact

149. Policy D9(C2A) of the London Plan requires that the internal and external design, including construction detailing, the building’s materials and its emergency exit routes, must ensure the safety of all occupants. As further discussed in the fire safety section of this report, a fire statement has been submitted and compliance with Policy D12 and D5(B5) in relation to fire safety and provision of fire evacuation lifts are recommended to be secured by condition. Materials are also secured by condition.
150. Policy D9(C2B) of the London Plan requires that buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm. The applicant’s Design and Access Statement (‘DAS’) sets out that maintenance has been considered in the design development of the proposal. Operational management plans are secured by condition for both the builders’ merchant and the PBSA elements of the scheme. Management and maintenance plans are recommended to be secured by condition in relation to the proposed sustainable urban drainage systems (‘SUDS’) and by obligation in the Section 106 in relation to the proposed canal works. The student housing entrance and lobby offer opportunities for natural surveillance along the canal-side path, and together with the glazed elevation at ground floor, can facilitate passive surveillance which can enhance the feeling of safety. Further consideration to safety and security is considered in a subsequent section of this report. Conditions and obligations are recommended securing servicing, relevant maintenance and building management arrangements.
151. In relation to Parts C and D of London Plan Policy D9(C2), the functional design considerations of the proposed buildings have been appropriately addressed in terms of the layout and activation of the ground floor of the proposal, including through the quality of the public realm, entrances, active frontages and pedestrian and cycle access, which are considered to be acceptable. Given the wider improvements to the area, including the provision of comfortable and accessible canal-side access, and the contributions to the public realm, the site,

its immediate context and the transport network is capable of accommodating the proposal. The proposed building entrancing is appropriately designed for the quantum of development. Transport matters, including deliveries and servicing, is discussed in detail in the transport sections of this report. In summary, subject to compliance with conditions and obligations, these are considered to be acceptable. Conditions are recommended to be secured to address servicing matters for both the builders' merchant and the PBSA.

152. In line with Policy D9 (C2E), jobs, services, facilities, economic activity and regeneration benefits will be provided by the proposal. In particular, during construction, the proposal will support an average of 185 construction jobs, and during operation, the proposal will retain all existing jobs associated with the existing Travis Perkins builders' merchant, and is expected to create additional jobs across both the new builders' merchant store and in management of the student accommodation.
153. Finally, in relation to London Plan Policy D9 (C2F), aviation impacts and interference with the reception of digital terrestrial and satellite television services is not anticipated given the prevalence of tall buildings in the local area.
154. The proposed tall building would have acceptable functional impacts.

Environmental impact

155. A full assessment of environmental impacts is provided in the Environmental Statement and is discussed in detail in the amenity section in this report. Matters relating to wind microclimate, daylight, sunlight, air quality and noise have been fully considered against London Plan and City Plan policies (set out below). In summary, Officers consider that the proposed development would not result in an unacceptable environmental impact, and where harm has been identified, appropriate mitigation is recommended to be secured.

Cumulative impact

156. The proposal raises no significant adverse impacts cumulatively with other existing and proposed tall buildings in the local area.
157. Overall, GLA Officers are satisfied that the cumulative impacts are considered acceptable and in line with London Plan Policy D9.

Public access

158. Part D of Policy D9 states that free to enter publicly-accessible 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. Given that the proposal is for PBSA, it is not considered appropriate in this instance to provide public access to the upper floors of the building.

Tall buildings – conclusion

159. In summary, the proposal does not fully accord with Policy D9 Part B(2) of the London Plan. Notwithstanding, the site is located within the Paddington OA where tall buildings may be acceptable. While the proposal is taller than anticipated by the Westminster City Plan, the proposal appropriately addresses the qualitative criteria set out in part C of Policy D9 in relation to visual, functional, environmental and cumulative impacts, and the lack of public access is considered acceptable. As noted above, the proposal will harm heritage assets, and therefore the proposed tall building does not comply with City Plan Policy 41(B4) and London Plan D9(C1D). These policy non-compliances need to be considered as part of the planning balance.

Strategic views and World Heritage Site

160. London Plan Policy HC4 seeks to protect strategic views identified in London Plan Policy and the London View Management Framework SPG (2012) which provides further guidance on the management of strategic views. The policies seek to identify and protect the composition and character of the strategic views. London Plan Policy HC2 states that development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value.
161. Westminster City Plan Policy 40(F) states that new development affecting strategic and local views (including local views of metropolitan importance) will contribute positively to their characteristics, composition and significance and will remedy past damage to these views wherever possible.
162. The proposal would not intrude upon strategic views as defined by the London View Management Framework (LVMF), or upon the setting of the Palace of Westminster or Westminster World Heritage Site. It is located within the LVMF's London panorama incorporating protected vistas from the Summit of Primrose Hill, but will not harm it, noting in particular the existence of other tall buildings in the immediate locality.
163. Officers consider that the townscape impacts would be acceptable, and that the proposal complies with London Plan Policy HC4 and City Plan Policy 40(F) and the London View Management SPG.

Quality of the student accommodation

164. The proposed PBSA is a mix of studios and small clusters with well positioned shared kitchens and other communal amenity grouped across floors. The scheme provides adequate functional living space and layouts, compliant with Policy H15, which is supported.
165. The residential accommodation starts at level two, which is approximately level with the road level of the Westway immediately to the north. Stair cores have been located within the proposed building where it is in closest proximity to the Westway (approximately 3.5 metres), with the studio bedrooms starting slightly

further away. Nonetheless, all units on the northeast side of the development will be impacted by the presence of the Westway.

166. Questions were raised at Stage 1 in respect of some of the northeast parts of the development, given the proximity of the Westway. It is noted that the units have been designed with noise mitigation measures and mechanical ventilation to reduce exposure to noise and air pollution; that there is some visual separation through green amenity visible to the window; and that there are proposed communal amenity spaces.
167. A mixture of internal and external amenity space is provided with some internal amenity space being placed adjacent to the external provision to facilitate spill out. The student accommodation includes multiple roof terrace external amenity areas.
168. As such, the proposed quality of student accommodation is overall considered acceptable.

Architectural quality and materiality

169. London Plan Policy D3 states that good design and good planning are intrinsically linked, and that the form and character of London's buildings and spaces must be appropriate for their location, fit for purpose, respond to changing needs of Londoners, be inclusive, and make the best use of the city's finite supply of land. London Plan Policy D9 requires architectural quality and materials to be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan.
170. Westminster City Plan 38 states that all development will positively contribute to Westminster's townscape and streetscape. City Plan Policy 40(A) states that development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.
171. The design of the building base is strong and grounds the development successfully. The proposal's massing stepping up towards the OA and away from the A40 Westway and provides for difference in height of the two towers, creating interest. The two towers have different widths and breadths, as well as differing heights. The roofs of each tower are also expressed differently, with one terminating with a pitched form, and the other stepped and flat.
172. There is contrast between the materiality palette proposed through the use of lighter grey and darker green tones, adding visual interest yet providing for a cohesive design. In order to ensure that the delivery of the high-quality design, further detail and the materials are to be secured by condition.
173. The retained and restored warehouse gable wall, as well as ground level architectural treatments, will enliven the pedestrian experience on the new canal-side path, as well as providing a feature inspired from the existing warehouse character of canal side location.



Figure 5: Elevated view, looking southeast

174. Overall, the proposal is of a high-quality architectural design and would accord with City Plan Policies 38 and 39 and London Plan Policies D3 and D9. In order to ensure that the delivery of the high-quality design, further detail and the materials are secured by condition.

Public realm and landscaping

175. London Plan Policy D8 requires development proposals to ensure that public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, and easy to understand and maintain. Westminster City Council Policy 43 requires development to contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design. Policy 43 states that the public realm will be safe, attractive and accessible to all.
176. The proposal includes a new canal-side path, public realm improvements along Harrow Road and multiple external terrace student amenity areas. The terrace landscape design has responded to the results of the wind assessment by introducing planting as mitigation, so the conditions created are appropriate to the use. Hard and soft landscaping is secured by condition. CRT have

requested a barrier between the moorings. Consideration of the proposed tree removal is discussed in a subsequent section of this report.

177. Other public realm improvements beyond the site boundary, as well as improvements to the activation of the east and west boundaries of the site, are well considered and contribute to the success of the proposal. These are to be secured by condition and obligation, to ensure compliance with Policy D8 of the London Plan.
178. The public access to the towpath has been secured as part of the Section 106 agreement in accordance with the Public London Charter LPG and London Plan Policy D8.

Public art

179. London Plan Policy SI 16 relates to the use and enjoyment of London's waterways, and paragraph 9.16.6 sets out that London's waterways are often an appropriate setting for public art. Policy 43 of Westminster City Plan supports the provision of public art as a shared commitment by Westminster City Council and applicants to deliver high quality public spaces, art being a public affirmation of pride in new developments, which contributes to creating a sense of place and a visually stimulating environment.
180. The proposal includes the provision of public art. The DAS includes a number of options, including:
 - A mural on the northern façade of the proposal, which would be visible to the canal-side garden and pedestrian bridge.
 - A "Baltic Wharf heritage trail", animating the site with art across the proposal to help understanding of the significance of the site and the retained gable wall, potentially through way finding signage, interpretation panels and artistic design of the adjacent railings and CRT moorings.
 - Artwork under Bishops Bridge Road, which would enliven a dark and presently unwelcoming area.
181. GLA Officers support the potential to include public art within the proposal, which will add interest and vibrancy. The Section 106 agreement secures public art to the minimum value of £125,000.00 on the site or within the vicinity of the proposal, and a condition secures the submission of a scheme of public art, appropriate to the scale and significance of the development, to the local planning authority.

Secured by Design and lighting

182. London Plan Policy D11 relates to safety, security and resilience to emergency. This policy requires new development to provide legible, convenient and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces

clearly defined to promote a sense of ownership. London Plan Policy D3(D5) states that development proposals should achieve safe, secure and inclusive environments. Policy 44 of the Westminster City Plan requires development to provide an integrated approach to the security of the site including buildings and any associated public or private spaces, and to incorporate appropriate counter terrorism measures advised by the Metropolitan Police and / or the Council. Policy 44 requires all security measures to be designed and implemented to take account of the functionality of the area and the needs of its users, and to be sensitively designed to respect the surrounding context and public realm.

183. The proposal has been reviewed by the Metropolitan Police DOCO who has no objection to the principle of student accommodation. The DOCO has raised concerns in relation to the canal-side walkway and likely anti-social behaviour who request a 'Secure by Design' condition. A particular concern was raised in relation to the canal-side entrance and request that this is closed at night. While this is noted, GLA Officers consider that providing time-unlimited student access to the building via the canal entrance is likely to support passive surveillance and greater activation along the canal route day into evening. Furthermore, GLA Officers have secured a number of conditions and obligations in relation to safety and security as summarised below.
184. Security measures for both the builders' merchant and the PBSA element of the scheme are recommended to be secured by condition, including the requirement to confirm that 'Secure by Design' accreditation is met, or to provide justification as to why this has not been achieved.
185. A condition is also recommended to be secured requiring submission of external lighting details for the approval of Westminster City Council, in consultation with CRT and the Metropolitan Police.
186. A student management plan will also be secured by condition, and a condition is recommended requiring the PBSA operator to sign up to the Women's Nighttime Safety Charter.
187. As part of the application, GLA and TfL Officers have engaged in detailed discussions with the applicant team about the surrounding context of the application site, in the context of comments from the DOCO and comments raised by members of public as part of the consultation on the application. As noted in the transport section of this report, based on the findings of the ATZ report and Women's Safety Audits, the following obligations have been secured as part of the proposal: a package of works secured as part of the Section 106 and Section 278 works, which include public realm improvements, bus stop upgrades, enhanced lighting, which will contribute to the overall activation and vibrancy of the area.
188. On this basis, the proposal is compliant with Policies D3(D5) and D11 of the London Plan and Policy 44 of the City Plan.

Accessibility and inclusive design

189. London Plan Policy D5 states that development proposals should achieve the highest standards of accessible and inclusive design. City Plan Policy 38(C) requires that all development places people at the heart of design, creating inclusive and accessible spaces and places. Policy 10(H) of the City Plan sets out that all accommodation should include a proportion of units that are adaptable to meet specialist needs. The PBSA LPG sets out the accessible requirements for student accommodation to ensure sufficient choice for people who require an accessible bedroom.
190. The proposal includes 31 student bedrooms as fully accessible for disabled students (16 accessible rooms and 15 accessible studios). This equates to 5% of the proposed student bedrooms. 142 (23%) of the rooms are adaptable bedrooms.
191. In line with the guidance for provision of accessible student accommodation set out in the PBSA LPG, a condition is recommended for details to be submitted setting out how 1% of the rooms can be adapted to provide a hoist system with connecting door for use by an assistant companion, if required. The condition will also require details of the location of the 5% wheelchair accessible rooms and 5% easily adaptable rooms to be provided. In addition, the provision of affordable accommodation within the fully accessible tenure is recommended to be secured by condition.
192. The proposals would create an inclusive environment through measures including a PBSA disabled persons parking space, blue-badge parking for both the builders' merchant and PBSA, step-free access to the building and public realm, and provision of evacuation lifts. The proposals would accord with London Plan Policy D5, the PBSA LPG and Policy 10(H) of the City Plan.

Fire safety

193. Policy D12 of the London Plan requires development proposals to achieve the highest standards of fire safety. Policy D5(B5) of the London Plan states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users.
194. In line with Policy D12 of the London Plan, an outline fire safety strategy has been submitted that has been prepared by a suitably qualified assessor, as required by Policy D12.
195. As the fire safety strategy is an outline document, a Detailed Fire Safety Strategy is required to be developed during design stages. As such, it is recommended that the submission of a detailed fire strategy, addressing all the requirements of Policy D12 of the London Plan is secured by condition.
196. In respect of the London Plan fire evacuation lift requirement (Policy D5(b5)), the fire statement sets out that each of the stairs has access to or is associated with a hybrid lift (i.e., a lift that can be used for both firefighting and evacuation) and the stairs are all designed as firefighting stairs. As such, in the event of an

emergency, the lifts would have the capability to function as either: an evacuation lift that will assist with evacuation of persons with reduced mobility from the upper levels; or a firefighting lift that will be used by firefighters to support with firefighting operations.

197. The fire statement form provided with the application details that each building is provided with four stairs, two stairs have dedicated hybrid lifts, one stair has a dual entry hybrid lift, and one stair has a dedicated firefighting lift, a dedicated evacuation lift and access to the dual entry lift. A separate passenger lift is provided.
198. The requirements set out by Policy D12 and D5(b5) are recommended to be secured by condition.
199. The proposed tall buildings, which include PBSA at upper levels, include two staircases. Specifically, both proposed buildings (North Block and South Block) are over 18 metres in height and both buildings are provided with two staircases.
200. As set out above, the Health and Safety Executive raised no objection to the proposal.
201. In summary, subject to compliance with relevant conditions, the proposal would comply with London Plan Policy D5(b5) and D12.

Agent of Change

202. London Plan Policy D13 and paragraph 33.1 of the City Plan, which address the 'agent of change' principle, places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise sensitive development through measures such as distance, screening, internal layout, soundproofing, insulation and other acoustic design measures. The purpose of Policy D13 is to ensure that established noise and other nuisance-generating uses, in this case the builders' yard at ground and mezzanine floor level, remain operationally viable.
203. The existing site comprises a non-designated industrial site, and the proposal generally represents an intensification and optimisation of the existing use of the site. As such, the redevelopment of the site engages the agent of change principle.
204. The proposal maintains the builders' merchant and associated yard at ground floor level, which will be enclosed within a double-height flexible box offset from the canal. Due to the nature of the site and proposed uses, there is the potential for noise transfer from the Travis Perkins builders' merchant to the PBSA above. The applicant's Noise and Vibration Impact Assessment demonstrates that due to the thickness of the separating concrete transfer slab and the large-void raised access floor above, noise through the slab will be minimal due to the high level of insulation. Noise, vibration, air quality and transport matters are considered in detail in the following sections of this report and are overall considered acceptable. A range of mitigation and enhancement

measures have been also recommended relating to noise, vibration, air quality and transport by conditions.

205. On this basis, and subject to compliance with relevant conditions, the proposal accords with Agent of Change policies.

Conclusion on urban design

206. In summary, the proposal is considered to be acceptable on balance and would comply with design policies in the development plan, particularly, London Plan Policies D2, D3, D4, D5, D8, D9, D11, D12, D13, HC2, HC4 and Westminster City Plan Policies 38, 40, 43 and relevant planning guidance.

Heritage

207. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “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” and, in relation to conservation areas, special attention must be paid to “the desirability of preserving or enhancing the character or appearance of that area”.
208. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. ‘Significance’ is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset’s physical presence or its setting. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal. The effect of the development on the significance of any non-designated heritage assets should also be taken into account.
209. London Plan Policy HC1 states that proposals affecting heritage assets and their settings should conserve their significance, avoid harm, and identify enhancement opportunities. Policy HC1 of the London Plan relates to all heritage assets, including designated and non-designated heritage assets. Policy 39 of the Westminster City Plan requires development to conserve features that contribute positively to the settings of conservation areas and to take opportunities to enhance their settings, wherever possible.
210. The site is not in a conservation area and contains no designated heritage assets. The site contains two elements of local heritage interest (discussed in Appendix 2). The other buildings on site are not of any heritage interest. The site is in the setting of heritage assets, which are identified below.

Assessment of impacts

211. The application site is in the setting of the heritage assets identified in Table 5 and Table 6 below. The detailed analysis of impacts to the heritage assets is provided in Appendix 2. GLA Officers consider that the proposal causes the impacts to designated and non-designated heritage assets that are identified in Table 5 and 6 below. In all cases, the assessment is based on the cumulative scenario included in the application (which includes consented and implemented schemes), and the scale used for less than substantial harm is very low, low, low to middle, middle, middle to high, high and very high.

Table 5: Indirect (setting) impacts

Designated heritage assets	Category of harm	Extent of harm	View reference
Paddington Station, listed Grade I	No harm	No harm	TBHVA Views 14 and 15 (looking past the north and east edge)
Hyde Park, Registered Park and Garden, Grade I and the Royal Parks Conservation Area	No harm	No harm	TBHVA Views A2 and A3
Regents Park, Registered Park and Garden, Grade I and the Royal Parks Conservation Area	No harm	No harm	TBHVA View A1
Catholic Apostolic Church and Church House, Maida Avenue, listed Grade I	No harm	No harm	HIA View 1
Group 1, including the Paddington British Rail Maintenance Depot, east block, listed Grade II* and the Paddington British Rail Maintenance Depot, west block, listed Grade II*	No harm	No harm	TBHVA View 12 (looking over the roof of the east block, with the west block just out of frame on the right)
Group 2, including the Church of St Mary, Paddington Green, listed Grade II* and Monuments to Thrupp, Chandless and Woodd Families, listed Grade II	Less than substantial	Very low	TBHVA Views 3 and 4
Group 3, listed houses in Blomfield Road, facing the canal, to the northeast of Randolph Road including Numbers 15 and 16 Blomfield Road, listed Grade II; Numbers 17 and 18 Blomfield Road, listed Grade II; Numbers 19 and 20 Blomfield Road, listed Grade II; Numbers 21 and 22 Blomfield Road, listed Grade II; Number 23 Blomfield	Less than substantial	Low	TBHVA View 10 (nearby) and HIA Views 1 and 2 (these villas are located behind the HIA viewpoints)

Road, listed Grade II; Number 24 Blomfield Road, listed Grade II			
Group 4, listed houses in Blomfield Road, facing the canal, between Warwick Avenue and Randolph Road including Numbers 29 and 30 Blomfield Road, listed Grade II; Number 33 Blomfield Road and Number 18 Warwick Avenue, listed Grade II; Junction House, Regents Canal, Blomfield Road, listed Grade II	Less than substantial	Low	TBHVA View 10 and HIA Views 3 and 4 (these villas are located behind the HIA viewpoints)
Junction House, Regents Canal, listed Grade II	No harm	No harm	No view provided
Group 5, listed houses in Blomfield Road, facing the canal, southwest and west of Warwick Avenue including Number 34 Blomfield Road, listed Grade II; Numbers 35 to 37 Blomfield Road, listed Grade II; Numbers 38 and 39 Blomfield Road, listed Grade II; Numbers 40 to 45 Blomfield Road, listed Grade II; Numbers 46 and 47 Blomfield Road, listed Grade II; Numbers 48 and 49 Blomfield Road, listed Grade II; Numbers 50 and 51 Blomfield Road, listed Grade II; Numbers 52 and 53 Blomfield Road, listed Grade II; Numbers 54 and 55 Blomfield Road, listed Grade II; Clifton Villas, Number 56 Blomfield Road, listed Grade II	Less than substantial	Low	TBHVA Views 10 (the listed buildings are behind the viewpoint) and 11 (nearby)
Group 6, listed houses in Howley Place, including Numbers 4 to 18 (even) Howley Place, listed Grade II; Number 20 Howley Place and Number 2 Warwick Avenue, listed Grade II	Less than substantial	Very low	HIA View 6
Numbers 22 and 23 Maida Avenue, listed Grade II	Less than substantial	Very low	HIA View 2
Group 7, listed houses on Maida Avenue, facing the canal, northeast of Warwick Avenue, including Number 19 Park Place Villas and Number 24 Maida Avenue, listed Grade II; Numbers 25 and 26 Maida Avenue, listed Grade II; Numbers 27 to 29 (consecutive) Maida Avenue, listed Grade II; Numbers 30 and 31 Maida Avenue, listed Grade II	Less than substantial	Very low	TBHVA Views 6 and 7 and HIA View 3
Group 8, listed houses in Park Place Villas, including Number 1 Park Place	No harm	No harm	HIA View 5

Villas, listed Grade II; Number 2 Park Place Villas, listed Grade II; Number 3 Park Place Villas, listed Grade II; Number 4 Park Place Villas, listed Grade II; Number 5 Park Place Villas, listed Grade II; Number 6 Park Place Villas, listed Grade II; Number 12 Park Place Villas and Number 2 Howley Place, listed Grade II; Numbers 13 and 14 Park Place Villas, listed Grade II; Numbers 15 and 16 Park Place Villas, listed Grade II; Numbers 17 and 18 Park Place Villas, listed Grade II; Number 19 Park Place Villas and Number 24 Maida Avenue, listed Grade II			
Group 9, listed houses in Warwick Avenue, southwest side including Numbers 9 and 11 Warwick Avenue, listed Grade II; Numbers 13 and 15 Warwick Avenue, listed Grade II; Numbers 17 and 19 Warwick Avenue, listed Grade II; Numbers 21 to 25 Warwick Avenue, listed Grade II; Numbers 27 and 29 Warwick Avenue, listed Grade II; Number 31 Warwick Avenue and Number 12 Clifton Villas, listed Grade II	Less than substantial	Very low	TBHVA Views 6 (east side of Warwick Avenue) and 7 (west side of Warwick Avenue)
Group 10, listed houses on Warwick Avenue, northeast side including Numbers 4 and 6 Warwick Avenue, listed Grade II; Numbers 8 and 10 Warwick Avenue, listed Grade II; Numbers 12 and 14 Warwick Avenue, listed Grade II; Number 16 Warwick Avenue and Number 32 Maida Avenue, listed Grade II; Numbers 20 and 22 Warwick Avenue, listed Grade II; Numbers 24 and 26 Warwick Avenue, listed Grade II; Numbers 28 and 30 Warwick Avenue, listed Grade II; Numbers 32 and 34 Warwick Avenue, listed Grade II; Numbers 36 and 38 Warwick Avenue, listed Grade II; Numbers 40 and 42 Warwick Avenue, listed Grade II	Less than substantial	Very low	TBHVA Views 6 (east side of Warwick Avenue), 7 (west side of Warwick Avenue) and 8
Cabmen's Shelter, Warwick Avenue, listed Grade II	No harm	No harm	TBHVA View 6 (foreground right)

Number 2 Warwick Crescent, listed Grade II	No harm	No harm	TBHVA Views 9 (not clear, highly treed), 10 and 11
Warwick Avenue Bridge, listed Grade II	Less than substantial	Very low	TBHVA Views 6, 7 and 8 (slightly further south on Warwick Avenue)
Maida Vale Conservation Area	Less than substantial	Very low	TBHVA Views 6 to 11 and HIA Views 1 to 6
Paddington Green Conservation Area	Less than substantial	Very low	TBHVA Views 3, 3a, 4 and 5
Bayswater Conservation Area	No harm	No harm	TBHVA Views 13, 14 and 15
Hallfield Estate Conservation Area	No harm	No harm	No view provided

Table 6: Direct and Indirect Impacts to Non-designated heritage assets

Non-designated heritage assets	Category of harm	Extent of harm	View reference
Archaeological remains	Not applicable	Potentially high or total loss. This may be able to be mitigated through conditions.	Not applicable
Brick warehouse facing the canal	Not applicable	High	DAS views
Timber roof structure covering parts of the north yard	Not applicable	Total loss	Not applicable
ICL buildings, Paddington Basin (South Wharves)	Not applicable	Very low	TBHVA View 15
Paddington Basin and Grand Union Canal	Not applicable	Very low	TBHVA View 15 and DAS views

Conditions and obligations

212. A condition requiring historic building recording of the Non-Designated Heritage Assets (NDHAs) to be demolished, with a requirement for submission to the Greater London Historic Environment Record is included to mitigate the harm caused through substantial demolition of the NDHAs, specifically the Brick warehouse facing the canal and the Timber roof structure covering parts of the

north yard. Conditions requiring details of the works to the retained gable, its support and any alterations is recommended to manage the subsequent works to the retained gable. A condition requiring details of the heritage interpretation at the site is also recommended.

213. A Section 106 obligation is also recommended to ensure that the retention of the gable is secured.

Conclusion of heritage impacts

214. The proposal will not cause direct heritage harm to any designated heritage assets. The proposal will result in a very low to low level of less than substantial harm to the significance of designated heritage assets, as a result of indirect (setting) impacts as identified within Table 5, above. Appendix 2 provides full analysis specifying the significance of each of the assets, the contribution that setting makes, and an assessment of the magnitude of change proposed to the setting through the proposed development.
215. As harm has been identified, the proposals do not comply with London Plan Policy HC1. The proposed development does not comply with City Plan Policy 38 Part B1, Policy 39 B Part B1, Part I and Part K, Policy 40 Part B and Policy 41 B4 since harm is caused to the setting of heritage assets, including listed buildings and conservation areas. GLA Officers attach considerable importance and great weight to the harm identified.
216. Direct harm will be caused to two NDHAs on site, and indirect harm will be caused to the setting of two NDHAs not on site. Further discussion on the archaeological remains is set out in the following section of this report, and in Appendix 2. National Planning Policy Framework Paragraph 209 requires a balance to be struck between the harm caused by proposals to a NDHA, the significance of the asset and the wider planning benefits of the scheme. In respect of significance of the NDHAs identified in Table 6, as discussed in Appendix 2, the brick warehouse building is a NDHA of low significance, and the timber roof structure covering parts of the north yard is a NDHA of very low significance. The ICL Buildings are an Unlisted Building of Merit in the Bayswater CA and are NDHAs of moderate significance and The Paddington Basin and Grand Union Canal are NDHAs of moderate significance. The proposed development does not comply with City Plan Policy 39 Part R or London Plan HC1, as harm is caused to Non-Designated Heritage Assets.
217. In accordance with the NPPF, this harm has been weighed against the public benefits of the proposal which is set out later in this report. The harm caused is considered to be outweighed by the public benefits of the scheme.

Archaeology

218. London Plan Policy HC1 and City Plan Policy 39 require identification, recording and protection of archaeological sites.

219. There are no designated heritage assets of archaeological interest within the site. The site is not in an Archaeological Priority Area, although the Paddington Archaeological Priority Area (APA) lies 190 metres to the north-east of the site. Potential archaeology at the site is treated by the planning system as a NDHA (at this stage).
220. The applicant's' Archaeological Desk Based Assessment identifies buried remains of the site's 18th-19th century canal-side industrial buildings as the only archaeological interest likely to be affected by the development. Geotechnical investigations show that Pleistocene brickearth and gravels are present within the application site. The proposal would involve excavating a basement into these deposits. There is therefore the potential for similar discoveries at this site, which the foundation and basement construction may impact. As set out in Table 6 above, there is the potential for high impact or total loss of these archaeological remains. As it is unknown if any such assets exist, the significance of such archaeological remains (NDHAs) is also unknown. Greater London Archaeological Advisory Service (GLAAS) have advised archaeological planning conditions could mitigate this risk and offset the potential impacts; these conditions have been recommended by GLA Officers.

Environmental Impact Assessment

221. The planning application represents Environmental Impact Assessment ('EIA') development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and is accompanied by an Environmental Impact Assessment, undertaken by Waterman Group. The findings of the EIA are reported in an Environmental Statement (ES) which has been prepared to accompany the planning application.
222. A 'Request for a Scoping Opinion' under Regulation 15(1) of the EIA Regulations was prepared by Waterman and submitted to Westminster City Council on 19 February 2021. Following consultation with the relevant consultation bodies, the Council issued an EIA Scoping Opinion (WCC ref: 21/01052/EIASCO) on the 28 April 2021.
223. Westminster City Council sought independent EIA advice from an environmental consultancy LUC (in association with Ardent, Delva Patman Redler, Xi Engineering and Yellow Sub Geo) who reviewed the ES.
224. The 'environmental information' has been examined by the Council and their consultants and has been taken into consideration by Officers in order to reach a reasoned conclusion of the significant effects of the proposal, which forms the basis of the assessment presented in this report and GLA Officers concur that the information is robust.
225. Mitigation and monitoring measures as proposed in the ES are recommended to be secured through planning conditions and/or planning obligations. The environmental information that has been taken into account comprises the ES, including any further / other information, any representations made by

consultation bodies and by any other person about the environmental effects of the proposal.

226. The ES has been reviewed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Amenity and living conditions

227. This section assesses the impact of the proposal on the living conditions at neighbouring properties, including impacts on daylight/sunlight, overshadowing, sense of enclosure and privacy, noise and light pollution, and assesses amenity standards for future occupiers of the PBSA.
228. A core principle of the NPPF is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also advises that LPAs should take 'a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site'.
229. London Plan Policy D3 requires development proposals to deliver appropriate outlook, privacy and amenity, and to achieve indoor and outdoor environments that are comfortable and inviting for people to use. Policy D6 requires that the design of development provides sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. In line with London Plan Policy D9, the impact of tall buildings on wind, daylight, sunlight penetration and temperature conditions around the building and neighbourhood must be carefully considered. Reflected glare, light pollution and noise impacts must also be considered and should also not detract from the enjoyment of these spaces. Furthermore, London Plan Policy D14 specifically seeks to reduce, manage and mitigate noise to improve health and quality of life.
230. Similarly, Policy 7 of Westminster's City Plan seeks to ensure that development protects and, where appropriate, enhances amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. Policy 32 the City Plan specifically deals with air pollution and City Plan Policy 33 addresses environmental impacts of development such as noise, light pollution, construction impacts and odour

Sense of enclosure

231. The impacts arising from a sense of enclosure are considered below in respect of the properties at 7-13 Sheldon Square, 2. 19-27 Sheldon Square, Dudley House, 1-6 Gilpin Close and Amilcar Cabral Court.

7-13 Sheldon Square

232. 7-13 Sheldon Square is located to the west of the application site, across the Grand Union Canal. It is a twelve-storey block, with residential uses located within the first floor and above. Figure 6 below shows a separation distance of 31.7 metres between the proposed development and properties at 7-13 Sheldon Square. While the proposed block is slightly taller, the two blocks are of a relative comparable size.

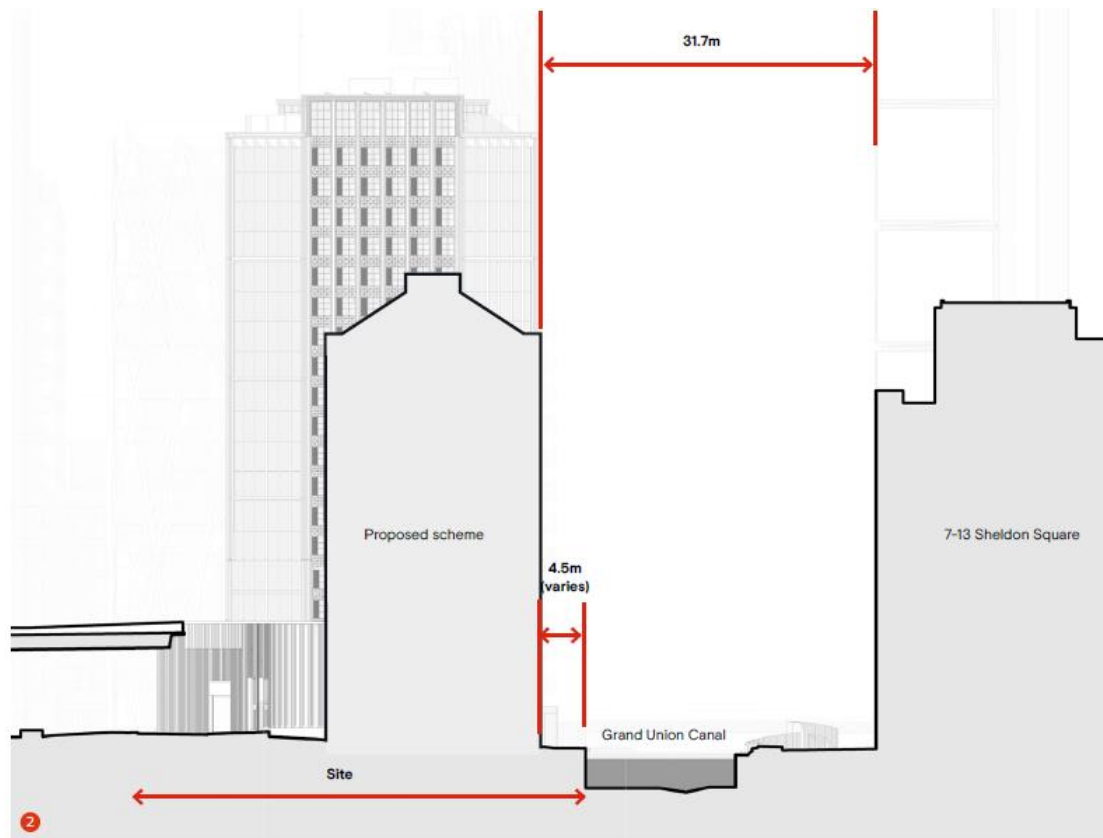


Figure 6: Distances between 7-13 Sheldon Square and the application site
(Source: Design and Access Statement).

233. The main affected aspect from 7-13 Sheldon Square is the northeast facing windows, which look out over the canal and towards the Westway, which runs close to the northern most corner of this building. The windows which face out of this frontage include both living spaces and bedrooms, including rooms which run out onto balconies on the central part of the building.

234. The views, particularly from the easternmost windows in this elevation, will have both direct and oblique views of the development and will therefore experience an increased sense of enclosure as compared to the existing scenario.

235. There are also windows in the southeast facing end elevation of 7 – 13 Sheldon Square, which has doors and windows leading out onto open balconies. All these

rooms and balconies currently have a fairly open aspect as they look onto the narrow end of the adjacent residential block (19-27), over the canal and existing Travis Perkins site up to the Brunel Building and Dudley House to the east, and over Sheldon Square towards Paddington Station to the South.

236. Planning permission has been granted for a 20-storey hotel tower at 1A Sheldon Square, W2 6NA, which will infill the gap and block views towards the station to the south of 7-13 Sheldon Square if constructed (LPA 17/05609/FULL). While the proposal will there result in some increased cumulative sense of enclosure, the hotel is some distance away from the proposal and would affect residents on the other side of this 7-13 Sheldon Square more than the units directly affected by the proposal.

237. Some representations from members of the public note that the development would increase the sense of enclosure to the eastern aspect as the proposed building would dominate the space, rising up to 20-storeys. It is agreed that these occupiers would experience an increased sense of enclosure over the existing situation, however this is mitigated through the distance of 31.7 metres between the buildings; the proposed design of the buildings, which provide for views and openness between the massing of the two towers, and that occupiers will retain an open aspect over the Westway.

19-27 Sheldon Square

238. 19-27 Sheldon Square, which is twelve storeys in height with residential uses located within the first floor and above, is located to the south-west of the proposal. Figure 7 below indicates that the buildings are some 31 metres apart.

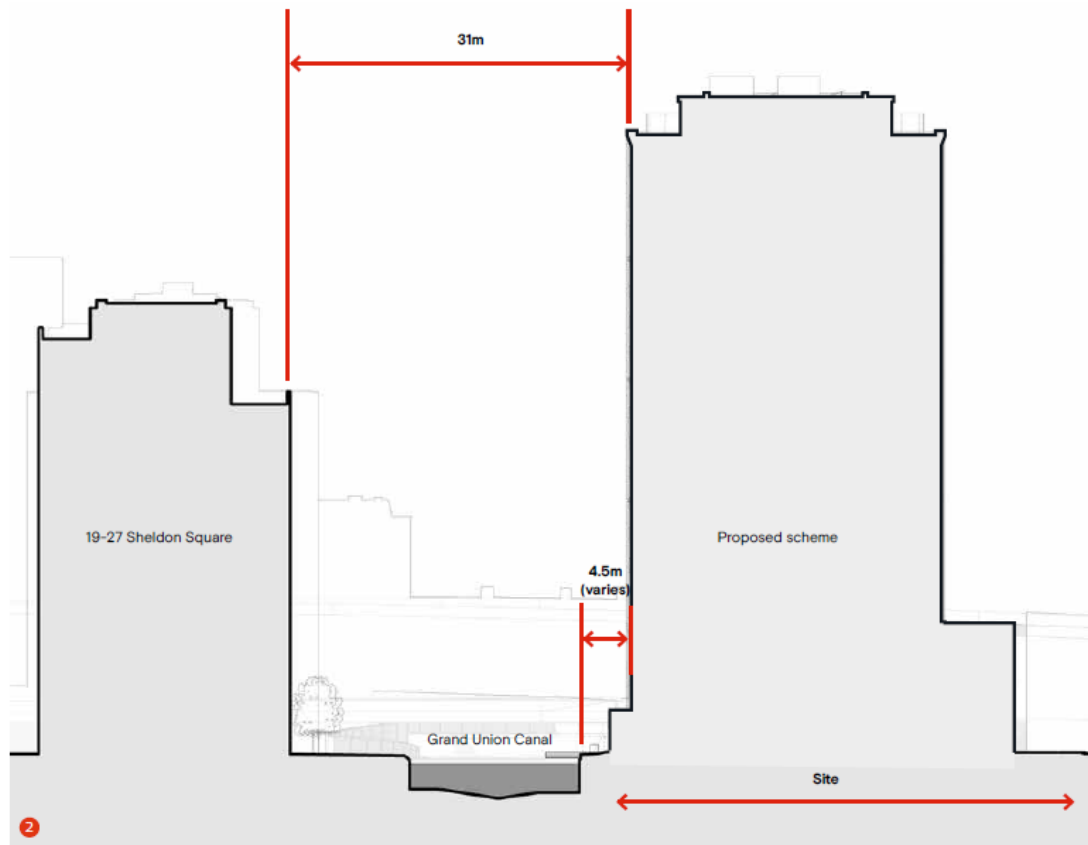


Figure 7: Distances between 19-27 Sheldon Square and the proposal (Source: Design and Access Statement).

239. The north-east facing windows currently have views over the existing site and beyond, with oblique views blocked by the Brunel Building to the east. The Brunel Building is 26.7 metres away from the application site on the other side of Bishops Bridge Road, and is 11.5 metres higher than the proposed building (or 9.2 metres higher than the main frontages given the recessed top stories).
240. 19 – 27 Sheldon Square does not have ‘balconies’ unlike the adjacent block, it has ‘winter gardens’ running up the centre of the building. There are both living areas and bedrooms which face towards the site, and many of the units are single aspect.
241. Due to the height and massing of the proposed blocks and the existing open aspect, this block is considered to be the most affected by the proposal and residents will feel an increase in terms of sense of enclosure. However, this impact is mitigated by the separation distance from the application site, which is 31 metres across the canal. Furthermore, the mass of the proposal is broken with two blocks on a podium and there would be space between the two towers allowing residents of 19 – 27 Sheldon Square to have views through the proposal. For these reasons the impact is not unacceptable, particularly noting the urban context of the proposal.

Dudley House

242. Dudley House includes residential uses located within the first floor and above. The main view from Dudley House is the rear of the Brunel Building, which has a slight chamfer, allowing oblique views out over the application site and towards Sheldon Square. Dudley House (22 storeys or 101.80 metres in height) and the Brunel Buildings 16 storeys, 101.80 metres) are of a similar height, and given their proximity, result in a high sense of enclosure between the two buildings.

243. The largest part of the proposed building is where it is closest to Dudley House, however it is set back slightly in terms of the whole floorplate of the site, as the builders' merchant yard will be enclosed by a projecting section at ground floor level, with the main mass of the building set back from the Harrow Road. While the proposal will result in an increased sense of enclosure due to the additional bulk on the site, given that Dudley House is already largely enclosed by the Brunel Building in closer proximity, it is not considered that this impact would be so significant as to be unacceptable, particularly noting the urban context of the proposal.

1-6 Gilpin Close

244. 1-6 Gilpin Close is a two-storey terrace of residential properties located north of the site on the other side of the Westway, accessed from Porteus Road. The properties at 1-6 Gilpin Close are located approximately 80 metres away from the application site with the western most properties looking onto the flank of Amilcar Cabral Court. The properties have existing views towards the Westway and Sheldon Square beyond. While the properties will experience an increased sense of enclosure, given their separation and outlook onto the Westway, it is not considered that the additional bulk would have such an adverse impact as to be unacceptable, particularly noting the urban context of the proposal.

Amilcar Cabral Court

245. Amilcar Cabral Court as a nine-storey residential block located on the north side of the Westway at the southern end of Porteus Road. Amilcar Cabral Court is located approximately 47 metres to the north of the application site. Amilcar Cabral Court and the site are separated by the Harrow Road and Westway. Residents within Amilcar Cabral Court will experience a greater sense of enclosure than the properties on Gilpin Close as it has windows at higher levels, looking directly towards the application site and are in closer proximity. There are habitable rooms in this frontage, with living kitchen diners affected. The proposal will step up as it goes away from these dwellings, with the greatest mass furthest away, adjacent to the Brunel Building.

246. Amilcar Cabral Court residents currently have a relatively open aspect over the application site and Bishops Bridge Road to Paddington Station beyond. There is an implemented permission for 'The Triangle Building' which sits just before the station over the Hammersmith and City Line tube exit. It is approximately 20-storeys high and would close the gap of the view to the station, but is set further away than the application site and will therefore have less of an impact than the proposal.

247. While these residents will experience an increased sense of enclosure from the proposal, given the context of views onto the Brunel Building and Dudley House to the southeast and the buildings within Paddington Central to the south and west, it is not considered that the impact would be unacceptable, particularly noting the urban context of the proposal.

Overlooking and privacy

248. The proposal has windows to the front and rear, serving bedrooms and kitchens in the PBSA, and roof terraces providing outdoor amenity to student occupiers. At first floor level there is also the large amenity/lounge space which serves the student accommodation. The proposal will result in overlooking between the application site and existing surrounding occupiers. It is noted that this would likely be the case for any redevelopment on the application site and this overlooking would be mutual.

249. There are terraces proposed at level 1 on the Harrow Road frontage; at level 4 above the podium link; at level 11 above part of the lower block; and at level 18 on either side of the roof of the taller block. The main roof of the taller block is to have a green roof, but no terrace. The terraces are proposed to be landscaped, minimising the potential for large gatherings, mitigating the potential of overlooking toward neighbouring properties, as well as optimising greening and biodiversity.

250. The largest terrace is located above the builders' merchant servicing area at first floor level on the Harrow Road frontage, with views over the Harrow Road. The terrace is part contained through the ground floor façade extending up to screen the terrace and structures at this level. Given its aspect over the road and does not extend over towards the east where it would be closer to Dudley House, it is not expected to result in any significant overlooking.

251. The fourth-floor terrace is a large terrace located between the two main blocks. It has aspects to both the north and south, including towards the residential blocks of Sheldon Square on the other side of the canal. Due to the planting and location, set back from the main frontage, it is not considered that the terrace will give rise to unacceptable overlooking impacts.

252. The proposed terraces to the top of the two blocks are relatively small and are oriented and at a height level where it is not considered they will amount to unacceptable impact in terms of overlooking.

253. In summary, the proposal is not considered to result in any unacceptable harmful impacts to the adjoining residents by reason of overlooking and is therefore compliant with Policy 7 of the City Plan and London Plan Policy D3 in this respect.

Daylight, sunlight and overshadowing

254. Guidance relating to daylight, sunlight and overshadowing is contained within the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight': a good practice guide' (2022).
255. The applicant has submitted a Daylight, Sunlight and Overshadowing report by GIA Surveyors as part of the EIA. Following call-in of the planning application, the applicant's Daylight, Sunlight and Overshadowing assessment has been independently reviewed by DPR, which were appointed by GLA Officers during their assessment of the planning application. DPR was commissioned to assess the scope, methodology, and conclusions of the applicant's daylight and sunlight assessment submitted by GIA Surveyors in support of the planning application.
256. The applicant's GIA report sets out considerations for the impact of the proposal in terms of both the EIA standards (negligible to major adverse impacts) but also in general terms. The applicant has also sought to identify other examples where similar or worse effects have been considered to be acceptable. They have also adopted an 'alternative target' within their assessment of 15% VSC due to the location within an urban context, to demonstrate how many of the windows would pass, should this alternative, lower level be accepted.
257. The report has undertaken a 'no balconies' assessment for two residential blocks, 7-13 and 19-27 Sheldon Square, as these buildings feature winter gardens and balconies, which result in high light losses to rooms inside as the structure of these balconies / winter gardens obstruct the view of the sky from rooms set back within the building.
258. The applicant has have also undertaken a 'mirror massing' study where a building is notionally mirrored onto the land to establish alternative target values. They have mirrored the two Sheldon Square blocks onto the site, as shown in Figure 8 below.



Figure 8 Mirror Massing from applicant's daylight and sunlight report

259. The impacted properties at Dudley House, 7-13 Sheldon Square and 19-27 Sheldon Square are set out below, noting that all other tested sites saw negligible to minor impacts, by reference to the EIA. A summary of the impacts on the three policies is set out, below:

Dudley House

Daylight

260. 84% of 371 windows meet BRE guidelines. Of the 59 windows below BRE guidelines, 16 windows are assessed as having a minor adverse impact (20–29.9% loss), 11 windows are assessed as having a moderate adverse impact (30–39.9% loss) and 32 windows are assessed as having a major adverse (>40% loss).

261. Many affected windows have low baseline VSC (e.g., W9/101 dropped from 3% to 1.2%).

262. 81% of 232 rooms meet NSL guidelines. With balconies removed, adherence improves to 92%.

Sunlight

263. 90% of 306 windows meet BRE guidelines.

Conclusion

264. There are major impacts concentrated in lower/mid floors due to recessed balconies and proximity to the Brunel Building. The actual quantum of change is small in most instances, with percentage losses amplified by low baseline values.

19–27 Sheldon Square

Daylight

265. 53% of 248 windows meet BRE guidelines. Of the 117 windows below BRE guidelines, 11 windows are assessed as minor adverse. 41 windows are assessed as moderate adverse and 65 are assessed as major adverse.

266. 24% of affected windows retain VSC below 15%. 80% of 201 rooms meet NSL guidelines.

267. Supplementary 'mirrored massing' assessment shows most windows meet alternative targets.

268. With balconies removed, no windows have retained VSC levels below 18%.

Sunlight

269. There is one window which does not comply with BRE guidance, being a thin side facing window to a projecting window at 11th floor level, which is already restricted due to the design of the building, location and secondary to the main aspect of these windows.

Conclusion

270. There are significant reductions in daylight due to the effect of the proposal on the existing open outlook, however GLA Officers consider that the retained daylight levels are acceptable levels of daylight and sunlight commensurate with an urban environment.

7–13 Sheldon Square

Daylight

271. 75% of 247 windows meet BRE guidelines. Of the 62 windows below BRE guidelines, 30 windows are assessed as minor adverse impact, 20 windows are assessed as moderate adverse impact and 12 windows are assessed as having a major adverse impact.

272. 54 of these have retained VSC levels below 15%.

273. With balconies removed, only 18 windows fall below BRE guideline levels.

274. Mirrored massing shows 94% of windows are within 20% of alternative baseline.

Conclusion

275. Like 19–27 Sheldon Square, 7-13 Sheldon Square currently benefits from high daylight levels due to the effect of the proposal on the existing open outlook.

276. The proposal would cause reductions in daylight to properties at 7–13 Sheldon Square, however retained levels are consistent with surrounding properties.

Internal daylight and sunlight

277. The applicant has assessed whether the PBSA provides adequate levels of daylight and sunlight for future occupants, using BRE Guidelines and BS EN 17037:2018 standards.

Internal daylight

278. For the assessment of internal daylight, the applicant used a methodology called Median Daylight Illuminance, based on Climate-Based Daylight Modelling, with the target lux levels (from UK National Annex) for bedrooms at 100 lux, target levels for living rooms at 150 lux, and 200 lux for studios, kitchens, and living/kitchen/dining rooms ('L/K/Ds').

279. The applicant assess 653 rooms, of which 504 rooms (77%) met or exceeded the 200 lux and 548 rooms (84%) met or exceeded 150 lux.

280. In total, there are 105 rooms (16%) that fall short of 150 lux target level. This includes 26 studio rooms, most of which are located low floors or where kitchens are placed at the rear, reducing average lux; 54 student bedrooms (mainly on lower floors near the Brunel Building; most of which exceed 100 lux target), and 25 shared L/K/Ds, which are large rooms with good light near windows but lower average due to size.

281. Overall, the report sets out that the proposal performs well for daylight in dense urban context. Most rooms not only meet but exceed minimum daylight targets. Shortfalls are minor and typical for urban developments.

Internal sunlight

282. The assessment shows that 273 out of 605 (45%) would meet the 1.5 hour, with 65% receiving at least 1 hour of sunlight. It is noted that students would also have access to rooms with additional sunlight available in shared L/K/Ds and amenity spaces (especially on Level 18).

283. It is also noted that the orientation of the proposed building limits sunlight on the Harrow Road elevation but enhances it on the canal side. Given the size and constraints of the application site, and the relatively constrained way in which development could forward on the application site, reduced sunlight levels on the northern façade of the building would likely occur for any uses that were proposed to come forward on the site.

284. Overall, the proposals offers adequate sunlight for future occupants.

Internal daylight and sunlight conclusion

285. The proposed PBSA generally provides good levels of internal daylight and sunlight in this urban, high-density setting. The minor shortfalls in targeted standards are acceptable and mitigated by amenity provision. Given the nature of PBSA accommodation, the occupiers of student bedrooms would have access to communal spaces which are served by good levels of sunlight. Given the overall daylight and sunlight levels across the proposal as a whole, and the overall quality of the accommodation, the breaches of the BRE guidelines are in GLA officers view, not unacceptable.

Daylight and sunlight conclusion

286. As set out above, the proposal would result in breaches of the BRE guidelines in relation to daylight and sunlight to properties surrounding the development site. Whilst the development would result in breaches to these guidelines, the overall impact of the proposal on daylight and sunlight is considered acceptable as the rooms retain appropriate levels of daylight and sunlight commensurate with an urban environment. Further, as demonstrated through the mirror massing assessment, a proposal at a height comparable to Sheldon Square properties to the south of the canal would have similar impacts. Given the size and constraints of the application site, and the relatively constrained way in which development could forward on the site, the impacts arising from the proposal in this instance are not considered unacceptable.

287. The proposal itself performs well for daylight in dense urban context. Most rooms not only meet but exceed minimum daylight targets. Shortfalls are minor and typical for urban developments. Given the overall levels of daylight and sunlight received, the overall quality of the accommodation, the proposed internal daylight and sunlight levels are considered acceptable.

Overshadowing

288. In relation to overshadowing, four key amenity areas were assessed for overshadowing within the ES, including Sheldon Square Amphitheatre, the Grand Union Canal, Stone Wharf Park and John Aird Court. The ES sets out that three of the four areas (Sheldon Square Amphitheatre, Stone Wharf Park, and John Aird Court) would experience negligible overshadowing. The Grand Union Canal would experience a minor adverse effect, however this is not considered significant.

289. While the proposal will introduce some overshadowing, particularly to the Grand Union Canal, the impacts are minor and not significant. As such, the overshadowing effects of the proposal are considered acceptable.

Solar glare and light pollution

290. London Plan Policy D9 states that buildings should not cause adverse reflected glare and buildings should be designed to minimise light pollution from internal and external lighting. City Plan Policy 33(c) requires that developments must be

designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

291. In relation to reflected glare, the requirement for a Solar Glare Assessment was considered at the EIA scoping stage for this development. Waterman (acting on behalf of the applicant) and LUC (WCC's ES Advisors) agreed that, as the proposal does not include any large areas of reflective cladding, the proposal would not give rise to significant solar glare effects. It was advised at EIA scoping stage that should the design change at design freeze and it be found that significant effects could be likely, the topic should be scoped back in for assessment as part of the application. On the basis of this advice, GLA Officers consider that the proposal would not cause adverse reflected glare.
292. Similarly, light pollution was scoped out of the EIA as it is not considered likely that the proposal will result in significant effects. In particular, due to the proposed usage as student accommodation, any artificial light emitted would likely be within the Institute of Lighting Professionals (ILP) Guidance and therefore it is accepted that light pollution can be scoped out.
293. On this basis, GLA Officers consider that the proposal would not cause adverse light pollution. Notwithstanding, it is noted that an external lighting condition is recommended to be secured, which requires submission of external lighting details for the approval of the Westminster City Council, in consultation with CRT and the Metropolitan Police.

Noise, vibration and general disturbance

294. London Plan Policy D14 states that development should avoid significant adverse noise impacts on health and quality of life. The Mayor's Environment Strategy aims to reduce the number of people adversely affected by noise and includes policies and proposals to support this aim. Policy 33(c) of the City Plan states that development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the Council's Noise Thresholds. In relation to noise during construction and demolition, sites of this size are required to comply with the Council's Code of Construction Practice ('CoCP'), and a condition is therefore recommended ensuring that prior to commencement of any demolition/construction works, the applicant will need to provide confirmation that their CoCP has been approved. This is in accordance with the Council's SPG. A construction logistics plan has also been secured by condition. Hours of building work are also recommended to be subject to condition. Subject to compliance with relevant conditions, it is considered that the impact of the proposal during construction relating to noise and vibration would be adequately managed and mitigated.
295. In terms of anti-social behaviour, unacceptable noise and general disturbance generated by the future occupants, GLA Officers consider that the student management plan, which accompanies the application and includes measures to manage noise related to the proposed use, is sufficient to address this concern. It is noteworthy that this plan identifies that anti-social behaviour including noise will not be tolerated by Unite Students (the PBSA occupier) and could lead to

eviction. Further, it is noted that the student management plan sets out that terraces will be closely monitored and managed with access being restricted to 8.30am – 9.30pm.

296. It is recommended that submission of a final Student Management Plan is secured by condition, for approval by Westminster City Council. This should provide detail as to how both the student accommodation and roof terraces will be operated, to ensure that they do not result in noise or disturbance to adjacent occupiers and to ensure that live or recorded music is not heard from outside the site. An informative is recommended to note that this shall include details of capacity and access times, which shall be no later than 10pm to ensure that they do not cause disturbance late at night. 10pm is considered reasonable given the entertainment uses along the canal beneath the Sheldon Square blocks, which are open later than this, but are not as visible to residents as the proposed terraces.

297. A condition is also recommended as part of the grant of planning permission to ensure that the windows of the first-floor amenity space are fixed shut to ensure that there is no significant noise outbreak from this level.

298. GLA Officers consider that subject to conditions, the proposal would not give rise to unacceptable noise, vibration or general disturbance impacts during construction or operation and that the proposal therefore complies with London Plan Policy D14 and City Plan Policy 33.

Wind microclimate

299. London Plan Policy D9 requires developments to carefully consider wind conditions around the building(s) and neighbourhoods must be carefully considered. City Plan Policy 41 requires that proposals for tall buildings mitigate negative impacts on the microclimate and amenity of the site and surrounding area.

300. Chapter 11 of the submitted ES relates to wind microclimate. The applicant undertook a wind assessment within a 400 metre radius of surrounding context, using GIA's high-resolution Computational Fluid Dynamics process, with details captured down to 5 centimetres on the target building. The assessment measured the level of pedestrian comfort and risk of strong winds for the proposal and its local surrounds. Particular attention was paid to the following sensitive regions:

- Bus stops on Bishop's Bridge Road to the southeast of the application site and the "Little Venice" bus stops to the north of the site.
- Footpaths, including both the canal-side path and the footbridge to the southwest of the application site.
- Outdoor seating areas associated with the bars and restaurants in Sheldon Square.
- The roof terraces on the upper levels of the proposal.

301. The assessment found that the proposal does not have a substantial impact on the conditions at ground level, with conditions either suitable for their intended use around the proposal or no worse than the baseline conditions. This is largely due to the protection offered by the Sheldon Square development from the dominant wind directions.
302. At roof level, the terraces at levels 4 and 11 would be subject to potentially unsuitable wind conditions for amenity spaces when tested in the absence of landscaping, but the inclusion of the proposed landscaping scheme is sufficient to ensure suitable conditions will be experienced across each of the terrace spaces.
303. A condition is recommended requiring the submission of hard and soft landscaping details, including wind mitigation planting to terraces. Subject to compliance with the relevant conditions, the wind impacts associated with the proposal are acceptable.

Amenity conclusion

304. As set out above, the proposal would result in breaches of the BRE guidelines in relation to daylight and sunlight to properties surrounding the development site. Whilst the development would result in breaches to these guidelines, the overall impact of the proposal on daylight and sunlight is considered acceptable as the rooms retain acceptable levels of daylight and sunlight commensurate with an urban environment. Further, as demonstrated through the mirror massing assessment, a proposal at a height comparable to Sheldon Square properties to the south of the canal would have similar impacts. Given the size and constraints of the application site, and the relatively constrained site way in which development could come forward, the impacts arising from the proposal in this instance are not considered unacceptable.
305. The proposed PBSA generally provides good levels of internal daylight and sunlight in this urban, high-density setting. The minor shortfalls in targeted standards are acceptable and mitigated by amenity provision. Given the nature of PBSA accommodation, the rooms would have access to communal spaces which are served by good levels of sunlight. Given the overall daylight and sunlight levels across the development as a whole, and the overall quality of the accommodation, the breaches of the BRE guidelines are in GLA officers view, not unacceptable.
306. Furthermore, the proposal is acceptable with regard to overshadowing, solar glare, light pollution, general disturbance caused by future student residents, noise and vibration and wind.
307. GLA Officers consider the impact on amenity as a result of the proposals is acceptable.

Sustainability, environment and climate change

Urban greening

308. Policy G1 of London Plan expects development proposals to incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Policy G5 of the London Plan requires major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The policy also recommends that predominately residential developments should achieve an Urban Greening Factor (UGF) target score of 0.4. Policy 34 of the Westminster City Plan similarly requires development to contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.
309. The proposal presents a well-considered approach to integrating green infrastructure and urban greening including the incorporation of permeable spaces for water infiltration, new public realm to Harrow Road and new canal-side path which supports multifunctionality, in accordance with Policy G1 of the London Plan. The proposal provides links to the wider green infrastructure network through green links and the provision of a new canal-side path, as well as connection to Westminster City Council's Green Corridor.
310. The UGF score of the proposal has been calculated as 0.306 below the target set by Policy G5 of the London Plan. The way the development is used and occupied is akin to a typical residential development, and as such, the UGF score of 0.4 applies to the proposal. The score falls below the target in London Plan Policy G5 and as such it acknowledged that there is conflict with the policy.
311. The proposal includes greening through a range of green measures including the provision of a green wall adjacent to the canal side entrance to the student accommodation; green roofs; gardens/terraces on the roofs of each element of the building (above the builders' merchant service yard, above the podium link and to the top of each block); planting along the new canal-side path; new public realm area at the junction of Bishops Bridge Road and Harrow Road; and planting to the triangle of land to the north west of the site, but outside the red line.
312. Conditions in relation to hard and soft landscaping are recommended. In relation to compliance with Policy G5, GLA Officers recognise the limited application site area, the footprint of the building and the required roof level equipment required to achieve other policy requirements. Notwithstanding this, a landscaping condition is recommended that requires details demonstrating the UGF score of the proposal has been maximised and targeted a UGF score of 0.4, and achieves a minimum of 0.3. On this basis, the urban greening proposals are, on balance, acceptable.

Ecology and biodiversity

313. London Plan Policy G6 states that ‘development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain’. City Plan Policy 34 states that development to achieve biodiversity, amongst other requirements.
314. The application site adjoins the London Canals SINC, identified as being of Metropolitan Importance.
315. The application has been supported by a Preliminary Ecological Appraisal (‘PEA’), a Biodiversity Net Gain (‘BNG’) Assessment and a Statutory Biodiversity Metric Tool (‘the Metric’). The documents have been assessed by Greengage Environmental Ltd on behalf of Westminster City Council. Following discussions, they have commented that the BNG Metric shows a net gain in area-based biodiversity unit of 73.44%. The metric includes all pre and post development area-based habitats, and the percentage gain is over 10% and is therefore acceptable. Westminster City Council has taken the view that the canal does not constitute a ‘watercourse’ for the purposes of the statutory BNG metric calculator and so no BNG is required to be delivered to the basin. This approach is agreed by GLA Officers. The proposed biodiversity enhancements are acceptable subject to condition and would comply with Policy G6 of the London Plan and City Plan Policy 34.
316. The application is also supported by a PEA. It identifies that there is one Site of Importance for Nature Conservation (‘SINC’) adjacent to the west of the site in that a small section (294sq.m.) of the London’s Canals SINC is present. The non-statutory designated London’s Canals SINC covers 189.66 hectares and includes the whole of the Grand Union Canal system in London, including the Regent’s and Hertford Union Canals.
317. The PEA survey concludes that the application site does not currently support roosting bats. In addition, it is noted that the proposal has been designed to take account of ecology. This includes measures such as maximisation of trees and landscaping, with sensitive lighting designed to project downwards in a tightly controlled distribution to limit unwanted backwards spill and any impact on nighttime bats and flying insects.
318. Whilst the construction phase could generate impacts such as dust and contamination or sediment runoff, which could find its way into the canal. An appropriate Construction Environmental Management Plan will be attached prior to commencement of site activities, which will mitigate any potential construction site impacts to an acceptable level. The proposed biodiversity enhancements are acceptable subject to condition and would comply with Policy G6 of the London Plan and City Plan Policy 34.

Trees

319. There are a number of existing trees on the application site. The Arboricultural Impact Assessment submitted with the application states that 4x Category A trees are to be removed. Policy G7 of the London Plan states that wherever

possible, existing trees of value should be retained and also states that new development should include the planting of new trees, the City Plan Policy 34 includes similar requirements in respect of trees.

320. There are four alders (tree nos. 4, 5, 6 and 7) adjacent to the pedestrian bridge to the northwest of the application site and two London planes (tree nos. 2 and 3) on Harrow Road. Westminster City Council holds the leasehold over the land owned by TfL, on which the alders are located. The London planes are owned and managed by Westminster City Council. The Westminster City Council Tree Officer notes that due to the proximity of the proposal to tree nos. 2, 3, 4 and 7, the likely construction requirements are such that it is very unlikely that the trees would survive. None of the trees are statutorily protected, but as they all contribute to visual amenity and provide ecosystem services, and have long life expectancies, their loss would be regrettable. The alders (tree nos. 4 and 7) contribute to the character and appearance of the canal side and the London planes (tree nos. 2 and 3) offer softening to the Harrow Road environment. Therefore, the Westminster City Council Tree Officer objected to their removal. The two London planes and one alder are proposed to be replaced. The two trees which are to be retained (tree nos. 5 and 6), will need to be protected during construction works. An obligation for the tree protection for retained trees adjacent to the site is recommended to be secured via legal agreement.
321. Within the site, one lime tree is proposed to be planted at the Bishops Bridge Road / Harrow Road junction. On the canal side, five *Alnus 'Pyramidalis'* (25-30 cm girth) trees are proposed to be planted, which are considered suitable for this locality and the canal-side path width. Other planters are proposed in the public realm; and planting is proposed on the roof terraces. A condition in relation to hard and soft landscaping is recommended for the provision of full details. The Westminster City Council Tree Officer noted that should permission be granted, a contribution towards planting and maintaining trees on public land within the vicinity of the application site is recommended. A contribution of £100,000 towards tree planting has been included in the Section 106.
322. Conditions have also been recommended in relation to tree protection, hard and soft landscaping, soil volumes and management plans for landscaped areas both on and off-site. While the objection of the Westminster City Council Tree Officer is noted, given that the existing trees are not protected, that a financial contribution for replacement tree planting is recommended to be secured as part of the Section 106, tree protection and recommended conditions are proposed to be secured, the proposal is considered to comply with Policy G7 on the London Plan, noting that while the policy seeks to ensure that wherever possible existing trees of value are retained, the policy sets out that if planning permission is granted that necessitates the removal of trees, there should be adequate replacement based on the existing value of the benefits of the trees removed

Energy

323. Policy SI2 of the London Plan requires development proposals to minimise carbon dioxide emissions to meet the Mayor's targets, in accordance with the

energy hierarchy, which incorporates a tiered approach comprising the steps of Be Lean (use less energy), Be Clean (supply energy efficiently), Be Green (use renewable energy) and Be Seen (monitor and report on energy performance). Policy SI2 of the London Plan requires all major developments (residential and non-residential) to meet a net-zero carbon target. Reductions in carbon emissions beyond Part L of the 2013 Building Regulations should be met on-site. Only where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site a contribution to a carbon offset fund or reductions provided off site can be considered. The policy requires that a minimum on-site reduction of at least 35% improvement beyond Part L 2020 Building Regulations.

324. Policy SI2 of the London Plan also includes the expectation that energy efficiency measures alone should account for a minimum of 10% of the reductions in carbon dioxide emissions for residential development and 15% for non-residential development.
325. Policy 36 of the City Plan sets out the expectation that all development reduces on-site energy demand and maximises the use of low carbon energy sources to minimise the effects of climate change.
326. The submitted Energy Statement targets energy efficiency improvements and carbon emissions reductions for the proposal.
327. Be Lean measures proposed include optimising the proposed building's fabric performance, high efficiency lighting and controls for all the spaces (including installation of daylight sensors in amenity and core spaces and managing lighting in areas that receive natural daylight), optimisation of wall area ratio design (at 27%) to balance solar gains/losses and natural lighting and mechanical ventilation with heat recovery.
328. In relation to Be Clean and prioritisation of the use of low carbon sources, key measures of the proposal include the site energy centre is designed with provisions for a future connection to a district heating network and the design allows for transition to a decarbonised district heating connection when it becomes available in the future.
329. In relation to Be Green and the incorporation of renewable technologies, the proposal includes solar photovoltaic panels and integrates a centralised air source heat pump system. A condition has also been recommended requiring the detailed roof layouts to be submitted for approval by Westminster City Council, demonstrating that the roofs potential for photovoltaic installation has been maximised.
330. Table 7 below details the regulated carbon dioxide savings from each stage of the energy hierarchy:

	Total regulated emissions	CO2 savings regulated emissions	Percentage savings (%)
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	(Tonnes CO2 / year)	(Tonnes CO2 / year)	
Part L 2021 baseline	84.5		
Be Lean	65.0	19.5	23%
Be Clean	65.0	0.0	0%
Be Green	63.5	1.4	2%
Total Savings	-	20.9	25%
	-	CO2 savings off- set (Tonnes CO2)	CO2 savings offset
Off-set	-	1,906	£629,128

Table 7: Regulated carbon dioxide savings from each stage of the energy hierarchy.

331. As shown above, there is a shortfall to achieving an on-site carbon neutral scheme. The shortfall from 100% carbon reduction across the whole proposal is met through a required offset payment as highlighted in the Planning Obligations section of this report. The Section 106 agreement has secured a contribution of £629,130 to offset the remaining carbon emissions, along with the Be Seen monitoring requirements.
332. A condition is recommended to secure compliance by requiring BREEAM rating of excellent or higher, as well as the submission of a post-completion certificate.
333. The proposal has been scrutinised by GLA energy officers who consider that the energy efficiency measures have been maximised in line with the energy hierarchy. Subject to compliance with relevant conditions and obligations, the proposal complies with Policy SI2 of the London Plan, and City Plan Policy 39.

Overheating

334. An Overheating Report has been submitted by the applicant and has been considered by GLA Energy Officers as part of consideration of the proposal, including consideration for closed windows. The cooling strategy prioritises passive measures (including openable windows with fixed louvred shutters for security and reduced solar gain) and energy-efficient solutions to mitigate overheating risks and reduce reliance on active cooling systems. This approach ensures that the proposal is designed to adapt to rising temperatures while minimising energy consumption and carbon emissions. A peak-looping condition is recommended in relation to the provision of further overheating information, specifically in relation to the cooling set point and control strategy. Subject to compliance with the relevant conditions, the proposal complies with London Plan Policy SI 4 and City Plan Policy 36.

Circular economy

335. London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process and London Plan Policy SI7

requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement. City Plan Policy 38(D) and 38(F) relates to sustainable design and promoting excellence in contemporary design, and it is noted that this policy does not set requirements which are more onerous than London Plan policy.

336. The application is supported by a Circular Economy Statement and GLA template. These have been updated through the course of the application and has addressed all comments raised by GLA Officers.
337. It is noted that Westminster City Council has a Circular Economy Policy Checklist which applicants are encouraged complete for major and referable applications. Whilst the applicant has not completed this checklist in this instance, the requirements are broadly in alignment with the Circular Economy Statements LPG, and are considered to be sufficiently addressed through the applicant's submission to date. Furthermore, it is noted that completion of this checklist is not a policy requirement, and Westminster City Council Officers did not raise any specific concerns that this was not provided.
338. A condition will secure the submission of an updated Circular Economy Statement prior to commencement of the development. The submission of a post-construction monitoring is also secured by condition. On this basis, the proposal would comply with Policy SI7 of the London Plan and City Plan Policies 38(D) and 38(F).

Whole life cycle carbon

339. Policy SI2 requires developments referable to the Mayor to include a Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. Policy 38 in the City Plan states that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design.
340. The applicant has submitted a whole life-cycle carbon assessment which complies with London Plan Policy SI2. A condition is recommended requiring the submission of a post-construction assessment to report on the development's actual whole life-cycle carbon emissions. The proposal would comply with Policy SI2 of the London Plan and Policy 38 of the City Plan.

Digital connectivity

341. Policy SI 6 of the London Plan states that to ensure London's global competitiveness now and in the future, development proposals should, among other requirements, ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments.
342. A planning condition is recommended on the grant of any planning permission requiring the submission of detailed plans demonstrating the provision of

sufficient ducting space for full fibre connectivity infrastructure within the development in line with London Plan Policy SI 6.

Flood risk management and sustainable drainage

343. London Plan Policy SI 12 seeks to minimise and mitigate flood risk Policy SI 13 sets out that proposals should aim to achieve greenfield run-off rate and ensure that surface water run-off is managed as close to its source as possible. City Plan Policy 35 relates to flood risk and requires developments to demonstrate that they will not be negatively affected or worsen flooding on and around the development site. City Plan Policy 35 requires that new development must incorporate SuDS to alleviate and manage surface water flood risk.
344. The site is in Flood Zone 1, meaning there is a low probability of flooding from rivers and the sea. However, it is located within one of the Council's identified Surface Water Management Zones, and the application includes a Flood Risk Assessment and SuDS. The proposed drainage strategy includes a variety of SuDS, including green roofs to retain rainwater, blue roofs to store and slowly release rainwater, rainwater harvesting systems for non-potable uses, and a below-ground geo-cellular attenuation tank to temporarily store excess runoff and discharge it gradually.
345. The sustainable drainage strategy aims to accommodate surface water runoff from all rainfall events up to and including the 100-year event plus a 40% climate change allowance. The proposal proposes to attenuate and restrict the site's surface water discharge to 2.0 l/s before discharging by gravity into the Thames Water combined sewer network.
346. The Environment Agency had no comment on the application. The Lead Local Flood Authority have confirmed it has no objection, subject to the inclusion of conditions to any consent.
347. The requested conditions require the provision of construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement prior to the commencement of development. Further, the conditions require details of the maintenance and management of the sustainable drainage strategy prior to commencement, and the completion of the SuDS prior to occupation of the development, alongside the provision of an independent surveyor's report demonstrating that the surface water drainage system has been constructed as approved. These conditions are recommended for inclusion on the grant of planning permission.
348. Subject to compliance with the relevant conditions, the proposal complies with London Plan Policies SI 12 and SI 13, and City Plan Policy 35.

Water efficiency

349. London Plan Policy SI5 requires development proposals to achieve at least the BREEAM excellent standard for the 'Wat 01' water category 160 or equivalent

(commercial development) and to incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise futureproofing. Policy 38(D) of the City Plan addresses sustainable design and Paragraph 38.11 states that all development should maximise water efficiency.

350. The Sustainability Statement submitted with the application sets out that 4 Wat 01 credits are targeted for the non-residential uses on site, with water consumption reduced by 50%, in line with Policy SI 5 of the London Plan. Water efficient fittings, water meters and leak detection systems are proposed.
351. It is recommended that compliance with Policy SI 5 of the London Plan is secured by condition for the uses on the application site. Subject to the imposition with the relevant recommended condition, the proposal complies with water efficiency policies in the London Plan and City Plan.

Air quality

352. London Plan Policy SI1 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution. City Plan Policy 32 sets out that major developments should be at least air quality neutral, and major developments in opportunity areas must additionally demonstrate how local air quality can be improved across the proposed development as part of an air quality positive approach.
353. The site is within an Air Quality Focus Area named Marylebone Road from Marble Arch/Euston/King's Cross Junction.
354. An Air Quality Assessment has been provided with the application, including a dust risk assessment, air quality neutral assessment and air quality positive assessment.
355. The application site is determined to be medium risk for dust risk, and mitigation measures are set out within the application including dust suppression techniques (e.g. water spraying), covering of stockpiles and skips, wheel washing for vehicles, use of low-emission Non-Road Mobile Machinery compliant with London standards and routing and scheduling of construction vehicles to avoid peak hours and sensitive area. A condition requiring compliance with Westminster City Council's Code of Construction Practice requirements is recommended, with details demonstrating compliance subject to submission of details prior to the commencement of the relevant stage of demolition, earthworks/piling or construction. Conditions relating to the proposed system of mechanical ventilation and use of a back-up generator have been recommended.
356. The development is acceptable and subject to conditions and complies with Policy SI1 of the London Plan and Policy 32 of the City Plan.

Contamination

357. London Plan SD1 sets out that decisions should take appropriate measures to deal with contamination that may exist. Policy E7 sets out that appropriate design mitigation should be provided in any residential element with particular consideration given to a range of factors, including contamination. City Plan Policy 33 requires applicants to carry out contaminated land assessments and take appropriate remediation measures for development on or near a site which is potentially contaminated.
358. The application site has previously been used for industrial purposes, including a builders' merchant, and there are potential impacts to future uses/occupiers of the site from potential contamination. A Ground Investigation Report and Remediation Strategy has been submitted with the planning application, which includes a remediation strategy and verification plan.
359. The Westminster City Council Environmental Sciences Officer recommended conditions to assess and manage contamination risks, to ensure safety for future occupants. A pre-commencement condition is recommended requiring site investigation to identify any contamination, risk assessment to evaluate potential impacts, a remediation strategy if contamination is found and verification report to confirm successful remediation.
360. The proposal therefore accords with the contamination policies set out in the City Plan and London Plan.

Transport

361. Chapter 9 of the NPPF 2024 sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that applications for development give priority first to pedestrian and cycle movements, facilitate access to high-quality public transport and provide appropriate facilities that encourage public transport uses. Development should address the needs of all users and any significant impacts from development on the transport network (in terms of capacity or congestion) or highways safety should be mitigated to an acceptable degree. Paragraph 115 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe.
362. London Plan Policy T1 reflects the Mayor's Transport Strategy insofar as it requires new development to support the strategic target mode share for active travel. Policy T2 sets out that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets indicators, reduce the dominance of vehicles on London's streets and be permeable by foot and cycle, and connect to local walking and cycling networks as well as public transport.
363. London Plan Policy T5 requires a minimum standard of high-quality cycle parking and Policy T6 requires a car-free or restricted level of general car

parking to be provided, except for disabled persons parking in line with Policy T6.5. Other relevant London Plan transport policies are Policies T3,4 and 7 which relate to transport connectivity and safeguarding, delivery, servicing, and construction. Policy T9 sets out how planning obligations will be sought to mitigate impacts from development, which may include the provision of new and improved public transport services, capacity and infrastructure, and making streets pleasant environments for walking and socialising.

364. The Mayor's Transport Strategy seeks to promote sustainable mode shift, reduce road congestion, improve air quality, and develop attractive, healthy and active places. The Strategy aims to ensure that by 2041, 90% of all Inner Londoners' trips will be made on foot, by cycle, or by public transport.
365. The Mayor's Violence Against Women and Girls Strategy (2021) recognises the importance of inclusive design in encouraging sustainable travel. It seeks for all public spaces to be designed to create positive provides spaces that women and girls of all backgrounds are empowered to use, as is their right, without fear for their safety at all times of day.
366. In relation to transport, City Plan Policy 3 sets out the aspiration for the development of the Paddington OA, requiring new development to deliver public realm improvements to reduce severance and improve legibility and connectivity for pedestrians within and to/from the area. The Policy sets out that development should support / deliver enhanced sustainable travel and public transport and improve the north to south cycle network, including public access to the canal waterfront. Other key policies are Policy 24, which supports a sustainable pattern of development, and Policy 25, which sets out new development must promote sustainable transport by prioritising walking and cycling in the city. Policy 26 seeks better connectivity, legibility, quality, usability and capacity in public transport. Policy 27 provides that the parking standards in the London Plan will apply to all developments. This Policy promotes a shift away from car dependency. Policy 29 strongly supports provision of servicing needs being met fully within a development site and consolidation of deliveries. It sets out that servicing strategies should minimise the effect on the highway, public realm and other uses. The Policy also states major developments must also manage construction impacts through logistics plans.

Existing environment

367. The application site is currently occupied by a builder's merchant with associated yard and warehouse facilities. Access is taken from Harrow Road, with vehicles entering and exiting the site in a forward gear, as per London Plan Policy T7.
368. GLA and TfL Officers conducted several site visits to the application site to better understand the existing environment. GLA and TfL Officers identified significant safety issues on the highway network caused by the existing operation of the builders' merchant. The following was witnessed:
- Queueing of vehicles on the public highway, particularly during the highway and operational peaks.

- Obstruction of the cycle lane on Harrow Road due vehicles queuing to enter the site while the site was 'closed' due to forklift activity.
 - Obstruction of footways and bus stop, including informal parking in the bus cage and across the footway.
 - Potential conflict with vulnerable road users, notably cyclists and pedestrians due to poor visibility and encroachment into the cycle lane.
369. GLA and TfL Officers concluded that the existing environment presents an ongoing risk to highway safety, particularly at the junction of Harrow Road and Bishops Bridge Road, where a cluster of personal injury accidents involving vulnerable road users has been recorded. From analysis, 85% of these accidents involved a vulnerable road user (cyclist, pedestrian, motorcyclist). Given the scale of the proposal, the likely increase in vulnerable road users to the area, and the existing operational concern, Officers consider that this accident cluster is to be a significant safety concern without appropriate soft and hard mitigation measures.
370. In response, GLA and TfL Officers requested a revised Transport Assessment, in the form of an addendum, to demonstrate how the proposal would mitigate these impacts, in line with London Plan Policies T2 and T4.
371. Given the existing environment concerns on the surrounding highway network, GLA and TfL Officers requested traffic surveys to be undertaken. These are detailed in Technical Note TN02. Analysis of the surveys included vehicle arrivals, dwell time, and forklift movements inside the builders' merchant's yard.
372. The surveys were conducted on 4 and 8 September 2025. GLA and TfL Officers requested re-assurances that the surveys were undertaken on days with on or above expected levels of movement. Travis Perkins (the operator of the builders' merchant) has confirmed that both survey dates were above expected levels. Therefore, the surveys provide a robust level of observation data.
373. The survey analysis identified that there was no observed queuing on the surrounding highway network. Interrogating the analysis revealed that inbound deliveries on the above dates did not coincide with peak customer arrivals at the builders' merchant. To further this analysis, additional survey dates were undertaken on 24 and 25 September 2025. These additional dates confirmed that highway queuing was present when inbound deliveries coincided with peak customer arrivals. Inbound deliveries require additional safety measures in the builders' yard due to the need for forklift activity, as there is a health and safety requirement to deploy a stop board at the site entrance when there is forklift activity in the builders' merchant yard. It is therefore observed that the primary reason for highway queuing is when inbound deliveries coincide with customer activity and the stop board must be deployed.

Access

Builders' merchant vehicular access:

374. Access to the application site is proposed to be as per existing arrangement, whereby access is taken from the Harrow Road gyratory. The proposal brings the access gateline further into the application site, allowing access to a PBSA loading bay, and space for holding one vehicle before accessing the builders' merchant yard.

PBSA Access:

375. Access to the PBSA is proposed via a shared access with the builders' merchant unit from Harrow Road gyratory, with a secondary pedestrian access from the canal side. Deliveries via cycle and moped can egress from the Harrow Road access point through a dedicated cycle/moped only lane. This removes any conflicts within the builders' merchant's yard and/or Bishops Bridge Road footway, in line with London Plan Policy T2 and the Mayors Vision Zero strategy.

Healthy Streets and Active Travel

376. In line with London Plan Policy T2, the proposal has been assessed against the Mayor's Healthy Streets indicators and is considered to deliver meaningful improvements to the pedestrian and cycling environment in the vicinity of the site, through direct delivery or contribution. The proposal responds positively to London Plan Policies T2, D5, and D8, and incorporates recommendations from TfL's Night-Time guidance and Mayor's Violence Against Women and Girls ('VAWG') Strategy.

377. An Active Travel Zone ('ATZ') assessment was undertaken, including both day and night-time audits, as part of the original Transport Assessment. The scope of the ATZ includes analysis of key routes.

- Route 1- Towards City of Westminster College, Maida Vale Campus
- Route 2 – Towards Paddington Station through to Hyde Park (cycle access to Cycleway 27)
- Route 3 – Towards University of Westminster, Marylebone Campus
- Route 4 - Towards Regents Park (access to Local Cycle Route 5)

378. As part of the Stage 3 process, the applicant was requested to further this work. As part of the Mayor's VAWG Strategy, TfL and the Mayor's Office for Policing and Crime (MOPAC) conducted five pilot Women's Safety Audits in 2024, one of which included the surrounding wider area. The applicant engaged positively with the audit findings and commissioned an additional site-specific audit, focusing on safety from the perspective of women and girls, using industry experts. Full findings of the audit are included within the Transport Assessment Addendum (included an Appendix 3).

379. Based on the findings of the ATZ report and Women's Safety Audits the following obligations and package of works have been secured as part of the proposal as Section 106 and Section 278 works:

Section 106 obligations

- The resurfacing of the area of paving alongside the canal up to the entrance of the Porteus underpass and to the threshold of the underside of the bridge. This work now goes beyond what was previously proposed and extends from the site boundary to Porteus underpass.
- Facade lighting to Bishops Bridge Road to improve the feeling of safety.
- The relocation of existing benches located opposite the Brunel Building, as identified in the Women's Safety audit report to improve sightlines.
- Rembrandt Garden signage.
- £50,000 towards Sustainable Transport Fund to be used towards active travel if required.

Section 278 works

- The Bus Shelter (Bus Stop S) is to be upgraded to women's safety innovation standard.
- The Bus Shelter (Bus Stop S) is to be relocated against the building line on Harrow Road to improve footway width.
- Legible London totem and surrounding installation works.
- New signage installation at the junction of Harrow Road and Porteus underpass.
- Enhanced lighting by addition of reflective cladding and lighting to Porteus underpass.
- Improvement of space under Bishops Bridge Road with artwork and painting.

380. The applicant has also committed to signing up to the Mayor's Women's Night Safety Charter as detailed within the Mayor's VAWG Strategy, which includes regular training for on-site staff to support women's safety and respond appropriately to incidents, and this is secured by condition.

381. As noted above, £125,000 has been secured for artwork in the vicinity of the site. A condition for the detailed design of the artwork is recommended, requiring that the design of the artwork takes into account the GLA Good Growth by Design guidance: Safety in Public Space- Women, Girls and Gender Diverse People.

382. It is GLA and TfL Officer's view that the Healthy Streets element of this proposal, including the consideration of VAWG related concerns, provide additional benefits to the proposal's end users (including students) and are for the wider area and community.

Highway works

383. The proposal includes a package of permanent highway improvements designed to enhance pedestrian safety, bus operations, and accessibility in line with London Plan Policies T2, and T4. These highway works are to be secured via s278 agreement with Westminster City Council, as the relevant highway authority, in consultation with TfL.

384. The following permanent highway works are as follows:

- Widening of the Harrow Road footway through realignment of the kerb line and bus cage.
- Widened dropped kerbs and tactile paving.
- Realignment of the bus cage at Bus Stop S to improve tracking and allow for the accessible ramp deployment, from the middle door, of two buses simultaneously.
- A revised access arrangement, including provision of a cycle/moped only lane onto Harrow Road gyratory

385. Westminster City Council has expressed future aspirations to implement a scheme that would reconfigure the gyratory layout, creating a safer environment for both pedestrians and cyclists. This proposed scheme aims to address the safety concerns identified during GLA and TfL Officers' site visits and outlined in the Existing Environment section of this report. However, it is not deemed fair and/or reasonable that this application alone would be required to implement this larger strategic scheme. As a result, an interim solution, secured by condition, would aim to address site specific safety concerns in the immediate future and if the Westminster City Council aspirational scheme does not come forward. To mitigate these concerns a interim temporary highway intervention is recommended to be secured requiring the installation of cycle wands to reinforce the mandatory cycle lane and prevent informal vehicle encroachment.

386. An indicative layout of these measures is presented in the Transport Assessment Addendum, and the detailed designs is recommended to be secured via condition with the final arrangements and, if required, additional measures are to be agreed with the Council in consultation with TfL.

Stage 1 Road Safety Audit

387. An updated Road Safety Audit ('RSA') was undertaken in accordance with TfL standards to review the following highway changes:

- Proposed site access, including the left turn cyclist/courier access, contraflow cyclist/ courier exit.
- Proposed site egress.
- Bus stop kerb realignment on Harrow Road,

388. The detailed RSA report can be found in Appendix G of the Transport Assessment Addendum (included as Appendix 3). The RSA found no highway safety issues with the proposed permanent highway changes. The audit confirmed that the proposal does not adversely affect any road users. GLA and TfL Officers welcome the completion of the RSA and recommend that any future design changes, including the temporary mitigation measures (secured by condition) be subject to further safety auditing as appropriate.

Cycle hire

389. The proposal will increase demand upon local cycle hire docking stations. To mitigate this, a financial contribution of £200,000 is secured from the development to be used towards delivering a new TfL Cycle Hire station. This will directly benefit site users and local people, ensuring the demand the development creates on cycle hire can be adequately managed.

Cycle parking

390. The proposal includes policy compliant long and short stay cycle parking, in terms of both quality and design, meeting the London Cycle Design Standards.

391. Cycle parking for the PBSA is distributed across multiple levels of the student accommodation (predominantly on the first floor). The PBSA long stay cycle parking quantum includes 456 long stay spaces (including, two-tier style racks, Sheffield stands, and oversized Sheffield stands able to accommodate adapted cycles), and 15 short stay spaces (located at ground level). Cargo bike parking for the PBSA is accommodated via the raised layby adjacent to the PBSA entrance on Harrow Road.

392. The builders' merchant cycle parking is proposed with six long stay and three short stay spaces for staff and customer use. The applicant has indicated that future cargo bike parking for the builders' merchant could be provided by replacing an operational bay. However, given the operation of the builders' merchant, it is not deemed necessary to provide this from the outset.

393. Given the quantum of cycle parking proposed at above grade level, GLA and TfL Officers requested a resilience strategy in the event of a lift breakdown. The applicant has confirmed service arrangement with the lift maintenance provider, with a two-hour response time. In the event of full lift failure, cyclists will be able to use a designated passenger lift with protection drapes added to the lift and staff assistance if required. A condition is recommended to secure this strategy as part of the grant of permission.

Dockless cycle hire

394. The applicant has undertaken a study to assess the impact of the proposed PBSA site on dockless cycle demand. There is a current existing issue of dockless cycles being parked outside of their designated parking bay on the pedestrian refuge crossing on Bishops Bridge Road. The study found that student accommodation typically functions as a trip origin, with dockless cycles drawn away from the site during the day, contrasting with office or retail uses that act as trip destinations. Therefore, students will indirectly manage dockless bikes in the area. As a result, the proposal is not expected to adversely exacerbate the existing issue. It is also further noted that the operator of the dockless bikes is required to ensure that footways are not blocked.
395. It is noted that Westminster City Council Officers recommended a £50,000 contribution is secured for dockless bike management as part of their recommendation for approval. This contribution has not been specifically secured by GLA and TfL Officers as there is no evidenced need for the contribution, however the Travel Plan includes provisions to monitor dockless bike activity and, if required, to manage any impacts using the Sustainable Travel Fund.

Car parking

396. The PBSA element of the application will be car-free as per London Plan policy T6 with the exception of one disabled persons parking space which will be located on the ground floor within the builders' merchant yard. Access to this space will be maintained 24/7 and will be secured by condition.
397. The builders' merchant yard will accommodate 11 operational parking bays. These bays are to be located within the site at ground floor and are intended to support the revised operational model of Travis Perkins, which is to transition to a collection only branch with no outbound deliveries.
398. GLA and TfL Officers raised concerns during site visits post Mayoral call in of the application , regarding the impact of the existing builders' merchant operations on the surrounding highway network. As a result, to ensure there is sufficient on-site operational parking bays, a detailed survey analysis (Technical Note TN02) has been undertaken by the applicant team. This study identifies that highway queueing is primarily caused by the deployment of the 'stop board' at the site yard entrance during forklift activity. Forklift activity is reliant on the usage of the stop board, for health and safety reasons, to restrict the number of conflicts in the yard. This activity is common with inbound and outbound deliveries.
399. The analysis concludes that under the proposed operational model, the majority of the casual queueing factors would be removed. Therefore, it is anticipated that the quantum of proposed operational parking bays would be sufficient for the new operation.
400. A disabled persons parking space would also be provided for the builders' merchant and a condition is recommended to secure this provision.

401. A Parking Design Management Plan is recommended to be secured by condition.

Taxi pick up and drop off arrangements:

402. GLA and TfL Officers requested clarification on how taxi movements associated with the PBSA would be managed during periods when the builders' merchant yard is closed and the gate locked i.e. after 23:00 and before operating hours.
403. During operational hours of the builders' merchant (05:30-17:00), taxis will enter via the main site access and use the layby to pick up and or drop off passengers. The taxi will then proceed through the builders' merchant yard under instruction from operatives. Between 17:00 and 23:00 when the builders' merchant yard is physically closed but the gate unlocked, the PBSA on-site staff will manage the gate operations and allow taxis to exit through the yard as needed. After 23:00 and before the operational hours of the builders' merchants, the builders' yard will be fully locked (no access) and a retractable bollard will be deployed to prevent vehicular access to the site. At this time, taxis will be directed to pull up adjacent to the site entrance on Harrow Road for drop off and pick up, which avoids any need to reverse onto the highway or obstruct the carriageway. This approach is deemed acceptable given the lower levels of traffic on the network post 23:00.

Trip generation

404. The applicant has summarised their updated PBSA trip generation assessments within the Transport Assessment Addendum, which has been undertaken in accordance with TfL's methodology. This concludes that the PBSA element of the development is likely to generate an additional 60 two-way person movements during the weekday morning peak (0800 to 0900), and approximately 72 two-way movements during the evening peak (1700 to 1800). The PBSA use is not expected to generate any vehicle trips with the exception of one taxi trip in the AM peak hour and two in the PM peak hour. The majority of additional movements are predicted to be public transport trips (25 two-way trips in the AM peak hour and 28 in the PM peak hour), and walking and cycling trips (34 two-way in the AM peak hour and 42 in the PM peak hour). This is consistent with a car-free development.
405. The existing builders' merchant currently generates an average of 48 two-way vehicle trips in the AM peak hour. The future builders' merchant operator is predicted to generate a similar number of vehicle trips but with a reduced number of HGV trips due to proposed operational changes.

Delivery and servicing plan

406. A Framework Delivery and Servicing Management Plan (DSMP) has been submitted in support of the application and will form the basis of the detailed DSMP, which is recommended to be secured by condition.

PBSA

407. Since the original planning application submission, the PBSA service vehicle trip generation has been revised. Using the more robust C3 residential rates from the TRICS database, this element of the proposal could generate up to 190 two-way daily food delivery trips. Based on an arrival and departure profile from a PBSA Unite survey, this equates to two two-way food delivery trips within the AM peak hour and 16 two-way trips in the PM peak hour. This level of peak hour demand would not have a significant impact on the highway network. The busiest hour for servicing is 20:00-21:00 with 24 two-way trips. Given the type of deliveries and the central London location, all these trips are expected to be via cycle or moped. During the busiest hour this could equate to an average of one delivery every 5 minutes. There are two bike racks proposed in the public realm of the PBSA near the building entrance, capable of accommodating four standard bikes or three oversized or adapted cycles. Assuming a robust 5-minute dwell time for food deliveries, these spaces could accommodate up to 48 cycles per hour. Deliveries via cargo bike would also be able to utilise the proposed raised courier delivery zone at the Harrow Road entrance to the PBSA. Therefore, based on the predicted peak hour food deliveries (24) the proposed visitor/cargo cycle parking would be able to accommodate the predicted level of demand.
408. The PBSA is also expected to generate a number on non-food deliveries per day. Predicted non-food deliveries per room have been based on an average from surveys of four existing Unite Students sites. The development is expected to generate 24 non-food deliveries per day. However, all non-food deliveries will be consolidated at an off-site consolidation centre. Students will be notified that only non-food deliveries via the consolidated operator would be accepted by the reception. This approach will reduce the number of non-food deliveries on site to three van deliveries per day all of which will occur outside the network peaks. The PBSA consolidated servicing vehicles would enter the yard from Harrow Road and exit the yard back onto Harrow Road. Vehicles will be directed to the dedicated van delivery point within the yard by the on-site management team. This arrangement is acceptable.

Builders' Merchant

409. All servicing and deliveries for the builders' merchant will be undertaken within the service yard, as per the current arrangement. Based on the operational statement provided by the current builders' merchant operator Travis Perkins, the site currently receives around 10 inbound courier deliveries every day between 05:00-07:00 together, with occasional deliveries occurring throughout the afternoon. In addition, there are a further 15-20 daily outbound deliveries. The proposed redeveloped branch will adopt a 'collection only' operation with no outbound delivery fulfilment. This will result in less stock on site and a reduced range of products which will allow inbound deliveries to be consolidated and restricted between the hours of 05:30-07:00 or after only 17:00. A condition is recommended to secure these time restrictions.

Builders' Merchant Operational Management Plan

410. The existing operation of the builders' merchant site creates queuing out onto the public highway caused by the deployment of a stop board at the entrance to the site for yard management purposes. The most extensive periods of queuing coincide with periods where inbound or outbound deliveries are being serviced by a forklift truck. For health and safety reasons, customer vehicles are not permitted to access the yard during forklift truck activity leading to the protracted deployment of the stop board.
411. The proposed changes to the future operation of the builders' merchant, including the consolidation of inbound deliveries to occur before 07:00 or after 17:00, and the removal of the outbound delivery fulfilment, will ensure that customer vehicle queuing out onto the public highway is unlikely. The removal of outbound deliveries will also mean staff have more time to fulfil on site customer collections improving site efficiency from shorter customer dwell times. Furthermore, an increase in click and collect customer purchases will also aid site efficiencies.
412. Through the Operational Management Plan, the builders' merchant will be required to undertake monitoring for first three years following the branch re-opening. It will occur on a six-monthly basis during the first year, and annually thereafter. The monitoring will assess operational compliance, including adherence to approved hours of operation, delivery time restrictions, and vehicle movements - particularly regarding any queuing onto the public highway. It will also include a log of any complaints received and actions taken.
413. If monitoring of the builders' merchant operations indicates that vehicle queuing continues on the public highway, measures to address this issue can be implemented through the Operational Transport Fund, which is secured up to a capped value of £50,000. These measures may include, but are not limited to, the installation of enforcement CCTV cameras to help influence driver behaviour.

Management of the builders' merchant yard

414. The builders' merchant operates from 05:30 to 17:00 (Monday–Friday) and 07:45 to 12:15 (Saturday). During these hours, the yard gate will remain fully open. All vehicles—including builders' merchant customers and deliveries, PBSA service and refuse vehicles, non-food deliveries, as well as PBSA accessible parking and taxis—will enter via Harrow Road and exit through the yard. Between 17:00-23:00 the gate to the yard would be unlocked but physically closed. During this period only prearranged builders' merchant delivery vehicles would enter the yard where staff would be on site to manage. Unite Students Facility Management staff (the expected operator for the PBSA) would have control of the gate during this time, and the only vehicles expected to access the yard are servicing vehicles and taxis associated with the PBSA. Between 23:00-05:30 the yard gate would be fully shut and locked. A retractable bollard at the site entrance will ensure vehicles do not enter the site access.

415. The deliveries and servicing arrangements are now acceptable and in accordance with London Plan Policy T7 and City Plan Policy 29.

Travel Plan

416. The proposed PBSA development will be supported by a Travel Plan, to be secured by condition. The Travel Plan will include a commitment to monitor and review by a nominated Travel Plan coordinator. Monitoring will be undertaken annually for the first three years post occupation of the PBSA unit and will include:

- Mode share surveys to assess uptake of walking, cycling, and public transport.
- Monitoring of dockless cycle hire activity, including coordination with operators and Westminster City Council to prevent obstruction of footways and the pedestrian refuge island on Bishops Bridge Road.
- Feedback mechanisms to assess the effectiveness of measures aimed at improving the feeling of safety for women, including perception surveys and engagement with student residents on their experiences to and from the site in both day and night.

417. To support the delivery of these measures, as well as associated soft interventions, a £50,000 Sustainable Transport Fund will be secured through the Section 106 agreement. Westminster City Council may draw on this fund within the first three years of PBSA occupation to implement any additional interventions deemed necessary, based on issues identified through Travel Plan monitoring. Examples could include enhanced lighting or signage to improve perceptions of safety for women and girls.

Move in Move out management:

418. GLA and TfL Officers requested further detail on the proposed Move-In and Move-Out Strategy to ensure peak arrival periods do not cause highway obstruction, block bus stops, or conflict with builders' merchant operations. Under the strategy, students will be required to book a 30-minute time slot, which includes built-in contingency to accommodate any delays before the next vehicle is permitted to enter the yard. The applicant confirmed that, based on experience at other sites, the actual time required for student move-ins and move-outs is approximately 15 minutes. Therefore, the 30-minute slot provides sufficient contingency.

419. Booked slots will be scheduled outside the builders' merchant operating hours (evenings and weekends), with a maximum of 120 student arrivals per day. Upon arrival, students will be met by traffic marshals and directed to designated drop-off bays within the builders' merchant yard. No parking will be permitted beyond the allocated time slot. Additional staff will be on-site to assist with unloading, luggage transfer, and coordination of arrivals to maintain traffic flow

and prevent queuing on the surrounding highway network, ensuring no impact on adjacent bus stops.

420. Given the requirement for the PBSA to use the builders' merchant yard outside of normal operational hours but within the time allocated for inbound deliveries. TfL deem it necessary that a condition is to be added to restrict inbound builders' merchant deliveries during the move in and move out process, to avoid any unnecessary conflicts and ensure the application complies with the Mayors Vision Zero strategy.

Construction

421. The application will require the suspension of Bus Stop S for approximately 18 months of the total 4.5 year construction period. This approximation will be thoroughly reviewed with the detailed Construction Logistics Plan ('CLP'), which is to be secured by condition. The detailed CLP will need to set out the re-location strategy for Bus Stop S during this suspension period. It is noted that the applicant has referred to Bus Stop B being in close proximity to Bus Stop S. However, there is no analysis ensuring that bus stop B is within 400 metres of the following bus stop. This will need to be considered in the detailed CLP and if required, a relocation may also need to be provided. The detailed CLP should include provision for cargo bike deliveries, be in line with London Plan Policy T7, and relevant TfL guidance. All costs associated with the suspension and relocation strategy of Bus Stop S must be paid by the applicant.

Infrastructure protection and structures

422. A condition is recommended in respect of London Underground Infrastructure Protection and TfL Structures.

Conclusion on transport matters

423. Overall, the transport impacts of the proposed development would be supported by necessary mitigation measures that are recommended as part of the Section 106 Agreement and planning conditions. On this basis, the proposal is in general accordance with Chapter 9 and paragraph 115 of the NPPF, Policies S3, 24, 25, 25, 27 and 29 of the City Plan 2019-2040 (2021) and the transport policies of the London Plan.

Mitigating the impact of the development through planning obligations

424. Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended in 2019, states that a section 106 planning obligation may only constitute a reason for granting planning permission for a development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.

425. 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. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”
426. Westminster City Council Planning Obligations and Affordable Housing SPD 2024 provides further guidance on how the Council will secure planning obligations, where these are necessary to mitigate the impacts of development.
427. Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA Officers propose to secure several planning obligations required to appropriately mitigate the impact of this development, which are set out above and where appropriate there is detailed consideration given in the relevant topic section of the report. GLA officers are satisfied that the obligations in the Section 106 agreement meet the tests in Regulation 122 of the CIL Regulations 2010, as amended in 2019, as they either will not be spent on “infrastructure” as defined in the Regulations, or will be sufficiently narrowly described in the Section 106 agreement.

Legal considerations

428. Under the arrangements set out in Article 7 of the 2008 Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 (as amended), the Deputy Mayor, acting under delegated authority, is the Local Planning Authority for the purposes of determining this planning application ref: PA/24/002431.
429. Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 which includes a requirement that for applications which the Mayor takes over, the Mayor must give the applicant and the borough the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:
- who else may make oral representations;
 - the procedures to be followed at the hearing; and,
 - arrangements for identifying information, which must be agreed by persons making representations.
430. The details of the above are set out in the Mayor’s Procedure for Representation Hearings which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.
431. In carrying out his duties in relation to the determination of this application, the Deputy Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.

432. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with such an application the authority shall have regard to:
- a. The provisions of the development plan, so far as material to the application;
 - b. Any local finance considerations, so far as material to the application; and
 - c. Any other material consideration.
433. Section 70(4) defines “local finance consideration” as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
434. Furthermore, in determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.
435. Other guidance, which has been formally adopted by Westminster City Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to this application are detailed in this Representation Hearing report.
436. GLA Officers are satisfied that the current report to the Deputy Mayor has had regard to the relevant provision of the Development Plan. The proposed section 106 package has been set out and complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
437. As regards to the Community Infrastructure Levy (‘CIL’) considerations, the Mayoral CIL payment associated with this development is estimated to be £1,778,184. The Westminster CIL payment will be calculated post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended) including any discretionary relief or other exemptions which may apply.
438. In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. The Mayor is also required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development (section 72 of the of the Planning

(Listed Buildings and Conservation Areas) Act 1990). These matters have been addressed within earlier sections of the report.

439. Where the Mayor takes over an application, he becomes responsible for the Section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, there have been a series of lawyer led meetings to discuss the Section 106 content, and it has progressed on a number of key issues. Both the Mayor and the borough are given powers to enforce planning obligations.
440. When determining these planning applications, the Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicants and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.
441. The key Articles to be aware of include the following:
- Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.
 - Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.
442. It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. In this case this Representation Hearing report sets out how this application accords with the Development Plan.
443. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.
444. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity

between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

445. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
446. GLA Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of affordable student accommodation, contribution to affordable housing provision in Westminster City via a payment in lieu, provision of accessible blue badge carparking and step-free access, and the assessment of neighbouring residential amenity.

Conclusion and planning balance

447. As detailed above Section 38(6) of the Planning and Compensation Act 2004 requires matters to be determined in accordance with the development plan unless material considerations indicate otherwise.
448. When assessing the planning application, the Deputy Mayor is required to give full consideration to the provisions of the development plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development.
449. GLA Officers consider that the proposals generally comply with relevant planning policies at national, regional and local level, with conflicts arising with Policies E4 and E7 of the London Plan relating to re-provision of industrial floorspace, Policy D9 Part B and D9(C1D) of the London Plan and Policy 41(B4) of the City Plan in relation to tall buildings, and Policy G5 of the London Plan relating to Urban Greening. The proposal results in minor non-compliances with Policies H4, H5 and H15 of the London Plan relating to overall quantum of onsite affordable student accommodation, the acceptance of the PIL when it has not been demonstrated that on-site affordable accommodation delivery is not practical nor have off-site options been explored, and the absence of a late-stage viability review mechanism. There would also be minor policy conflict in relation to daylight and sunlight impacts on neighbouring properties.
450. As detailed in the Heritage section and Appendix 2 of this report, the proposal would result in a very low to low level of less than substantial harm to the significance to a number of heritage assets, listed buildings and conservation areas, surrounding the site. Direct harm will also be caused to two NDHAs on site, and indirect harm will be caused to the setting of two NDHAs not on site. Therefore, the proposal results in conflicts with London Plan Policy HC1, and

City Plan Policy 38 Part B1, Policy 39 B Part B1, Part I and Part K, Policy 39 Part R Policy 40 Part B and Policy 41 B4. Great weight must be given to the harm identified. In accordance with the NPPF, this harm has been weighed against the public benefits of the proposal which is considered to be outweighed by the public benefits of the scheme.

451. The proposals would provide significant public benefits, which would weigh in favour of granting permission, particularly: the provision of a substantial quantum of student accommodation which supports housing delivery targets and achieves exceptional design; re-provision and enhancement of a builders' merchant; provision of a community use facility; creation of new and improved public realm and the creation of new public access alongside the canal; and provision of on-site affordable student accommodation and a PIL, which will contribute to affordable housing provision in Westminster.
452. The proposal also results in a number of financial and non-financial obligations including an affordable housing contribution to Westminster City Council, the provision of public art, and the provision of employment, training and apprenticeship opportunities for local residents during demolition, construction and the end use, providing a further diversification of uses within the Paddington OA; and a significant quantum of CIL. Considerable weight and importance must be attached to the harm caused by the proposals to surrounding heritage assets in the balancing exercise. However, it is concluded that the public benefits delivered by the proposal would clearly and convincingly outweigh the heritage harm.
453. Whilst the proposal would not fully accord with all the policies set out in the development plan, including the requirements to secure a late-stage viability review mechanism, achieve the specific UGF and achieve the net zero-carbon carbon reduction requirements set out in the London Plan, GLA Officers are satisfied that the proposals are, on balance, acceptable.
454. The balancing exercise under paragraph 215 of the NPPF is therefore favourable to the proposal and the proposal would be acceptable in terms of impact on heritage assets. Overall, and notwithstanding some elements of policy conflict identified above, the proposal is considered to accord with the development plan, read as a whole, and there are no material considerations justifying a departure from the plan or indicate that planning permission should be refused.
455. This report has considered the material planning issues associated with the proposal in conjunction with all relevant national, regional and local planning policy, and has found that the proposal is acceptable. Accordingly, it is GLA Officers' recommendation that planning permission should be granted, subject to the obligations and conditions stated within this report.

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.