

285-329 Edgware Road (West End Green)

in the City of Westminster

planning application no. 15/10671/FULL

Strategic planning application stage 1 referral

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

The proposal

The erection of seven mansion blocks and a residential tower of 38 storeys (165 metres AOD) to provide 691 new homes (158 of which are affordable), alongside 2,923 sqm of A-class floor space (flexible A1/A2/A3/A4 to be determined with Westminster), 1,484 sq.m. of leisure (D2) space including a cinema, and 515 sq.m. of office (B1 a/b/c) floor space. With associated landscaping, provision of private and public open space, public art, basement car parking and servicing.

The applicant

Is **Berkeley Homes**, the architect is **Squire & Partners** and the agent is **Turley**.

Strategic issues

The principle of a mixed use development of the site for the proposed uses is accepted, but issues in relation to affordable housing, children and young person's play, urban design, energy, flood risk and transport should be addressed by the applicant before stage 2 referral.

Recommendation

That Westminster Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 97 of this report; but the possible remedies set out in that paragraph could address these deficiencies.

Context

1 On 28 December 2015 the Mayor of London received documents from Westminster Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 4 February 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1A and 1c of the Schedule to the Order 2008:

- 1A. Development which comprises or includes the provision of more than 150 houses, flats or houses and flats.
- 1C. Development which comprises or includes the erection of a building of one or more of the following descriptions: (c) the building is more than 30 metres high and is outside the City of London.

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

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

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

Site description

6 The 1.05 ha site is located on Edgware Road to the north of the Westway within an urban block that is defined by Newcastle Place, Church Street, Edgware Road and Paddington Green. The site is largely vacant and hoarded with the exception of two derelict buildings on the corner of Edgware Road and Newcastle Place and a former car wash structure on Church Street.

7 The site fronts Edgware Road (A5) which forms part of the Transport for London Road Network (TLRN). The exit lanes to the elevated Westway/ Marylebone Road (A40/A501) are part of the Strategic Road Network, while the main carriageway is TLRN. The site is otherwise enclosed by borough roads, being Church Road to the north, Paddington Green to the west and Newcastle Place to the south.

8 The site lies within 130-300 metres of the Edgware Road Underground Stations, Paddington National Rail and Underground Station lies some 580m south west, and Marylebone National Rail and Underground station is some 700 metres eastwards of the site. 13-16 bus services (and 3 night bus routes) are available within reasonable walking distance. Consequently, the site benefits from an 'excellent' Public Transport Accessibility Level (PTAL) of 6b. The site also lies within the Mayor's Cycle Hire network coverage area, with 5 docking stations within a 300 metres radius of the site.

Details of the proposal

9 The erection of seven mansion blocks and a residential tower to provide 691 new homes (158 of which are affordable), alongside 2,923 sq.m. of A-class floor space (flexible A1/A2/A3/A4 to be determined with Westminster), 1,484 sqm of leisure (D2) space including a cinema (647 sq.m.), and 515 sq.m. of office (B1 a/b/c) floor space. With associated landscaping, provision of private and public open space, public art, basement car parking and servicing. The principle design features of the development are as follows:

- A perimeter block and courtyard with freestanding tower located within a crescent form street.
- A predominantly residential tower of 38-storey tower (165 metres AOD) with ground floor retail use and top floor restaurant.
- Architecture based on historic Mansion block form.

- Private amenity space in the form of projecting and enclosed balconies, and recessed balconies in the residential tower.
- Active retail frontage to Edgware Road.



Case history

10 The site is subject of a number of extant consents, the most recent and relevant of which were granted in October 2005. Together these consents comprise the '2005 Consented Scheme' and can be summarised as follows:

- *Full Planning Permission (03/03463/FULL) for a redevelopment comprising buildings of between five, seven and 22 storeys, including a retail supermarket; two retail shops; 307 residential units of which 107 are affordable; 156 holiday let units; associated car parking and landscaping (Option A); and*
- *Conservation Area Consent (03/03464/CAC) for the total demolition of buildings at No's 143, 145 and 147 Church Street and No's 11, 12 and 13 Paddington Green in connection with the redevelopment of the Site (Option A).*

11 Subsequently, two Section 73 applications were submitted and granted consent in 2008 and 2011. Neither of these applications sought permission for material changes to the 2005 Consented Scheme:

- *Section 73 Permission (08/07660/FULL) for the variation of conditions relating to (iii) materials, (iv) design detail (xiii) cycle parking (xiv) disabled access, (xv) refuse storage, (xvi) security scheme, (xix) landscaping and (xxi) TV system/reception and window cleaning methods; and*
- *Section 73 Permission (11/01191/FULL) for the variation of condition (xx) to extend the period for submitting details of the public art.*

12 The pre-commencement conditions associated with the 2005 Consented Scheme have been discharged and the 2005 Consented Scheme has been implemented, with piling work carried out at the site in 2011. The remainder of the 2005 Consented Scheme has not been built out but the consent has established the acceptability of residential use at the Site. It is therefore a material planning consideration.

13 The Applicant acquired the Site in 2015. Following a review of the 2005 Consented Scheme, the applicant employed a new project team to develop alternative proposals for the site.

14 The application proposals have been subject to a pre-application meeting and an advice report D&P/3790/JA Pre-app was issued on 10 November 2015.

Strategic planning issues and relevant policies and guidance

15 The relevant issues and corresponding policies are as follows:

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|---------------------------|--|
| • Historic Environment | <i>London Plan; World Heritage Sites SPG; Circular 07/09</i> |
| • Mix of uses | <i>London Plan</i> |
| • Housing | <i>London Plan; Housing SPG draft Interim Housing SPG; Housing Strategy; draft Revised Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG</i> |
| • Affordable housing | <i>London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; draft Interim Housing SPG.</i> |
| • Retail/town centre uses | <i>London Plan; Town Centres SPG</i> |
| • Density | <i>London Plan; Housing SPG</i> |
| • Urban design | <i>London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; London Housing Design Guide; Shaping Neighbourhoods: Play and Informal Recreation SPG</i> |
| • Tall buildings/views | <i>London Plan, London View Management Framework SPG</i> |
| • Access | <i>London Plan; Accessible London: achieving an inclusive environment SPG;</i> |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy</i> |
| • Transport | <i>London Plan; the Mayor's Transport Strategy; Land for Industry and Transport SPG</i> |
| • Parking | <i>London Plan; the Mayor's Transport Strategy</i> |
| • Crossrail | <i>London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG</i> |

16 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2011 Westminster City Council Core Strategy, saved

policies of the 2007 Westminster Unitary Development Plan and the 2015 London Plan (with 2013 alterations).

17 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework
- Westminster Council Planning Obligations SPG (2008)
- Draft Minor Alterations to the London Plan (2015)

Principle of land use

18 The overall development mix of 691 residential units (80,402 sq.m.), retail units (A class (4,134 sq.m.)), cinema (647 sq.m.) and B1 class office floorspace (975 sq.m) are located on a site within the central activities zone (CAZ) as indicatively defined by map 2.3 of the London Plan. London Plan policy 2.10 sets out strategic priorities for the CAZ, which include supporting the distinct offer of the CAZ based on a rich mix of local as well as strategic uses and bringing forward and implementing development frameworks for CAZ opportunity and intensification areas to benefit local communities as well as providing additional high quality, strategic development capacity.

19 The retail use is supported by CAZ policy 2.10A (f) strategic functions which states:

‘The Mayor, Boroughs and relevant strategic partners should ensure that: (f) support and improve the retail offer of CAZ for residents, workers and visitors especially in Knightsbridge and the West End as global shopping destinations.’

20 In relation to the residential proposals in the mixed use development are for 691 residential units, the London Plan policy 2.12 in paragraph 2.56 states:

‘As well as being an economic hub the CAZ is a place to live -including many people who also work there. Availability of a range of homes in the CAZ helps support its strategic function as well as allowing for sustainable lifestyles and reducing the need to travel.’

21 London Plan Policy 3.3 confirms the pressing need for more homes in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Part B of this policy states that the Mayor will seek to ensure that the housing need identified in paragraphs 3.17 and 3.18 of the London Plan is met, particularly through provision consistent with at least an annual average of 42,000 net additional homes across London. London Plan Table 3.1 sets a target for Westminster Council to deliver a minimum of 1,068 new residential units a year until 2025.

22 The site is also located in the Edgware Road Housing Zone (designated in 2015), where the GLA, Westminster Council and other partners will be working together to accelerate and maximise the delivery of private and affordable housing. A housing-led redevelopment of the site would make an important contribution to Housing Zone delivery.

23 The mixed use development of the site consisting of retail, residential, leisure and office uses is supported by London Plan policy and the strategic aims of the Edgware Road Housing Zone.

Housing

24 London Plan policy 3.8 encourages a full range of housing choice. This is supported by the Housing SPG, which seeks to secure family accommodation within residential schemes, particularly within the social and affordable rented sector, and sets strategic guidance for councils in assessing their local needs. Policy 3.11 of the London Plan states that within affordable housing provision,

priority should be accorded to family housing. Also of note is Policy 1.1, part C, of the London Housing Strategy, which sets a target for 42% of social/affordable rented homes to have three or more bedrooms.

Housing mix

	Affordable Units	Affordable %	Private Units	Private (%)	Total Units	Total %
Studio	11	7%	26	4.9%	37	5.4%
1 bed	47	29.7%	163	30.6%	210	30.4%
2 bed	66	41.8%	179	33.6%	245	35.5%
3 bed	34	21.5%	163	30.6%	197	28.5%
6 bed	0	0	2	0.4%	2	0.3%
Total	158	100%	533	100%	691	100%

25 The current housing mix offer provides for 28.8% three bed units and this appears low as there is expectation that there would be a higher percentage of 3 bed affordable units given the development's relationship to the Church Street estate renewal programme and Housing Zone. Westminster Council should confirm that they are happy with the housing mix and that it will help to deliver the decant for the Church Street estate/ Housing Zone.

Affordable housing

26 London Plan policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. Negotiations on sites should take account of their individual circumstances including development viability, resources available from registered providers (including public subsidy).

27 The application will accelerate the delivery of housing on a site that has been vacant for many years. The developer and Westminster City Council should seek to maximise the amount of affordable homes on the site in line with policy 3.12. The number of affordable homes proposed on this scheme is 23% by unit, and 20% by floor space, which deviates from Westminster City Council's planning policy of seeking 35% of total floor space as affordable housing in this area.

28 The applicant has yet to provide a full viability appraisal. Once received this should be assessed on behalf of Westminster Council to ensure that the applicant's failure to comply with affordable housing targets is justified. The assessment of the viability appraisal should take into account the provision of on-site affordable housing, which is strongly supported. The affordable homes for rent will be vital for providing decant accommodation for the regeneration of the Church Street estate, which is central to the Edgware Road Housing Zone aims. The implications of decant costs is acknowledged and in terms of overall viability, which should be included in assessment.

29 The applicant's planning statement sets out the provision of 84 social rented homes and 74 intermediate homes. This equates to a tenure mix of 53% rented homes and 47% intermediate homes. This differs from the Mayor's strategic affordable homes delivery target of 60% rent to 40% intermediate homes and this variation should be justified by the applicant.

Housing density

30 London Plan policy 3.4 seeks to optimise the potential of sites having regard to local context, design principles and public transport accessibility.

31 The residential development proposals have a density of 685 units per hectare on a 1.065 ha site. The site has a PTAL of 6b and is in a central location for such sites the London Plan sets a density of 215 to 405 units per hectare. The proposed density exceeds the London Plan density range but as stated under London Plan Policy 3.4 the density ranges should not be used mechanistically. In this instance there are factors that support the higher density, first the proposals have a regenerative benefits of bringing forward a long term vacant brownfield site on a prominent location on Edgware Road facing Paddington Green; secondly, the design quality of the proposed scheme; thirdly CAZ policy encourages higher densities; and finally there will be further enhancement of the areas transport accessibility with the opening of Crossrail at Paddington in 2018.

Children & young person's play

32 Children and young people need free, inclusive and accessible spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments. Policy 3.6 of the London Plan seeks to ensure that all children and young people have access to such provision. The challenge facing boroughs and their partners in play provision will be to find opportunities to retain and increase the provision of play and informal recreation, particularly in housing developments.

33 The applicant has completed an assessment of child yield and has calculated the development has a child yield of 182 which using the GLA standards results in a requirement of 1,820 sq.m. The play strategy aims to incorporate all provision on site, within the semi-private courtyards at podium level. This consists of the following:

- 0-5 years old play: incorporated within courtyard gardens (private terrace playspace 315 sq.m.) and resident's garden playspace (615 sq.m.).
- 5-11 years old play: incorporated within courtyard gardens (private terrace playspace 315 sq.m.) and resident's garden playspace (615 sq.m.).
- 12+ years: space will be provided by existing off site facilities with five existing playground spaces identified within 400 metres including St Mary's Park playground (200 metres), Broadly Street Park playground (130 metres) and Cuthbert Street playground (230 metres).

34 The applicant's child yield assessment calculation provides for a suitable quantum of play space provision within the development and the adopted strategy is welcomed. Westminster Council should consider whether a financial contribution to improve existing play facilities is appropriate.

Urban design

35 Good design is central to all objectives of the London Plan, in particular the objective to create a city of diverse, strong, secure and accessible neighbourhoods to which Londoners feel attached whatever their origin, background, age or status. Policies contained within chapter seven specifically look to promote development that reinforces or enhances the character, legibility, permeability and accessibility of neighbourhoods by setting out a series of overarching principles and specific design policies related to site layout, scale, height and massing, internal layout and visual impact.

36 The design of the scheme is generally well considered creating a mostly legible and permeable development which officers consider a significant improvement on the previous consent.

Layout & public/private realm interface

37 The masterplan layout consists of a courtyard block that creates edges to existing streets with and a crescent form street that separates this from a freestanding tower. This overall approach to the development layout is supported as it creates a differentiation between public and private spaces and recreates the historic street form of Edgware Road, Newcastle Place and Church Street whilst providing a frontage to Paddington Green.

38 At the pre-application stage the applicant was requested to look at adjusting the geometry of the crescent on the eastern side as in the design iteration it appeared too abrupt and affected the form of the public space and that more could be made of the new space around the tower by increasing the extent of the green landscaping. The applicant has since refined the crescent form and provided a comprehensive landscape treatment around the tower that creates a good quality public space featuring mature tree clusters and a water feature. The built form ensures that buildings have a positive public realm interface with active frontages provided by a gallery restaurant, office space and residential entrances. A concern was raised in relation to the design of the tower entrance on Newcastle Place this has partially been addressed redesigning of the entrance drop-off for cars by introducing further windows which removes areas of previous blank ground floor frontage. There however remains a concern over the adoption of a drop-off zone and the impact of this arrangement on pedestrian legibility along Newcastle Place where the facility appears to over prioritise the needs for vehicle access at the expense of pedestrian movement.

Height, scale & massing

39 The proposed tower height of 38 storeys (165 meters) is considered appropriate as indicated by the extant consent and the context of tall buildings consents within the Paddington Opportunity Area on the other side of the Westway. These include a number of buildings that are over 20 storeys with the 1 Merchant Square 'Cucumber' being 72 storeys which is 19 metres taller than the proposed 38 storey tower. The massing of the tower is supported as the building does not appear too bulky and has a refined tall building form of suitability articulated base, middle and crown.

40 The courtyard massing and height of the mansion blocks varies from ten storey blocks on Edgware Road, with a 16 storey block and a 11 storey block on Church Street, a seven storey block on Newcastle Place and a six storey block facing Paddington Green. A further seven storey block forms a southern edge facing the courtyard. The overall varying height and massing of the development are supported as they respond well to their local context and make a positive contribution to the skyline and would signal the regeneration of this Housing Zone and this long empty site.

Residential quality

41 The applicant should confirm that all units are London Plan space standard compliant in a accommodation schedule because the planning statement and design & access statement indicates that overall the units are compliant but not all units.

42 Although the 38 storey tower has a large number of units per floor it has a dual core that means the number of units per floor are split between the two cores. Each core gives access to a maximum of eight units and the flat layouts are generally of good quality and given the quality of the development design in this instance this approach is accepted. The mansion blocks facing Edgware Road also exceed eight units per floor from a single core, this slight exceeding of the Housing SPG guidance is acceptable given the achievement of the active retail frontage at ground floor.

43 The floorplan layouts generally offer good quality accommodation but there is concern with the residential quality of the single aspect studio units in Block E-F which have a north facing aspect. The applicant should look to eliminate these units from the layout or have them facing the internal courtyard by switching over the layout with two bed apartments. Although the mansion blocks predominantly have entrances from the internal courtyard rather than the preferred on the street location, this is accepted given the high degree of activation created by retail frontages.

Building appearance

44 The building design and appearance is influenced by the historic Mansion Block form as found in nearby Maida Vale. The development has adopted a simple palette of materials with the Mansion blocks are clad in brick with stone detailing with high performance glazing and bronze coloured type panels form the glazed openings. The tower building has a similar in palette but with a higher degree of precast stone and glazing. The adopted approach and appearance is supported.

Tall buildings/LVMF views

45 London Plan (2011) policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings, are of particular relevance to the proposed scheme. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor. Policies 7.10 and 7.11, which set out the Mayor's approach to protecting the character of strategic landmarks as well as London's wider character, are also important considerations.

46 The site is located outside the viewing corridors of most LVMF views and has no impact on the World Heritage Sites, the exception being Primrose Hill (LVMF 4a.1) where the proposed 38 storey tower will sit centrally in the skyline view, it will stand in front of the already approved 1 Merchant Square 'The Cucumber'. The impact is viewed as being moderate because a tall building is already established in the location and the proposed building overlays this building and forms part of an established and evolving cluster on tall buildings around Edgware Road/ Harrow road/ Westway junction and Paddington.

Historic environment- designated heritage assets

47 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate.

48 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests 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".

49 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm

or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

50 The south-west portion of the site is located in a conservation area and there are a number of conservation areas in close proximity to the development. The applicant has provided an Environmental Statement, which includes a Townscape and Visual Impact Assessment (TVIA), including wirelines and fully rendered views. These set out a clear analysis of the potential heritage impacts of the development proposals.

Conservation area impacts

Paddington Green Conservation Area

51 The south-west portion of the site is located in a conservation area and incorporates a cluster of Grade II listed buildings. The site has been vacant for a number of years to the detriment to conservation area and the proposals will provide new street frontages including the definition of the historic route of Newcastle Place and complete the eastern side of Paddington Green with an appropriately scaled development. Local view 21 Paddington Green/ St Mary's church demonstrates this with the view obscured for most of the year except winter months by mature trees. The edge building to the Green is of similar scale, whilst the tower will have a moderate impact in winter and a minor impact in summer but provides a clear marker of the junction of Edgware Road, Harrow Road and the Westway beyond. Overall the development would cause some slight harm but this would be less than substantial given the benefits of bring forward a long term vacant site that has a detrimental impact on the conservation area in its current form.

Maida Vale Conservation Area

52 There are a number of local views of relevance to the proposed development: Westbourne Terrace Road Bridge, Little Venice (view 8), the tower will have a moderate impact because although it will sit centrally and prominently in the bridge view above the mature trees, it will have cumulative impact with the approved 1 Merchant Square 'The Cucumber' will form part of the changing skyline above the established treeline; Blomfield Road (view 9), the tower will sit behind existing mature trees to the left of the grade II listed building of 2 Warwick Crescent with a small portion visible in a similar manner to the already prominent tower of the Hall Place estate. The approved 1 Merchant Square tower will be more prominent and other approved schemes will appear behind 2 Warwick Crescent with a greater impact; Lanark Road (view 11), the tower sits in the perspective view of the street and will have a moderate impact because it will form part of the skyline already established by the tall buildings on the Hall Estate and the 1 Merchant Square tower; Maida Vale/ St John's Wood (view 12) the tower will have minor impact on this view within the conservation area because it will be only visible in winter through mature street trees; The views down Edgware Road (view 15 and view 16) both demonstrate the development will have a beneficial impact on the existing street form by providing a strongly defined built edge where there has been a long term empty frontage.

53 The impact on the Maida Vale Conservation Area will be less than substantial given the changing nature of the skyline views and the proposed tower will fit with the emerging accumulation of new and recent developments. At the same time the beneficial impact of the development should not be ignored especially on the views down Edgware Road where the development will be beneficial to the conservation area.

Lisson Grove Conservation Area

54 The Lisson Grove Conservation Area has a number of local views of relevance to the proposed development: Bell Street (view 17), the tower will have a moderate impact on the setting of the Grade II listed Christ Church because the tower will appear to the right and across the street from the listed building. It is located behind existing predominantly four storey brick apartments and this provides a clear separation from the listed building, with the approved 1 Merchant Square 'The Cucumber' tower being more prominent in the view; Lisson Grove/ Ashmill Street (view 18), the tower will have moderate impact on the Ashmill Street stock brick terrace (99 -101 Ashmill Street have Grade II listing) with the tower sitting prominently behind the terrace but it will appear at the end of the terrace and so maintains the street perspective. The approved 1 Merchant Square 'The Cucumber' will also appear behind the terrace and as will the top edges of a number of other consented developments which cumulatively with the proposed tower create a new skyline backdrop to the terrace.

55 It is accepted that the tower development will impact on the setting of listed building assets in the Grove Conservation Area but these will be limited and less than substantial as the building has high degree of separation from listed buildings and is not overbearing or dominant to their setting.

Bayswater Conservation Area

56 Two local views are identified within the Bayswater Conservation Area: the first is Sussex Gardens/ Sale Place (view 5), where the tower will have a minor impact in summer and moderate impact in winter prominent as the top of the building will fall in the backdrop behind buildings within the Paddington Basin area at the end of the Grade II listed terrace. The 1 Merchant Square 'The Cucumber' will appear taller and more dominant on the left of the street view; and the second is Gloucester Terrace/ Cleveland Street (view 7) where the tower will have minor impact on the street perspective view with the top half of the building appearing at the end of the street above the Grade II listed stucco Cleveland Terrace. More prominent in this view would be the approved 55-65 North Wharf Road development on the left-hand side of the street. The tower development will therefore have some impact on the setting of listed building assets in the Bayswater Conservation Area but these will be less than substantial.

Royal Park Conservation Area

57 Three local views are identified within the Royal Park Conservation Area that demonstrate the impact of the proposed development: the first is East of Long Water, Kensington Gardens (view 23) the 38 storey will sit in the background within the existing skyline behind a mature tree line, it accumulatively with the 1 Merchant Square tower 'The Cucumber' create a prominent focal point marking the location of Edgware Road, Harrow Road and the Westway; both the second Serpentine Bridge (view 25) and third In vicinity of Reformers Tree (view 26) show that the tower will appear within the established tree line background fitting with the existing and emerging city skyline around the Paddington Opportunity Area.. The tower element of the proposals seen in these views will have limited impact on the Royal Park Conservation Area as only the top portion will be observable causing less than substantial harm to the accumulative skyline view.

Regent's Park

58 Four local views are identified within the Regent's Park Conservation Area that demonstrates the impact of the proposed development. In the first, Regent's Park in vicinity of Parsee Monument, Boardwalk (view 27), the development's 38 storey tower will be obscured by mature for much of the year and in the winter months will appear as part of a cluster of buildings around Paddington

Opportunity Area including 1 Merchant Square tower 'The Cucumber'. More prominent are the existing cluster of tall buildings at the Edgware Road/Harrow Road/ Westway junction. In the second, Long Bridge across Regent's Park Lane (view 28), there is a glimpse of the upper floors of the 38 storey tower which will appear behind the tree island and sits background tree line, it will be more prominent in the winter months again appearing as part of a cluster of buildings around Paddington Opportunity Area including 1 Merchant Square tower 'The Cucumber'. More prominent are the existing cluster of tall buildings at the Edgware Road/Harrow Road/ Westway junction. In the second, Queen Mary's Gardens (view 29), there is glimpse of the development's 38 storey tower behind a mature tree lined backdrop for much of the year. The 1 Merchant Square tower 'The Cucumber' located centrally in the view is more prominent throughout the year and when revealed in winter; in both the third Regent's Park Playing Field (view 31) and fourth Terrace of the Hub (view 32), the tower element of the development will appear within the established tree line background fitting with the existing and emerging city skyline. The development proposals will have some minor impact on the setting of Regents Park, but given the tall building for the most part sits in distant mature tree lines on the skyline together with existing and approved development proposals any harmful impact is less than substantial on the setting of Regent's Park.

Conclusion

59 There are a number of benefits to the historic environment of the scheme, most prominent of which is the redevelopment of a long vacant site, part of which is within Paddington Green Conservation Area. The development will reinstate a long vacant retail street frontage on the major city road artery of Edgware Road, redefine the historic route of Newcastle Place and the street form of Church Street, whilst also completing the defining built edge to Paddington Green.

60 It is accepted that the new development 64 storey tower is much larger than the existing buildings in the immediate site area, but it is coming forward in a location where tall buildings already have planning permission – the most prominent of which is 1 Merchant Square 'The Cucumber' which at 72 storeys which is 19 metres taller than the proposed 38 storey tower and is already prominent in all the assessed views. This is reflected in both LVMF view 4a.1 and the assessment of selected views within Maida Vale, Lisson Grove, Bayswater, Royal Park, Regent's Park Conservation Areas. The proposed tower does not appear overbearing or dominant in any of the proposed views and will sit alongside and in some cases overlay the 1 Merchant Square tower, it will have moderate impacts on some listed buildings in the conservation areas but overall this will be less than substantive therefore on balance compliant with London Plan policy.

Access

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

Residential units

62 Since October 2015 transitional arrangements are in place in the London Plan due to the phasing out of Lifetime Homes standard. The scheme should demonstrate in the design and access statement that 90% of residential units meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% meets Building Regulation requirement M4 (3) designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users

63 The applicant has provided typical flat layouts and plans of the wheelchair accessible homes which illustrate the relevant features. The floorplans identify where the wheelchair accessible homes

are located and are distributed across tenure types and sizes to give disabled and older people similar choices to non-disabled people.

Public Realm

64 The design and access statement shows how disabled people access each of the entrances safely, including details of levels, widths and surface materials of the paths and seating arrangements.

Parking

65 The design and access statement demonstrates that adequate provision of blue badge parking bays has been made for the employees, visitors and residents to all the uses proposed, in line with London Plan policy 6.13 Parking and Table 6.2.

66 In addition the design and access statement will need to include a car parking management strategy to demonstrate how spaces will be allocated to residents who require them and how this will be enforced and monitored.

Energy

67 The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

68 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.

69 The demand for cooling will be minimised through the inclusion of vertical fins on the tower for shading and solar control glazing. A dynamic overheating analysis has been undertaken following the CIBSE TM52 methodology on units considered to be worst case by the applicant. The results of the analysis show that for the units modelled the CIBSE recommendations can be met. However, the applicant has stated that comfort cooling will be provided to all residential dwellings to meet market expectations. As the overheating assessment suggests that the units may not overheat, the applicant should consider omitting the air conditioning in order to maximise the carbon savings. Should mechanical cooling be proposed the applicant should provide information on the control strategy for ensuring that any air conditioning system installed on site is only used when needed, for instance how ventilation from the MVHR unit will be prioritised before mechanical cooling and how cooling whilst windows are opened will be avoided. The applicant should also confirm whether the affordable units will be provided with mechanical cooling.

70 The development is estimated to achieve a reduction of 38 tonnes per annum (3%) in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development.

71 The applicant has carried out an investigation of district heating networks within the vicinity of the proposed development and has identified that a heat network is currently under development for the Church Street area of Westminster. The applicant has stated that the heat network design is currently being developed and that the network is expected that initial heat demands will be connected by 2017. However, from the information it is not clear when a connection with the proposed development is anticipated. The applicant should therefore provide further information on the timescales of the network build out and how this will relate to the proposed build out programme

for the proposed development. Connection to an external heat network should be prioritised and evidence of correspondence with the network operator should be provided confirming anticipated timescales, and indicative pipe route to the development.

72 The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. The applicant is proposing to install gas boilers as an interim solution and defer installation of an onsite low carbon heating solution to allow for time for the Church Street heat network to be constructed and connected to the site network (5 years from completion of the development). Should connection to the network not prove feasible after this time period then the applicant will install an on-site low carbon generation system. This approach is accepted in this instance and should be secured by condition.

73 To demonstrate that the scheme is fully future proofed for connection the applicant should provide further information on the provisions made for connection to the network, for example, the strategy for safeguarding the pipe route from the energy centre to the site boundary.

74 The applicant is proposing to install a site heat network with all apartments and non-domestic building uses connected to the site heat network. The site heat network will be supplied from a single energy centre located in the basement of block A.

75 As outlined above connection to an external heat network should be prioritised before considering an on-site solution. Should connection not be possible with the Church Street network the applicant is proposing to install a 505 kW_e /525kW_{th} gas fired CHP unit as the lead heat source for the site heat network.

76 The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating (85% of the total heat load). To achieve this high utilisation of the CHP the applicant is proposing two thermal stores with a total storage capacity of 3.35MWh. The applicant should confirm the height of the thermal store and demonstrate that such a large storage capacity can be accommodated in the energy centre. Sections of the energy centre detailing the thermal store should be provided. A reduction in regulated carbon dioxide emissions of 362 tonnes per annum (33%) will be achieved through this second part of the energy hierarchy.

77 The applicant has investigated the feasibility of a range of renewable energy technologies but is not proposing to install any renewable energy technology for the development as the target is being met through energy efficiency measures and CHP. The inclusion of renewable energy technologies would, however, be welcomed.

78 Based on the energy assessment submitted at stage I the energy strategy results in a reduction of 400 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 37%. The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan. However, the comments above should be addressed before compliance with London Plan energy policy can be verified.

Transport

Car, Cycle & Coach Parking

79 A total of 241 Car parking spaces are proposed, of which 71 would be wheelchair accessible. This would provide 1:1 parking for wheelchair accessible units, and an overall parking ratio of 0.35 spaces per unit. No objection is therefore raised to car parking levels. The parking will be unallocated, which should be secured by s106. Electric Vehicle Charging Point provision is proposed

at 20% active and 20% passive, in accordance with Policy 6.13. As the take up (conversion) of passive provision relates to ongoing management and implementation, the delivery of this element should be secured by s106, potentially as part of a car parking management plan. Car Club provision (one space, Zipcar) is being explored by the applicant and this is supported by TfL.

80 A total of 1,153 residential cycle parking spaces are proposed (1135 long stay internal and 18 short stay external). A total of 114 commercial spaces are also proposed (85 long stay and 29 short stay). The total number of cycle spaces meet the London Plan minimum levels, though it is noted that the numbers of long and short stay spaces proposed appear to have confused how many short or long stay spaces are required, as approx. 85 short stay and 29 long stay spaces are instead required. The applicant should identify how usable any spaces mistakenly designed as long stay spaces will be for short stay / visitor use. It is also noted that a large proportion of designated short stay spaces are shown to lie either on land within the adopted highway (Church Street, a borough road) or upon land which may be the subject of adoption on the Edgware Road frontage. Prior to referral back to the Mayor, the applicant should be able to clearly demonstrate that agreement has been provided from the City Council as to the Church Street on highway provision, which should then be explicitly secured by way of s106 / s278 clause.

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

82 A porte-cochere type vehicle drop off area is proposed at the base of the tower. This is considered to be adequate to meet the needs of taxi / private hire vehicle drop off and collection arising from the development, in terms of capacity. However, the impact of this arrangement on pedestrian legibility across the ingress and egress of this area is unclear, and the facility appears to over prioritise the needs for vehicle access at the expense of pedestrian movement. TfL recommends that the vehicle access / drop off area be amended.

Trip Generation

83 Analysis of TRICS and Census data has informed conclusions on trip generation and mode share. The methodology used is acceptable.

Public transport

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

85 The development would exert a significant additional demand upon Bus Stop facilities, and as such a s106 contribution of £54,000 is sought towards improvements to local bus stops in the immediate locality.

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

Pedestrian Environment & Highway alterations

87 The enhancement of routes through and around the site are supported in principle. Detailed comments will be provided separately to the City Council in this regard, in addition to direction regarding the appropriate approach to the Edgware Road frontage. It is noted that the previous permission and current local planning policy seeks to safeguard the Edgware frontage in order to allow for road widening on this part of the TLRN.

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

Servicing and Construction

89 Servicing is proposed to continue to occur within the site. This is welcomed by TfL. The management of this activity should be secured within a detailed Delivery and Servicing Plan (DSP), for which a draft Plan has been submitted with the application. A draft Construction Management Plan (CMP) has also been submitted, including limited details of logistics impacts / approach. The securing by s106 / condition of a Construction Logistics Plan (CLP), in addition to the DSP would allow the development to accord with London Plan Policy 6.14.

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

Travel Plan

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

Community Infrastructure Levy

92 In accordance with London Plan Policy 8.3, the Mayoral Community Infrastructure Levy (CIL) came into effect on 1st April 2012. All new developments that create 100 m² or more of additional floor space are liable to pay the Mayoral CIL. The levy is charged at £50 per square metre of additional floor space in the City of Westminster.

93 A local CIL is understood to be adopted in Spring 2016, and whilst it is unclear whether a decision on this scheme would be made prior to that time, the s106 and s278 requirements set out above would remain to be derived under that regime, and not otherwise to be funded through a later adopted Borough CIL.

Local planning authority's position

94 Is not known at time of report preparation.

Legal considerations

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

Financial considerations

96 There are no financial considerations at this stage.

Conclusion

97 London Plan policies on CAZ, housing mix, affordable housing, children & young person's play, urban design, tall building, LVMF views & heritage, access, energy and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principal of land use:** The mixed use development of the site consisting of retail, residential, leisure and office uses is supported by London Plan CAZ policy and the strategic aims of the Edgware Road Housing Zone.
- **Housing mix:** The current housing mix offer provides for 28.8% three bed units and this appears low as there is expectation that there would be a higher percentage of 3 bed affordable units given the development's relationship to the Church Street estate renewal programme and Housing Zone. Westminster Council should confirm that they are happy with the housing mix and that it will help to deliver the decant for the Church Street estate/Housing Zone.
- **Affordable housing:** The applicant has made an initial affordable housing offer is 23% by unit, and 20% by floor space which deviates from Westminster City Council's planning policy of seeking 35% of total floor space as affordable housing in this area. The full viability assessment should be independently assessed on behalf of Westminster Council, having regard to the fact that the purchase price should reflect the Council's policy requirements.
- **Children and young person's play:** The applicant's child yield assessment calculation provides for a suitable quantum of play space provision within the development and the adopted strategy is welcomed. Westminster Council should consider whether a financial contribution to improve existing play facilities is appropriate

- **Urban design:** Although the overall layout approach is supported there are some concerns over the residential quality that require further consideration before it can be viewed as being of the highest quality. The applicant should confirm that all units are London Plan space standard compliant in a accommodation schedule. There is also concern with the residential quality of the single aspect studio units in Block E-F which have a north facing aspect and should be subject to a review of floor plan layouts.
- **Tall buildings / LVMF views/ heritage assets:** There are a number of benefits to the historic environment of the scheme, most prominent of which is the redevelopment of a long vacant site, part of which is within Paddington Green Conservation Area. The development will reinstate a long vacant retail street frontage on the major city road artery of Edgware Road, redefine the historic route of Newcastle Place and the street form of Church Street, whilst also completing the defining built edge to Paddington Green.
- It is accepted that the new development 64 storey tower is much larger than the existing buildings in the immediate site area, but it is coming forward in a location where tall buildings already have planning permission – the most prominent of which is 1 Merchant Square ‘The Cucumber’ which at 72 storeys which is 19 metres taller than the proposed 38 storey tower and is already prominent in all the assessed views. This is reflected in both LVMF view 4a.1 and the assessment of selected views within Maida Vale, Lisson Grove, Bayswater, Royal Park, Regent’s Park Conservation Areas. The proposed tower does not appear overbearing or dominant in any of the proposed views and will sit alongside and in some cases overlay the 1 Merchant Square tower, it will have moderate impacts on some listed buildings in the conservation areas but overall this will be less than substantive therefore on balance compliant with London Plan policy.
- **Access:** Issues relating to access have been addressed in the applicant’s design and access statement.
- **Energy:** Based on the energy assessment submitted at stage I the energy strategy results in a reduction of 400 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 37%. The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan. However, the comments above should be addressed before compliance with London Plan energy policy can be verified.
- **Transport:** The applicant should respond in full to the issues relating to car, cycle & coach parking, public transport improvements, highway alterations, servicing and construction and travel plan proportion.

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